

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: Ann Millner

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 This bill appropriates in fiscal year 2022:

- 37 ▶ to the Public Lands Policy Coordinating Office:
 - 38 • from General Fund, (\$2,685,100)
 - 39 • from General Fund, One-Time (\$5,100)
 - 40 • from General Fund Restricted - Constitutional Defense, (\$1,227,300)
 - 41 • from General Fund Restricted - Constitutional Defense, One-Time, (\$2,300)
 - 42 • from Beginning Nonlapsing Balances, (\$2,559,900)
 - 43 • from Closing Nonlapsing Balances, \$2,189,900
- 44 ▶ to the Department of Natural Resources - Public Lands Policy Coordinating Office
 - 45 • from General Fund, \$2,685,100
 - 46 • from General Fund, One-Time, \$5,100
 - 47 • from General Fund Restricted - Constitutional Defense, \$1,227,300
 - 48 • from General Fund Restricted - Constitutional Defense, One-Time, \$2,300
 - 49 • from Beginning Nonlapsing Balances, \$2,559,900
 - 50 • from Closing Nonlapsing Balances, (\$2,189,900)

51 Other Special Clauses:

52 This bill provides a special effective date.

53 This bill provides revisor instructions.

54 This bill provides coordination clauses.

55 Utah Code Sections Affected:

56 AMENDS:

57 [4-20-103](#), as renumbered and amended by Laws of Utah 2017, Chapter 345
58 [11-38-201](#), as last amended by Laws of Utah 2020, Chapter 352
59 [11-38-203](#), as last amended by Laws of Utah 2013, Chapter 310
60 [17B-1-106](#), as last amended by Laws of Utah 2013, Chapter 445
61 [23-14-21](#), as last amended by Laws of Utah 2008, Chapter 382
62 [23-21-2.3](#), as last amended by Laws of Utah 2008, Chapter 382
63 [26-18-405.5](#), as enacted by Laws of Utah 2015, Chapter 288
64 [32B-2-505](#), as enacted by Laws of Utah 2018, Chapter 329
65 [35A-1-109](#), as last amended by Laws of Utah 2018, Chapter 423
66 [35A-1-201](#), as last amended by Laws of Utah 2020, Chapter 352
67 [35A-8-601](#), as last amended by Laws of Utah 2018, Chapters 251 and 312
68 [36-2-4](#), as last amended by Laws of Utah 2013, Chapter 310
69 [49-11-406](#), as last amended by Laws of Utah 2020, Chapter 24
70 [49-12-203](#), as last amended by Laws of Utah 2020, Chapters 24 and 365
71 [49-20-410](#), as last amended by Laws of Utah 2018, Chapter 155
72 [49-22-205](#), as last amended by Laws of Utah 2020, Chapter 24
73 [51-10-202](#), as enacted by Laws of Utah 2015, Chapter 319
74 [53-2c-201](#), as enacted by Laws of Utah 2020, Third Special Session, Chapter 1
75 [53-17-402](#), as enacted by Laws of Utah 2015, Chapter 166
76 [53B-2a-110](#), as last amended by Laws of Utah 2020, Chapter 365
77 [53F-2-205](#), as last amended by Laws of Utah 2020, Chapter 330
78 [53F-2-208](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 14
79 [53F-2-601](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 14
80 [53F-9-201](#), as last amended by Laws of Utah 2020, Chapters 207 and 354
81 [54-3-28](#), as last amended by Laws of Utah 2013, Chapter 445
82 [59-1-403](#), as last amended by Laws of Utah 2020, Chapter 294
83 [59-1-403.1](#), as enacted by Laws of Utah 2018, Chapter 4
84 [59-15-109](#), as last amended by Laws of Utah 2019, Chapter 336
85 [62A-15-612](#), as last amended by Laws of Utah 2013, Chapters 17 and 310
86 [63A-1-114](#), as last amended by Laws of Utah 2018, Chapter 137
87 [63A-1-203](#), as renumbered and amended by Laws of Utah 2019, Chapter 370

88 **63A-5b-201**, as enacted by Laws of Utah 2020, Chapter 152
89 **63A-5b-702**, as enacted by Laws of Utah 2020, Chapter 152
90 **63B-2-301**, as last amended by Laws of Utah 2020, Chapter 152
91 **63B-3-301**, as last amended by Laws of Utah 2019, Chapter 61
92 **63B-4-201**, as last amended by Laws of Utah 2020, Chapter 152
93 **63B-4-301**, as last amended by Laws of Utah 2013, Chapter 310
94 **63C-4a-308**, as renumbered and amended by Laws of Utah 2019, Chapter 246
95 **63C-4a-402**, as last amended by Laws of Utah 2016, Chapter 378
96 **63C-9-301**, as last amended by Laws of Utah 2016, Chapters 215 and 245
97 **63C-20-103**, as enacted by Laws of Utah 2018, Chapter 330
98 **63C-20-105**, as enacted by Laws of Utah 2018, Chapter 330
99 **63F-1-104**, as last amended by Laws of Utah 2020, Chapter 94
100 **63F-1-302**, as last amended by Laws of Utah 2016, Chapter 287
101 **63F-1-508**, as last amended by Laws of Utah 2013, Chapter 310
102 **63F-3-103**, as last amended by Laws of Utah 2020, Chapter 270
103 **63F-4-102**, as enacted by Laws of Utah 2018, Chapter 144
104 **63G-2-305**, as last amended by Laws of Utah 2020, Chapters 112, 198, 339, 349, 382,
105 and 393
106 **63G-3-301**, as last amended by Laws of Utah 2020, Chapter 408
107 **63G-25-202**, as enacted by Laws of Utah 2020, Chapter 319
108 **63I-1-263**, as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230,
109 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws
110 of Utah 2020, Chapter 360
111 **63I-2-263**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 12
112 **63J-1-105**, as last amended by Laws of Utah 2019, Chapter 182
113 **63J-1-201**, as last amended by Laws of Utah 2020, Chapter 152
114 **63J-1-205**, as last amended by Laws of Utah 2014, Chapter 430
115 **63J-1-209**, as last amended by Laws of Utah 2018, Chapter 469
116 **63J-1-217**, as last amended by Laws of Utah 2018, Chapter 469
117 **63J-1-220**, as last amended by Laws of Utah 2019, Chapters 136 and 293
118 **63J-1-411**, as last amended by Laws of Utah 2013, Chapter 310

119 [63J-1-504](#), as last amended by Laws of Utah 2018, Chapter 229
120 [63J-1-602.1](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
121 [63J-3-102](#), as last amended by Laws of Utah 2018, Chapter 415
122 [63J-3-103](#), as last amended by Laws of Utah 2020, Chapters 152 and 365
123 [63J-3-202](#), as last amended by Laws of Utah 2013, Chapter 310
124 [63J-4-101](#), as last amended by Laws of Utah 2013, Chapter 310
125 [63J-4-102](#), as last amended by Laws of Utah 2013, Chapter 310
126 [63J-4-201](#), as last amended by Laws of Utah 2013, Chapter 310
127 [63J-4-202](#), as last amended by Laws of Utah 2013, Chapters 12 and 310
128 [63J-4-301](#), as last amended by Laws of Utah 2018, Chapters 423 and 469
129 [63J-4-401](#), as last amended by Laws of Utah 2013, Chapter 101
130 [63J-5-201](#), as last amended by Laws of Utah 2013, Chapter 310
131 [63J-5-202](#), as last amended by Laws of Utah 2016, Chapter 272
132 [63J-7-201](#), as last amended by Laws of Utah 2013, Chapter 310
133 [63J-8-102](#), as last amended by Laws of Utah 2017, Chapter 181
134 [63J-8-104](#), as last amended by Laws of Utah 2014, Chapter 328
135 [63J-8-105.2](#), as enacted by Laws of Utah 2015, Chapter 88
136 [63J-8-105.5](#), as last amended by Laws of Utah 2015, Chapter 88
137 [63J-8-105.7](#), as last amended by Laws of Utah 2014, Chapter 321
138 [63J-8-105.8](#), as last amended by Laws of Utah 2018, Chapter 50
139 [63J-8-105.9](#), as last amended by Laws of Utah 2015, Chapter 87
140 [63J-8-106](#), as repealed and reenacted by Laws of Utah 2012, Chapter 165
141 [63L-2-301](#), as last amended by Laws of Utah 2020, Chapter 168
142 [63L-10-102](#), as last amended by Laws of Utah 2019, Chapter 246
143 [63N-1-203](#), as last amended by Laws of Utah 2018, Chapter 423
144 [63N-1-301](#), as last amended by Laws of Utah 2020, Chapter 365
145 [63N-2-107](#), as last amended by Laws of Utah 2016, Chapter 350
146 [63N-2-811](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
147 [63N-3-111](#), as last amended by Laws of Utah 2018, Chapter 182
148 [63N-9-104](#), as last amended by Laws of Utah 2016, Chapter 88
149 [64-13e-105](#), as last amended by Laws of Utah 2020, Chapter 410

150 **67-4-16**, as last amended by Laws of Utah 2013, Chapter 310
151 **67-5-34**, as enacted by Laws of Utah 2016, Chapter 120
152 **67-19-11**, as last amended by Laws of Utah 2016, Chapters 228, 287 and last amended
153 by Coordination Clause, Laws of Utah 2016, Chapter 287
154 **67-19-15**, as last amended by Laws of Utah 2020, Chapter 360
155 **67-19-43**, as last amended by Laws of Utah 2016, Chapter 310
156 **67-19d-202**, as last amended by Laws of Utah 2013, Chapter 310
157 **67-19f-202**, as last amended by Laws of Utah 2015, Chapter 368
158 **67-22-2**, as last amended by Laws of Utah 2018, Chapter 39
159 **79-2-201**, as last amended by Laws of Utah 2020, Chapters 190 and 309

160 ENACTS:

161 **63L-11-101**, Utah Code Annotated 1953
162 **63L-11-103**, Utah Code Annotated 1953
163 **63L-11-301**, Utah Code Annotated 1953
164 **63L-11-302**, Utah Code Annotated 1953
165 **63L-11-303**, Utah Code Annotated 1953

166 RENUMBERS AND AMENDS:

167 **63L-11-102**, (Renumbered from 63J-4-601, as last amended by Laws of Utah 2009,
168 Chapter 121)
169 **63L-11-201**, (Renumbered from 63J-4-602, as last amended by Laws of Utah 2020,
170 Chapter 352)
171 **63L-11-202**, (Renumbered from 63J-4-603, as last amended by Laws of Utah 2018,
172 Chapter 411)
173 **63L-11-203**, (Renumbered from 63J-4-607, as last amended by Laws of Utah 2020,
174 Chapter 434)
175 **63L-11-304**, (Renumbered from 63J-4-606, as last amended by Laws of Utah 2019,
176 Chapter 246)
177 **63L-11-305**, (Renumbered from 63J-4-608, as last amended by Laws of Utah 2020,
178 Chapter 354)
179 **63L-11-401**, (Renumbered from 63J-4-501, as last amended by Laws of Utah 2013,
180 Chapter 310)

181 **63L-11-402**, (Renumbered from 63J-4-502, as last amended by Laws of Utah 2015,
182 Chapter 451)

183 **63L-11-403**, (Renumbered from 63J-4-503, as last amended by Laws of Utah 2009,
184 Chapter 121)

185 **63L-11-404**, (Renumbered from 63J-4-504, as renumbered and amended by Laws of
186 Utah 2008, Chapter 382)

187 **63L-11-405**, (Renumbered from 63J-4-505, as renumbered and amended by Laws of
188 Utah 2008, Chapter 382)

189 REPEALS:

190 **63J-4-701**, as enacted by Laws of Utah 2017, Chapter 253

191 **63J-4-702**, as last amended by Laws of Utah 2020, Chapter 352

192 **63J-4-703**, as enacted by Laws of Utah 2017, Chapter 253

193 **63J-4-704**, as enacted by Laws of Utah 2017, Chapter 253

194 **63J-4-705**, as enacted by Laws of Utah 2017, Chapter 253

195 **63J-4-706**, as enacted by Laws of Utah 2017, Chapter 253

196 **63J-4-707**, as enacted by Laws of Utah 2017, Chapter 253

197 **63J-4-708**, as last amended by Laws of Utah 2018, Chapter 423

198 **Utah Code Sections Affected by Coordination Clause:**

199 **63I-1-263**, as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230,
200 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws
201 of Utah 2020, Chapter 360

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

203 **63L-11-402**, Utah Code Annotated 1953

204 **Uncodified Material Affected:**

205 ENACTS UNCODIFIED MATERIAL



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

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

209 **4-20-103. State Grazing Advisory Board -- Duties.**

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

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

- 212 (i) one member from each regional board;
- 213 (ii) one member from the Conservation Commission, created in Section [4-18-104](#);
- 214 (iii) one representative of the Department of Natural Resources;
- 215 (iv) two livestock producers at-large; and
- 216 (v) one representative of the oil, gas, or mining industry.
- 217 (2) The term of office for a state board member is four years.
- 218 (3) Members of the state board shall elect a chair, who shall serve for two years.
- 219 (4) A member may not receive compensation or benefits for the member's service but
- 220 may receive per diem and travel expenses in accordance with:
 - 221 (a) Section [63A-3-106](#);
 - 222 (b) Section [63A-3-107](#); and
 - 223 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
 - 224 [63A-3-107](#).
- 225 (5) The state board shall:
 - 226 (a) receive:
 - 227 (i) advice and recommendations from a regional board concerning:
 - 228 (A) management plans for public lands, state lands, and school and institutional trust
 - 229 lands as defined in Section [53C-1-103](#), within the regional board's region; and
 - 230 (B) any issue that impacts grazing on private lands, public lands, state lands, or school
 - 231 and institutional trust lands as defined in Section [53C-1-103](#), in its region; and
 - 232 (ii) requests for restricted account money from the entities described in Subsections
 - 233 (5)(c)(i) through (iv);
 - 234 (b) recommend state policy positions and cooperative agency participation in federal
 - 235 and state land management plans to the department and to the Public Lands Policy
 - 236 Coordinating Office, created under Section [~~63J-4-602~~] [63L-11-201](#); and
 - 237 (c) advise the department on the requests and recommendations of:
 - 238 (i) regional boards;
 - 239 (ii) county weed control boards, created in Section [4-17-105](#);
 - 240 (iii) cooperative weed management associations; and
 - 241 (iv) conservation districts created under the authority of Title 17D, Chapter 3,
 - 242 Conservation District Act.

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

244 **11-38-201. Quality Growth Commission -- Term of office -- Vacancy --**

245 **Organization -- Expenses -- Staff.**

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

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

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

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

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

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

259 (A) after May 1, 2005; and

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

262 (ii) The term of a commission member serving on May 1, 2005 as one of the six
263 elected local officials or five private sector appointees may not be shortened because of
264 application of the restriction under Subsections (1)(a)(iii) and (iv) on the number of appointees
265 from counties of the first or second class.

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

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

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

273 (3) (a) The term of office of each member is four years, except that the governor shall

274 appoint one of the persons at the state government level, three of the persons at the local
275 government level, and two of the persons under Subsection (1)(a)(iv) to an initial two-year
276 term.

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

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

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

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

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

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

287 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
288 63A-3-107.

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

290 (8) Staff services to the commission:

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

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

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

297 **11-38-203. Commission may provide assistance to local entities.**

298 The commission may:

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

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

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

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

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

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

315 **17B-1-106. Notice before preparing or amending a long-range plan or acquiring**
316 **certain property.**

317 (1) As used in this section:

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

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

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

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

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

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

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

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

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

340 (iii) be:

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

344 (B) sent to each affected entity;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

380 (ii) identify the real property; and

381 (iii) be sent to:

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

384 (B) each affected entity.

385 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
386 [63G-2-305\(8\)](#).

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

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

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

395 **23-14-21. Transplants of big game, turkeys, wolves, or sensitive species.**

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

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

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

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

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

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

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

409 (2) The division shall:

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

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

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

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

416 (ii) the Resource Development Coordinating Committee created in Section [~~63J-4-501~~]
417 [63L-11-401](#).

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

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

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

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

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

429 **23-21-2.3. Review and adoption of management plans.**

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

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

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

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

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

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

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

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

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

449 **26-18-405.5. Base budget appropriations for Medicaid accountable care**
450 **organizations.**

451 (1) For purposes of this section:

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

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

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

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

459 (e) "Next fiscal year ongoing General Fund revenue estimate" means the next fiscal

460 year ongoing General Fund revenue estimate identified by the Executive Appropriations
461 Subcommittee, in accordance with legislative rule, for use by the Office of the Legislative
462 Fiscal Analyst in preparing budget recommendations.

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

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

469 (3) If the General Fund growth factor is greater than or equal to 100%, but less than
470 102%, the next fiscal year base budget shall include an appropriation to the Department of
471 Health for Medicaid ACOs in an amount necessary to ensure that next fiscal year PMPM
472 equals current fiscal year PMPM multiplied by the General Fund growth factor.

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

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

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

485 **32B-2-505. Reporting requirements -- Building plan and market survey required**
486 **-- Department performance measures.**

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

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

493 (b) The department shall:

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

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

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

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

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

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

510 **35A-1-109. Annual report -- Content -- Format.**

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

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

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

518 (b) data and metrics:

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

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

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

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

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

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

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

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

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

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

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

541 (4) The department shall:

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

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

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

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

548 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**
549 **Qualifications -- Responsibilities -- Deputy directors.**

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

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

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

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

557 (2) The executive director shall:

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

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

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

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

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

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

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

573 (3) The executive director may appoint deputy or assistant directors to assist the
574 executive director in carrying out the department's responsibilities.

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

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

578 **35A-8-601. Creation.**

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

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

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

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

- 584 (iii) the state superintendent of public instruction or the superintendent's designee;
585 (iv) the chair of the board of trustees of the Utah Housing Corporation or the chair's
586 designee;
587 (v) the executive director of the Department of Workforce Services or the executive
588 director's designee;
589 (vi) the executive director of the Department of Corrections or the executive director's
590 designee;
591 (vii) the executive director of the Department of Health or the executive director's
592 designee;
593 (viii) the executive director of the Department of Human Services or the executive
594 director's designee;
595 (ix) the mayor of Salt Lake City or the mayor's designee;
596 (x) the mayor of Salt Lake County or the mayor's designee;
597 (xi) the mayor of Ogden or the mayor's designee;
598 (xii) the mayor of Midvale or the mayor's designee;
599 (xiii) the mayor of St. George or the mayor's designee; and
600 (xiv) the mayor of South Salt Lake or the mayor's designee.
601 (b) (i) The lieutenant governor shall serve as the chair of the committee.
602 (ii) The lieutenant governor may appoint a vice chair from among committee members,
603 who shall conduct committee meetings in the absence of the lieutenant governor.
604 (3) The governor may appoint as members of the committee:
605 (a) representatives of local governments, local housing authorities, local law
606 enforcement agencies;
607 (b) representatives of federal and private agencies and organizations concerned with
608 the homeless, persons with a mental illness, the elderly, single-parent families, persons with a
609 substance use disorder, and persons with a disability; and
610 (c) a resident of Salt Lake County.
611 (4) (a) Except as required by Subsection (4)(b), as terms of current committee members
612 appointed under Subsection (3) expire, the governor shall appoint each new member or
613 reappointed member to a four-year term.
614 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the

615 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
616 committee members are staggered so that approximately half of the committee is appointed
617 every two years.

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

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

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

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

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

626 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
627 63A-3-107.

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

629 **36-2-4. Legislative Compensation Commission created -- Governor's**
630 **considerations in appointments -- Organization and expenses.**

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

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

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

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

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

645 (4) The commission shall select a chair. Four members of the commission shall

646 constitute a quorum. The commission shall not make any final determination without the
647 concurrence of a majority of [its] the commission's members appointed and serving on the
648 commission being present.

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

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

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

653 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
654 63A-3-107.

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

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

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

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

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

663 **49-11-406. Governor's appointed executives and senior staff -- Appointed**
664 **legislative employees -- Transfer of value of accrued defined benefit -- Procedures.**

665 (1) As used in this section:

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

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

673 (2) In accordance with this section and subject to requirements under federal law and
674 rules made by the board, a member who has service credit from a system may elect to be
675 exempt from coverage under a defined benefit system and to have the member's defined benefit
676 balance transferred from the defined benefit system or plan to a defined contribution plan in the

677 member's own name if the member is:

- 678 (a) the state auditor;
- 679 (b) the state treasurer;
- 680 (c) an appointed executive under Subsection [67-22-2\(1\)\(a\)](#);
- 681 (d) an employee in the Governor's Office;
- 682 (e) senior staff in the Governor's Office of ~~[Management]~~ Planning and Budget;
- 683 (f) senior staff in the Governor's Office of Economic Development;
- 684 (g) senior staff in the Commission on Criminal and Juvenile Justice;
- 685 (h) senior staff in the Public Lands Policy Coordinating Office, created in Section
- 686 [63L-11-201](#);

687 ~~[(h)]~~ (i) a legislative employee appointed under Subsection [36-12-7\(3\)\(a\)](#); or
 688 ~~[(i)]~~ (j) a legislative employee appointed by the speaker of the House of
 689 Representatives, the House of Representatives minority leader, the president of the Senate, or
 690 the Senate minority leader~~;~~].

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

693 (3) An election made under Subsection (2):
 694 (a) is final, and no right exists to make any further election;
 695 (b) is considered a request to be exempt from coverage under a defined benefits
 696 system; and

697 (c) shall be made on forms provided by the office.
 698 (4) The board shall adopt rules to implement and administer this section.

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

700 **49-12-203. Exclusions from membership in system.**

701 (1) The following employees are not eligible for service credit in this system:
 702 (a) subject to the requirements of Subsection (2), an employee whose employment
 703 status is temporary in nature due to the nature or the type of work to be performed;
 704 (b) except as provided under Subsection (3)(a), an employee of an institution of higher
 705 education who participates in a retirement system with a public or private retirement system,
 706 organization, or company designated by the Utah Board of Higher Education, or the technical
 707 college board of trustees for an employee of each technical college, during any period in which

708 required contributions based on compensation have been paid on behalf of the employee by the
709 employer;

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

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

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

718 (f) an employee who is employed on or after July 1, 2009, with an employer that has
719 elected, prior to July 1, 2009, to be excluded from participation in this system under Subsection
720 49-12-202(2)(c);

721 (g) an employee who is employed on or after July 1, 2014, with an employer that has
722 elected, prior to July 1, 2014, to be excluded from participation in this system under Subsection
723 49-12-202(2)(d);

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

726 (i) new employees from participation in this system under Subsection 49-11-623(3)(a);
727 or

728 (ii) all employees from participation in this system under Subsection 49-11-623(3)(b);
729 or

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

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

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

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

738 (a) is employed for a term that exceeds six months and the employee otherwise

739 qualifies for service credit in this system, the participating employer shall report and certify to
740 the office that the employee is a regular full-time employee effective the beginning of the
741 seventh month of employment; or

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

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

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

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

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

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

759 (b) an elected official;

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

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

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

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

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

767 (h) an employee of the Public Lands Policy Coordinating Office, created in Section
768 63L-11-201;

769 ~~(h)~~ (i) an employee of the State Auditor's Office;

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

771 ~~[(j)]~~ (k) any other member who is permitted to make an election under Section
772 49-11-406;

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

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

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

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

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

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

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

793 (7) Each participating employer shall:

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

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

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

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

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

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

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

802 **49-20-410. High deductible health plan -- Health savings account --**

803 **Contributions.**

804 (1) (a) In addition to other employee benefit plans offered under Subsection
805 **49-20-201**(1), the office shall offer at least one federally qualified high deductible health plan
806 with a health savings account as an optional health plan.

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

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

809 and

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

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

816 (2) The office shall:

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

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

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

821 and (4);

822 (d) ensure the training offered under Subsections (2)(b) and (c) includes information on

823 changing coverages to the high deductible plan with a health savings account, including

824 coordination of benefits with other insurances, restrictions on other insurance coverages, and

825 general tax implications; and

826 (e) coordinate annual open enrollment with the Department of Human Resource

827 Management to give state employees the opportunity to affirmatively select preferences from

828 among insurance coverage options.

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

830 (b) The amount of the employer contributions under Subsection (3)(a) shall be

831 determined annually by the office, after consultation with the Department of Human Resource

832 Management and the Governor's Office of ~~[Management]~~ Planning and Budget so that the
833 annual employer contribution amount is not less than the difference in the actuarial value
834 between the program's health maintenance organization coverage and the federally qualified
835 high deductible health plan coverage, after taking into account any difference in employee
836 premium contribution.

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

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

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

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

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

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

850 (ii) may be completed online; and

851 (iii) shall be completed:

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

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

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

857 **49-22-205. Exemptions from participation in system.**

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

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

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

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

- 863 (d) a member of a full-time or part-time board or commission;
- 864 (e) an employee of the Governor's Office of [~~Management~~] Planning and Budget;
- 865 (f) an employee of the Governor's Office of Economic Development;
- 866 (g) an employee of the Commission on Criminal and Juvenile Justice;
- 867 (h) an employee of the Governor's Office;
- 868 (i) an employee of the State Auditor's Office;
- 869 (j) an employee of the State Treasurer's Office;
- 870 (k) any other member who is permitted to make an election under Section [49-11-406](#);
- 871 (l) a person appointed as a city manager or appointed as a city administrator or another
- 872 at-will employee of a municipality, county, or other political subdivision;
- 873 (m) an employee of an interlocal cooperative agency created under Title 11, Chapter
- 874 13, Interlocal Cooperation Act, who is engaged in a specialized trade customarily provided
- 875 through membership in a labor organization that provides retirement benefits to its members;
- 876 and
- 877 [~~(n) an employee of the Utah Science Technology and Research Initiative created under~~
- 878 ~~Title 63M, Chapter 2, Utah Science Technology and Research Governing Authority Act; and]~~
- 879 [(~~o~~)] (n) an employee serving as an exchange employee from outside the state for an
- 880 employer who has elected to make all of the employer's exchange employees eligible for
- 881 service credit in this system.
- 882 (2) (a) A participating employer shall prepare and maintain a list designating those
- 883 positions eligible for exemption under Subsection (1).
- 884 (b) An employee may not be exempted unless the employee is employed in a position
- 885 designated by the participating employer under Subsection (1).
- 886 (3) (a) In accordance with this section, Section [49-12-203](#), and Section [49-13-203](#), a
- 887 municipality, county, or political subdivision may not exempt a total of more than 50 positions
- 888 or a number equal to 10% of the eligible employees of the municipality, county, or political
- 889 subdivision, whichever is less.
- 890 (b) A municipality, county, or political subdivision may exempt at least one regular
- 891 full-time employee.
- 892 (4) Each participating employer shall:
- 893 (a) maintain a list of employee exemptions; and

- 894 (b) update an employee exemption in the event of any change.
- 895 (5) Beginning on the effective date of the exemption for an employee who elects to be
896 exempt in accordance with Subsection (1):
- 897 (a) for a member of the Tier II defined contribution plan:
- 898 (i) the participating employer shall contribute the nonelective contribution and the
899 amortization rate described in Section 49-22-401, except that the nonelective contribution is
900 exempt from the vesting requirements of Subsection 49-22-401(3)(a); and
- 901 (ii) the member may make voluntary deferrals as provided in Section 49-22-401; and
- 902 (b) for a member of the Tier II hybrid retirement system:
- 903 (i) the participating employer shall contribute the nonelective contribution and the
904 amortization rate described in Section 49-22-401, except that the contribution is exempt from
905 the vesting requirements of Subsection 49-22-401(3)(a);
- 906 (ii) the member may make voluntary deferrals as provided in Section 49-22-401; and
- 907 (iii) the member is not eligible for additional service credit in the system.
- 908 (6) If an employee who is a member of the Tier II hybrid retirement system
909 subsequently revokes the election of exemption made under Subsection (1), the provisions
910 described in Subsection (5)(b) shall no longer be applicable and the coverage for the employee
911 shall be effective prospectively as provided in Part 3, Tier II Hybrid Retirement System.
- 912 (7) (a) All employer contributions made on behalf of an employee shall be invested in
913 accordance with Subsection 49-22-303(3)(a) or 49-22-401(4)(a) until the one-year election
914 period under Subsection 49-22-201(2)(c) is expired if the employee:
- 915 (i) elects to be exempt in accordance with Subsection (1); and
- 916 (ii) continues employment with the participating employer through the one-year
917 election period under Subsection 49-22-201(2)(c).
- 918 (b) An employee is entitled to receive a distribution of the employer contributions
919 made on behalf of the employee and all associated investment gains and losses if the employee:
- 920 (i) elects to be exempt in accordance with Subsection (1); and
- 921 (ii) terminates employment prior to the one-year election period under Subsection
922 49-22-201(2)(c).
- 923 (8) (a) The office shall make rules to implement this section.
- 924 (b) The rules made under this Subsection (8) shall include provisions to allow the

925 exemption provided under Subsection (1) to apply to all contributions made beginning on or
926 after July 1, 2011, on behalf of an exempted employee who began the employment before May
927 8, 2012.

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

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

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

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

932 **51-10-202. Board of trustees of the fund -- Trust administrator.**

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

935 (i) the state treasurer;

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

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

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

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

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

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

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

945 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
946 [63A-3-107](#).

947 (2) (a) The board shall:

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

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

954 (b) If the board hires a trust administrator under Subsection (2)(a)(ii), the board may
955 hire or authorize the trust administrator to hire other persons necessary to assist the trust

956 administrator and the board to perform the duties required by this chapter.

957 (3) The board shall:

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

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

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

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

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

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

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

969 (4) The attorney general shall:

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

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

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

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

976 **53-2c-201. Public Health and Economic Emergency Commission -- Creation --**
977 **Membership -- Quorum -- Per diem -- Staff support -- Meetings.**

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

980 (a) the executive director of the Department of Health, or the executive director's
981 designee;

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

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

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

987 (iii) two other individuals;

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

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

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

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

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

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

1000 (b) A member of the commission serves until the member's successor is appointed and
1001 qualified.

1002 (4) (a) A majority of the commission members constitutes a quorum.

1003 (b) The action of a majority of a quorum constitutes an action of the commission.

1004 (5) (a) The salary and expenses of a commission member who is a legislator shall be
1005 paid in accordance with Section 36-2-2, Legislative Joint Rules, Title 5, Chapter 2, Lodging,
1006 Meal, and Transportation Expenses, and Legislative Joint Rules, Title 5, Chapter 3, Legislator
1007 Compensation.

1008 (b) A commission member who is not a legislator may not receive compensation or
1009 benefits for the member's service on the commission, but may receive per diem and
1010 reimbursement for travel expenses incurred as a commission member at the rates established by
1011 the Division of Finance under:

1012 (i) Sections 63A-3-106 and 63A-3-107; and

1013 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1014 63A-3-107.

1015 (6) The Governor's Office of [~~Management~~] Planning and Budget shall:

1016 (a) provide staff support to the commission; and

1017 (b) coordinate with the Office of Legislative Research and General Counsel regarding

1018 the commission.

1019 (7) A meeting of the commission that takes place during a public health emergency is
1020 not subject to Title 52, Chapter 4, Open and Public Meetings Act.

1021 Section 19. Section **53-17-402** is amended to read:

1022 **53-17-402. Local Public Safety and Firefighter Surviving Spouse Trust Fund**
1023 **Board of Trustees -- Quorum -- Duties -- Establish rates.**

1024 (1) (a) There is created the Local Public Safety and Firefighter Surviving Spouse Trust
1025 Fund Board of Trustees composed of four members:

1026 (i) the commissioner of public safety or the commissioner's designee;

1027 (ii) the executive director of the Governor's Office of ~~Management~~ Planning and
1028 Budget or the executive director's designee;

1029 (iii) one person representing municipalities, designated by the Utah League of Cities
1030 and Towns; and

1031 (iv) one person representing counties, designated by the Utah Association of Counties.

1032 (b) The commissioner of public safety, or the commissioner's designee, is chair of the
1033 board.

1034 (c) Three members of the board are a quorum.

1035 (d) A member may not receive compensation or benefits for the member's service, but
1036 may receive per diem and travel expenses in accordance with:

1037 (i) Section [63A-3-106](#);

1038 (ii) Section [63A-3-107](#); and

1039 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and
1040 [63A-3-107](#).

1041 (e) (i) The Department of Public Safety shall staff the board of trustees.

1042 (ii) The department shall provide accounting services for the trust fund.

1043 (2) The board shall:

1044 (a) establish rates to charge each employer based on the number of public safety
1045 service employees and firefighter service employees who are eligible for the health coverage
1046 under this chapter;

1047 (b) act as trustee of the trust fund and exercise the state's fiduciary responsibilities;

1048 (c) meet at least once per year;

- 1049 (d) review and approve all policies, projections, rules, criteria, procedures, forms,
- 1050 standards, performance goals, and actuarial reports;
- 1051 (e) review and approve the budget for the trust fund;
- 1052 (f) review financial records of the trust fund, including trust fund receipts,
- 1053 expenditures, and investments;
- 1054 (g) commission and obtain financial or actuarial studies of the liabilities for the trust
- 1055 fund;
- 1056 (h) calculate and approve administrative expenses of the trust fund; and
- 1057 (i) do any other things necessary to perform the fiduciary obligations under the trust.

1058 Section 20. Section **53B-2a-110** is amended to read:

1059 **53B-2a-110. Technical college board of trustees' powers and duties.**

1060 (1) A technical college board of trustees shall:

- 1061 (a) assist the technical college president in preparing a budget request for the technical
- 1062 college's annual operations to the board;
- 1063 (b) after consulting with the board, other higher education institutions, school districts,
- 1064 and charter schools within the technical college's region, prepare a comprehensive strategic
- 1065 plan for delivering technical education within the region;
- 1066 (c) consult with business, industry, the Department of Workforce Services, the
- 1067 Governor's Office of Economic Development, and the Governor's Office of [Management]
- 1068 Planning and Budget on an ongoing basis to determine what workers and skills are needed for
- 1069 employment in Utah businesses and industries;
- 1070 (d) in accordance with Section **53B-16-102**, develop programs based upon the
- 1071 information described in Subsection (1)(c), including expedited program approval and
- 1072 termination procedures to meet market needs;
- 1073 (e) adopt an annual budget and fund balances;
- 1074 (f) develop policies for the operation of technical education facilities under the
- 1075 technical college board of trustees' jurisdiction;
- 1076 (g) establish human resources and compensation policies for all employees in
- 1077 accordance with policies of the board;
- 1078 (h) approve credentials for employees and assign employees to duties in accordance
- 1079 with board policies and accreditation guidelines;

- 1080 (i) conduct annual program evaluations;
- 1081 (j) appoint program advisory committees and other advisory groups to provide counsel,
1082 support, and recommendations for updating and improving the effectiveness of training
1083 programs and services;
- 1084 (k) approve regulations, both regular and emergency, to be issued and executed by the
1085 technical college president;
- 1086 (l) coordinate with local school boards, school districts, and charter schools to meet the
1087 technical education needs of secondary students;
- 1088 (m) develop policies and procedures for the admission, classification, instruction, and
1089 examination of students in accordance with the policies and accreditation guidelines of the
1090 board and the State Board of Education; and
- 1091 (n) (i) approve a strategic plan for the technical college that is aligned with:
1092 (A) state attainment goals;
1093 (B) workforce needs; and
1094 (C) the technical college's role, mission, and distinctiveness; and
- 1095 (ii) monitor the technical college's progress toward achieving the strategic plan.
- 1096 (2) A policy described in Subsection (1)(g) does not apply to compensation for a
1097 technical college president.
- 1098 (3) A technical college board of trustees may not exercise jurisdiction over career and
1099 technical education provided by a school district or charter school or provided by a higher
1100 education institution independently of the technical college.
- 1101 (4) If a program advisory committee or other advisory group submits a printed
1102 recommendation to a technical college board of trustees, the technical college board of trustees
1103 shall acknowledge the recommendation with a printed response that explains the technical
1104 college board of trustees' action regarding the recommendation and the reasons for the action.
- 1105 Section 21. Section **53F-2-205** is amended to read:
- 1106 **53F-2-205. Powers and duties of state board to adjust Minimum School Program**
1107 **allocations -- Use of remaining funds at the end of a fiscal year.**
- 1108 (1) As used in this section:
- 1109 (a) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C.
1110 Sec. 6301 et seq.

1111 (b) "Program" means a program or allocation funded by a line item appropriation or
1112 other appropriation designated as:

- 1113 (i) Basic Program;
- 1114 (ii) Related to Basic Programs;
- 1115 (iii) Voted and Board Levy Programs; or
- 1116 (iv) Minimum School Program.

1117 (2) Except as provided in Subsection (3) or (5), if the number of weighted pupil units
1118 in a program is underestimated, the state board shall reduce the value of the weighted pupil unit
1119 in that program so that the total amount paid for the program does not exceed the amount
1120 appropriated for the program.

1121 (3) If the number of weighted pupil units in a program is overestimated, the state board
1122 shall spend excess money appropriated for the following purposes giving priority to the
1123 purpose described in Subsection (3)(a):

1124 (a) to support the value of the weighted pupil unit in a program within the basic
1125 state-supported school program in which the number of weighted pupil units is underestimated;

1126 (b) to support the state guaranteed local levy increments as defined in Section
1127 [53F-2-601](#), if:

1128 (i) local contributions to the voted local levy program or board local levy program are
1129 overestimated; or

1130 (ii) the number of weighted pupil units within school districts qualifying for a
1131 guarantee is underestimated;

1132 (c) to support the state supplement to local property taxes allocated to charter schools,
1133 if the state supplement is less than the amount prescribed by Section [53F-2-704](#);

1134 (d) to fund the cost of the salary supplements described in Section [53F-2-504](#); or

1135 (e) to support a school district with a loss in student enrollment as provided in Section
1136 [53F-2-207](#).

1137 (4) If local contributions from the minimum basic tax rate imposed under Section
1138 [53F-2-301](#) or [53F-2-301.5](#), as applicable, are overestimated, the state board shall reduce the
1139 value of the weighted pupil unit for all programs within the basic state-supported school
1140 program so the total state contribution to the basic state-supported school program does not
1141 exceed the amount of state funds appropriated.

1142 (5) If local contributions from the minimum basic tax rate imposed under Section
1143 53F-2-301 or 53F-2-301.5, as applicable, are underestimated, the state board shall:

1144 (a) spend the excess local contributions for the purposes specified in Subsection (3),
1145 giving priority to supporting the value of the weighted pupil unit in programs within the basic
1146 state-supported school program in which the number of weighted pupil units is underestimated;
1147 and

1148 (b) reduce the state contribution to the basic state-supported school program so the
1149 total cost of the basic state-supported school program does not exceed the total state and local
1150 funds appropriated to the basic state-supported school program plus the local contributions
1151 necessary to support the value of the weighted pupil unit in programs within the basic
1152 state-supported school program in which the number of weighted pupil units is underestimated.

1153 (6) Except as provided in Subsection (3) or (5), the state board shall reduce the state
1154 guarantee per weighted pupil unit provided under the local levy state guarantee program
1155 described in Section 53F-2-601, if:

1156 (a) local contributions to the voted local levy program or board local levy program are
1157 overestimated; or

1158 (b) the number of weighted pupil units within school districts qualifying for a
1159 guarantee is underestimated.

1160 (7) Money appropriated to the state board is nonlapsing, including appropriations to the
1161 Minimum School Program and all agencies, line items, and programs under the jurisdiction of
1162 the state board.

1163 (8) The state board shall report actions taken by the state board under this section to the
1164 Office of the Legislative Fiscal Analyst and the Governor's Office of [Management] Planning
1165 and Budget.

1166 Section 22. Section 53F-2-208 is amended to read:

1167 **53F-2-208. Cost of adjustments for growth and inflation.**

1168 (1) In accordance with Subsection (2), the Legislature shall annually determine:

1169 (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a
1170 rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations
1171 to the following programs:

1172 (i) education for youth in custody, described in Section 53E-3-503;

1173 (ii) the Basic Program, described in Title 53F, Chapter 2, Part 3, Basic Program
1174 (Weighted Pupil Units);

1175 (iii) the Adult Education Program, described in Section 53F-2-401;

1176 (iv) state support of pupil transportation, described in Section [~~53F-4-402~~] 53F-2-402;

1177 (v) the Enhancement for Accelerated Students Program, described in Section
1178 53F-2-408;

1179 (vi) the Concurrent Enrollment Program, described in Section 53F-2-409; and

1180 (vii) the Enhancement for At-Risk Students Program, described in Section 53F-2-410;

1181 and

1182 (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year,
1183 the current fiscal year's ongoing state tax fund appropriations to the following programs:

1184 (i) a program described in Subsection (1)(a);

1185 (ii) educator salary adjustments, described in Section 53F-2-405;

1186 (iii) the Teacher Salary Supplement Program, described in Section 53F-2-504;

1187 (iv) the Voted and Board Local Levy Guarantee programs, described in Section
1188 53F-2-601; and

1189 (v) charter school local replacement funding, described in Section 53F-2-702.

1190 (2) (a) In or before December each year, the Executive Appropriations Committee shall
1191 determine:

1192 (i) the cost of the inflation adjustment described in Subsection (1)(a); and

1193 (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).

1194 (b) The Executive Appropriations Committee shall make the determinations described
1195 in Subsection (2)(a) based on recommendations developed by the Office of the Legislative
1196 Fiscal Analyst, in consultation with the state board and the Governor's Office of [~~Management~~]
1197 Planning and Budget.

1198 Section 23. Section **53F-2-601** is amended to read:

1199 **53F-2-601. State guaranteed local levy increments -- Appropriation to increase**
1200 **number of guaranteed local levy increments -- No effect of change of minimum basic tax**
1201 **rate -- Voted and board local levy funding balance -- Use of guaranteed local levy**
1202 **increment funds.**

1203 (1) As used in this section:

- 1204 (a) "Board local levy" means a local levy described in Section [53F-8-302](#).
- 1205 (b) "Guaranteed local levy increment" means a local levy increment guaranteed by the
- 1206 state:
- 1207 (i) for the board local levy, described in Subsections (2)(a)(ii)(A) and (2)(b)(ii)(B); or
- 1208 (ii) for the voted local levy, described in Subsections (2)(a)(ii)(B) and (2)(b)(ii)(A).
- 1209 (c) "Local levy increment" means .0001 per dollar of taxable value.
- 1210 (d) (i) "Voted and board local levy funding balance" means the difference between:
- 1211 (A) the amount appropriated for the guaranteed local levy increments in a fiscal year;
- 1212 and
- 1213 (B) the amount necessary to fund in the same fiscal year the guaranteed local levy
- 1214 increments as determined under this section.
- 1215 (ii) "Voted and board local levy funding balance" does not include appropriations
- 1216 described in Subsection (2)(b)(i).
- 1217 (e) "Voted local levy" means a local levy described in Section [53F-8-301](#).
- 1218 (2) (a) (i) In addition to the revenue collected from the imposition of a voted local levy
- 1219 or a board local levy, the state shall guarantee that a school district receives, subject to
- 1220 Subsections (2)(b)(ii)(C) and (3)(a), for each guaranteed local levy increment, an amount
- 1221 sufficient to guarantee for a fiscal year that begins on July 1, 2018, \$43.10 per weighted pupil
- 1222 unit.
- 1223 (ii) Except as provided in Subsection (2)(b)(ii), the number of local levy increments
- 1224 that are subject to the guarantee amount described in Subsection (2)(a)(i) are:
- 1225 (A) for a board local levy, the first four local levy increments a local school board
- 1226 imposes under the board local levy; and
- 1227 (B) for a voted local levy, the first 16 local levy increments a local school board
- 1228 imposes under the voted local levy.
- 1229 (b) (i) Subject to future budget constraints and Subsection (2)(c), the Legislature shall
- 1230 annually appropriate money from the Local Levy Growth Account established in Section
- 1231 [53F-9-305](#) for purposes described in Subsection (2)(b)(ii).
- 1232 (ii) The state board shall, for a fiscal year beginning on or after July 1, 2018, and
- 1233 subject to Subsection (2)(c), allocate funds appropriated under Subsection (2)(b)(i) in the
- 1234 following order of priority by increasing:

1235 (A) by up to four increments the number of voted local levy guaranteed local levy
1236 increments above 16;

1237 (B) by up to 16 increments the number of board local levy guaranteed local levy
1238 increments above four; and

1239 (C) the guaranteed amount described in Subsection (2)(a)(i).

1240 (c) The number of guaranteed local levy increments under this Subsection (2) for a
1241 school district may not exceed 20 guaranteed local levy increments, regardless of whether the
1242 guaranteed local levy increments are from the imposition of a voted local levy, a board local
1243 levy, or a combination of the two.

1244 (3) (a) The guarantee described in Subsection (2)(a)(i) is indexed each year to the value
1245 of the weighted pupil unit by making the value of the guarantee equal to .011962 times the
1246 value of the prior year's weighted pupil unit.

1247 (b) The guarantee shall increase by .0005 times the value of the prior year's weighted
1248 pupil unit for each year subject to the Legislature appropriating funds for an increase in the
1249 guarantee.

1250 (4) (a) The amount of state guarantee money that a school district would otherwise be
1251 entitled to receive under this section may not be reduced for the sole reason that the school
1252 district's board local levy or voted local levy is reduced as a consequence of changes in the
1253 certified tax rate under Section [59-2-924](#) pursuant to changes in property valuation.

1254 (b) Subsection (4)(a) applies for a period of five years following a change in the
1255 certified tax rate as described in Subsection (4)(a).

1256 (5) The guarantee provided under this section does not apply to the portion of a voted
1257 local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal
1258 year, unless an increase in the voted local levy rate was authorized in an election conducted on
1259 or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

1260 (6) (a) If a voted and board local levy funding balance exists for the prior fiscal year,
1261 the state board shall:

1262 (i) use the voted and board local levy funding balance to increase the value of the state
1263 guarantee per weighted pupil unit described in Subsection (3)(a) in the current fiscal year; and

1264 (ii) distribute guaranteed local levy increment funds to school districts based on the
1265 increased value of the state guarantee per weighted pupil unit described in Subsection (6)(a)(i).

1266 (b) The state board shall report action taken under Subsection (6)(a) to the Office of the
1267 Legislative Fiscal Analyst and the Governor's Office of ~~[Management]~~ Planning and Budget.

1268 (7) A local school board of a school district that receives funds described in this section
1269 shall budget and expend the funds for public education purposes.

1270 Section 24. Section **53F-9-201** is amended to read:

1271 **53F-9-201. Uniform School Fund -- Contents -- Trust Distribution Account.**

1272 (1) As used in this section:

1273 (a) "Annual distribution calculation" means, for a given fiscal year, the average of:

1274 (i) 4% of the average market value of the State School Fund for that fiscal year; and

1275 (ii) the distribution amount for the prior fiscal year, multiplied by the sum of:

1276 (A) one;

1277 (B) the percent change in student enrollment from the school year two years prior to
1278 the prior school year; and

1279 (C) the actual total percent change of the consumer price index during the last 12
1280 months as measured in June of the prior fiscal year.

1281 (b) "Average market value of the State School Fund" means the results of a calculation
1282 completed by the SITFO director each fiscal year that averages the value of the State School
1283 Fund for the past 12 consecutive quarters ending in the prior fiscal year.

1284 (c) "Consumer price index" means the Consumer Price Index for All Urban
1285 Consumers: All Items Less Food & Energy, as published by the Bureau of Labor Statistics of
1286 the United States Department of Labor.

1287 (d) "SITFO director" means the director of the School and Institutional Trust Fund
1288 Office appointed under Section [53D-1-401](#).

1289 (e) "State School Fund investment earnings distribution amount" or "distribution
1290 amount" means, for a fiscal year, the lesser of:

1291 (i) the annual distribution calculation; or

1292 (ii) 4% of the average market value of the State School Fund.

1293 (2) The Uniform School Fund, a special revenue fund within the Education Fund,
1294 established by Utah Constitution, Article X, Section 5, consists of:

1295 (a) distributions derived from the investment of money in the permanent State School
1296 Fund established by Utah Constitution, Article X, Section 5;

1297 (b) money transferred to the fund pursuant to Title 67, Chapter 4a, Revised Uniform
1298 Unclaimed Property Act; and

1299 (c) all other constitutional or legislative allocations to the fund, including:

1300 (i) appropriations for the Minimum School Program, enrollment growth, and inflation
1301 under Section 53F-9-201.1; and

1302 (ii) revenues received by donation.

1303 (3) (a) There is created within the Uniform School Fund a restricted account known as
1304 the Trust Distribution Account.

1305 (b) The Trust Distribution Account consists of:

1306 (i) in accordance with Subsection (4), quarterly deposits of the State School Fund
1307 investment earnings distribution amount from the prior fiscal year;

1308 (ii) all interest earned on the Trust Distribution Account in the prior fiscal year; and

1309 (iii) any unused appropriation for the administration of the School LAND Trust
1310 Program, as described in Subsection 53F-2-404(1)(c).

1311 (4) If, at the end of a fiscal year, the Trust Distribution Account has a balance
1312 remaining after subtracting the appropriation amount described in Subsection 53F-2-404(1)(a)
1313 for the next fiscal year, the SITFO director shall, during the next fiscal year, apply the amount
1314 of the remaining balance from the prior fiscal year toward the current fiscal year's distribution
1315 amount by reducing a quarterly deposit to the Trust Distribution Account by the amount of the
1316 remaining balance from the prior fiscal year.

1317 (5) On or before October 1 of each year, the SITFO director shall:

1318 (a) in accordance with this section, determine the distribution amount for the following
1319 fiscal year; and

1320 (b) report the amount described in Subsection (5)(a) as the funding amount, described
1321 in Subsection 53F-2-404(1)(c), for the School LAND Trust Program, to:

1322 (i) the State Treasurer;

1323 (ii) the Legislative Fiscal Analyst;

1324 (iii) the Division of Finance;

1325 (iv) the director of the Land Trusts Protection and Advocacy Office, appointed under
1326 Section 53D-2-203;

1327 (v) the School and Institutional Trust Lands Administration created in Section

1328 53C-1-201;

1329 (vi) the state board; and

1330 (vii) the Governor's Office of [Management] Planning and Budget.

1331 (6) The School and Institutional Trust Fund Board of Trustees created in Section

1332 53D-1-301 shall:

1333 (a) annually review the distribution amount; and

1334 (b) make recommendations, if necessary, to the Legislature for changes to the formula
1335 for calculating the distribution amount.

1336 (7) Upon appropriation by the Legislature, the SITFO director shall place in the Trust
1337 Distribution Account funds for the School LAND Trust Program as described in Subsections
1338 53F-2-404(1)(a) and (c).

1339 Section 25. Section 54-3-28 is amended to read:

1340 **54-3-28. Notice required of certain public utilities before preparing or amending**
1341 **a long-range plan or acquiring certain property.**

1342 (1) As used in this section:

1343 (a) (i) "Affected entity" means each county, municipality, local district under Title 17B,
1344 Limited Purpose Local Government Entities - Local Districts, special service district, school
1345 district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal
1346 Cooperation Act, and specified public utility:

1347 (A) whose services or facilities are likely to require expansion or significant
1348 modification because of expected uses of land under a proposed long-range plan or under
1349 proposed amendments to a long-range plan; or

1350 (B) that has filed with the specified public utility a copy of the general or long-range
1351 plan of the county, municipality, local district, special service district, school district, interlocal
1352 cooperation entity, or specified public utility.

1353 (ii) "Affected entity" does not include the specified public utility that is required under
1354 Subsection (2) to provide notice.

1355 (b) "Specified public utility" means an electrical corporation, gas corporation, or
1356 telephone corporation, as those terms are defined in Section 54-2-1.

1357 (2) (a) If a specified public utility prepares a long-range plan regarding its facilities
1358 proposed for the future in a county of the first or second class or amends an already existing

1359 long-range plan, the specified public utility shall, before preparing a long-range plan or
1360 amendments to an existing long-range plan, provide written notice, as provided in this section,
1361 of its intent to prepare a long-range plan or to amend an existing long-range plan.

1362 (b) Each notice under Subsection (2) shall:

1363 (i) indicate that the specified public utility intends to prepare a long-range plan or to
1364 amend a long-range plan, as the case may be;

1365 (ii) describe or provide a map of the geographic area that will be affected by the
1366 long-range plan or amendments to a long-range plan;

1367 (iii) be sent to:

1368 (A) each county in whose unincorporated area and each municipality in whose
1369 boundaries is located the land on which the proposed long-range plan or amendments to a
1370 long-range plan are expected to indicate that the proposed facilities will be located;

1371 (B) each affected entity;

1372 (C) the Automated Geographic Reference Center created in Section [63F-1-506](#);

1373 (D) each association of governments, established pursuant to an interlocal agreement
1374 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality
1375 described in Subsection (2)(b)(iii)(A) is a member; and

1376 (E) the state planning coordinator appointed under Section [~~63J-4-202~~] [63J-4-401](#);

1377 (iv) with respect to the notice to counties and municipalities described in Subsection
1378 (2)(b)(iii)(A) and affected entities, invite them to provide information for the specified public
1379 utility to consider in the process of preparing, adopting, and implementing the long-range plan
1380 or amendments to a long-range plan concerning:

1381 (A) impacts that the use of land proposed in the proposed long-range plan or
1382 amendments to a long-range plan may have on the county, municipality, or affected entity; and

1383 (B) uses of land that the county, municipality, or affected entity is planning or
1384 considering that may conflict with the proposed long-range plan or amendments to a long-range
1385 plan; and

1386 (v) include the address of an Internet website, if the specified public utility has one, and
1387 the name and telephone number of a person where more information can be obtained
1388 concerning the specified public utility's proposed long-range plan or amendments to a
1389 long-range plan.

1390 (3) (a) Except as provided in Subsection (3)(d), each specified public utility intending
1391 to acquire real property in a county of the first or second class for the purpose of expanding its
1392 infrastructure or other facilities used for providing the services that the specified public utility
1393 is authorized to provide shall provide written notice, as provided in this Subsection (3), of its
1394 intent to acquire the property if the intended use of the property is contrary to:

1395 (i) the anticipated use of the property under the county or municipality's general plan;

1396 or

1397 (ii) the property's current zoning designation.

1398 (b) Each notice under Subsection (3)(a) shall:

1399 (i) indicate that the specified public utility intends to acquire real property;

1400 (ii) identify the real property; and

1401 (iii) be sent to:

1402 (A) each county in whose unincorporated area and each municipality in whose
1403 boundaries the property is located; and

1404 (B) each affected entity.

1405 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
1406 [63G-2-305\(8\)](#).

1407 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the specified
1408 public utility previously provided notice under Subsection (2) identifying the general location
1409 within the municipality or unincorporated part of the county where the property to be acquired
1410 is located.

1411 (ii) If a specified public utility is not required to comply with the notice requirement of
1412 Subsection (3)(a) because of application of Subsection (3)(d)(i), the specified public utility
1413 shall provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition
1414 of the real property.

1415 Section 26. Section **59-1-403** is amended to read:

1416 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

1417 (1) (a) Any of the following may not divulge or make known in any manner any
1418 information gained by that person from any return filed with the commission:

1419 (i) a tax commissioner;

1420 (ii) an agent, clerk, or other officer or employee of the commission; or

1421 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or
1422 town.

1423 (b) An official charged with the custody of a return filed with the commission is not
1424 required to produce the return or evidence of anything contained in the return in any action or
1425 proceeding in any court, except:

1426 (i) in accordance with judicial order;

1427 (ii) on behalf of the commission in any action or proceeding under:

1428 (A) this title; or

1429 (B) other law under which persons are required to file returns with the commission;

1430 (iii) on behalf of the commission in any action or proceeding to which the commission
1431 is a party; or

1432 (iv) on behalf of any party to any action or proceeding under this title if the report or
1433 facts shown by the return are directly involved in the action or proceeding.

1434 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may
1435 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically
1436 pertinent to the action or proceeding.

1437 (2) This section does not prohibit:

1438 (a) a person or that person's duly authorized representative from receiving a copy of
1439 any return or report filed in connection with that person's own tax;

1440 (b) the publication of statistics as long as the statistics are classified to prevent the
1441 identification of particular reports or returns; and

1442 (c) the inspection by the attorney general or other legal representative of the state of the
1443 report or return of any taxpayer:

1444 (i) who brings action to set aside or review a tax based on the report or return;

1445 (ii) against whom an action or proceeding is contemplated or has been instituted under
1446 this title; or

1447 (iii) against whom the state has an unsatisfied money judgment.

1448 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the
1449 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
1450 Rulemaking Act, provide for a reciprocal exchange of information with:

1451 (i) the United States Internal Revenue Service; or

1452 (ii) the revenue service of any other state.

1453 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and
1454 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,
1455 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and
1456 other written statements with the federal government, any other state, any of the political
1457 subdivisions of another state, or any political subdivision of this state, except as limited by
1458 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal
1459 government grant substantially similar privileges to this state.

1460 (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and
1461 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,
1462 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the
1463 identity and other information of taxpayers who have failed to file tax returns or to pay any tax
1464 due.

1465 (d) Notwithstanding Subsection (1), the commission shall provide to the director of the
1466 Division of Environmental Response and Remediation, as defined in Section 19-6-402, as
1467 requested by the director of the Division of Environmental Response and Remediation, any
1468 records, returns, or other information filed with the commission under Chapter 13, Motor and
1469 Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program
1470 participation fee.

1471 (e) Notwithstanding Subsection (1), at the request of any person the commission shall
1472 provide that person sales and purchase volume data reported to the commission on a report,
1473 return, or other information filed with the commission under:

1474 (i) Chapter 13, Part 2, Motor Fuel; or

1475 (ii) Chapter 13, Part 4, Aviation Fuel.

1476 (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,
1477 as defined in Section 59-22-202, the commission shall report to the manufacturer:

1478 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
1479 manufacturer and reported to the commission for the previous calendar year under Section
1480 59-14-407; and

1481 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
1482 manufacturer for which a tax refund was granted during the previous calendar year under

1483 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

1484 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,
1485 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited
1486 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

1487 (h) Notwithstanding Subsection (1), the commission may:

1488 (i) provide to the Division of Consumer Protection within the Department of
1489 Commerce and the attorney general data:

1490 (A) reported to the commission under Section 59-14-212; or

1491 (B) related to a violation under Section 59-14-211; and

1492 (ii) upon request, provide to any person data reported to the commission under
1493 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

1494 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee
1495 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of
1496 [~~Management~~] Planning and Budget, provide to the committee or office the total amount of
1497 revenues collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act,
1498 for the time period specified by the committee or office.

1499 (j) Notwithstanding Subsection (1), the commission shall make the directory required
1500 by Section 59-14-603 available for public inspection.

1501 (k) Notwithstanding Subsection (1), the commission may share information with
1502 federal, state, or local agencies as provided in Subsection 59-14-606(3).

1503 (l) (i) Notwithstanding Subsection (1), the commission shall provide the Office of
1504 Recovery Services within the Department of Human Services any relevant information
1505 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer
1506 who has become obligated to the Office of Recovery Services.

1507 (ii) The information described in Subsection (3)(l)(i) may be provided by the Office of
1508 Recovery Services to any other state's child support collection agency involved in enforcing
1509 that support obligation.

1510 (m) (i) Notwithstanding Subsection (1), upon request from the state court
1511 administrator, the commission shall provide to the state court administrator, the name, address,
1512 telephone number, county of residence, and social security number on resident returns filed
1513 under Chapter 10, Individual Income Tax Act.

1514 (ii) The state court administrator may use the information described in Subsection
1515 (3)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.

1516 (n) (i) As used in this Subsection (3)(n):

1517 (A) "GOED" means the Governor's Office of Economic Development created in
1518 Section 63N-1-201.

1519 (B) "Income tax information" means information gained by the commission that is
1520 required to be attached to or included in a return filed with the commission under Chapter 7,
1521 Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act.

1522 (C) "Other tax information" means information gained by the commission that is
1523 required to be attached to or included in a return filed with the commission except for a return
1524 filed under Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual
1525 Income Tax Act.

1526 (D) "Tax information" means income tax information or other tax information.

1527 (ii) (A) Notwithstanding Subsection (1) and except as provided in Subsection
1528 (3)(n)(ii)(B) or (C), the commission shall at the request of GOED provide to GOED all income
1529 tax information.

1530 (B) For purposes of a request for income tax information made under Subsection
1531 (3)(n)(ii)(A), GOED may not request and the commission may not provide to GOED a person's
1532 address, name, social security number, or taxpayer identification number.

1533 (C) In providing income tax information to GOED, the commission shall in all
1534 instances protect the privacy of a person as required by Subsection (3)(n)(ii)(B).

1535 (iii) (A) Notwithstanding Subsection (1) and except as provided in Subsection
1536 (3)(n)(iii)(B), the commission shall at the request of GOED provide to GOED other tax
1537 information.

1538 (B) Before providing other tax information to GOED, the commission shall redact or
1539 remove any name, address, social security number, or taxpayer identification number.

1540 (iv) GOED may provide tax information received from the commission in accordance
1541 with this Subsection (3)(n) only:

1542 (A) as a fiscal estimate, fiscal note information, or statistical information; and

1543 (B) if the tax information is classified to prevent the identification of a particular
1544 return.

1545 (v) (A) A person may not request tax information from GOED under Title 63G,
1546 Chapter 2, Government Records Access and Management Act, or this section, if GOED
1547 received the tax information from the commission in accordance with this Subsection (3)(n).

1548 (B) GOED may not provide to a person that requests tax information in accordance
1549 with Subsection (3)(n)(v)(A) any tax information other than the tax information GOED
1550 provides in accordance with Subsection (3)(n)(iv).

1551 (o) Notwithstanding Subsection (1), the commission may provide to the governing
1552 board of the agreement or a taxing official of another state, the District of Columbia, the United
1553 States, or a territory of the United States:

1554 (i) the following relating to an agreement sales and use tax:

1555 (A) information contained in a return filed with the commission;

1556 (B) information contained in a report filed with the commission;

1557 (C) a schedule related to Subsection (3)(o)(i)(A) or (B); or

1558 (D) a document filed with the commission; or

1559 (ii) a report of an audit or investigation made with respect to an agreement sales and
1560 use tax.

1561 (p) Notwithstanding Subsection (1), the commission may provide information
1562 concerning a taxpayer's state income tax return or state income tax withholding information to
1563 the Driver License Division if the Driver License Division:

1564 (i) requests the information; and

1565 (ii) provides the commission with a signed release form from the taxpayer allowing the
1566 Driver License Division access to the information.

1567 (q) Notwithstanding Subsection (1), the commission shall provide to the Utah
1568 Communications Authority, or a division of the Utah Communications Authority, the
1569 information requested by the authority under Sections [63H-7a-302](#), [63H-7a-402](#), and
1570 [63H-7a-502](#).

1571 (r) Notwithstanding Subsection (1), the commission shall provide to the Utah
1572 Educational Savings Plan information related to a resident or nonresident individual's
1573 contribution to a Utah Educational Savings Plan account as designated on the resident or
1574 nonresident's individual income tax return as provided under Section [59-10-1313](#).

1575 (s) Notwithstanding Subsection (1), for the purpose of verifying eligibility under

1576 Sections 26-18-2.5 and 26-40-105, the commission shall provide an eligibility worker with the
1577 Department of Health or its designee with the adjusted gross income of an individual if:

1578 (i) an eligibility worker with the Department of Health or its designee requests the
1579 information from the commission; and

1580 (ii) the eligibility worker has complied with the identity verification and consent
1581 provisions of Sections 26-18-2.5 and 26-40-105.

1582 (t) Notwithstanding Subsection (1), the commission may provide to a county, as
1583 determined by the commission, information declared on an individual income tax return in
1584 accordance with Section 59-10-103.1 that relates to eligibility to claim a residential exemption
1585 authorized under Section 59-2-103.

1586 (u) Notwithstanding Subsection (1), the commission shall provide a report regarding
1587 any access line provider that is over 90 days delinquent in payment to the commission of
1588 amounts the access line provider owes under Title 69, Chapter 2, Part 4, Prepaid Wireless
1589 Telecommunications Service Charges, to the board of the Utah Communications Authority
1590 created in Section 63H-7a-201.

1591 (v) Notwithstanding Subsection (1), the commission shall provide the Department of
1592 Environmental Quality a report on the amount of tax paid by a radioactive waste facility for the
1593 previous calendar year under Section 59-24-103.5.

1594 (w) Notwithstanding Subsection (1), the commission may, upon request, provide to the
1595 Department of Workforce Services any information received under Chapter 10, Part 4,
1596 Withholding of Tax, that is relevant to the duties of the Department of Workforce Services.

1597 (x) Notwithstanding Subsection (1), the commission may provide the Public Service
1598 Commission or the Division of Public Utilities information related to a seller that collects and
1599 remits to the commission a charge described in Subsection 69-2-405(2), including the seller's
1600 identity and the number of charges described in Subsection 69-2-405(2) that the seller collects.

1601 (4) (a) Each report and return shall be preserved for at least three years.

1602 (b) After the three-year period provided in Subsection (4)(a) the commission may
1603 destroy a report or return.

1604 (5) (a) Any individual who violates this section is guilty of a class A misdemeanor.

1605 (b) If the individual described in Subsection (5)(a) is an officer or employee of the
1606 state, the individual shall be dismissed from office and be disqualified from holding public

1607 office in this state for a period of five years thereafter.

1608 (c) Notwithstanding Subsection (5)(a) or (b), GOED, when requesting information in
1609 accordance with Subsection (3)(n)(iii), or an individual who requests information in
1610 accordance with Subsection (3)(n)(v):

1611 (i) is not guilty of a class A misdemeanor; and

1612 (ii) is not subject to:

1613 (A) dismissal from office in accordance with Subsection (5)(b); or

1614 (B) disqualification from holding public office in accordance with Subsection (5)(b).

1615 (6) Except as provided in Section 59-1-404, this part does not apply to the property tax.

1616 Section 27. Section 59-1-403.1 is amended to read:

1617 **59-1-403.1. Disclosure of return information.**

1618 (1) As used in this section:

1619 (a) "Office" means:

1620 (i) the Office of the Legislative Fiscal Analyst, established in Section 36-12-13;

1621 (ii) the Office of Legislative Research and General Counsel, established in Section
1622 36-12-12; or

1623 (iii) the Governor's Office of ~~Management~~ Planning and Budget, created in Section
1624 63J-4-201.

1625 (b) (i) "Return information" means information gained by the commission that is
1626 required to be attached to or included in a return filed with the commission.

1627 (ii) "Return information" does not include information that the commission is
1628 prohibited from disclosing by federal law, federal regulation, or federal publication.

1629 (2) (a) Notwithstanding Subsection 59-1-403(1), the commission, at the request of an
1630 office, shall provide to the office all return information with the items described in Subsection
1631 (2)(b) removed.

1632 (b) For purposes of a request for return information made under Subsection (2)(a), the
1633 commission shall redact or remove any name, address, social security number, or taxpayer
1634 identification number.

1635 (3) (a) An office may disclose return information received from the commission in
1636 accordance with this section only:

1637 (i) (A) as a fiscal estimate, fiscal note information, or statistical information; and

1638 (B) in a manner that reasonably protects the identification of a particular taxpayer; or
1639 (ii) to another office.

1640 (b) A person may not request return information, other than the return information that
1641 the office discloses in accordance with Subsection (3)(a), from an office under Title 63G,
1642 Chapter 2, Government Records Access and Management Act, or this section, if that office
1643 received the return information from the commission in accordance with this section.

1644 (c) An office may not disclose to a person that requests return information any return
1645 information other than the return information that the office discloses in accordance with
1646 Subsection (3)(a).

1647 (4) Any individual who violates Subsection (3)(a):

1648 (a) is guilty of a class A misdemeanor; and

1649 (b) shall be:

1650 (i) dismissed from office; and

1651 (ii) disqualified from holding public office in this state for a period of five years after
1652 dismissal.

1653 (5) (a) An office and the commission may enter into an agreement specifying the
1654 procedures for accessing, storing, and destroying return information requested in accordance
1655 with this section.

1656 (b) An office's access to return information is governed by this section, and except as
1657 provided in Subsection (5)(a), may not be limited by any agreement.

1658 Section 28. Section **59-15-109** is amended to read:

1659 **59-15-109. Tax money to be paid to state treasurer.**

1660 (1) Except as provided in Subsection (2), taxes collected under this chapter shall be
1661 paid by the commission to the state treasurer daily for deposit as follows:

1662 (a) the greater of the following shall be deposited into the Alcoholic Beverage
1663 Enforcement and Treatment Restricted Account created in Section [32B-2-403](#):

1664 (i) an amount calculated by:

1665 (A) determining an amount equal to 40% of the revenue collected for the fiscal year
1666 two years preceding the fiscal year for which the deposit is made; and

1667 (B) subtracting \$30,000 from the amount determined under Subsection (1)(a)(i)(A); or

1668 (ii) \$4,350,000; and

1669 (b) the revenue collected in excess of the amount deposited in accordance with
1670 Subsection (1)(a) shall be deposited into the General Fund.

1671 (2) For a fiscal year beginning on or after July 1, 2020, the state treasurer shall annually
1672 deposit into the Alcoholic Beverage Enforcement and Treatment Restricted Account created in
1673 Section 32B-2-403 an amount equal to the amount of revenue generated in the current fiscal
1674 year by the portion of the tax imposed under Section 59-15-101 that exceeds:

1675 (a) \$12.80 per 31-gallon barrel for beer imported or manufactured:

1676 (i) on or after July 1, 2003; and

1677 (ii) for sale, use, or distribution in this state; and

1678 (b) a proportionate rate to the rate described in Subsection (2)(a) for:

1679 (i) any quantity of beer other than a 31-gallon barrel; or

1680 (ii) the fractional parts of a 31-gallon barrel.

1681 (3) (a) The commission shall notify the entities described in Subsection (3)(b) not later
1682 than the September 1 preceding the fiscal year of the deposit of:

1683 (i) the amount of the proceeds of the beer excise tax collected in accordance with this
1684 section for the fiscal year two years preceding the fiscal year of deposit; and

1685 (ii) an amount equal to 40% of the amount listed in Subsection (3)(a)(i).

1686 (b) The notification required by Subsection (3)(a) shall be sent to:

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

1688 (ii) the Legislative Fiscal Analyst.

1689 Section 29. Section 62A-15-612 is amended to read:

1690 **62A-15-612. Allocation of pediatric state hospital beds -- Formula.**

1691 (1) As used in this section:

1692 (a) "Mental health catchment area" means a county or group of counties governed by a
1693 local mental health authority.

1694 (b) "Pediatric beds" means the total number of patient beds located in the children's
1695 unit and the youth units at the state hospital, as determined by the superintendent of the state
1696 hospital.

1697 (2) On July 1, 1996, 72 pediatric beds shall be allocated to local mental health
1698 authorities under this section. The division shall review and adjust the number of pediatric beds
1699 as necessary every three years according to the state's population of persons under 18 years of

1700 age. All population figures utilized shall reflect the most recent available population estimates
1701 from the Governor's Office of [~~Management~~] Planning and Budget.

1702 (3) The allocation of beds shall be based on the percentage of the state's population of
1703 persons under the age of 18 located within a mental health catchment area. Each community
1704 mental health center shall be allocated at least one bed.

1705 (4) A local mental health authority may sell or loan its allocation of beds to another
1706 local mental health authority.

1707 (5) The division shall allocate 72 pediatric beds at the state hospital to local mental
1708 health authorities for their use in accordance with the formula established under this section. If
1709 a local mental health authority is unable to access a bed allocated to it under that formula, the
1710 division shall provide that local mental health authority with funding equal to the reasonable,
1711 average daily cost of an acute care bed purchased by the local mental health authority.

1712 Section 30. Section **63A-1-114** is amended to read:

1713 **63A-1-114. Rate committee -- Membership -- Duties.**

1714 (1) (a) There is created a rate committee consisting of the executive directors,
1715 commissioners, or superintendents of seven state agencies, which may include the State Board
1716 of Education, that use services and pay rates to one of the department internal service funds, or
1717 their designee, that the governor appoints for a two-year term.

1718 (b) (i) Of the seven state agencies represented on the rate committee under Subsection
1719 (1)(a), only one of the following may be represented on the committee, if at all, at any one
1720 time:

1721 (A) the Governor's Office of [~~Management~~] Planning and Budget; or

1722 (B) the Department of Technology Services.

1723 (ii) The department may not have a representative on the rate committee.

1724 (c) (i) The committee shall elect a chair from its members.

1725 (ii) Members of the committee who are state government employees and who do not
1726 receive salary, per diem, or expenses from their agency for their service on the committee shall
1727 receive no compensation, benefits, per diem, or expenses for the members' service on the
1728 committee.

1729 (d) The Department of Administrative Services shall provide staff services to the
1730 committee.

1731 (2) (a) A division described in Section 63A-1-109 that manages an internal service
1732 fund shall submit to the committee a proposed rate and fee schedule for services rendered by
1733 the division to an executive branch entity or an entity that subscribes to services rendered by
1734 the division.

1735 (b) The committee shall:

1736 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings
1737 Act;

1738 (ii) meet at least once each calendar year to:

1739 (A) discuss the service performance of each internal service fund;

1740 (B) review the proposed rate and fee schedules;

1741 (C) at the rate committee's discretion, approve, increase, or decrease the rate and fee
1742 schedules described in Subsection (2)(b)(ii)(B); and

1743 (D) discuss any prior or potential adjustments to the service level received by state
1744 agencies that pay rates to an internal service fund;

1745 (iii) recommend a proposed rate and fee schedule for each internal service fund to:

1746 (A) the Governor's Office of [Management] Planning and Budget; and

1747 (B) each legislative appropriations subcommittee that, in accordance with Section
1748 63J-1-410, approves the internal service fund agency's rates, fees, and budget; and

1749 (iv) review and approve, increase or decrease an interim rate, fee, or amount when an
1750 internal service fund agency begins a new service or introduces a new product between annual
1751 general sessions of the Legislature.

1752 (c) The committee may in accordance with Subsection 63J-1-410(4), decrease a rate,
1753 fee, or amount that has been approved by the Legislature.

1754 Section 31. Section 63A-1-203 is amended to read:

1755 **63A-1-203. Utah Transparency Advisory Board -- Creation -- Membership --**
1756 **Duties.**

1757 (1) There is created within the department the Utah Transparency Advisory Board
1758 comprised of members knowledgeable about public finance or providing public access to
1759 public information.

1760 (2) The board consists of:

1761 (a) the state auditor or the state auditor's designee;

- 1762 (b) an individual appointed by the executive director of the department;
- 1763 (c) an individual appointed by the executive director of the Governor's Office of
- 1764 ~~[Management]~~ Planning and Budget;
- 1765 (d) an individual appointed by the governor on advice from the Legislative Fiscal
- 1766 Analyst;
- 1767 (e) one member of the Senate, appointed by the governor on advice from the president
- 1768 of the Senate;
- 1769 (f) one member of the House of Representatives, appointed by the governor on advice
- 1770 from the speaker of the House of Representatives;
- 1771 (g) an individual appointed by the director of the Department of Technology Services;
- 1772 (h) the director of the Division of Archives and Records Service created in Section
- 1773 [63A-12-101](#) or the director's designee;
- 1774 (i) an individual who is a member of the State Records Committee created in Section
- 1775 [63G-2-501](#), appointed by the governor;
- 1776 (j) an individual representing counties, appointed by the governor;
- 1777 (k) an individual representing municipalities, appointed by the governor;
- 1778 (l) an individual representing special districts, appointed by the governor;
- 1779 (m) an individual representing the State Board of Education, appointed by the State
- 1780 Board of Education; and
- 1781 (n) one individual who is a member of the public and who has knowledge, expertise, or
- 1782 experience in matters relating to the board's duties under Subsection (10), appointed by the
- 1783 board members identified in Subsections (2)(a) through (m).
- 1784 (3) The board shall:
- 1785 (a) advise the state auditor and the department on matters related to the implementation
- 1786 and administration of this part;
- 1787 (b) develop plans, make recommendations, and assist in implementing the provisions
- 1788 of this part;
- 1789 (c) determine what public financial information shall be provided by a participating
- 1790 state entity, independent entity, and participating local entity, if the public financial
- 1791 information:
- 1792 (i) only includes records that:

1793 (A) are classified as public under Title 63G, Chapter 2, Government Records Access
1794 and Management Act, or, subject to any specific limitations and requirements regarding the
1795 provision of financial information from the entity described in Section 63A-1-202, if an entity
1796 is exempt from Title 63G, Chapter 2, Government Records Access and Management Act,
1797 records that would normally be classified as public if the entity were not exempt from Title
1798 63G, Chapter 2, Government Records Access and Management Act;

1799 (B) are an accounting of money, funds, accounts, bonds, loans, expenditures, or
1800 revenues, regardless of the source; and

1801 (C) are owned, held, or administered by the participating state entity, independent
1802 entity, or participating local entity that is required to provide the record; and

1803 (ii) is of the type or nature that should be accessible to the public via a website based
1804 on considerations of:

1805 (A) the cost effectiveness of providing the information;

1806 (B) the value of providing the information to the public; and

1807 (C) privacy and security considerations;

1808 (d) evaluate the cost effectiveness of implementing specific information resources and
1809 features on the website;

1810 (e) require participating local entities to provide public financial information in
1811 accordance with the requirements of this part, with a specified content, reporting frequency,
1812 and form;

1813 (f) require an independent entity's website or a participating local entity's website to be
1814 accessible by link or other direct route from the Utah Public Finance Website if the
1815 independent entity or participating local entity does not use the Utah Public Finance Website;

1816 (g) determine the search methods and the search criteria that shall be made available to
1817 the public as part of a website used by an independent entity or a participating local entity
1818 under the requirements of this part, which criteria may include:

1819 (i) fiscal year;

1820 (ii) expenditure type;

1821 (iii) name of the agency;

1822 (iv) payee;

1823 (v) date; and

- 1824 (vi) amount; and
- 1825 (h) analyze ways to improve the information on the Utah Public Finance Website so
- 1826 the information is more relevant to citizens, including through the use of:
- 1827 (i) infographics that provide more context to the data; and
- 1828 (ii) geolocation services, if possible.
- 1829 (4) Every two years, the board shall elect a chair and a vice chair from its members.
- 1830 (5) (a) Each member shall serve a four-year term.
- 1831 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
- 1832 appointed for a four-year term.
- 1833 (6) To accomplish its duties, the board shall meet as it determines necessary.
- 1834 (7) Reasonable notice shall be given to each member of the board before any meeting.
- 1835 (8) A majority of the board constitutes a quorum for the transaction of business.
- 1836 (9) (a) A member who is not a legislator may not receive compensation or benefits for
- 1837 the member's service, but may receive per diem and travel expenses as allowed in:
- 1838 (i) Section [63A-3-106](#);
- 1839 (ii) Section [63A-3-107](#); and
- 1840 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and
- 1841 [63A-3-107](#).
- 1842 (b) Compensation and expenses of a member who is a legislator are governed by
- 1843 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- 1844 (10) (a) As used in Subsections (10) and (11):
- 1845 (i) "Information website" means a single Internet website containing public information
- 1846 or links to public information.
- 1847 (ii) "Public information" means records of state government, local government, or an
- 1848 independent entity that are classified as public under Title 63G, Chapter 2, Government
- 1849 Records Access and Management Act, or, subject to any specific limitations and requirements
- 1850 regarding the provision of financial information from the entity described in Section
- 1851 [63A-1-202](#), if an entity is exempt from Title 63G, Chapter 2, Government Records Access and
- 1852 Management Act, records that would normally be classified as public if the entity were not
- 1853 exempt from Title 63G, Chapter 2, Government Records Access and Management Act.
- 1854 (b) The board shall:

1855 (i) study the establishment of an information website and develop recommendations for
1856 its establishment;

1857 (ii) develop recommendations about how to make public information more readily
1858 available to the public through the information website;

1859 (iii) develop standards to make uniform the format and accessibility of public
1860 information posted to the information website; and

1861 (iv) identify and prioritize public information in the possession of a state agency or
1862 political subdivision that may be appropriate for publication on the information website.

1863 (c) In fulfilling its duties under Subsection (10)(b), the board shall be guided by
1864 principles that encourage:

1865 (i) (A) the establishment of a standardized format of public information that makes the
1866 information more easily accessible by the public;

1867 (B) the removal of restrictions on the reuse of public information;

1868 (C) minimizing limitations on the disclosure of public information while appropriately
1869 safeguarding sensitive information; and

1870 (D) balancing factors in favor of excluding public information from an information
1871 website against the public interest in having the information accessible on an information
1872 website;

1873 (ii) (A) permanent, lasting, open access to public information; and

1874 (B) the publication of bulk public information;

1875 (iii) the implementation of well-designed public information systems that ensure data
1876 quality, create a public, comprehensive list or index of public information, and define a process
1877 for continuous publication of and updates to public information;

1878 (iv) the identification of public information not currently made available online and the
1879 implementation of a process, including a timeline and benchmarks, for making that public
1880 information available online; and

1881 (v) accountability on the part of those who create, maintain, manage, or store public
1882 information or post it to an information website.

1883 (d) The department shall implement the board's recommendations, including the
1884 establishment of an information website, to the extent that implementation:

1885 (i) is approved by the Legislative Management Committee;

1886 (ii) does not require further legislative appropriation; and
1887 (iii) is within the department's existing statutory authority.
1888 (11) The department shall, in consultation with the board and as funding allows,
1889 modify the information website described in Subsection (10) to:
1890 (a) by January 1, 2015, serve as a point of access for Government Records Access and
1891 Management Act requests for executive agencies;
1892 (b) by January 1, 2016, serve as a point of access for Government Records Access and
1893 Management Act requests for:
1894 (i) school districts;
1895 (ii) charter schools;
1896 (iii) public transit districts created under Title 17B, Chapter 2a, Part 8, Public Transit
1897 District Act;
1898 (iv) counties; and
1899 (v) municipalities;
1900 (c) by January 1, 2017, serve as a point of access for Government Records Access and
1901 Management Act requests for:
1902 (i) local districts under Title 17B, Limited Purpose Local Government Entities - Local
1903 Districts; and
1904 (ii) special service districts under Title 17D, Chapter 1, Special Service District Act;
1905 (d) except as provided in Subsection (12)(a), provide link capabilities to other existing
1906 repositories of public information, including maps, photograph collections, legislatively
1907 required reports, election data, statute, rules, regulations, and local ordinances that exist on
1908 other agency and political subdivision websites;
1909 (e) provide multiple download options in different formats, including nonproprietary,
1910 open formats where possible;
1911 (f) provide any other public information that the board, under Subsection (10),
1912 identifies as appropriate for publication on the information website; and
1913 (g) incorporate technical elements the board identifies as useful to a citizen using the
1914 information website.
1915 (12) (a) The department, in consultation with the board, shall establish by rule any
1916 restrictions on the inclusion of maps and photographs, as described in Subsection (11)(d), on

1917 the website described in Subsection (10) if the inclusion would pose a potential security
1918 concern.

1919 (b) The website described in Subsection (10) may not publish any record that is
1920 classified as private, protected, or controlled under Title 63G, Chapter 2, Government Records
1921 Access and Management Act.

1922 Section 32. Section **63A-5b-201** is amended to read:

1923 **63A-5b-201. Creation of state building board -- Composition -- Appointment --**
1924 **Per diem and expenses -- Board officers.**

1925 (1) There is created within the department the state building board.

1926 (2) (a) The board is composed of eight members, seven of whom are voting members
1927 appointed by the governor.

1928 (b) The executive director of the Governor's Office of [~~Management~~] Planning and
1929 Budget, or the executive director's designee, is a nonvoting member of the board.

1930 (3) The term of a voting board member is four years, except that the governor shall, at
1931 the time of a member's appointment or reappointment, adjust the length of the member's term,
1932 as necessary, to ensure that approximately half of the board is appointed every two years.

1933 (4) When a vacancy occurs in the membership of the voting members of the board for
1934 any reason, the governor shall appoint a replacement for the unexpired term of the member
1935 who created the vacancy.

1936 (5) (a) A voting board member shall hold office until a successor is appointed and
1937 qualified.

1938 (b) A voting board member may not serve more than two consecutive terms.

1939 (6) The governor shall designate one board member as the board chair.

1940 (7) A member of the board may not receive compensation or benefits for the member's
1941 service on the board, but may receive per diem and travel expenses in accordance with:

1942 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

1943 (b) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
1944 [63A-3-107](#).

1945 (8) A member of the board is not required to post a bond for the performance of the
1946 member's official duties.

1947 (9) The executive director or the executive director's designee shall serve as secretary

1948 to the board and shall:

1949 (a) manage scheduling for the board and the board's calendar;

1950 (b) establish and manage the agenda for meetings of the board;

1951 (c) keep the minutes of board meetings;

1952 (d) assist the board in the board's obligation to comply with Title 52, Chapter 4, Open
1953 and Public Meetings Act;

1954 (e) (i) assist the board in the board's obligation to comply with Title 63G, Chapter 2,
1955 Government Records Access and Management Act; and

1956 (ii) act as the board's records officer, as defined in Section 63G-2-103; and

1957 (f) assist the board in the board's obligation to comply with Title 63G, Chapter 3, Utah
1958 Administrative Rulemaking Act.

1959 Section 33. Section 63A-5b-702 is amended to read:

1960 **63A-5b-702. Standards and requirements for state facilities -- Life-cycle cost**
1961 **effectiveness.**

1962 (1) As used in this section:

1963 (a) "Life cycle cost-effective" means the most prudent cost of owning, operating, and
1964 maintaining a facility, including the initial cost, energy costs, operation and maintenance costs,
1965 repair costs, and the costs of energy conservation and renewable energy systems.

1966 (b) "Renewable energy system" means a system designed to use solar, wind,
1967 geothermal power, wood, or other replenishable energy source to heat, cool, or provide
1968 electricity to a building.

1969 (2) The director shall, in accordance with Title 63G, Chapter 3, Utah Administrative
1970 Rulemaking Act, make rules:

1971 (a) that establish standards and requirements for determining whether a state facility
1972 project is life cycle cost-effective;

1973 (b) for the monitoring of an agency's operation and maintenance expenditures for a
1974 state-owned facility;

1975 (c) to establish standards and requirements for utility metering;

1976 (d) that create an operation and maintenance program for an agency's facilities;

1977 (e) that establish a methodology for determining reasonably anticipated inflationary
1978 costs for each operation and maintenance program described in Subsection (2)(d);

1979 (f) that require an agency to report the amount the agency receives and expends on
1980 operation and maintenance; and

1981 (g) that provide for determining the actual cost for operation and maintenance requests
1982 for a new facility.

1983 (3) The director shall:

1984 (a) ensure that state-owned facilities, except for facilities under the control of the State
1985 Capitol Preservation Board, are life cycle cost-effective;

1986 (b) conduct ongoing facilities audits of state-owned facilities; and

1987 (c) monitor an agency's operation and maintenance expenditures for state-owned
1988 facilities as provided in rules made under Subsection (2)(b).

1989 (4) (a) An agency shall comply with the rules made under Subsection (2) for new
1990 facility requests submitted to the Legislature for a session of the Legislature after the 2017
1991 General Session.

1992 (b) The Office of the Legislative Fiscal Analyst and the Governor's Office of
1993 [~~Management~~] Planning and Budget shall, for each agency with operation and maintenance
1994 expenses, ensure that each required budget for the agency is adjusted in accordance with the
1995 rules described in Subsection (2)(e).

1996 Section 34. Section **63B-2-301** is amended to read:

1997 **63B-2-301. Legislative intent -- Additional projects.**

1998 It is the intent of the Legislature that:

1999 (1) The Department of Employment Security use money in the special administrative
2000 fund to plan, design, and construct a Davis County facility under the supervision of the director
2001 of the Division of Facilities Construction and Management unless supervisory authority is
2002 delegated by him as authorized by Section [63A-5b-604](#).

2003 (2) The University of Utah may use donated funds to plan, design, and construct the
2004 Nora Eccles Harrison addition under the supervision of the director of the Division of Facilities
2005 Construction and Management unless supervisory authority is delegated by him as authorized
2006 by Section [63A-5b-604](#).

2007 (3) The University of Utah may use hospital funds to plan, design, and construct the
2008 West Patient Services Building under the supervision of the director of the Division of
2009 Facilities Construction and Management unless supervisory authority is delegated by him as

2010 authorized by Section [63A-5b-604](#).

2011 (4) The University of Utah may use federal funds to plan, design, and construct the
2012 Computational Science Building under the supervision of the director of the Division of
2013 Facilities Construction and Management unless supervisory authority is delegated by him as
2014 authorized by Section [63A-5b-604](#).

2015 (5) The Board of Regents may issue revenue bonds to provide:

2016 (a) \$6,700,000 to plan, design, and construct single student housing at Utah State
2017 University under the supervision of the director of the Division of Facilities Construction and
2018 Management unless supervisory authority is delegated by him as authorized by Section
2019 [63A-5b-604](#); and

2020 (b) additional money necessary to:

2021 (i) pay costs incident to the issuance and sale of the bonds;

2022 (ii) pay interest on the bonds that accrues during construction and acquisition of the
2023 project and for up to one year after construction is completed; and

2024 (iii) fund any reserve requirements for the bonds.

2025 (6) Utah State University may use federal funds to plan, design, and construct the
2026 Natural Resources Lab addition under the supervision of the director of the Division of
2027 Facilities Construction and Management unless supervisory authority is delegated by him as
2028 authorized by Section [63A-5b-604](#).

2029 (7) Utah State University may use funds derived from property sales to plan, design,
2030 and construct emergency relocation facilities for the Farmington Botanical Gardens under the
2031 supervision of the director of the Division of Facilities Construction and Management unless
2032 supervisory authority is delegated by him as authorized by Section [63A-5b-604](#).

2033 (8) Utah State University may use institutional funds to plan, design, and construct an
2034 institutional residence for the president under the supervision of the director of the Division of
2035 Facilities Construction and Management unless supervisory authority is delegated by him as
2036 authorized by Section [63A-5b-604](#).

2037 (9) Weber State University may use discretionary funds to construct a remodel and
2038 expansion of the stores building and mail service facilities under the supervision of the director
2039 of the Division of Facilities Construction and Management unless supervisory authority is
2040 delegated by him as authorized by Section [63A-5b-604](#).

2041 (10) Weber State University may use fees and auxiliary revenue to plan, design, and
2042 construct a remodel and expansion of the Shepherd Student Union Building under the
2043 supervision of the director of the Division of Facilities Construction and Management unless
2044 supervisory authority is delegated by him as authorized by Section 63A-5b-604.

2045 (11) Southern Utah University may use donated funds to plan, design, and construct an
2046 alumni house under the supervision of the director of the Division of Facilities Construction
2047 and Management unless supervisory authority is delegated by him as authorized by Section
2048 63A-5b-604.

2049 (12) Utah State University Eastern may use auxiliary revenues and other fees to:

2050 (a) make lease or other payments;

2051 (b) redeem revenue bonds or repay loans issued on behalf of the college; and

2052 (c) plan, design, and construct a 200 person residence hall under the supervision of the
2053 director of the Division of Facilities Construction and Management unless supervisory
2054 authority is delegated by him as authorized by Section 63A-5b-604.

2055 (13) The Sevier Valley Applied Technology Center may use private and Community
2056 Impact Board funds, if approved, to plan, design, and construct a performing arts/multi-use
2057 facility under the supervision of the director of the Division of Facilities Construction and
2058 Management unless supervisory authority is delegated by him as authorized by Section
2059 63A-5b-604.

2060 (14) Ogden City and Weber County may have offices and related space for their
2061 attorneys included in the Ogden Courts building if the city and county are able to provide
2062 upfront funding to cover all costs associated with the design and construction of that space. In
2063 addition, the city and county shall cover their proportionate share of all operations and
2064 maintenance costs of their facility, including future major repairs to the building.

2065 (15) If the Legislature authorizes the Division of Facilities Construction and
2066 Management to enter into a lease purchase agreement for the Department of Human Services
2067 facility at 1385 South State Street in Salt Lake City or for the State Board of Education facility
2068 and adjacent space in Salt Lake City, or for both of those facilities, the State Building
2069 Ownership Authority, at the reasonable rates and amounts it may determine, and with technical
2070 assistance from the state treasurer, the director of the Division of Finance, and the executive
2071 director of the Governor's Office of ~~Management~~ Planning and Budget, may seek out the

2072 most cost effective lease purchase plans available to the state and may, pursuant to Title 63B,
2073 Chapter 1, Part 3, State Building Ownership Authority Act, certificate out interests in, or
2074 obligations of the authority pertaining to:

2075 (a) the lease purchase obligation; or

2076 (b) lease rental payments under the lease purchase obligation.

2077 (16) Salt Lake Community College may use donated funds to plan, design, and
2078 construct an amphitheater under the supervision of the director of the Division of Facilities
2079 Construction and Management unless supervisory authority is delegated by him as authorized
2080 by Section [63A-5b-604](#).

2081 (17) For the Tax Commission building, that:

2082 (a) All costs associated with the construction and furnishing of the Tax Commission
2083 building that are incurred before the issuance of the 1993 general obligation bonds be
2084 reimbursed by bond proceeds.

2085 (b) The maximum amount of cost that may be reimbursed from the 1993 general
2086 obligation bond proceeds for the Tax Commission building and furnishings may not exceed
2087 \$14,230,000.

2088 (c) This intent statement for Subsection (17) constitutes a declaration of official intent
2089 under Section 1.103-18 of the U.S. Treasury Regulations.

2090 Section 35. Section **63B-3-301** is amended to read:

2091 **63B-3-301. Legislative intent -- Additional projects.**

2092 (1) It is the intent of the Legislature that, for any lease purchase agreement that the
2093 Legislature may authorize the Division of Facilities Construction and Management to enter into
2094 during its 1994 Annual General Session, the State Building Ownership Authority, at the
2095 reasonable rates and amounts it may determine, and with technical assistance from the state
2096 treasurer, the director of the Division of Finance, and the executive director of the Governor's
2097 Office of ~~Management~~ Planning and Budget, may seek out the most cost effective and
2098 prudent lease purchase plans available to the state and may, pursuant to Chapter 1, Part 3, State
2099 Building Ownership Authority Act, certificate out interests in, or obligations of the authority
2100 pertaining to:

2101 (a) the lease purchase obligation; or

2102 (b) lease rental payments under the lease purchase obligation.

2103 (2) It is the intent of the Legislature that the Department of Transportation dispose of
2104 surplus real properties and use the proceeds from those properties to acquire or construct
2105 through the Division of Facilities Construction and Management a new District Two Complex.

2106 (3) It is the intent of the Legislature that the State Building Board allocate funds from
2107 the Capital Improvement appropriation and donations to cover costs associated with the
2108 upgrade of the Governor's Residence that go beyond the restoration costs which can be covered
2109 by insurance proceeds.

2110 (4) (a) It is the intent of the Legislature to authorize the State Building Ownership
2111 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
2112 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
2113 participation interests may be created, to provide up to \$10,600,000 for the construction of a
2114 Natural Resources Building in Salt Lake City, together with additional amounts necessary to:

- 2115 (i) pay costs of issuance;
2116 (ii) pay capitalized interest; and
2117 (iii) fund any debt service reserve requirements.

2118 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2119 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2120 director of the Division of Finance, and the executive director of the Governor's Office of
2121 [~~Management~~] Planning and Budget.

2122 (c) It is the intent of the Legislature that the operating budget for the Department of
2123 Natural Resources not be increased to fund these lease payments.

2124 (5) (a) It is the intent of the Legislature to authorize the State Building Ownership
2125 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
2126 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
2127 participation interests may be created, to provide up to \$8,300,000 for the acquisition of the
2128 office buildings currently occupied by the Department of Environmental Quality and
2129 approximately 19 acres of additional vacant land at the Airport East Business Park in Salt Lake
2130 City, together with additional amounts necessary to:

- 2131 (i) pay costs of issuance;
2132 (ii) pay capitalized interest; and
2133 (iii) fund any debt service reserve requirements.

2134 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2135 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2136 director of the Division of Finance, and the executive director of the Governor's Office of
2137 [~~Management~~] Planning and Budget.

2138 (6) (a) It is the intent of the Legislature to authorize the State Building Ownership
2139 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
2140 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
2141 participation interests may be created, to provide up to \$9,000,000 for the acquisition or
2142 construction of up to two field offices for the Department of Human Services in the
2143 southwestern portion of Salt Lake County, together with additional amounts necessary to:

- 2144 (i) pay costs of issuance;
- 2145 (ii) pay capitalized interest; and
- 2146 (iii) fund any debt service reserve requirements.

2147 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2148 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2149 director of the Division of Finance, and the executive director of the Governor's Office of
2150 [~~Management~~] Planning and Budget.

2151 (7) (a) It is the intent of the Legislature to authorize the State Building Ownership
2152 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
2153 issue or execute obligations or enter into or arrange for lease purchase agreements in which
2154 participation interests may be created, to provide up to \$5,000,000 for the acquisition or
2155 construction of up to 13 stores for the Department of Alcoholic Beverage Control, together
2156 with additional amounts necessary to:

- 2157 (i) pay costs of issuance;
- 2158 (ii) pay capitalized interest; and
- 2159 (iii) fund any debt service reserve requirements.

2160 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2161 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2162 director of the Division of Finance, and the executive director of the Governor's Office of
2163 [~~Management~~] Planning and Budget.

2164 (c) It is the intent of the Legislature that the operating budget for the Department of

2165 Alcoholic Beverage Control not be increased to fund these lease payments.

2166 (8) (a) It is the intent of the Legislature to authorize the State Building Ownership
2167 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
2168 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
2169 participation interests may be created, to provide up to \$6,800,000 for the construction of a
2170 Prerelease and Parole Center for the Department of Corrections, containing a minimum of 300
2171 beds, together with additional amounts necessary to:

- 2172 (i) pay costs of issuance;
2173 (ii) pay capitalized interest; and
2174 (iii) fund any debt service reserve requirements.

2175 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2176 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2177 director of the Division of Finance, and the executive director of the Governor's Office of
2178 [~~Management~~] Planning and Budget.

2179 (9) If S.B. 275, 1994 General Session, which authorizes funding for a Courts Complex
2180 in Salt Lake City, becomes law, it is the intent of the Legislature that:

2181 (a) the Legislative Management Committee, the Interim Appropriation Subcommittees
2182 for General Government and Capital Facilities and Executive Offices, Courts, and Corrections,
2183 the Office of the Legislative Fiscal Analyst, the Governor's Office of [~~Management~~] Planning
2184 and Budget, and the State Building Board participate in a review of the proposed facility design
2185 for the Courts Complex no later than December 1994; and

2186 (b) although this review will not affect the funding authorization issued by the 1994
2187 Legislature, it is expected that Division of Facilities Construction and Management will give
2188 proper attention to concerns raised in these reviews and make appropriate design changes
2189 pursuant to the review.

2190 (10) It is the intent of the Legislature that:

2191 (a) the Division of Facilities Construction and Management, in cooperation with the
2192 Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services,
2193 develop a flexible use prototype facility for the Division of Youth Corrections renamed in 2003
2194 to the Division of Juvenile Justice Services;

2195 (b) the development process use existing prototype proposals unless it can be

2196 quantifiably demonstrated that the proposals cannot be used;

2197 (c) the facility is designed so that with minor modifications, it can accommodate
2198 detention, observation and assessment, transition, and secure programs as needed at specific
2199 geographical locations;

2200 (d) (i) funding as provided in the fiscal year 1995 bond authorization for the Division
2201 of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services is used to
2202 design and construct one facility and design the other;

2203 (ii) the Division of Youth Corrections renamed in 2003 to the Division of Juvenile
2204 Justice Services shall:

2205 (A) determine the location for the facility for which design and construction are fully
2206 funded; and

2207 (B) in conjunction with the Division of Facilities Construction and Management,
2208 determine the best methodology for design and construction of the fully funded facility;

2209 (e) the Division of Facilities Construction and Management submit the prototype as
2210 soon as possible to the Infrastructure and General Government Appropriations Subcommittee
2211 and Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee for
2212 review;

2213 (f) the Division of Facilities Construction and Management issue a Request for
2214 Proposal for one of the facilities, with that facility designed and constructed entirely by the
2215 winning firm;

2216 (g) the other facility be designed and constructed under the existing Division of
2217 Facilities Construction and Management process;

2218 (h) that both facilities follow the program needs and specifications as identified by
2219 Division of Facilities Construction and Management and the Division of Youth Corrections
2220 renamed in 2003 to the Division of Juvenile Justice Services in the prototype; and

2221 (i) the fully funded facility should be ready for occupancy by September 1, 1995.

2222 (11) It is the intent of the Legislature that the fiscal year 1995 funding for the State Fair
2223 Park Master Study be used by the Division of Facilities Construction and Management to
2224 develop a master plan for the State Fair Park that:

2225 (a) identifies capital facilities needs, capital improvement needs, building
2226 configuration, and other long term needs and uses of the State Fair Park and its buildings; and

2227 (b) establishes priorities for development, estimated costs, and projected timetables.

2228 (12) It is the intent of the Legislature that:

2229 (a) the Division of Facilities Construction and Management, in cooperation with the
2230 Division of Parks and Recreation and surrounding counties, develop a master plan and general
2231 program for the phased development of Antelope Island;

2232 (b) the master plan:

2233 (i) establish priorities for development;

2234 (ii) include estimated costs and projected time tables; and

2235 (iii) include recommendations for funding methods and the allocation of
2236 responsibilities between the parties; and

2237 (c) the results of the effort be reported to the Natural Resources, Agriculture, and
2238 Environmental Quality Appropriations Subcommittee and Infrastructure and General
2239 Government Appropriations Subcommittee.

2240 (13) It is the intent of the Legislature to authorize the University of Utah to use:

2241 (a) bond reserves to plan, design, and construct the Kingsbury Hall renovation under
2242 the supervision of the director of the Division of Facilities Construction and Management
2243 unless supervisory authority is delegated by the director; and

2244 (b) donated and other nonappropriated funds to plan, design, and construct the Biology
2245 Research Building under the supervision of the director of the Division of Facilities
2246 Construction and Management unless supervisory authority is delegated by the director.

2247 (14) It is the intent of the Legislature to authorize Utah State University to use:

2248 (a) federal and other funds to plan, design, and construct the Bee Lab under the
2249 supervision of the director of the Division of Facilities Construction and Management unless
2250 supervisory authority is delegated by the director;

2251 (b) donated and other nonappropriated funds to plan, design, and construct an Athletic
2252 Facility addition and renovation under the supervision of the director of the Division of
2253 Facilities Construction and Management unless supervisory authority is delegated by the
2254 director;

2255 (c) donated and other nonappropriated funds to plan, design, and construct a renovation
2256 to the Nutrition and Food Science Building under the supervision of the director of the
2257 Division of Facilities Construction and Management unless supervisory authority is delegated

2258 by the director; and

2259 (d) federal and private funds to plan, design, and construct the Millville Research
2260 Facility under the supervision of the director of the Division of Facilities Construction and
2261 Management unless supervisory authority is delegated by the director.

2262 (15) It is the intent of the Legislature to authorize Salt Lake Community College to use:

2263 (a) institutional funds to plan, design, and construct a remodel to the Auto Trades
2264 Office and Learning Center under the supervision of the director of the Division of Facilities
2265 Construction and Management unless supervisory authority is delegated by the director;

2266 (b) institutional funds to plan, design, and construct the relocation and expansion of a
2267 temporary maintenance compound under the supervision of the director of the Division of
2268 Facilities Construction and Management unless supervisory authority is delegated by the
2269 director; and

2270 (c) institutional funds to plan, design, and construct the Alder Amphitheater under the
2271 supervision of the director of the Division of Facilities Construction and Management unless
2272 supervisory authority is delegated by the director.

2273 (16) It is the intent of the Legislature to authorize Southern Utah University to use:

2274 (a) federal funds to plan, design, and construct a Community Services Building under
2275 the supervision of the director of the Division of Facilities Construction and Management
2276 unless supervisory authority is delegated by the director; and

2277 (b) donated and other nonappropriated funds to plan, design, and construct a stadium
2278 expansion under the supervision of the director of the Division of Facilities Construction and
2279 Management unless supervisory authority is delegated by the director.

2280 (17) It is the intent of the Legislature to authorize the Department of Corrections to use
2281 donated funds to plan, design, and construct a Prison Chapel at the Central Utah Correctional
2282 Facility in Gunnison under the supervision of the director of the Division of Facilities
2283 Construction and Management unless supervisory authority is delegated by the director.

2284 (18) If the Utah National Guard does not relocate in the Signetics Building, it is the
2285 intent of the Legislature to authorize the Guard to use federal funds and funds from Provo City
2286 to plan and design an Armory in Provo, Utah, under the supervision of the director of the
2287 Division of Facilities Construction and Management unless supervisory authority is delegated
2288 by the director.

2289 (19) It is the intent of the Legislature that the Utah Department of Transportation use
2290 \$250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in
2291 Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

2292 (20) It is the intent of the Legislature that the Ogden-Weber Applied Technology
2293 Center use the money appropriated for fiscal year 1995 to design the Metal Trades Building
2294 and purchase equipment for use in that building that could be used in metal trades or other
2295 programs in other Applied Technology Centers.

2296 (21) It is the intent of the Legislature that the Bridgerland Applied Technology Center
2297 and the Ogden-Weber Applied Technology Center projects as designed in fiscal year 1995 be
2298 considered as the highest priority projects for construction funding in fiscal year 1996.

2299 (22) It is the intent of the Legislature that:

2300 (a) the Division of Facilities Construction and Management complete physical space
2301 utilization standards by June 30, 1995, for the use of technology education activities;

2302 (b) these standards are to be developed with and approved by the State Board of
2303 Education, the Board of Regents, and the Utah State Building Board;

2304 (c) these physical standards be used as the basis for:

2305 (i) determining utilization of any technology space based on number of stations capable
2306 and occupied for any given hour of operation; and

2307 (ii) requests for any new space or remodeling;

2308 (d) the fiscal year 1995 projects at the Bridgerland Applied Technology Center and the
2309 Ogden-Weber Applied Technology Center are exempt from this process; and

2310 (e) the design of the Davis Applied Technology Center take into account the utilization
2311 formulas established by the Division of Facilities Construction and Management.

2312 (23) It is the intent of the Legislature that Utah Valley State College may use the
2313 money from the bond allocated to the remodel of the Signetics building to relocate its technical
2314 education programs at other designated sites or facilities under the supervision of the director
2315 of the Division of Facilities Construction and Management unless supervisory authority is
2316 delegated by the director.

2317 (24) It is the intent of the Legislature that the money provided for the fiscal year 1995
2318 project for the Bridgerland Applied Technology Center be used to design and construct the
2319 space associated with Utah State University and design the technology center portion of the

2320 project.

2321 (25) It is the intent of the Legislature that the governor provide periodic reports on the
2322 expenditure of the funds provided for electronic technology, equipment, and hardware to the
2323 Infrastructure and General Government Appropriations Subcommittee, and the Legislative
2324 Management Committee.

2325 Section 36. Section **63B-4-201** is amended to read:

2326 **63B-4-201. Legislative intent statements -- Capital facilities.**

2327 (1) (a) It is the intent of the Legislature that the University of Utah use institutional and
2328 other funds to plan, design, and construct two campus child care centers under the supervision
2329 of the director of the Division of Facilities Construction and Management unless supervisory
2330 authority is delegated by the director.

2331 (b) The university shall work with Salt Lake City and the surrounding neighborhood to
2332 ensure site compatibility for future recreational development by the city.

2333 (2) It is the intent of the Legislature that the University of Utah use institutional funds
2334 to plan, design, and construct:

2335 (a) the Union Parking structure under the supervision of the director of the Division of
2336 Facilities Construction and Management unless supervisory authority is delegated by the
2337 director;

2338 (b) the stadium renovation under the supervision of the director of the Division of
2339 Facilities Construction and Management unless supervisory authority is delegated by the
2340 director;

2341 (c) the Huntsman Cancer Institute under the supervision of the director of the Division
2342 of Facilities Construction and Management unless supervisory authority is delegated by the
2343 director;

2344 (d) the Business Case Method Building under the supervision of the director of the
2345 Division of Facilities Construction and Management unless supervisory authority is delegated
2346 by the director; and

2347 (e) the Fine Arts Museum expansion under the supervision of the director of the
2348 Division of Facilities Construction and Management unless supervisory authority is delegated
2349 by the director.

2350 (3) It is the intent of the Legislature that Utah State University use institutional funds to

2351 plan, design, and construct:

2352 (a) a student health services facility under the supervision of the director of the
2353 Division of Facilities Construction and Management unless supervisory authority is delegated
2354 by the director;

2355 (b) a women's softball field under the supervision of the director of the Division of
2356 Facilities Construction and Management unless supervisory authority is delegated by the
2357 director;

2358 (c) an addition to the Nutrition and Food Services Building under the supervision of
2359 the director of the Division of Facilities Construction and Management unless supervisory
2360 authority is delegated by the director; and

2361 (d) a Human Resource Research Center under the supervision of the director of the
2362 Division of Facilities Construction and Management unless supervisory authority is delegated
2363 by the director.

2364 (4) It is the intent of the Legislature that Weber State University use institutional funds
2365 to plan, design, and construct:

2366 (a) a track renovation under the supervision of the director of the Division of Facilities
2367 Construction and Management unless supervisory authority is delegated by the director; and

2368 (b) the Dee Events Center offices under the supervision of the director of the Division
2369 of Facilities Construction and Management unless supervisory authority is delegated by the
2370 director.

2371 (5) It is the intent of the Legislature that Southern Utah University use:

2372 (a) institutional funds to plan, design, and construct an institutional residence under the
2373 supervision of the director of the Division of Facilities Construction and Management unless
2374 supervisory authority is delegated by the director; and

2375 (b) project revenues and other funds to plan, design, and construct the Shakespearean
2376 Festival support facilities under the supervision of the director of the Division of Facilities
2377 Construction and Management unless supervisory authority is delegated by the director.

2378 (6) It is the intent of the Legislature that Dixie College use institutional funds to plan,
2379 design, and construct an institutional residence under the supervision of the director of the
2380 Division of Facilities Construction and Management unless supervisory authority is delegated
2381 by the director.

2382 (7) It is the intent of the Legislature that the Division of Forestry, Fire, and State Lands
2383 use federal and other funds to plan, design, and construct a wetlands enhancement facility
2384 under the supervision of the director of the Division of Facilities Construction and
2385 Management unless supervisory authority is delegated by the director.

2386 (8) (a) As provided in Subsection 63A-5b-609(2), the funds appropriated to the Project
2387 Reserve Fund may only be used for the award of contracts in excess of the construction budget
2388 if these funds are required to meet the intent of the project.

2389 (b) It is the intent of the Legislature that:

2390 (i) up to \$2,000,000 of the amount may be used to award the construction contract for
2391 the Ogden Court Building; and

2392 (ii) the need for any funds remaining as of December 31, 1995 be reviewed by the 1996
2393 Legislature.

2394 (9) (a) It is the intent of the Legislature that the State Building Ownership Authority,
2395 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue
2396 or execute obligations or enter into or arrange for a lease purchase agreement in which
2397 participation interests may be created to provide up to \$539,700 for the purchase and
2398 demolition of the Keyston property and construction of parking facilities adjacent to the State
2399 Board of Education building in Salt Lake City, with additional amounts necessary to:

2400 (i) pay costs of issuance;

2401 (ii) pay capitalized interest; and

2402 (iii) fund any debt service reserve requirements.

2403 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2404 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2405 director of the Division of Finance, and the executive director of the Governor's Office of
2406 [~~Management~~] Planning and Budget.

2407 (10) (a) It is the intent of the Legislature that the money appropriated for Phase One of
2408 the Remodeling/Life Safety Upgrades of the Browning Fine Arts Center at Weber State
2409 University is to include design of full code compliance, life safety, space necessary to maintain
2410 required programs, and seismic upgrades.

2411 (b) The design shall identify the full scope and cost of Phase Two of the remodeling for
2412 funding consideration in the fiscal year 1997 budget cycle.

2413 (11) It is the intent of the Legislature that:

2414 (a) the fiscal year 1996 appropriation for the Davis County Higher Education land
2415 purchase includes up to \$250,000 for planning purposes;

2416 (b) the Division of Facilities Construction and Management, the Board of Regents, and
2417 the assigned institution of higher education work jointly to ensure the following elements are
2418 part of the planning process:

2419 (i) projections of student enrollment and programmatic needs for the next 10 years;

2420 (ii) review and make recommendations for better use of existing space, current
2421 technologies, public/private partnerships, and other alternatives as a means to reduce the need
2422 for new facilities and still accommodate the projected student needs; and

2423 (iii) use of a master plan that includes issues of utilities, access, traffic circulation,
2424 drainage, rights of way, future developments, and other infrastructure items considered
2425 appropriate; and

2426 (c) every effort is used to minimize expenditures for this part until a definitive decision
2427 has been made by BRACC relative to Hill Air Force Base.

2428 (12) (a) It is the intent of the Legislature that the State Building Ownership Authority,
2429 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue
2430 or execute obligations or enter into or arrange for a lease purchase agreement in which
2431 participation interests may be created, to provide up to \$7,400,000 for the acquisition and
2432 improvement of the Human Services Building located at 120 North 200 West, Salt Lake City,
2433 Utah, with associated parking for the Department of Human Services together with additional
2434 amounts necessary to:

2435 (i) pay costs of issuance;

2436 (ii) pay capitalized interest; and

2437 (iii) fund any debt service reserve requirements.

2438 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2439 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2440 director of the Division of Finance, and the executive director of the Governor's Office of
2441 [~~Management~~] Planning and Budget.

2442 (13) (a) It is the intent of the Legislature that the State Building Ownership Authority,
2443 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue

2444 or execute obligations or enter into or arrange for a lease purchase agreement in which
2445 participation interests may be created to provide up to \$63,218,600 for the construction of a
2446 Salt Lake Courts Complex together with additional amounts necessary to:

- 2447 (i) pay costs of issuance;
- 2448 (ii) pay capitalized interest; and
- 2449 (iii) fund any debt service reserve requirements.

2450 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2451 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2452 director of the Division of Finance, and the executive director of the Governor's Office of
2453 [~~Management~~] Planning and Budget.

2454 (c) It is the intent of the Legislature that the Division of Facilities Construction and
2455 Management lease land to the State Building Ownership Authority for the construction of a
2456 Salt Lake Courts Complex.

2457 (14) It is the intent of the Legislature that:

2458 (a) the Board of Regents use the higher education design project money to design no
2459 more than two higher education projects from among the following projects:

- 2460 (i) Utah State University Eastern - Student Center;
- 2461 (ii) Snow College - Noyes Building;
- 2462 (iii) University of Utah - Gardner Hall;
- 2463 (iv) Utah State University - Widtsoe Hall; or
- 2464 (v) Southern Utah University - Physical Education Building; and

2465 (b) the higher education institutions that receive approval from the Board of Regents to
2466 design projects under this chapter design those projects under the supervision of the director of
2467 the Division of Facilities Construction and Management unless supervisory authority is
2468 delegated by the director.

2469 (15) It is the intent of the Legislature that:

2470 (a) the Board of Regents may authorize the University of Utah to use institutional
2471 funds and donated funds to design Gardner Hall; and

2472 (b) if authorized by the Board of Regents, the University of Utah may use institutional
2473 funds and donated funds to design Gardner Hall under the supervision of the director of the
2474 Division of Facilities Construction and Management unless supervisory authority is delegated

2475 by the director.

2476 (16) It is the intent of the Legislature that the Division of Facilities Construction and
2477 Management use up to \$250,000 of the capital improvement money to fund the site
2478 improvements required at the San Juan campus of the Utah State University Eastern.

2479 Section 37. Section **63B-4-301** is amended to read:

2480 **63B-4-301. Bonds for golf course at Wasatch Mountain State Park.**

2481 (1) The State Building Ownership Authority under authority of Title 63B, Chapter 1,
2482 Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into
2483 or arrange for a lease purchase agreement in which participation interests may be created, to
2484 provide up to \$2,500,000 for a new nine-hole golf course at Wasatch Mountain State Park for
2485 the Division of Parks and Recreation, together with additional amounts necessary to:

2486 (a) pay costs of issuance;

2487 (b) pay capitalized interest; and

2488 (c) fund any debt service reserve requirements.

2489 (2) (a) The State Building Ownership Authority shall work cooperatively with the
2490 Division of Parks and Recreation to seek out the most cost effective and prudent lease purchase
2491 plan available.

2492 (b) The state treasurer, the director of the Division of Finance, and the executive
2493 director of the Governor's Office of ~~[Management]~~ Planning and Budget shall provide technical
2494 assistance to accomplish the purpose specified in Subsection (2)(a).

2495 Section 38. Section **63C-4a-308** is amended to read:

2496 **63C-4a-308. Commission duties with regards to federal lands.**

2497 The commission shall:

2498 (1) review and make recommendations on the transfer of federally controlled public
2499 lands to the state;

2500 (2) review and make recommendations regarding the state's sovereign right to protect
2501 the health, safety, and welfare of its citizens as it relates to public lands, including
2502 recommendations concerning the use of funds in the account created in Section ~~63C-4a-404~~;

2503 (3) study and evaluate the recommendations of the public lands transfer study and
2504 economic analysis conducted by the Public Lands Policy Coordinating Office in accordance
2505 with Section ~~[63J-4-606]~~ 63L-11-304;

2506 (4) coordinate with and report on the efforts of the executive branch, the counties and
2507 political subdivisions of the state, the state congressional delegation, western governors, other
2508 states, and other stakeholders concerning the transfer of federally controlled public lands to the
2509 state including convening working groups, such as a working group composed of members of
2510 the Utah Association of Counties;

2511 (5) study and make recommendations regarding the appropriate designation of public
2512 lands transferred to the state, including stewardship of the land and appropriate uses of the
2513 land;

2514 (6) study and make recommendations regarding the use of funds received by the state
2515 from the public lands transferred to the state; and

2516 (7) receive reports from and make recommendations to the attorney general, the
2517 Legislature, and other stakeholders involved in litigation on behalf of the state's interest in the
2518 transfer of public lands to the state, regarding:

2519 (a) preparation for potential litigation;

2520 (b) selection of outside legal counsel;

2521 (c) ongoing legal strategy for the transfer of public lands; and

2522 (d) use of money:

2523 (i) appropriated by the Legislature for the purpose of securing the transfer of public
2524 lands to the state under Section 63C-4a-404; and

2525 (ii) disbursed from the Public Lands Litigation Expendable Special Revenue Fund
2526 created in Section 63C-4a-405.

2527 Section 39. Section 63C-4a-402 is amended to read:

2528 **63C-4a-402. Creation of Constitutional Defense Restricted Account -- Sources of**
2529 **funds -- Uses of funds -- Reports.**

2530 (1) There is created a restricted account within the General Fund known as the
2531 Constitutional Defense Restricted Account.

2532 (2) The account consists of money from the following revenue sources:

2533 (a) money deposited to the account as required by Section 53C-3-203;

2534 (b) voluntary contributions;

2535 (c) money received by the council from other state agencies; and

2536 (d) appropriations made by the Legislature.

2537 (3) The Legislature may annually appropriate money from the Constitutional Defense
2538 Restricted Account to one or more of the following:

2539 (a) the commission, to fund the commission and for the commission's duties;

2540 (b) the council, to fund the council and for the council's duties;

2541 (c) the Public Lands Policy Coordinating Office to carry out its duties in Section
2542 [~~63J-4-603~~] [63L-11-202](#);

2543 (d) the Office of the Governor, to be used only for the purpose of asserting, defending,
2544 or litigating:

2545 (i) an issue arising with another state regarding the use or ownership of water; or

2546 (ii) state and local government rights under R.S. 2477, in accordance with a plan
2547 developed and approved as provided in Section [63C-4a-403](#);

2548 (e) a county or association of counties to assist counties, consistent with the purposes
2549 of the council, in pursuing issues affecting the counties;

2550 (f) the Office of the Attorney General, to be used only:

2551 (i) for public lands counsel and assistance and litigation to the state or local
2552 governments including asserting, defending, or litigating state and local government rights
2553 under R.S. 2477 in accordance with a plan developed and approved as provided in Section
2554 [63C-4a-403](#);

2555 (ii) for an action filed in accordance with Section [67-5-29](#);

2556 (iii) to advise the council; or

2557 (iv) for asserting, defending, or litigating an issue arising with another state regarding
2558 the use or ownership of water;

2559 (g) the Office of the Attorney General or any other state or local government entity to
2560 bring an action to establish the right of a state or local government officer or employee to enter
2561 onto federal land or use a federal road or an R.S. 2477 road, in the officer's or employee's
2562 official capacity, to protect the health, safety, or welfare of a citizen of the state; or

2563 (h) the Office of Legislative Research and General Counsel, to provide staff support to
2564 the commission.

2565 (4) (a) The council shall require that any entity, other than the commission, that
2566 receives money from the account provide financial reports and litigation reports to the council.

2567 (b) Nothing in this Subsection (4) prohibits the commission or the council from closing

2568 a meeting under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the
2569 commission or the council from complying with Title 63G, Chapter 2, Government Records
2570 Access and Management Act.

2571 Section 40. Section **63C-9-301** is amended to read:

2572 **63C-9-301. Board powers -- Subcommittees.**

2573 (1) The board shall:

2574 (a) except as provided in Subsection (2), exercise complete jurisdiction and
2575 stewardship over capitol hill facilities, capitol hill grounds, and the capitol hill complex;

2576 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities,
2577 capitol hill grounds, and their contents;

2578 (c) before October 1 of each year, review and approve the executive director's annual
2579 budget request for submittal to the governor and Legislature;

2580 (d) by October 1 of each year, prepare and submit a recommended budget request for
2581 the upcoming fiscal year for the capitol hill complex to:

2582 (i) the governor, through the Governor's Office of [~~Management~~] Planning and Budget;
2583 and

2584 (ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities,
2585 through the Office of the Legislative Fiscal Analyst;

2586 (e) review and approve the executive director's:

2587 (i) annual work plan;

2588 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and
2589 capitol hill grounds; and

2590 (iii) furnishings plan for placement and care of objects under the care of the board;

2591 (f) approve all changes to the buildings and their grounds, including:

2592 (i) restoration, remodeling, and rehabilitation projects;

2593 (ii) usual maintenance program; and

2594 (iii) any transfers or loans of objects under the board's care;

2595 (g) define and identify all significant aspects of the capitol hill complex, capitol hill
2596 facilities, and capitol hill grounds, after consultation with the:

2597 (i) Division of Facilities Construction and Management;

2598 (ii) State Library Division;

- 2599 (iii) Division of Archives and Records Service;
- 2600 (iv) Division of State History;
- 2601 (v) Office of Museum Services; and
- 2602 (vi) Arts Council;
- 2603 (h) inventory, define, and identify all significant contents of the buildings and all
- 2604 state-owned items of historical significance that were at one time in the buildings, after
- 2605 consultation with the:
- 2606 (i) Division of Facilities Construction and Management;
- 2607 (ii) State Library Division;
- 2608 (iii) Division of Archives and Records Service;
- 2609 (iv) Division of State History;
- 2610 (v) Office of Museum Services; and
- 2611 (vi) Arts Council;
- 2612 (i) maintain archives relating to the construction and development of the buildings, the
- 2613 contents of the buildings and their grounds, including documents such as plans, specifications,
- 2614 photographs, purchase orders, and other related documents, the original copies of which shall
- 2615 be maintained by the Division of Archives and Records Service;
- 2616 (j) comply with federal and state laws related to program and facility accessibility; and
- 2617 (k) establish procedures for receiving, hearing, and deciding complaints or other issues
- 2618 raised about the capitol hill complex, capitol hill facilities, and capitol hill grounds, or their
- 2619 use.
- 2620 (2) (a) Notwithstanding Subsection (1)(a), the supervision and control of the legislative
- 2621 area, as defined in Section [36-5-1](#), is reserved to the Legislature; and
- 2622 (b) the supervision and control of the governor's area, as defined in Section [67-1-16](#), is
- 2623 reserved to the governor.
- 2624 (3) (a) The board shall make rules to govern, administer, and regulate the capitol hill
- 2625 complex, capitol hill facilities, and capitol hill grounds by following the procedures and
- 2626 requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2627 (b) A violation of a rule relating to the use of the capitol hill complex adopted by the
- 2628 board under the authority of this Subsection (3) is an infraction.
- 2629 (c) If an act violating a rule under Subsection (3)(b) also amounts to an offense subject

2630 to a greater penalty under this title, Title 32B, Alcoholic Beverage Control Act, Title 41, Motor
2631 Vehicles, Title 76, Utah Criminal Code, or other provision of state law, Subsection (3)(b) does
2632 not prohibit prosecution and sentencing for the more serious offense.

2633 (d) In addition to any punishment allowed under Subsections (3)(b) and (c), a person
2634 who violates a rule adopted by the board under the authority of this Subsection (3) is subject to
2635 a civil penalty not to exceed \$2,500 for each violation, plus the amount of any actual damages,
2636 expenses, and costs related to the violation of the rule that are incurred by the state.

2637 (e) The board may take any other legal action allowed by law.

2638 (f) The board may not apply this section or rules adopted under the authority of this
2639 section in a manner that violates a person's rights under the Utah Constitution or the First
2640 Amendment to the United States Constitution, including the right of persons to peaceably
2641 assemble.

2642 (g) The board shall send proposed rules under this section to the legislative general
2643 counsel and the governor's general counsel for review and comment before the board adopts the
2644 rules.

2645 (4) The board is exempt from the requirements of Title 63G, Chapter 6a, Utah
2646 Procurement Code, but shall adopt procurement rules substantially similar to the requirements
2647 of that chapter.

2648 (5) The board shall name the House Building, that is defined in Section 36-5-1, the
2649 "Rebecca D. Lockhart House Building."

2650 (6) (a) The board may:

2651 (i) establish subcommittees made up of board members and members of the public to
2652 assist and support the executive director in accomplishing the executive director's duties;

2653 (ii) establish fees for the use of capitol hill facilities and capitol hill grounds;

2654 (iii) assign and allocate specific duties and responsibilities to any other state agency, if
2655 the other agency agrees to perform the duty or accept the responsibility;

2656 (iv) contract with another state agency to provide services;

2657 (v) delegate by specific motion of the board any authority granted to it by this section
2658 to the executive director;

2659 (vi) in conjunction with Salt Lake City, expend money to improve or maintain public
2660 property contiguous to East Capitol Boulevard and capitol hill;

2661 (vii) provide wireless Internet service to the public without a fee in any capitol hill
2662 facility; and

2663 (viii) when necessary, consult with the:

2664 (A) Division of Facilities Construction and Management;

2665 (B) State Library Division;

2666 (C) Division of Archives and Records Service;

2667 (D) Division of State History;

2668 (E) Office of Museum Services; and

2669 (F) Arts Council.

2670 (b) The board's provision of wireless Internet service under Subsection (6)(a)(vii) shall
2671 be discontinued in the legislative area if the president of the Senate and the speaker of the
2672 House of Representatives each submit a signed letter to the board indicating that the service is
2673 disruptive to the legislative process and is to be discontinued.

2674 (c) If a budget subcommittee is established by the board, the following shall serve as ex
2675 officio, nonvoting members of the budget subcommittee:

2676 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the Office
2677 of the Legislative Fiscal Analyst; and

2678 (ii) the executive director of the Governor's Office of [~~Management~~] Planning and
2679 Budget, or the executive director's designee, who shall be from the Governor's Office of
2680 [~~Management~~] Planning and Budget.

2681 (d) If a preservation and maintenance subcommittee is established by the board, the
2682 board may, by majority vote, appoint one or each of the following to serve on the
2683 subcommittee as voting members of the subcommittee:

2684 (i) an architect, who shall be selected from a list of three architects submitted by the
2685 American Institute of Architects; or

2686 (ii) an engineer, who shall be selected from a list of three engineers submitted by the
2687 American Civil Engineers Council.

2688 (e) If the board establishes any subcommittees, the board may, by majority vote,
2689 appoint up to two people who are not members of the board to serve, at the will of the board, as
2690 nonvoting members of a subcommittee.

2691 (f) Members of each subcommittee shall, at the first meeting of each calendar year,

2692 select one individual to act as chair of the subcommittee for a one-year term.

2693 (7) (a) The board, and the employees of the board, may not move the office of the
2694 governor, lieutenant governor, president of the Senate, speaker of the House of
2695 Representatives, or a member of the Legislature from the State Capitol unless the removal is
2696 approved by:

2697 (i) the governor, in the case of the governor's office;

2698 (ii) the lieutenant governor, in the case of the lieutenant governor's office;

2699 (iii) the president of the Senate, in the case of the president's office or the office of a
2700 member of the Senate; or

2701 (iv) the speaker of the House of Representatives, in the case of the speaker's office or
2702 the office of a member of the House.

2703 (b) The board and the employees of the board have no control over the furniture,
2704 furnishings, and decorative objects in the offices of the governor, lieutenant governor, or the
2705 members of the Legislature except as necessary to inventory or conserve items of historical
2706 significance owned by the state.

2707 (c) The board and the employees of the board have no control over records and
2708 documents produced by or in the custody of a state agency, official, or employee having an
2709 office in a building on the capitol hill complex.

2710 (d) Except for items identified by the board as having historical significance, and
2711 except as provided in Subsection (7)(b), the board and the employees of the board have no
2712 control over moveable furnishings and equipment in the custody of a state agency, official, or
2713 employee having an office in a building on the capitol hill complex.

2714 Section 41. Section **63C-20-103** is amended to read:

2715 **63C-20-103. Utah Population Committee -- Creation.**

2716 (1) There is created the Utah Population Committee composed of the following
2717 members:

2718 (a) the director of the Kem C. Gardner Policy Institute at the University of Utah or the
2719 director's designee;

2720 (b) the director of the Population Research Laboratory at Utah State University or the
2721 director's designee;

2722 (c) the state planning coordinator appointed under Section [[63J-4-202](#)] [63J-4-401](#);

- 2723 (d) the director of the Workforce Research and Analysis Division within the
2724 Department of Workforce Services or the director's designee;
- 2725 (e) the director of the Office of Vital Records and Statistics or the director's designee;
- 2726 (f) the state superintendent of public instruction or the superintendent's designee;
- 2727 (g) the chair of the State Tax Commission or the chair's designee;
- 2728 (h) the legislative fiscal analyst or the legislative fiscal analyst's designee;
- 2729 (i) the commissioner of higher education or the commissioner's designee; and
- 2730 (j) any additional member appointed under Subsection (2).

2731 (2) (a) By a majority vote of the members of the committee, the committee may
2732 appoint one or more additional members to serve on the committee at the pleasure of the
2733 committee.

2734 (b) The committee shall ensure that each additional member appointed under
2735 Subsection (2)(a) is a data provider or a representative of a data provider.

2736 (3) The director of the Kem C. Gardner Policy Institute or the director's designee
2737 described in Subsection (1)(a) is the chair of the committee.

2738 Section 42. Section **63C-20-105** is amended to read:

2739 **63C-20-105. State use of committee estimates -- Compliance.**

2740 (1) Except as provided in Subsection (2), and unless otherwise provided in statute or
2741 rule, if an executive branch entity, legislative branch entity, or independent entity is required to
2742 perform an action or make a determination based on a population estimate, the entity shall use
2743 a population estimate that the committee produces, if available.

2744 (2) (a) The Governor's Office of [~~Management~~] Planning and Budget may make rules
2745 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to use a
2746 population estimate other than a population estimate that the committee produces.

2747 (b) For the purpose of creating a revenue estimate, the Governor's Office of
2748 [~~Management~~] Planning and Budget and the Office of the Legislative Fiscal Analyst are not
2749 required to use a population estimate that the committee produces.

2750 (c) For redistricting purposes, a legislative branch entity shall give priority to a
2751 population estimate that is produced by the United States Bureau of the Census.

2752 (3) A newly incorporated political subdivision shall provide the committee with a list
2753 of residential building permits issued within the boundaries of the political subdivision since

2754 the last decennial census.

2755 Section 43. Section **63F-1-104** is amended to read:

2756 **63F-1-104. Duties of Department of Technology Services.**

2757 The department shall:

2758 (1) lead state executive branch agency efforts to establish and reengineer the state's
2759 information technology architecture with the goal of coordinating central and individual agency
2760 information technology in a manner that:

2761 (a) ensures compliance with the executive branch agency strategic plan; and

2762 (b) ensures that cost-effective, efficient information and communication systems and
2763 resources are being used by agencies to:

2764 (i) reduce data, hardware, and software redundancy;

2765 (ii) improve system interoperability and data accessibility between agencies; and

2766 (iii) meet the agency's and user's business and service needs;

2767 (2) coordinate an executive branch strategic plan for all agencies;

2768 (3) develop and implement processes to replicate information technology best practices
2769 and standards throughout the executive branch;

2770 (4) at least once every odd-numbered year:

2771 (a) evaluate the adequacy of the department's and the executive branch agencies' data
2772 and information technology system security standards through an independent third party
2773 assessment; and

2774 (b) communicate the results of the independent third party assessment to the
2775 appropriate executive branch agencies and to the president of the Senate and the speaker of the
2776 House of Representatives;

2777 (5) oversee the expanded use and implementation of project and contract management
2778 principles as they relate to information technology projects within the executive branch;

2779 (6) serve as general contractor between the state's information technology users and
2780 private sector providers of information technology products and services;

2781 (7) work toward building stronger partnering relationships with providers;

2782 (8) develop service level agreements with executive branch departments and agencies
2783 to ensure quality products and services are delivered on schedule and within budget;

2784 (9) develop standards for application development including a standard methodology

2785 and cost-benefit analysis that all agencies shall utilize for application development activities;

2786 (10) determine and implement statewide efforts to standardize data elements;

2787 (11) coordinate with executive branch agencies to provide basic website standards for
2788 agencies that address common design standards and navigation standards, including:

2789 (a) accessibility for individuals with disabilities in accordance with:

2790 (i) the standards of 29 U.S.C. Sec. 794d; and

2791 (ii) Section 63F-1-210;

2792 (b) consistency with standardized government security standards;

2793 (c) designing around user needs with data-driven analysis influencing management and
2794 development decisions, using qualitative and quantitative data to determine user goals, needs,
2795 and behaviors, and continual testing of the website, web-based form, web-based application, or
2796 digital service to ensure that user needs are addressed;

2797 (d) providing users of the website, web-based form, web-based application, or digital
2798 service with the option for a more customized digital experience that allows users to complete
2799 digital transactions in an efficient and accurate manner; and

2800 (e) full functionality and usability on common mobile devices;

2801 (12) consider, when making a purchase for an information system, cloud computing
2802 options, including any security benefits, privacy, data retention risks, and cost savings
2803 associated with cloud computing options;

2804 (13) develop systems and methodologies to review, evaluate, and prioritize existing
2805 information technology projects within the executive branch and report to the governor and the
2806 Public Utilities, Energy, and Technology Interim Committee in accordance with 63F-1-201 on
2807 a semiannual basis regarding the status of information technology projects;

2808 (14) assist the Governor's Office of ~~Management~~ Planning and Budget with the
2809 development of information technology budgets for agencies; and

2810 (15) ensure that any training or certification required of a public official or public
2811 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
2812 22, State Training and Certification Requirements, if the training or certification is required:

2813 (a) under this title;

2814 (b) by the department; or

2815 (c) by an agency or division within the department.

2816 Section 44. Section **63F-1-302** is amended to read:

2817 **63F-1-302. Information Technology Rate Committee -- Membership -- Duties.**

2818 (1) (a) There is created an Information Technology Rate Committee, which shall
2819 consist of the executive directors, or the executive director's designee, of seven executive
2820 branch agencies that use services and pay rates to one of the department internal service funds,
2821 appointed by the governor for a two-year term.

2822 (b) (i) Of the seven executive agencies represented on the rate committee under
2823 Subsection (1)(a), only one of the following may be represented on the committee, if at all, at
2824 any one time:

2825 (A) the Governor's Office of [~~Management~~] Planning and Budget;

2826 (B) the Division of Finance; or

2827 (C) the Department of Administrative Services.

2828 (ii) The department may not have a representative on the rate committee.

2829 (c) (i) The committee shall elect a chair from [~~its~~] the committee's members.

2830 (ii) Members of the committee who are state government employees and who do not
2831 receive salary, per diem, or expenses from their agency for their service on the committee shall
2832 receive no compensation, benefits, per diem, or expenses for the member's service on the
2833 committee.

2834 (d) The department shall provide staff services to the committee.

2835 (2) (a) Any internal service funds managed by the department shall submit to the
2836 committee a proposed rate and fee schedule for services rendered by the department to an
2837 executive branch agency or an entity that subscribes to services rendered by the department.

2838 (b) The committee shall:

2839 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings

2840 Act;

2841 (ii) meet at least once each calendar year to:

2842 (A) discuss the service performance of each internal service fund;

2843 (B) review the proposed rate and fee schedules;

2844 (C) determine whether each proposed fee is based on cost recovery as required by

2845 Subsection **63F-1-301**(2)(b);

2846 (D) at the rate committee's discretion, approve, increase, or decrease the rate and fee

2847 schedules described in Subsection (2)(b)(ii)(B); and

2848 (E) discuss any prior or potential adjustments to the service level received by state
2849 agencies that pay rates to an internal service fund;

2850 (iii) recommend a proposed rate and fee schedule for each internal service fund to:

2851 (A) the Governor's Office of ~~Management~~ Planning and Budget; and

2852 (B) the Office of the Legislative Fiscal Analyst for review by the Legislature in
2853 accordance with Section 63J-1-410, which requires the Legislature to approve the internal
2854 service fund agency's rates, fees, and budget in an appropriations act; and

2855 (iv) in accordance with Section 63J-1-410, review and approve, increase or decrease an
2856 interim rate, fee, or amount when an internal service fund agency begins a new service or
2857 introduces a new product between annual general sessions of the Legislature, which rate, fee, or
2858 amount shall be submitted to the Legislature at the next annual general session.

2859 (c) The committee may, in accordance with Subsection 63J-1-410(4), decrease a rate,
2860 fee, or amount that has been approved by the Legislature.

2861 Section 45. Section **63F-1-508** is amended to read:

2862 **63F-1-508. Committee to award grants to counties for inventory and mapping of**
2863 **R.S. 2477 rights-of-way -- Use of grants -- Request for proposals.**

2864 (1) There is created within the center a committee to award grants to counties to
2865 inventory and map R.S. 2477 rights-of-way, associated structures, and other features as
2866 provided by Subsection (5).

2867 (2) (a) The committee shall consist of:

2868 (i) the center manager;

2869 (ii) a representative of the Governor's Office of ~~Management~~ Planning and Budget;

2870 (iii) a representative of Utah State University Extension;

2871 (iv) a representative of the Utah Association of Counties; and

2872 (v) three county commissioners.

2873 (b) The committee members specified in Subsections (2)(a)(ii) through (2)(a)(iv) shall
2874 be selected by the organizations they represent.

2875 (c) The committee members specified in Subsection (2)(a)(v) shall be:

2876 (i) selected by the Utah Association of Counties;

2877 (ii) from rural counties; and

- 2878 (iii) from different regions of the state.
- 2879 (3) (a) The committee shall select a chair from [its] the committee's membership.
- 2880 (b) The committee shall meet upon the call of the chair or a majority of the committee
- 2881 members.
- 2882 (c) Four members shall constitute a quorum.
- 2883 (4) (a) Committee members who are state government employees shall receive no
- 2884 additional compensation for their work on the committee.
- 2885 (b) Committee members who are not state government employees shall receive no
- 2886 compensation or expenses from the state for their work on the committee.
- 2887 (5) (a) The committee shall award grants to counties to:
- 2888 (i) inventory and map R.S. 2477 rights-of-way using Global Positioning System (GPS)
- 2889 technology; and
- 2890 (ii) photograph:
- 2891 (A) roads and other evidence of construction of R.S. 2477 rights-of-way;
- 2892 (B) structures or natural features that may be indicative of the purpose for which an
- 2893 R.S. 2477 right-of-way was created, such as mines, agricultural facilities, recreational
- 2894 facilities, or scenic overlooks; and
- 2895 (C) evidence of valid and existing rights on federal lands, such as mines and
- 2896 agricultural facilities.
- 2897 (b) (i) The committee may allow counties, while they are conducting the activities
- 2898 described in Subsection (5)(a), to use grant money to inventory, map, or photograph other
- 2899 natural or cultural resources.
- 2900 (ii) Activities funded under Subsection (5)(b)(i) must be integrated with existing
- 2901 programs underway by state agencies, counties, or institutions of higher education.
- 2902 (c) Maps and other data acquired through the grants shall become a part of the State
- 2903 Geographic Information Database.
- 2904 (d) Counties shall provide an opportunity to interested parties to submit information
- 2905 relative to the mapping and photographing of R.S. 2477 rights-of-way and other structures as
- 2906 provided in Subsections (5)(a) and (5)(b).
- 2907 (6) (a) The committee shall develop a request for proposals process and issue a request
- 2908 for proposals.

2909 (b) The request for proposals shall require each grant applicant to submit an
2910 implementation plan and identify any monetary or in-kind contributions from the county.

2911 (c) In awarding grants, the committee shall give priority to proposals to inventory, map,
2912 and photograph R.S. 2477 rights-of-way and other structures as specified in Subsection (5)(a)
2913 which are located on federal lands that:

2914 (i) a federal land management agency proposes for special management, such as lands
2915 to be managed as an area of critical environmental concern or primitive area; or

2916 (ii) are proposed to receive a special designation by Congress, such as lands to be
2917 designated as wilderness or a national conservation area.

2918 (7) Each county that receives a grant under the provision of this section shall provide a
2919 copy of all data regarding inventory and mapping to the AGRC for inclusion in the state
2920 database.

2921 Section 46. Section **63F-3-103** is amended to read:

2922 **63F-3-103. Single sign-on business portal -- Creation.**

2923 (1) The department shall, in consultation with the entities described in Subsection (4),
2924 design and create a single sign-on business portal that is:

2925 (a) a web portal through which a person may access data described in Subsection (2),
2926 as agreed upon by the entities described in Subsection (4); and

2927 (b) secure, centralized, and interconnected.

2928 (2) The department shall ensure that the single sign-on business portal allows a person
2929 doing business in the state to access, at a single point of entry, all relevant state-collected
2930 business data about the person, including information related to:

2931 (a) business registration;

2932 (b) workers' compensation;

2933 (c) beginning December 1, 2020, tax liability and payment; and

2934 (d) other information collected by the state that the department determines is relevant
2935 to a person doing business in the state.

2936 (3) The department shall develop the single sign-on business portal:

2937 (a) using an open platform that:

2938 (i) facilitates participation in the web portal by a state entity;

2939 (ii) allows for optional participation by a political subdivision of the state; and

- 2940 (iii) contains a link to the State Tax Commission website; and
2941 (b) in a manner that anticipates the creation of the single sign-on citizen portal
2942 described in Section [63F-3-103.5](#).
2943 (4) In developing the single sign-on business portal, the department shall consult with:
2944 (a) the Department of Commerce;
2945 (b) the State Tax Commission;
2946 (c) the Labor Commission;
2947 (d) the Department of Workforce Services;
2948 (e) the Governor's Office of [~~Management~~] Planning and Budget;
2949 (f) the Utah League of Cities and Towns;
2950 (g) the Utah Association of Counties; and
2951 (h) the business community that is likely to use the single sign-on business portal.
2952 (5) The department shall ensure that the single sign-on business portal is fully
2953 operational no later than May 1, 2021.

2954 Section 47. Section **63F-4-102** is amended to read:

2955 **63F-4-102. Definitions.**

2956 As used in this chapter:

- 2957 (1) "Executive branch agency" means a department, division, or other agency within
2958 the executive branch of state government.
2959 (2) "Governor's budget office" means the Governor's Office of [~~Management~~] Planning
2960 and Budget, created in Section [63J-4-201](#).
2961 (3) "Review board" means the Architecture Review Board established within the
2962 department.
2963 (4) "Technology innovation" means a new information technology not previously in
2964 use or a substantial adaptation or modification of an existing information technology.
2965 (5) "Technology proposal" means a proposal to implement a technology innovation
2966 designed to result in a greater efficiency in a government process or a cost saving in the
2967 delivery of a government service, or both.

2968 Section 48. Section **63G-2-305** is amended to read:

2969 **63G-2-305. Protected records.**

2970 The following records are protected if properly classified by a governmental entity:

2971 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret
2972 has provided the governmental entity with the information specified in Section 63G-2-309;

2973 (2) commercial information or nonindividual financial information obtained from a
2974 person if:

2975 (a) disclosure of the information could reasonably be expected to result in unfair
2976 competitive injury to the person submitting the information or would impair the ability of the
2977 governmental entity to obtain necessary information in the future;

2978 (b) the person submitting the information has a greater interest in prohibiting access
2979 than the public in obtaining access; and

2980 (c) the person submitting the information has provided the governmental entity with
2981 the information specified in Section 63G-2-309;

2982 (3) commercial or financial information acquired or prepared by a governmental entity
2983 to the extent that disclosure would lead to financial speculations in currencies, securities, or
2984 commodities that will interfere with a planned transaction by the governmental entity or cause
2985 substantial financial injury to the governmental entity or state economy;

2986 (4) records, the disclosure of which could cause commercial injury to, or confer a
2987 competitive advantage upon a potential or actual competitor of, a commercial project entity as
2988 defined in Subsection 11-13-103(4);

2989 (5) test questions and answers to be used in future license, certification, registration,
2990 employment, or academic examinations;

2991 (6) records, the disclosure of which would impair governmental procurement
2992 proceedings or give an unfair advantage to any person proposing to enter into a contract or
2993 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
2994 Subsection (6) does not restrict the right of a person to have access to, after the contract or
2995 grant has been awarded and signed by all parties:

2996 (a) a bid, proposal, application, or other information submitted to or by a governmental
2997 entity in response to:

2998 (i) an invitation for bids;

2999 (ii) a request for proposals;

3000 (iii) a request for quotes;

3001 (iv) a grant; or

- 3002 (v) other similar document; or
- 3003 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);
- 3004 (7) information submitted to or by a governmental entity in response to a request for
- 3005 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
- 3006 the right of a person to have access to the information, after:
 - 3007 (a) a contract directly relating to the subject of the request for information has been
 - 3008 awarded and signed by all parties; or
 - 3009 (b) (i) a final determination is made not to enter into a contract that relates to the
 - 3010 subject of the request for information; and
 - 3011 (ii) at least two years have passed after the day on which the request for information is
 - 3012 issued;
 - 3013 (8) records that would identify real property or the appraisal or estimated value of real
 - 3014 or personal property, including intellectual property, under consideration for public acquisition
 - 3015 before any rights to the property are acquired unless:
 - 3016 (a) public interest in obtaining access to the information is greater than or equal to the
 - 3017 governmental entity's need to acquire the property on the best terms possible;
 - 3018 (b) the information has already been disclosed to persons not employed by or under a
 - 3019 duty of confidentiality to the entity;
 - 3020 (c) in the case of records that would identify property, potential sellers of the described
 - 3021 property have already learned of the governmental entity's plans to acquire the property;
 - 3022 (d) in the case of records that would identify the appraisal or estimated value of
 - 3023 property, the potential sellers have already learned of the governmental entity's estimated value
 - 3024 of the property; or
 - 3025 (e) the property under consideration for public acquisition is a single family residence
 - 3026 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
 - 3027 the property as required under Section [78B-6-505](#);
 - 3028 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
 - 3029 compensated transaction of real or personal property including intellectual property, which, if
 - 3030 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
 - 3031 of the subject property, unless:
 - 3032 (a) the public interest in access is greater than or equal to the interests in restricting

3033 access, including the governmental entity's interest in maximizing the financial benefit of the
3034 transaction; or

3035 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
3036 the value of the subject property have already been disclosed to persons not employed by or
3037 under a duty of confidentiality to the entity;

3038 (10) records created or maintained for civil, criminal, or administrative enforcement
3039 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
3040 release of the records:

3041 (a) reasonably could be expected to interfere with investigations undertaken for
3042 enforcement, discipline, licensing, certification, or registration purposes;

3043 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
3044 proceedings;

3045 (c) would create a danger of depriving a person of a right to a fair trial or impartial
3046 hearing;

3047 (d) reasonably could be expected to disclose the identity of a source who is not
3048 generally known outside of government and, in the case of a record compiled in the course of
3049 an investigation, disclose information furnished by a source not generally known outside of
3050 government if disclosure would compromise the source; or

3051 (e) reasonably could be expected to disclose investigative or audit techniques,
3052 procedures, policies, or orders not generally known outside of government if disclosure would
3053 interfere with enforcement or audit efforts;

3054 (11) records the disclosure of which would jeopardize the life or safety of an
3055 individual;

3056 (12) records the disclosure of which would jeopardize the security of governmental
3057 property, governmental programs, or governmental recordkeeping systems from damage, theft,
3058 or other appropriation or use contrary to law or public policy;

3059 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
3060 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
3061 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

3062 (14) records that, if disclosed, would reveal recommendations made to the Board of
3063 Pardons and Parole by an employee of or contractor for the Department of Corrections, the

3064 Board of Pardons and Parole, or the Department of Human Services that are based on the
3065 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
3066 jurisdiction;

3067 (15) records and audit workpapers that identify audit, collection, and operational
3068 procedures and methods used by the State Tax Commission, if disclosure would interfere with
3069 audits or collections;

3070 (16) records of a governmental audit agency relating to an ongoing or planned audit
3071 until the final audit is released;

3072 (17) records that are subject to the attorney client privilege;

3073 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
3074 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
3075 quasi-judicial, or administrative proceeding;

3076 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
3077 from a member of the Legislature; and

3078 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
3079 legislative action or policy may not be classified as protected under this section; and

3080 (b) (i) an internal communication that is part of the deliberative process in connection
3081 with the preparation of legislation between:

3082 (A) members of a legislative body;

3083 (B) a member of a legislative body and a member of the legislative body's staff; or

3084 (C) members of a legislative body's staff; and

3085 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
3086 legislative action or policy may not be classified as protected under this section;

3087 (20) (a) records in the custody or control of the Office of Legislative Research and
3088 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
3089 legislation or contemplated course of action before the legislator has elected to support the
3090 legislation or course of action, or made the legislation or course of action public; and

3091 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
3092 Office of Legislative Research and General Counsel is a public document unless a legislator
3093 asks that the records requesting the legislation be maintained as protected records until such
3094 time as the legislator elects to make the legislation or course of action public;

3095 (21) research requests from legislators to the Office of Legislative Research and
3096 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
3097 in response to these requests;

3098 (22) drafts, unless otherwise classified as public;

3099 (23) records concerning a governmental entity's strategy about:

3100 (a) collective bargaining; or

3101 (b) imminent or pending litigation;

3102 (24) records of investigations of loss occurrences and analyses of loss occurrences that
3103 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
3104 Uninsured Employers' Fund, or similar divisions in other governmental entities;

3105 (25) records, other than personnel evaluations, that contain a personal recommendation
3106 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
3107 personal privacy, or disclosure is not in the public interest;

3108 (26) records that reveal the location of historic, prehistoric, paleontological, or
3109 biological resources that if known would jeopardize the security of those resources or of
3110 valuable historic, scientific, educational, or cultural information;

3111 (27) records of independent state agencies if the disclosure of the records would
3112 conflict with the fiduciary obligations of the agency;

3113 (28) records of an institution within the state system of higher education defined in
3114 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
3115 retention decisions, and promotions, which could be properly discussed in a meeting closed in
3116 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
3117 the final decisions about tenure, appointments, retention, promotions, or those students
3118 admitted, may not be classified as protected under this section;

3119 (29) records of the governor's office, including budget recommendations, legislative
3120 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
3121 policies or contemplated courses of action before the governor has implemented or rejected
3122 those policies or courses of action or made them public;

3123 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
3124 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
3125 recommendations in these areas;

3126 (31) records provided by the United States or by a government entity outside the state
3127 that are given to the governmental entity with a requirement that they be managed as protected
3128 records if the providing entity certifies that the record would not be subject to public disclosure
3129 if retained by it;

3130 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
3131 public body except as provided in Section 52-4-206;

3132 (33) records that would reveal the contents of settlement negotiations but not including
3133 final settlements or empirical data to the extent that they are not otherwise exempt from
3134 disclosure;

3135 (34) memoranda prepared by staff and used in the decision-making process by an
3136 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
3137 other body charged by law with performing a quasi-judicial function;

3138 (35) records that would reveal negotiations regarding assistance or incentives offered
3139 by or requested from a governmental entity for the purpose of encouraging a person to expand
3140 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
3141 person or place the governmental entity at a competitive disadvantage, but this section may not
3142 be used to restrict access to a record evidencing a final contract;

3143 (36) materials to which access must be limited for purposes of securing or maintaining
3144 the governmental entity's proprietary protection of intellectual property rights including patents,
3145 copyrights, and trade secrets;

3146 (37) the name of a donor or a prospective donor to a governmental entity, including an
3147 institution within the state system of higher education defined in Section 53B-1-102, and other
3148 information concerning the donation that could reasonably be expected to reveal the identity of
3149 the donor, provided that:

3150 (a) the donor requests anonymity in writing;

3151 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
3152 classified protected by the governmental entity under this Subsection (37); and

3153 (c) except for an institution within the state system of higher education defined in
3154 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
3155 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
3156 over the donor, a member of the donor's immediate family, or any entity owned or controlled

3157 by the donor or the donor's immediate family;

3158 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
3159 73-18-13;

3160 (39) a notification of workers' compensation insurance coverage described in Section
3161 34A-2-205;

3162 (40) (a) the following records of an institution within the state system of higher
3163 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
3164 or received by or on behalf of faculty, staff, employees, or students of the institution:

3165 (i) unpublished lecture notes;

3166 (ii) unpublished notes, data, and information:

3167 (A) relating to research; and

3168 (B) of:

3169 (I) the institution within the state system of higher education defined in Section
3170 53B-1-102; or

3171 (II) a sponsor of sponsored research;

3172 (iii) unpublished manuscripts;

3173 (iv) creative works in process;

3174 (v) scholarly correspondence; and

3175 (vi) confidential information contained in research proposals;

3176 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
3177 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

3178 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

3179 (41) (a) records in the custody or control of the Office of the Legislative Auditor
3180 General that would reveal the name of a particular legislator who requests a legislative audit
3181 prior to the date that audit is completed and made public; and

3182 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
3183 Office of the Legislative Auditor General is a public document unless the legislator asks that
3184 the records in the custody or control of the Office of the Legislative Auditor General that would
3185 reveal the name of a particular legislator who requests a legislative audit be maintained as
3186 protected records until the audit is completed and made public;

3187 (42) records that provide detail as to the location of an explosive, including a map or

3188 other document that indicates the location of:

3189 (a) a production facility; or

3190 (b) a magazine;

3191 (43) information:

3192 (a) contained in the statewide database of the Division of Aging and Adult Services
3193 created by Section [62A-3-311.1](#); or

3194 (b) received or maintained in relation to the Identity Theft Reporting Information
3195 System (IRIS) established under Section [67-5-22](#);

3196 (44) information contained in the Management Information System and Licensing
3197 Information System described in Title 62A, Chapter 4a, Child and Family Services;

3198 (45) information regarding National Guard operations or activities in support of the
3199 National Guard's federal mission;

3200 (46) records provided by any pawn or secondhand business to a law enforcement
3201 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
3202 Secondhand Merchandise Transaction Information Act;

3203 (47) information regarding food security, risk, and vulnerability assessments performed
3204 by the Department of Agriculture and Food;

3205 (48) except to the extent that the record is exempt from this chapter pursuant to Section
3206 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
3207 prepared or maintained by the Division of Emergency Management, and the disclosure of
3208 which would jeopardize:

3209 (a) the safety of the general public; or

3210 (b) the security of:

3211 (i) governmental property;

3212 (ii) governmental programs; or

3213 (iii) the property of a private person who provides the Division of Emergency
3214 Management information;

3215 (49) records of the Department of Agriculture and Food that provides for the
3216 identification, tracing, or control of livestock diseases, including any program established under
3217 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
3218 of Animal Disease;

3219 (50) as provided in Section 26-39-501:

3220 (a) information or records held by the Department of Health related to a complaint
3221 regarding a child care program or residential child care which the department is unable to
3222 substantiate; and

3223 (b) information or records related to a complaint received by the Department of Health
3224 from an anonymous complainant regarding a child care program or residential child care;

3225 (51) unless otherwise classified as public under Section 63G-2-301 and except as
3226 provided under Section 41-1a-116, an individual's home address, home telephone number, or
3227 personal mobile phone number, if:

3228 (a) the individual is required to provide the information in order to comply with a law,
3229 ordinance, rule, or order of a government entity; and

3230 (b) the subject of the record has a reasonable expectation that this information will be
3231 kept confidential due to:

3232 (i) the nature of the law, ordinance, rule, or order; and

3233 (ii) the individual complying with the law, ordinance, rule, or order;

3234 (52) the portion of the following documents that contains a candidate's residential or
3235 mailing address, if the candidate provides to the filing officer another address or phone number
3236 where the candidate may be contacted:

3237 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
3238 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,
3239 20A-9-408.5, 20A-9-502, or 20A-9-601;

3240 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

3241 (c) a notice of intent to gather signatures for candidacy, described in Section
3242 20A-9-408;

3243 (53) the name, home address, work addresses, and telephone numbers of an individual
3244 that is engaged in, or that provides goods or services for, medical or scientific research that is:

3245 (a) conducted within the state system of higher education, as defined in Section
3246 53B-1-102; and

3247 (b) conducted using animals;

3248 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
3249 Evaluation Commission concerning an individual commissioner's vote on whether or not to

3250 recommend that the voters retain a judge including information disclosed under Subsection
3251 [78A-12-203\(5\)\(e\)](#);

3252 (55) information collected and a report prepared by the Judicial Performance
3253 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter
3254 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
3255 the information or report;

3256 (56) records contained in the Management Information System created in Section
3257 [62A-4a-1003](#);

3258 (57) records provided or received by the Public Lands Policy Coordinating Office in
3259 furtherance of any contract or other agreement made in accordance with Section [~~[63J-4-603](#)~~
3260 [63L-11-202](#)];

3261 (58) information requested by and provided to the 911 Division under Section
3262 [63H-7a-302](#);

3263 (59) in accordance with Section [73-10-33](#):

3264 (a) a management plan for a water conveyance facility in the possession of the Division
3265 of Water Resources or the Board of Water Resources; or

3266 (b) an outline of an emergency response plan in possession of the state or a county or
3267 municipality;

3268 (60) the following records in the custody or control of the Office of Inspector General
3269 of Medicaid Services, created in Section [63A-13-201](#):

3270 (a) records that would disclose information relating to allegations of personal
3271 misconduct, gross mismanagement, or illegal activity of a person if the information or
3272 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
3273 through other documents or evidence, and the records relating to the allegation are not relied
3274 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
3275 report or final audit report;

3276 (b) records and audit workpapers to the extent they would disclose the identity of a
3277 person who, during the course of an investigation or audit, communicated the existence of any
3278 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
3279 regulation adopted under the laws of this state, a political subdivision of the state, or any
3280 recognized entity of the United States, if the information was disclosed on the condition that

3281 the identity of the person be protected;

3282 (c) before the time that an investigation or audit is completed and the final
3283 investigation or final audit report is released, records or drafts circulated to a person who is not
3284 an employee or head of a governmental entity for the person's response or information;

3285 (d) records that would disclose an outline or part of any investigation, audit survey
3286 plan, or audit program; or

3287 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
3288 investigation or audit;

3289 (61) records that reveal methods used by the Office of Inspector General of Medicaid
3290 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
3291 abuse;

3292 (62) information provided to the Department of Health or the Division of Occupational
3293 and Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
3294 58-68-304(3) and (4);

3295 (63) a record described in Section 63G-12-210;

3296 (64) captured plate data that is obtained through an automatic license plate reader
3297 system used by a governmental entity as authorized in Section 41-6a-2003;

3298 (65) any record in the custody of the Utah Office for Victims of Crime relating to a
3299 victim, including:

3300 (a) a victim's application or request for benefits;

3301 (b) a victim's receipt or denial of benefits; and

3302 (c) any administrative notes or records made or created for the purpose of, or used to,
3303 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
3304 Reparations Fund;

3305 (66) an audio or video recording created by a body-worn camera, as that term is
3306 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
3307 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
3308 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
3309 that term is defined in Section 62A-2-101, except for recordings that:

3310 (a) depict the commission of an alleged crime;

3311 (b) record any encounter between a law enforcement officer and a person that results in

3312 death or bodily injury, or includes an instance when an officer fires a weapon;
3313 (c) record any encounter that is the subject of a complaint or a legal proceeding against
3314 a law enforcement officer or law enforcement agency;
3315 (d) contain an officer involved critical incident as defined in Subsection
3316 76-2-408(1)(f); or
3317 (e) have been requested for reclassification as a public record by a subject or
3318 authorized agent of a subject featured in the recording;
3319 (67) a record pertaining to the search process for a president of an institution of higher
3320 education described in Section 53B-2-102, except for application materials for a publicly
3321 announced finalist;
3322 (68) an audio recording that is:
3323 (a) produced by an audio recording device that is used in conjunction with a device or
3324 piece of equipment designed or intended for resuscitating an individual or for treating an
3325 individual with a life-threatening condition;
3326 (b) produced during an emergency event when an individual employed to provide law
3327 enforcement, fire protection, paramedic, emergency medical, or other first responder service:
3328 (i) is responding to an individual needing resuscitation or with a life-threatening
3329 condition; and
3330 (ii) uses a device or piece of equipment designed or intended for resuscitating an
3331 individual or for treating an individual with a life-threatening condition; and
3332 (c) intended and used for purposes of training emergency responders how to improve
3333 their response to an emergency situation;
3334 (69) records submitted by or prepared in relation to an applicant seeking a
3335 recommendation by the Research and General Counsel Subcommittee, the Budget
3336 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
3337 employment position with the Legislature;
3338 (70) work papers as defined in Section 31A-2-204;
3339 (71) a record made available to Adult Protective Services or a law enforcement agency
3340 under Section 61-1-206;
3341 (72) a record submitted to the Insurance Department in accordance with Section
3342 31A-37-201 or 31A-22-653;

- 3343 (73) a record described in Section 31A-37-503.
- 3344 (74) any record created by the Division of Occupational and Professional Licensing as
3345 a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 3346 (75) a record described in Section 72-16-306 that relates to the reporting of an injury
3347 involving an amusement ride;
- 3348 (76) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
3349 on a political petition, or on a request to withdraw a signature from a political petition,
3350 including a petition or request described in the following titles:
- 3351 (a) Title 10, Utah Municipal Code;
- 3352 (b) Title 17, Counties;
- 3353 (c) Title 17B, Limited Purpose Local Government Entities - Local Districts;
- 3354 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 3355 (e) Title 20A, Election Code;
- 3356 (77) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in
3357 a voter registration record;
- 3358 (78) except as provided in Subsection 63G-2-305.5(3), any signature, other than a
3359 signature described in Subsection (76) or (77), in the custody of the lieutenant governor or a
3360 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 3361 (79) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part
3362 5, Victims Guidelines for Prosecutors Act;
- 3363 (80) a record submitted to the Insurance Department under Subsection
3364 31A-47-103(1)(b); and
- 3365 (81) personal information, as defined in Section 63G-26-102, to the extent disclosure is
3366 prohibited under Section 63G-26-103.
- 3367 Section 49. Section 63G-3-301 is amended to read:
- 3368 **63G-3-301. Rulemaking procedure.**
- 3369 (1) An agency authorized to make rules is also authorized to amend or repeal those
3370 rules.
- 3371 (2) Except as provided in Sections 63G-3-303 and 63G-3-304, when making,
3372 amending, or repealing a rule agencies shall comply with:
- 3373 (a) the requirements of this section;

- 3374 (b) consistent procedures required by other statutes;
3375 (c) applicable federal mandates; and
3376 (d) rules made by the office to implement this chapter.
- 3377 (3) Subject to the requirements of this chapter, each agency shall develop and use
3378 flexible approaches in drafting rules that meet the needs of the agency and that involve persons
3379 affected by the agency's rules.
- 3380 (4) (a) Each agency shall file the agency's proposed rule and rule analysis with the
3381 office.
- 3382 (b) Rule amendments shall be marked with new language underlined and deleted
3383 language struck out.
- 3384 (c) (i) The office shall publish the information required under Subsection (8) on the
3385 rule analysis and the text of the proposed rule in the next issue of the bulletin.
- 3386 (ii) For rule amendments, only the section or subsection of the rule being amended
3387 need be printed.
- 3388 (iii) If the director determines that the rule is too long to publish, the office shall
3389 publish the rule analysis and shall publish the rule by reference to a copy on file with the office.
- 3390 (5) Before filing a rule with the office, the agency shall conduct a thorough analysis,
3391 consistent with the criteria established by the Governor's Office of ~~Management~~ Planning and
3392 Budget, of the fiscal impact a rule may have on businesses, which criteria may include:
- 3393 (a) the type of industries that will be impacted by the rule, and for each identified
3394 industry, an estimate of the total number of businesses within the industry, and an estimate of
3395 the number of those businesses that are small businesses;
- 3396 (b) the individual fiscal impact that would incur to a typical business for a one-year
3397 period;
- 3398 (c) the aggregated total fiscal impact that would incur to all businesses within the state
3399 for a one-year period;
- 3400 (d) the total cost that would incur to all impacted entities over a five-year period; and
3401 (e) the department head's comments on the analysis.
- 3402 (6) If the agency reasonably expects that a proposed rule will have a measurable
3403 negative fiscal impact on small businesses, the agency shall consider, as allowed by federal
3404 law, each of the following methods of reducing the impact of the rule on small businesses:

- 3405 (a) establishing less stringent compliance or reporting requirements for small
- 3406 businesses;
- 3407 (b) establishing less stringent schedules or deadlines for compliance or reporting
- 3408 requirements for small businesses;
- 3409 (c) consolidating or simplifying compliance or reporting requirements for small
- 3410 businesses;
- 3411 (d) establishing performance standards for small businesses to replace design or
- 3412 operational standards required in the proposed rule; and
- 3413 (e) exempting small businesses from all or any part of the requirements contained in
- 3414 the proposed rule.
- 3415 (7) If during the public comment period an agency receives comment that the proposed
- 3416 rule will cost small business more than one day's annual average gross receipts, and the agency
- 3417 had not previously performed the analysis in Subsection (6), the agency shall perform the
- 3418 analysis described in Subsection (6).
- 3419 (8) The rule analysis shall contain:
- 3420 (a) a summary of the rule or change;
- 3421 (b) the purpose of the rule or reason for the change;
- 3422 (c) the statutory authority or federal requirement for the rule;
- 3423 (d) the anticipated cost or savings to:
- 3424 (i) the state budget;
- 3425 (ii) local governments;
- 3426 (iii) small businesses; and
- 3427 (iv) persons other than small businesses, businesses, or local governmental entities;
- 3428 (e) the compliance cost for affected persons;
- 3429 (f) how interested persons may review the full text of the rule;
- 3430 (g) how interested persons may present their views on the rule;
- 3431 (h) the time and place of any scheduled public hearing;
- 3432 (i) the name and telephone number of an agency employee who may be contacted
- 3433 about the rule;
- 3434 (j) the name of the agency head or designee who authorized the rule;
- 3435 (k) the date on which the rule may become effective following the public comment

3436 period;

3437 (l) the agency's analysis on the fiscal impact of the rule as required under Subsection
3438 (5);

3439 (m) any additional comments the department head may choose to submit regarding the
3440 fiscal impact the rule may have on businesses; and

3441 (n) if applicable, a summary of the agency's efforts to comply with the requirements of
3442 Subsection (6).

3443 (9) (a) For a rule being repealed and reenacted, the rule analysis shall contain a
3444 summary that generally includes the following:

3445 (i) a summary of substantive provisions in the repealed rule which are eliminated from
3446 the enacted rule; and

3447 (ii) a summary of new substantive provisions appearing only in the enacted rule.

3448 (b) The summary required under this Subsection (9) is to aid in review and may not be
3449 used to contest any rule on the ground of noncompliance with the procedural requirements of
3450 this chapter.

3451 (10) A copy of the rule analysis shall be mailed to all persons who have made timely
3452 request of the agency for advance notice of the agency's rulemaking proceedings and to any
3453 other person who, by statutory or federal mandate or in the judgment of the agency, should also
3454 receive notice.

3455 (11) (a) Following the publication date, the agency shall allow at least 30 days for
3456 public comment on the rule.

3457 (b) The agency shall review and evaluate all public comments submitted in writing
3458 within the time period under Subsection (11)(a) or presented at public hearings conducted by
3459 the agency within the time period under Subsection (11)(a).

3460 (12) (a) Except as provided in Sections [63G-3-303](#) and [63G-3-304](#), a proposed rule
3461 becomes effective on any date specified by the agency that is:

3462 (i) no fewer than seven calendar days after the day on which the public comment
3463 period closes under Subsection (11); and

3464 (ii) no more than 120 days after the day on which the rule is published.

3465 (b) The agency shall provide notice of the rule's effective date to the office in the form
3466 required by the office.

3467 (c) The notice of effective date may not provide for an effective date before the day on
3468 which the office receives the notice.

3469 (d) The office shall publish notice of the effective date of the rule in the next issue of
3470 the bulletin.

3471 (e) A proposed rule lapses if a notice of effective date or a change to a proposed rule is
3472 not filed with the office within 120 days after the day on which the rule is published.

3473 (13) (a) Except as provided in Subsection (13)(d), before an agency enacts a rule, the
3474 agency shall submit to the appropriations subcommittee and interim committee with
3475 jurisdiction over the agency the agency's proposed rule for review, if the proposed rule, over a
3476 three-year period, has a fiscal impact of more than:

3477 (i) \$250,000 to a single person; or

3478 (ii) \$7,500,000 to a group of persons.

3479 (b) An appropriations subcommittee or interim committee that reviews a rule
3480 submitted under Subsection (13)(a) shall:

3481 (i) before the review, directly inform the chairs of the Administrative Rules Review
3482 Committee of the coming review, including the date, time, and place of the review; and

3483 (ii) after the review, directly inform the chairs of the Administrative Rules Review
3484 Committee of the outcome of the review, including any recommendation.

3485 (c) An appropriations subcommittee or interim committee that reviews a rule submitted
3486 under Subsection (13)(a) may recommend to the Administrative Rules Review Committee that
3487 the Administrative Rules Review Committee not recommend reauthorization of the rule in the
3488 omnibus legislation described in Section [63G-3-502](#).

3489 (d) The requirement described in Subsection (13)(a) does not apply to:

3490 (i) the State Tax Commission; or

3491 (ii) the State Board of Education.

3492 (14) (a) As used in this Subsection (14), "initiate rulemaking proceedings" means the
3493 filing, for the purposes of publication in accordance with Subsection (4), of an agency's
3494 proposed rule that is required by state statute.

3495 (b) A state agency shall initiate rulemaking proceedings no later than 180 days after the
3496 day on which the statutory provision that specifically requires the rulemaking takes effect,
3497 except under Subsection (14)(c).

3498 (c) When a statute is enacted that requires agency rulemaking and the affected agency
3499 already has rules in place that meet the statutory requirement, the agency shall submit the rules
3500 to the Administrative Rules Review Committee for review within 60 days after the day on
3501 which the statute requiring the rulemaking takes effect.

3502 (d) If a state agency does not initiate rulemaking proceedings in accordance with the
3503 time requirements in Subsection (14)(b), the state agency shall appear before the legislative
3504 Administrative Rules Review Committee and provide the reasons for the delay.

3505 Section 50. Section **63G-25-202** is amended to read:

3506 **63G-25-202. Citizen feedback annual report.**

3507 (1) The Governor's Office of [~~Management~~] Planning and Budget shall prepare an
3508 annual report that contains a summary of any feedback that state agencies gathered in
3509 accordance with Section **63G-25-201** during the preceding calendar year.

3510 (2) On or before July 1, the Governor's Office of [~~Management~~] Planning and Budget
3511 shall:

3512 (a) provide an electronic copy of the report described in Subsection (1) to each
3513 legislator; and

3514 (b) make the report described in Subsection (1) accessible to the public.

3515 Section 51. Section **63I-1-263** is amended to read:

3516 **63I-1-263. Repeal dates, Titles 63A to 63N.**

3517 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

3518 (a) Subsection **63A-1-201**(1) is repealed;

3519 (b) Subsection **63A-1-202**(2)(c), the language "using criteria established by the board"
3520 is repealed;

3521 (c) Section **63A-1-203** is repealed;

3522 (d) Subsections **63A-1-204**(1) and (2), the language "After consultation with the board,
3523 and" is repealed; and

3524 (e) Subsection **63A-1-204**(1)(b), the language "using the standards provided in
3525 Subsection **63A-1-203**(3)(c)" is repealed.

3526 (2) Subsection **63A-5b-405**(5), relating to prioritizing and allocating capital
3527 improvement funding, is repealed July 1, 2024.

3528 (3) Section **63A-5b-1003**, State Facility Energy Efficiency Fund, is repealed July 1,

- 3529 2023.
- 3530 (4) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review
3531 Committee, are repealed July 1, 2023.
- 3532 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
3533 1, 2028.
- 3534 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
3535 2025.
- 3536 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
3537 2024.
- 3538 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
3539 repealed July 1, 2021.
- 3540 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
3541 July 1, 2023.
- 3542 (10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1, 2025.
- 3543 (11) Title 63F, Chapter 2, Data Security Management Council, is repealed July 1,
3544 2025.
- 3545 (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities
3546 Advisory Board, is repealed July 1, 2026.
- 3547 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
3548 2025.
- 3549 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
3550 2024.
- 3551 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 3552 (16) Subsection [63J-1-602.1](#)(14), Nurse Home Visiting Restricted Account is repealed
3553 July 1, 2026.
- 3554 (17) (a) Subsection [63J-1-602.1](#)(58), relating to the Utah Statewide Radio System
3555 Restricted Account, is repealed July 1, 2022.
- 3556 (b) When repealing Subsection [63J-1-602.1](#)(58), the Office of Legislative Research and
3557 General Counsel shall, in addition to the office's authority under Subsection [36-12-12](#)(3), make
3558 necessary changes to subsection numbering and cross references.
- 3559 (18) Subsection [63J-1-602.2](#)(4), referring to dedicated credits to the Utah Marriage

- 3560 Commission, is repealed July 1, 2023.
- 3561 (19) Subsection [63J-1-602.2\(5\)](#), referring to the Trip Reduction Program, is repealed
3562 July 1, 2022.
- 3563 (20) Subsection [63J-1-602.2\(25\)](#), related to the Utah Seismic Safety Commission, is
3564 repealed January 1, 2025.
- 3565 (21) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is
3566 repealed July 1, 2027.
- 3567 (22) Subsection [~~[63J-4-608](#)~~] [63L-11-305\(3\)](#), which creates the Federal Land
3568 Application Advisory Committee, is repealed on July 1, 2021.
- 3569 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on
3570 January 1, 2023:
- 3571 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are
3572 repealed;
- 3573 (b) Section [63M-7-305](#), the language that states "council" is replaced with
3574 "commission";
- 3575 (c) Subsection [63M-7-305\(1\)](#) is repealed and replaced with:
3576 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and
3577 (d) Subsection [63M-7-305\(2\)](#) is repealed and replaced with:
3578 "(2) The commission shall:
- 3579 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
3580 Drug-Related Offenses Reform Act; and
- 3581 (b) coordinate the implementation of Section [77-18-1.1](#) and related provisions in
3582 Subsections [77-18-1\(5\)\(b\)\(iii\)](#) and (iv).".
- 3583 (24) The Crime Victim Reparations and Assistance Board, created in Section
3584 [63M-7-504](#), is repealed July 1, 2027.
- 3585 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July
3586 1, 2022.
- 3587 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.
- 3588 (27) Subsection [63N-1-301\(4\)\(c\)](#), related to the Talent Ready Utah Board, is repealed
3589 January 1, 2023.
- 3590 (28) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating

3591 Council, is repealed July 1, 2024.

3592 (29) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

3593 (30) Section 63N-2-512 is repealed July 1, 2021.

3594 (31) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed

3595 January 1, 2021.

3596 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for

3597 calendar years beginning on or after January 1, 2021.

3598 (c) Notwithstanding Subsection (31)(b), an entity may carry forward a tax credit in

3599 accordance with Section 59-9-107 if:

3600 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December

3601 31, 2020; and

3602 (ii) the qualified equity investment that is the basis of the tax credit is certified under

3603 Section 63N-2-603 on or before December 31, 2023.

3604 (32) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1, 2023.

3605 (33) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed

3606 July 1, 2023.

3607 (34) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,

3608 2025.

3609 (35) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,

3610 is repealed January 1, 2023.

3611 (36) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1,

3612 2023.

3613 Section 52. Section 63I-2-263 is amended to read:

3614 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

3615 (1) On July 1, 2020:

3616 (a) Subsection 63A-1-203(5)(a)(i) is repealed; and

3617 (b) in Subsection 63A-1-203(5)(a)(ii), the language that states "appointed on or after

3618 May 8, 2018," is repealed.

3619 (2) Section 63A-3-111 is repealed June 30, 2021.

3620 (3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is

3621 repealed July 1, 2021.

- 3622 (4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology
3623 Commission is repealed July 1, 2023.
- 3624 (5) The following sections regarding the World War II Memorial Commission are
3625 repealed on July 1, 2022:
- 3626 (a) Section [63G-1-801](#);
3627 (b) Section [63G-1-802](#);
3628 (c) Section [63G-1-803](#); and
3629 (d) Section [63G-1-804](#).
- 3630 (6) Subsections [63G-6a-802\(1\)\(d\)](#) and [63G-6a-802\(3\)\(b\)\(iii\)](#), regarding a procurement
3631 relating to a vice presidential debate, are repealed January 1, 2021.
- 3632 (7) In relation to the State Fair Park Committee, on January 1, 2021:
- 3633 (a) Section [63H-6-104.5](#) is repealed; and
3634 (b) Subsections [63H-6-104\(8\)](#) and [\(9\)](#) are repealed.
- 3635 (8) Section [63H-7a-303](#) is repealed July 1, 2024.
3636 (9) Subsection [63J-1-206\(3\)\(c\)](#), relating to coronavirus, is repealed July 1, 2021.
- 3637 [~~(10) In relation to the Employability to Careers Program Board, on July 1, 2022:~~]
3638 [~~(a) Subsection [63J-1-602.1\(57\)](#) is repealed;~~]
3639 [~~(b) Subsection [63J-4-301\(1\)\(h\)](#), related to the review of data and metrics, is repealed;~~
3640 and]
- 3641 [~~(c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.~~]
3642 [~~(H)~~] (10) Title 63M, Chapter 4, Part 8, Voluntary Home Energy Information Pilot
3643 Program Act, is repealed January 1, 2022.
- 3644 [~~(12)~~] (11) Sections [63M-7-213](#) and [63M-7-213.5](#) are repealed on January 1, 2023.
3645 [~~(13)~~] (12) Subsection [63N-12-508\(3\)](#) is repealed December 31, 2021.
- 3646 [~~(14)~~] (13) Title 63N, Chapter 13, Part 3, Facilitating [~~Public-Private~~] Public-private
3647 Partnerships Act, is repealed January 1, 2024.
- 3648 [~~(15)~~] (14) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is
3649 repealed December 31, 2021.
- 3650 Section 53. Section [63J-1-105](#) is amended to read:
3651 **63J-1-105. Revenue types -- Disposition of dedicated credits and expendable**
3652 **receipts.**

3653 (1) (a) Dedicated credits are subject to appropriations and the restrictions in this
3654 chapter.

3655 (b) An agency may expend dedicated credits for any purpose within the program or line
3656 item.

3657 (2) Except as provided in Subsections (3) and (4), an agency may not expend dedicated
3658 credits in excess of the amount appropriated to a line item as dedicated credits by the
3659 Legislature.

3660 (3) Each agency that receives dedicated credits revenue greater than the amount
3661 appropriated to a line item by the Legislature in the annual appropriations acts may expend the
3662 excess up to 25% of the amount appropriated if the expenditure is included in a revised budget
3663 execution plan submitted as provided in Section [63J-1-209](#).

3664 (4) Notwithstanding the requirements of Subsection (3), when an agency's dedicated
3665 credits revenue represents over 90% of the budget of the line item for which the dedicated
3666 credits are collected, the agency may expend 100% of the excess of the amount appropriated if
3667 the agency submits a revised budget execution plan as provided in Subsection (3) and Section
3668 [63J-1-209](#).

3669 (5) An expenditure of dedicated credits in excess of amounts appropriated to a line
3670 item as dedicated credits by the Legislature may not be used to permanently increase personnel
3671 within the agency unless:

3672 (a) the increase is approved by the Legislature; or

3673 (b) the money is deposited as a dedicated credit in a line item covering tuition or
3674 federal vocational funds at an institution of higher education.

3675 (6) (a) All excess dedicated credits not received or expended in compliance with
3676 Subsection (3), (4), or (7) lapse to the General Fund or other appropriate fund as free or
3677 restricted revenue at the end of the fiscal year.

3678 (b) The Division of Finance shall determine the appropriate fund into which the
3679 dedicated credits lapse.

3680 (7) (a) When an agency has a line item that is funded by more than one major revenue
3681 type, one of which is dedicated credits, the agency shall completely expend authorized
3682 dedicated credits within the current fiscal year and allocate unused spending authorization
3683 among other funding sources based upon a proration of the amounts appropriated from each of

3684 those major revenue types not attributable to dedicated credits, unless the Legislature has
3685 designated a portion of the dedicated credits as nonlapsing, in which case the agency shall
3686 completely expend within the current fiscal year authorized dedicated credits minus the portion
3687 of dedicated credits designated as nonlapsing, and allocate unused spending authorization
3688 among the other funding sources based upon a proration of the amounts appropriated from each
3689 of those major revenue types not attributable to dedicated credits.

3690 (b) Nothing in Subsection (7)(a) shall be construed to allow an agency to receive and
3691 expend dedicated credits in excess of legislative appropriations to a line item without
3692 complying with Subsection (3) or (4).

3693 (c) Each agency that receives dedicated credits shall report, to the Division of Finance,
3694 any balances remaining in those funds at the conclusion of each fiscal year.

3695 (8) Each agency shall include in its annual budget request estimates of dedicated
3696 credits revenue that is identified by, collected for, or set by the agency.

3697 (9) Each agency may expend expendable receipts in accordance with the terms set by a
3698 nonstate entity that provides the funds.

3699 (10) (a) Expendable receipts are not limited by appropriations.

3700 (b) Each agency that receives expendable receipts revenue greater than the amount
3701 included for a line item by the Legislature in the annual appropriations acts may expend the
3702 excess if the expenditure is included in a revised budget execution plan submitted as provided
3703 in Section [63J-1-209](#).

3704 (c) If an agency receives excess expendable receipts revenue that is more than 25%
3705 greater than the amount included for a line item by the Legislature in the annual appropriations
3706 acts, the agency shall report the excess amount, the source of the expendable receipts, and the
3707 purpose for which the expendable receipts will be expended to the Governor's Office of
3708 ~~Management~~ Planning and Budget, the legislative fiscal analyst, and the Executive
3709 Appropriations Committee within 60 days of submitting a revised budget execution plan as
3710 provided in Section [63J-1-209](#).

3711 Section 54. Section **63J-1-201** is amended to read:

3712 **63J-1-201. Governor's proposed budget to Legislature -- Contents -- Preparation**
3713 **-- Appropriations based on current tax laws and not to exceed estimated revenues.**

3714 (1) The governor shall deliver, not later than 30 days before the date the Legislature

3715 convenes in the annual general session, a confidential draft copy of the governor's proposed
3716 budget recommendations to the Office of the Legislative Fiscal Analyst according to the
3717 requirements of this section.

3718 (2) (a) When submitting a proposed budget, the governor shall, within the first three
3719 days of the annual general session of the Legislature, submit to the presiding officer of each
3720 house of the Legislature:

3721 (i) a proposed budget for the ensuing fiscal year;

3722 (ii) a schedule for all of the proposed changes to appropriations in the proposed budget,
3723 with each change clearly itemized and classified; and

3724 (iii) as applicable, a document showing proposed changes in estimated revenues that
3725 are based on changes in state tax laws or rates.

3726 (b) The proposed budget shall include:

3727 (i) a projection of:

3728 (A) estimated revenues by major tax type;

3729 (B) 15-year trends for each major tax type;

3730 (C) estimated receipts of federal funds;

3731 (D) 15-year trends for federal fund receipts; and

3732 (E) appropriations for the next fiscal year;

3733 (ii) the source of changes to all direct, indirect, and in-kind matching funds for all
3734 federal grants or assistance programs included in the budget;

3735 (iii) changes to debt service;

3736 (iv) a plan of proposed changes to appropriations and estimated revenues for the next
3737 fiscal year that is based upon the current fiscal year state tax laws and rates and considers
3738 projected changes in federal grants or assistance programs included in the budget;

3739 (v) an itemized estimate of the proposed changes to appropriations for:

3740 (A) the Legislative Department as certified to the governor by the president of the
3741 Senate and the speaker of the House;

3742 (B) the Executive Department;

3743 (C) the Judicial Department as certified to the governor by the state court
3744 administrator;

3745 (D) changes to salaries payable by the state under the Utah Constitution or under law

3746 for lease agreements planned for the next fiscal year; and
3747 (E) all other changes to ongoing or one-time appropriations, including dedicated
3748 credits, restricted funds, nonlapsing balances, grants, and federal funds;
3749 (vi) for each line item, the average annual dollar amount of staff funding associated
3750 with all positions that were vacant during the last fiscal year;
3751 (vii) deficits or anticipated deficits;
3752 (viii) the recommendations for each state agency for new full-time employees for the
3753 next fiscal year, which shall also be provided to the director of the Division of Facilities
3754 Construction and Management as required by Subsection [63A-5b-501\(3\)](#);
3755 (ix) a written description and itemized report submitted by a state agency to the
3756 Governor's Office of ~~Management~~ Planning and Budget under Section [63J-1-220](#), including:
3757 (A) a written description and an itemized report provided at least annually detailing the
3758 expenditure of the state money, or the intended expenditure of any state money that has not
3759 been spent; and
3760 (B) a final written itemized report when all the state money is spent;
3761 (x) any explanation that the governor may desire to make as to the important features
3762 of the budget and any suggestion as to methods for the reduction of expenditures or increase of
3763 the state's revenue; and
3764 (xi) information detailing certain fee increases as required by Section [63J-1-504](#).
3765 (3) For the purpose of preparing and reporting the proposed budget:
3766 (a) The governor shall require the proper state officials, including all public and higher
3767 education officials, all heads of executive and administrative departments and state institutions,
3768 bureaus, boards, commissions, and agencies expending or supervising the expenditure of the
3769 state money, and all institutions applying for state money and appropriations, to provide
3770 itemized estimates of changes in revenues and appropriations.
3771 (b) The governor may require the persons and entities subject to Subsection (3)(a) to
3772 provide other information under these guidelines and at times as the governor may direct,
3773 which may include a requirement for program productivity and performance measures, where
3774 appropriate, with emphasis on outcome indicators.
3775 (c) The governor may require representatives of public and higher education, state
3776 departments and institutions, and other institutions or individuals applying for state

3777 appropriations to attend budget meetings.

3778 (4) (a) The Governor's Office of [~~Management~~] Planning and Budget shall provide to
3779 the Office of the Legislative Fiscal Analyst, as soon as practicable, but no later than 30 days
3780 before the date the Legislature convenes in the annual general session, data, analysis, or
3781 requests used in preparing the governor's budget recommendations, notwithstanding the
3782 restrictions imposed on such recommendations by available revenue.

3783 (b) The information under Subsection (4)(a) shall include:

3784 (i) actual revenues and expenditures for the fiscal year ending the previous June 30;

3785 (ii) estimated or authorized revenues and expenditures for the current fiscal year;

3786 (iii) requested revenues and expenditures for the next fiscal year;

3787 (iv) detailed explanations of any differences between the amounts appropriated by the
3788 Legislature in the current fiscal year and the amounts reported under Subsections (4)(b)(ii) and
3789 (iii);

3790 (v) a statement of:

3791 (A) agency and program objectives, effectiveness measures, and program size
3792 indicators;

3793 (B) the final status of the program objectives, effectiveness measures, and program size
3794 indicators included in the appropriations act for the fiscal year ending the previous June 30; and

3795 (C) the current status of the program objectives, effectiveness measures, and program
3796 size indicators included in the appropriations act for the current fiscal year; and

3797 (vi) other budgetary information required by the Legislature in statute.

3798 (c) The budget information under Subsection (4)(a) shall cover:

3799 (i) all items of appropriation, funds, and accounts included in appropriations acts for
3800 the current and previous fiscal years; and

3801 (ii) any new appropriation, fund, or account items requested for the next fiscal year.

3802 (d) The information provided under Subsection (4)(a) may be provided as a shared
3803 record under Section [63G-2-206](#) as considered necessary by the Governor's Office of
3804 [~~Management~~] Planning and Budget.

3805 (5) (a) In submitting the budget for the Department of Public Safety, the governor shall
3806 include a separate recommendation in the governor's budget for maintaining a sufficient
3807 number of alcohol-related law enforcement officers to maintain the enforcement ratio equal to

3808 or below the number specified in Subsection 32B-1-201(2).

3809 (b) If the governor does not include in the governor's budget an amount sufficient to
3810 maintain the number of alcohol-related law enforcement officers described in Subsection
3811 (5)(a), the governor shall include a message to the Legislature regarding the governor's reason
3812 for not including that amount.

3813 (6) (a) The governor may revise all estimates, except those relating to the Legislative
3814 Department, the Judicial Department, and those providing for the payment of principal and
3815 interest to the state debt and for the salaries and expenditures specified by the Utah
3816 Constitution or under the laws of the state.

3817 (b) The estimate for the Judicial Department, as certified by the state court
3818 administrator, shall also be included in the budget without revision, but the governor may make
3819 separate recommendations on the estimate.

3820 (7) The total appropriations requested for expenditures authorized by the budget may
3821 not exceed the estimated revenues from taxes, fees, and all other sources for the next ensuing
3822 fiscal year.

3823 (8) If any item of the budget as enacted is held invalid upon any ground, the invalidity
3824 does not affect the budget itself or any other item in it.

3825 Section 55. Section 63J-1-205 is amended to read:

3826 **63J-1-205. Revenue volatility report.**

3827 (1) Beginning in 2011 and continuing every three years after 2011, the Legislative
3828 Fiscal Analyst and the Governor's Office of [~~Management~~] Planning and Budget shall submit a
3829 joint revenue volatility report to the Executive Appropriations Committee prior to the
3830 committee's December meeting.

3831 (2) The Legislative Fiscal Analyst and the Governor's Office of [~~Management~~]
3832 Planning and Budget shall ensure that the report:

3833 (a) discusses the tax base and the tax revenue volatility of the revenue streams that
3834 provide the source of funding for the state budget;

3835 (b) considers federal funding included in the state budget and any projected changes in
3836 the amount or value of federal funding;

3837 (c) identifies the balances in the General Fund Budget Reserve Account and the
3838 Education Fund Budget Reserve Account;

3839 (d) analyzes the adequacy of the balances in the General Fund Budget Reserve Account
3840 and the Education Fund Budget Reserve Account in relation to the volatility of the revenue
3841 streams and the risk of a reduction in the amount or value of federal funding;

3842 (e) recommends changes to the deposit amounts or transfer limits established in
3843 Sections 63J-1-312 and 63J-1-313, if the Legislative Fiscal Analyst and Governor's Office of
3844 [~~Management~~] Planning and Budget consider it appropriate to recommend changes; and

3845 (f) presents options for a deposit mechanism linked to one or more tax sources on the
3846 basis of each tax source's observed volatility, including:

3847 (i) an analysis of how the options would have performed historically within the state;

3848 (ii) an analysis of how the options will perform based on the most recent revenue
3849 forecast; and

3850 (iii) recommendations for deposit mechanisms considered likely to meet the budget
3851 reserve account targets established in Sections 63J-1-312 and 63J-1-313.

3852 Section 56. Section 63J-1-209 is amended to read:

3853 **63J-1-209. Director of finance to exercise accounting control -- Budget execution**
3854 **plans -- Allotments and expenditures.**

3855 (1) The director of finance shall exercise accounting control over all state departments,
3856 institutions, and agencies other than the Legislature and legislative committees.

3857 (2) (a) The director shall require the head of each department to submit, by May 15 of
3858 each year, a budget execution plan for the next fiscal year.

3859 (b) The director may require any department to submit a budget execution plan for any
3860 other period.

3861 (3) The budget execution plan shall include appropriations and all other funds from any
3862 source made available to the department for its operation and maintenance for the period and
3863 program authorized by legislation that appropriates funds.

3864 (4) (a) In order to revise a budget execution plan, the department, agency, or institution
3865 seeking to revise the budget execution plan shall:

3866 (i) develop a new budget execution plan that consists of the currently approved budget
3867 execution plan and the revision sought to be made;

3868 (ii) prepare a written justification for the new budget execution plan that sets forth the
3869 purpose and necessity of the revision; and

3870 (iii) submit the new budget execution plan and the written justification for the new
3871 budget execution plan to the Division of Finance.

3872 (b) The Division of Finance shall process the new budget execution plan with written
3873 justification and make this information available to the Governor's Office of [Management]
3874 Planning and Budget and the legislative fiscal analyst.

3875 (5) Upon request from the Governor's Office of [Management] Planning and Budget,
3876 the Division of Finance shall revise budget execution plans.

3877 (6) Notwithstanding the requirements of Title 63J, Chapter 2, Revenue Procedures and
3878 Control Act, the aggregate of the budget execution plan revisions may not exceed the total
3879 appropriations or other funds from any source that are available to the agency line item for the
3880 fiscal year in question.

3881 (7) Upon transmittal of the new budget execution plan to the entities in Subsection (4),
3882 the Division of Finance shall permit all expenditures to be made from the appropriations or
3883 other funds from any source on the basis of those budget execution plans.

3884 (8) The Division of Finance shall, through statistical sampling methods or other means,
3885 audit all claims against the state for which an appropriation has been made.

3886 Section 57. Section **63J-1-217** is amended to read:

3887 **63J-1-217. Overexpenditure of budget by agency -- Prorating budget income**
3888 **shortfall.**

3889 (1) Expenditures of departments, agencies, and institutions of state government shall be
3890 kept within revenues available for such expenditures.

3891 (2) (a) Line items of appropriation shall not be overexpended.

3892 (b) Notwithstanding Subsection (2)(a), if an agency's line item is overexpended at the
3893 close of a fiscal year:

3894 (i) the director of the Division of Finance may make payments from the line item to
3895 vendors for goods or services that were received on or before June 30; and

3896 (ii) the director of the Division of Finance shall immediately reduce the agency's line
3897 item budget in the current year by the amount of the overexpenditure.

3898 (c) Each agency with an overexpended line item shall:

3899 (i) prepare a written report explaining the reasons for the overexpenditure; and

3900 (ii) present the report to:

- 3901 (A) the Board of Examiners as required by Section 63G-9-301; and
3902 (B) the Office of the Legislative Fiscal Analyst.
- 3903 (3) (a) As used in this Subsection (3):
3904 (i) "Education Fund budget deficit" has the same meaning as in Section 63J-1-312; and
3905 (ii) "General Fund budget deficit" has the same meaning as in Section 63J-1-312.
- 3906 (b) If an Education Fund budget deficit or a General Fund budget deficit exists and the
3907 adopted estimated revenues were prepared in consensus with the Governor's Office of
3908 [~~Management~~] Planning and Budget, the governor shall:
3909 (i) direct state agencies to reduce commitments and expenditures by an amount
3910 proportionate to the amount of the deficiency; and
3911 (ii) direct the Division of Finance to reduce allotments to institutions of higher
3912 education by an amount proportionate to the amount of the deficiency.
- 3913 (c) The governor's directions under Subsection (3)(b) are rescinded when the
3914 Legislature rectifies the Education Fund budget deficit and the General Fund budget deficit.
- 3915 (4) (a) A department may not receive an advance of funds that cannot be covered by
3916 anticipated revenue within the budget execution plan of the fiscal year, unless the governor
3917 allocates money from the governor's emergency appropriations.
3918 (b) All allocations made from the governor's emergency appropriations shall be
3919 reported to the budget subcommittee of the Legislative Management Committee by notifying
3920 the Office of the Legislative Fiscal Analyst at least 15 days before the effective date of the
3921 allocation.
- 3922 (c) Emergency appropriations shall be allocated only to support activities having
3923 existing legislative approval and appropriation, and may not be allocated to any activity or
3924 function rejected directly or indirectly by the Legislature.
- 3925 Section 58. Section 63J-1-220 is amended to read:
3926 **63J-1-220. Reporting related to pass through money distributed by state**
3927 **agencies.**
- 3928 (1) As used in this section:
3929 (a) "Local government entity" means a county, municipality, school district, local
3930 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, special
3931 service district under Title 17D, Chapter 1, Special Service District Act, or any other political

3932 subdivision of the state.

3933 (b) (i) "Pass through funding" means money appropriated by the Legislature to a state
3934 agency that is intended to be passed through the state agency to one or more:

3935 (A) local government entities;

3936 (B) private organizations, including not-for-profit organizations; or

3937 (C) persons in the form of a loan or grant.

3938 (ii) "Pass through funding" may be:

3939 (A) general funds, dedicated credits, or any combination of state funding sources; and

3940 (B) ongoing or one-time.

3941 (c) "Recipient entity" means a local government entity or private entity, including a
3942 nonprofit entity, that receives money by way of pass through funding from a state agency.

3943 (d) "State agency" means a department, commission, board, council, agency,
3944 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
3945 unit, bureau, panel, or other administrative unit of the executive branch of the state.

3946 (e) (i) "State money" means money that is owned, held, or administered by a state
3947 agency and derived from state fees or tax revenues.

3948 (ii) "State money" does not include contributions or donations received by a state
3949 agency.

3950 (2) A state agency may not provide a recipient entity state money through pass through
3951 funding unless:

3952 (a) the state agency enters into a written agreement with the recipient entity; and

3953 (b) the written agreement described in Subsection (2)(a) requires the recipient entity to
3954 provide the state agency:

3955 (i) a written description and an itemized report at least annually detailing the
3956 expenditure of the state money, or the intended expenditure of any state money that has not
3957 been spent; and

3958 (ii) a final written itemized report when all the state money is spent.

3959 (3) A state agency shall provide to the Governor's Office of ~~[Management]~~ Planning
3960 and Budget a copy of a written description or itemized report received by the state agency
3961 under Subsection (2).

3962 (4) Notwithstanding Subsection (2), a state agency is not required to comply with this

3963 section to the extent that the pass through funding is issued:

3964 (a) under a competitive award process;

3965 (b) in accordance with a formula enacted in statute;

3966 (c) in accordance with a state program under parameters in statute or rule that guides

3967 the distribution of the pass through funding; or

3968 (d) under the authority of the Minimum School Program, as defined in Section

3969 [53F-2-102](#).

3970 Section 59. Section **63J-1-411** is amended to read:

3971 **63J-1-411. Internal service funds -- End of fiscal year -- Unused authority for**
3972 **capital acquisition.**

3973 (1) An internal service fund agency's authority to acquire capital assets under
3974 Subsection [63J-1-410](#)(8)(a) shall lapse if the acquisition of the capital asset does not occur in
3975 the fiscal year in which the authorization is included in the appropriations act, unless the
3976 Legislature identifies the authority to acquire the capital asset as nonlapsing authority:

3977 (a) for a specific one-time project and a limited period of time in the Legislature's
3978 initial appropriation to the agency; or

3979 (b) in a supplemental appropriation in accordance with Subsection (2).

3980 (2) (a) An internal service fund agency's authority to acquire capital assets may be
3981 retained as nonlapsing authorization if the internal service fund agency includes a one-time
3982 project's list as part of the budget request that it submits to the governor and the Legislature at
3983 the annual general session of the Legislature immediately before the end of the fiscal year in
3984 which the agency may have unused capital acquisition authority.

3985 (b) The governor:

3986 (i) may approve some or all of the items from an agency's one-time project's list; and

3987 (ii) shall identify and prioritize any approved one-time projects in the budget that the
3988 governor submits to the Legislature.

3989 (c) The Legislature:

3990 (i) may approve some or all of the specific items from an agency's one-time project's
3991 list as an approved capital acquisition for an agency's appropriation balance;

3992 (ii) shall identify any authorized one-time projects in the appropriate line item
3993 appropriation; and

3994 (iii) may prioritize one-time projects in intent language.

3995 (3) An internal service fund agency shall submit a status report of outstanding
3996 nonlapsing authority to acquire capital assets and associated one-time projects to the
3997 Governor's Office of ~~Management~~ Planning and Budget and the Legislative Fiscal Analyst's
3998 Office with the proposed budget submitted by the governor as provided under Section
3999 [63J-1-201](#).

4000 Section 60. Section **63J-1-504** is amended to read:

4001 **63J-1-504. Fees -- Adoption, procedure, and approval -- Establishing and**
4002 **assessing fees without legislative approval.**

4003 (1) As used in this section:

4004 (a) (i) "Agency" means each department, commission, board, council, agency,
4005 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
4006 unit, bureau, panel, or other administrative unit of the state.

4007 (ii) "Agency" does not mean the Legislature or its committees.

4008 (b) "Fee agency" means any agency that is authorized to establish fees.

4009 (c) "Fee schedule" means the complete list of fees charged by a fee agency and the
4010 amount of those fees.

4011 (2) Each fee agency shall adopt a schedule of fees assessed for services provided by the
4012 fee agency that are:

4013 (a) reasonable, fair, and reflect the cost of services provided; and

4014 (b) established according to a cost formula determined by the executive director of the
4015 Governor's Office of ~~Management~~ Planning and Budget and the director of the Division of
4016 Finance in conjunction with the agency seeking to establish the fee.

4017 (3) Except as provided in Subsection (6), a fee agency may not:

4018 (a) set fees by rule; or

4019 (b) create, change, or collect any fee unless the fee has been established according to
4020 the procedures and requirements of this section.

4021 (4) Each fee agency that is proposing a new fee or proposing to change a fee shall:

4022 (a) present each proposed fee at a public hearing, subject to the requirements of Title
4023 52, Chapter 4, Open and Public Meetings Act;

4024 (b) increase, decrease, or affirm each proposed fee based on the results of the public

4025 hearing;

4026 (c) except as provided in Subsection (6), submit the fee schedule to the Legislature as
4027 part of the agency's annual appropriations request; and

4028 (d) where necessary, modify the fee schedule to implement the Legislature's actions.

4029 (5) (a) Each fee agency shall submit [its] the agency's fee schedule or special
4030 assessment amount to the Legislature for [its] the legislature's approval on an annual basis.

4031 (b) The Legislature may approve, increase or decrease and approve, or reject any fee
4032 submitted to it by a fee agency.

4033 (6) After conducting the public hearing required by this section, a fee agency may
4034 establish and assess fees without first obtaining legislative approval if:

4035 (a) (i) the Legislature creates a new program that is to be funded by fees to be set by the
4036 Legislature;

4037 (ii) the new program's effective date is before the Legislature's next annual general
4038 session; and

4039 (iii) the fee agency submits the fee schedule for the new program to the Legislature for
4040 its approval at a special session, if allowed in the governor's call, or at the next annual general
4041 session of the Legislature, whichever is sooner; or

4042 (b) (i) the fee agency proposes to increase or decrease an existing fee for the purpose of
4043 adding or removing a transactional fee that is charged or assessed by a non-governmental third
4044 party but is included as part of the fee charged by the fee agency;

4045 (ii) the amount of the increase or decrease in the fee is equal to the amount of the
4046 transactional fee charged or assessed by the non-governmental third party; and

4047 (iii) the increased or decreased fee is submitted to the Legislature for [its] the
4048 Legislature's approval at a special session, if allowed in the governor's call, or at the next
4049 annual session of the Legislature, whichever is sooner.

4050 (7) (a) Each fee agency that wishes to change any fee shall submit to the governor as
4051 part of the agency's annual appropriation request a list that identifies:

4052 (i) the title or purpose of the fee;

4053 (ii) the present amount of the fee;

4054 (iii) the proposed new amount of the fee;

4055 (iv) the percent that the fee will have increased if the Legislature approves the higher

4056 fee;

4057 (v) the estimated total annual revenue change that will result from the change in the
4058 fee;

4059 (vi) the account or fund into which the fee will be deposited; and

4060 (vii) the reason for the change in the fee.

4061 (b) (i) The governor may review and approve, modify and approve, or reject the fee
4062 increases.

4063 (ii) The governor shall transmit the list required by Subsection (7)(a), with any
4064 modifications, to the [~~Legislative Fiscal Analyst~~] legislative fiscal analyst with the governor's
4065 budget recommendations.

4066 (c) Bills approving any fee change shall be filed before the beginning of the
4067 Legislature's annual general session, if possible.

4068 (8) (a) Except as provided in Subsection (8)(b), the School and Institutional Trust
4069 Lands Administration, established in Section [53C-1-201](#), is exempt from the requirements of
4070 this section.

4071 (b) The following fees of the School and Institutional Trust Lands Administration are
4072 subject to the requirements of this section: application, assignment, amendment, affidavit for
4073 lost documents, name change, reinstatement, grazing nonuse, extension of time, partial
4074 conveyance, patent reissue, collateral assignment, electronic payment, and processing.

4075 Section 61. Section **63J-1-602.1** is amended to read:

4076 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

4077 Appropriations made from the following accounts or funds are nonlapsing:

4078 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
4079 and Leadership Restricted Account created in Section [4-42-102](#).

4080 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

4081 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
4082 Section [9-18-102](#).

4083 (4) The National Professional Men's Soccer Team Support of Building Communities
4084 Restricted Account created in Section [9-19-102](#).

4085 (5) Funds collected for directing and administering the C-PACE district created in
4086 Section [11-42a-106](#).

- 4087 (6) Money received by the Utah Inland Port Authority, as provided in Section
4088 [11-58-105](#).
- 4089 (7) The "Latino Community Support Restricted Account" created in Section [13-1-16](#).
- 4090 (8) The Clean Air Support Restricted Account created in Section [19-1-109](#).
- 4091 (9) The "Support for State-Owned Shooting Ranges Restricted Account" created in
4092 Section [23-14-13.5](#).
- 4093 (10) Award money under the State Asset Forfeiture Grant Program, as provided under
4094 Section [24-4-117](#).
- 4095 (11) Funds collected from the program fund for local health department expenses
4096 incurred in responding to a local health emergency under Section [26-1-38](#).
- 4097 (12) The Children with Cancer Support Restricted Account created in Section
4098 [26-21a-304](#).
- 4099 (13) State funds for matching federal funds in the Children's Health Insurance Program
4100 as provided in Section [26-40-108](#).
- 4101 (14) The Children with Heart Disease Support Restricted Account created in Section
4102 [26-58-102](#).
- 4103 (15) The Nurse Home Visiting Restricted Account created in Section [26-63-601](#).
- 4104 (16) The Technology Development Restricted Account created in Section [31A-3-104](#).
- 4105 (17) The Criminal Background Check Restricted Account created in Section
4106 [31A-3-105](#).
- 4107 (18) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
4108 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 4109 (19) The Title Licensee Enforcement Restricted Account created in Section
4110 [31A-23a-415](#).
- 4111 (20) The Health Insurance Actuarial Review Restricted Account created in Section
4112 [31A-30-115](#).
- 4113 (21) The Insurance Fraud Investigation Restricted Account created in Section
4114 [31A-31-108](#).
- 4115 (22) The Underage Drinking Prevention Media and Education Campaign Restricted
4116 Account created in Section [32B-2-306](#).
- 4117 (23) The School Readiness Restricted Account created in Section [35A-15-203](#).

4118 (24) Money received by the Utah State Office of Rehabilitation for the sale of certain
4119 products or services, as provided in Section [35A-13-202](#).

4120 (25) The Oil and Gas Administrative Penalties Account created in Section [40-6-11](#).

4121 (26) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).

4122 (27) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to
4123 the Motor Vehicle Division.

4124 (28) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
4125 created by Section [41-3-110](#) to the State Tax Commission.

4126 (29) The Utah Law Enforcement Memorial Support Restricted Account created in
4127 Section [53-1-120](#).

4128 (30) The State Disaster Recovery Restricted Account to the Division of Emergency
4129 Management, as provided in Section [53-2a-603](#).

4130 (31) The Department of Public Safety Restricted Account to the Department of Public
4131 Safety, as provided in Section [53-3-106](#).

4132 (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
4133 [53-8-303](#).

4134 (33) The DNA Specimen Restricted Account created in Section [53-10-407](#).

4135 (34) The Canine Body Armor Restricted Account created in Section [53-16-201](#).

4136 (35) The Technical Colleges Capital Projects Fund created in Section [53B-2a-118](#).

4137 (36) The Higher Education Capital Projects Fund created in Section [53B-22-202](#).

4138 (37) A certain portion of money collected for administrative costs under the School
4139 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).

4140 (38) The Public Utility Regulatory Restricted Account created in Section [54-5-1.5](#),
4141 subject to Subsection [54-5-1.5\(4\)\(d\)](#).

4142 (39) Funds collected from a surcharge fee to provide certain licensees with access to an
4143 electronic reference library, as provided in Section [58-3a-105](#).

4144 (40) Certain fines collected by the Division of Occupational and Professional Licensing
4145 for violation of unlawful or unprofessional conduct that are used for education and enforcement
4146 purposes, as provided in Section [58-17b-505](#).

4147 (41) Funds collected from a surcharge fee to provide certain licensees with access to an
4148 electronic reference library, as provided in Section [58-22-104](#).

4149 (42) Funds collected from a surcharge fee to provide certain licensees with access to an
4150 electronic reference library, as provided in Section [58-55-106](#).

4151 (43) Funds collected from a surcharge fee to provide certain licensees with access to an
4152 electronic reference library, as provided in Section [58-56-3.5](#).

4153 (44) Certain fines collected by the Division of Occupational and Professional Licensing
4154 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
4155 Section [58-63-103](#).

4156 (45) The Relative Value Study Restricted Account created in Section [59-9-105](#).

4157 (46) The Cigarette Tax Restricted Account created in Section [59-14-204](#).

4158 (47) Funds paid to the Division of Real Estate for the cost of a criminal background
4159 check for a mortgage loan license, as provided in Section [61-2c-202](#).

4160 (48) Funds paid to the Division of Real Estate for the cost of a criminal background
4161 check for principal broker, associate broker, and sales agent licenses, as provided in Section
4162 [61-2f-204](#).

4163 (49) Certain funds donated to the Department of Human Services, as provided in
4164 Section [62A-1-111](#).

4165 (50) The National Professional Men's Basketball Team Support of Women and
4166 Children Issues Restricted Account created in Section [62A-1-202](#).

4167 (51) Certain funds donated to the Division of Child and Family Services, as provided
4168 in Section [62A-4a-110](#).

4169 (52) The Choose Life Adoption Support Restricted Account created in Section
4170 [62A-4a-608](#).

4171 (53) Funds collected by the Office of Administrative Rules for publishing, as provided
4172 in Section [63G-3-402](#).

4173 (54) The Immigration Act Restricted Account created in Section [63G-12-103](#).

4174 (55) Money received by the military installation development authority, as provided in
4175 Section [63H-1-504](#).

4176 (56) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).

4177 (57) The Unified Statewide 911 Emergency Service Account created in Section
4178 [63H-7a-304](#).

4179 (58) The Utah Statewide Radio System Restricted Account created in Section

4180 63H-7a-403.
4181 [~~(59)~~] The Employability to Careers Program Restricted Account created in Section
4182 ~~63J-4-703.~~
4183 [~~(60)~~] (59) The Motion Picture Incentive Account created in Section 63N-8-103.
4184 [~~(61)~~] (60) Certain money payable for expenses of the Pete Suazo Utah Athletic
4185 Commission, as provided under Section 63N-10-301.
4186 [~~(62)~~] (61) Funds collected by the housing of state probationary inmates or state parole
4187 inmates, as provided in Subsection 64-13e-104(2).
4188 [~~(63)~~] (62) Certain forestry and fire control funds utilized by the Division of Forestry,
4189 Fire, and State Lands, as provided in Section 65A-8-103.
4190 [~~(64)~~] (63) The Transportation of Veterans to Memorials Support Restricted Account
4191 created in Section 71-14-102.
4192 [~~(65)~~] (64) The Amusement Ride Safety Restricted Account, as provided in Section
4193 72-16-204.
4194 [~~(66)~~] (65) Certain funds received by the Office of the State Engineer for well drilling
4195 fines or bonds, as provided in Section 73-3-25.
4196 [~~(67)~~] (66) The Water Resources Conservation and Development Fund, as provided in
4197 Section 73-23-2.
4198 [~~(68)~~] (67) Funds donated or paid to a juvenile court by private sources, as provided in
4199 Subsection 78A-6-203(1)(c).
4200 [~~(69)~~] (68) Fees for certificate of admission created under Section 78A-9-102.
4201 [~~(70)~~] (69) Funds collected for adoption document access as provided in Sections
4202 78B-6-141, 78B-6-144, and 78B-6-144.5.
4203 [~~(71)~~] (70) Funds collected for indigent defense as provided in Title 78B, Chapter 22,
4204 Part 4, Utah Indigent Defense Commission.
4205 [~~(72)~~] (71) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades
4206 State Park, Jordan River State Park, and Green River State Park, as provided under Section
4207 79-4-403.
4208 [~~(73)~~] (72) Certain funds received by the Division of Parks and Recreation from the
4209 sale or disposal of buffalo, as provided under Section 79-4-1001.
4210 [~~(74)~~] (73) The Drinking While Pregnant Prevention Media and Education Campaign

4211 Restricted Account created in Section [32B-2-308](#).

4212 Section 62. Section **63J-3-102** is amended to read:

4213 **63J-3-102. Purpose of chapter -- Limitations on state mandated property tax,**
4214 **state appropriations, and state debt.**

4215 (1) (a) It is the purpose of this chapter to:

4216 (i) place a limitation on the state mandated property tax rate under Title 53F, Chapter
4217 2, State Funding -- Minimum School Program;

4218 (ii) place limitations on state government appropriations based upon the combined
4219 changes in population and inflation; and

4220 (iii) place a limitation on the state's outstanding general obligation debt.

4221 (b) The limitations imposed by this chapter are in addition to limitations on tax levies,
4222 rates, and revenues otherwise provided for by law.

4223 (2) (a) This chapter may not be construed as requiring the state to collect the full
4224 amount of tax revenues permitted to be appropriated by this chapter.

4225 (b) This chapter's purpose is to provide a ceiling, not a floor, limitation on the
4226 appropriations of state government.

4227 (3) The recommendations and budget analysis prepared by the Governor's Office of
4228 [~~Management~~] Planning and Budget and the Office of the Legislative Fiscal Analyst, as
4229 required by Title 36, Chapter 12, Legislative Organization, shall be in strict compliance with
4230 the limitations imposed under this chapter.

4231 Section 63. Section **63J-3-103** is amended to read:

4232 **63J-3-103. Definitions.**

4233 As used in this chapter:

4234 (1) (a) "Appropriations" means actual unrestricted capital and operating appropriations
4235 from unrestricted General Fund and Education Fund sources.

4236 (b) "Appropriations" includes appropriations that are contingent upon available
4237 surpluses in the General Fund and Education Fund.

4238 (c) "Appropriations" does not mean:

4239 (i) public education expenditures;

4240 (ii) Utah Education and Telehealth Network expenditures in support of public
4241 education;

- 4242 (iii) Utah Board of Higher Education expenditures in support of public education;
- 4243 (iv) State Tax Commission expenditures related to collection of income taxes in
- 4244 support of public education;
- 4245 (v) debt service expenditures;
- 4246 (vi) emergency expenditures;
- 4247 (vii) expenditures from all other fund or subfund sources;
- 4248 (viii) transfers or appropriations from the Education Fund to the Uniform School Fund;
- 4249 (ix) transfers into, or appropriations made to, the General Fund Budget Reserve
- 4250 Account established in Section [63J-1-312](#);
- 4251 (x) transfers into, or appropriations made to, the Education Budget Reserve Account
- 4252 established in Section [63J-1-313](#);
- 4253 (xi) transfers in accordance with Section [63J-1-314](#) into, or appropriations made to the
- 4254 Wildland Fire Suppression Fund created in Section [65A-8-204](#) or the State Disaster Recovery
- 4255 Restricted Account created in Section [53-2a-603](#);
- 4256 (xii) money appropriated to fund the total one-time project costs for the construction of
- 4257 capital development projects as defined in Section [63A-5b-401](#);
- 4258 (xiii) transfers or deposits into or appropriations made to the Centennial Highway Fund
- 4259 created by Section [72-2-118](#);
- 4260 (xiv) transfers or deposits into or appropriations made to the Transportation Investment
- 4261 Fund of 2005 created by Section [72-2-124](#);
- 4262 (xv) transfers or deposits into or appropriations made to:
- 4263 (A) the Department of Transportation from any source; or
- 4264 (B) any transportation-related account or fund from any source; or
- 4265 (xvi) supplemental appropriations from the General Fund to the Division of Forestry,
- 4266 Fire, and State Lands to provide money for wildland fire control expenses incurred during the
- 4267 current or previous fire years.
- 4268 (2) "Base year real per capita appropriations" means the result obtained for the state by
- 4269 dividing the fiscal year 1985 actual appropriations of the state less debt money by:
- 4270 (a) the state's July 1, 1983 population; and
- 4271 (b) the fiscal year 1983 inflation index divided by 100.
- 4272 (3) "Calendar year" means the time period beginning on January 1 of any given year

4273 and ending on December 31 of the same year.

4274 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate
4275 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special Session,
4276 Chapter 4.

4277 (5) "Fiscal year" means the time period beginning on July 1 of any given year and
4278 ending on June 30 of the subsequent year.

4279 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual
4280 capital and operations appropriations from General Fund and non-Uniform School Fund
4281 income tax revenue sources, less debt money.

4282 (7) "Inflation index" means the change in the general price level of goods and services
4283 as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic
4284 Analysis, U.S. Department of Commerce calculated as provided in Section [63J-3-202](#).

4285 (8) (a) "Maximum allowable appropriations limit" means the appropriations that could
4286 be, or could have been, spent in any given year under the limitations of this chapter.

4287 (b) "Maximum allowable appropriations limit" does not mean actual appropriations
4288 spent or actual expenditures.

4289 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two
4290 fiscal years previous to the fiscal year for which the maximum allowable inflation and
4291 population appropriations limit is being computed under this chapter.

4292 (10) "Most recent fiscal year's population" means the fiscal year population two fiscal
4293 years previous to the fiscal year for which the maximum allowable inflation and population
4294 appropriations limit is being computed under this chapter.

4295 (11) "Population" means the number of residents of the state as of July 1 of each year
4296 as calculated by the Governor's Office of ~~Management~~ Planning and Budget according to the
4297 procedures and requirements of Section [63J-3-202](#).

4298 (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and
4299 other monetary exaction and interest connected with it that are recorded as unrestricted revenue
4300 of the General Fund and from non-Uniform School Fund income tax revenues, except as
4301 specifically exempted by this chapter.

4302 (13) "Security" means any bond, note, warrant, or other evidence of indebtedness,
4303 whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an

4304 "indebtedness" within the meaning of any provision of the constitution or laws of this state.

4305 Section 64. Section **63J-3-202** is amended to read:

4306 **63J-3-202. Computing formula elements.**

4307 (1) For purposes of calculating fiscal year inflation indexes for the previous fiscal year,
4308 the Governor's Office of [~~Management~~] Planning and Budget shall use:

4309 (a) the actual quarterly data released by the U.S. Department of Commerce as of
4310 January 31 of each year; and

4311 (b) the most recent U.S. Bureau of Census population estimates as of January 31 of
4312 each year.

4313 (2) (a) For purposes of computing the inflation index, the Governor's Office of
4314 [~~Management~~] Planning and Budget shall:

4315 (i) assign the bureau's 1982 calendar year inflation index value of 100 to fiscal year
4316 1989 for purposes of computing fiscal year index values;

4317 (ii) compute all subsequent fiscal year inflation indexes after having assigned the fiscal
4318 year 1989 inflation index a value of 100; and

4319 (iii) use the quarterly index values published by the Bureau of Economic Analysis,
4320 U.S. Department of Commerce, to compute fiscal year index values.

4321 (b) If the bureau changes its calendar base year, appropriate adjustments are to be made
4322 in this chapter to accommodate those changes.

4323 (3) (a) For purposes of computing the most recent fiscal year's population, the
4324 Governor's Office of [~~Management~~] Planning and Budget shall convert the April 1 decennial
4325 census estimate to a July 1 estimate, unless otherwise estimated by the Bureau of Census.

4326 (b) If the bureau changes the state's July 1, 1983 base year population after it conducts
4327 the 1990 Census, appropriate adjustments shall be made in this chapter to accommodate those
4328 changes.

4329 Section 65. Section **63J-4-101** is amended to read:

4330 **CHAPTER 4. GOVERNOR'S OFFICE OF PLANNING AND BUDGET**

4331 **63J-4-101. Title.**

4332 This chapter is known as the "Governor's Office of [~~Management~~] Planning and
4333 Budget."

4334 Section 66. Section **63J-4-102** is amended to read:

4335 **63J-4-102. Definitions.**

4336 As used in this chapter:

4337 ~~[(1) "Committee" means the Resource Development Coordinating Committee created~~
4338 ~~by this chapter.]~~4339 ~~[(2)]~~ (1) "Executive director" means the chief administrative officer of the ~~[Governor's~~
4340 ~~Office of Management and Budget appointed as provided in this chapter]~~ office, appointed
4341 under Section 63J-4-202.4342 ~~[(3)]~~ (2) "Office" means the Governor's Office of ~~[Management]~~ Planning and Budget
4343 ~~created [by this chapter.]~~ in Section 63J-4-201.4344 (3) "Planning coordinator" means the individual appointed as the planning coordinator
4345 under Section 63J-4-401.

4346 (4) "Political subdivision" means:

4347 (a) a county, municipality, local district, special service district, school district, or
4348 interlocal [cooperation agreement entity, or any] entity, as defined in Section 11-13-103; or4349 (b) an administrative subunit of [them] an entity listed in Subsection (4)(a).4350 ~~[(5) "State planning coordinator" means the person appointed as planning coordinator~~
4351 ~~as provided in this chapter.]~~4352 Section 67. Section **63J-4-201** is amended to read:4353 **63J-4-201. Creation.**4354 There is created within the governor's office the Governor's Office of ~~[Management]~~
4355 Planning and Budget to be administered by an executive director.4356 Section 68. Section **63J-4-202** is amended to read:4357 **63J-4-202. Appointment of executive director -- Salary.**4358 (1) ~~[(a)]~~ The governor shall appoint an executive director of the office, to serve at the
4359 governor's pleasure[:].4360 ~~[(i) an executive director of the Governor's Office of Management and Budget; and]~~4361 ~~[(ii) a state planning coordinator.]~~4362 ~~[(b) The state planning coordinator is considered part of the office for purposes of~~
4363 ~~administration.]~~4364 (2) The governor shall establish the executive director's salary within the salary range
4365 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

4366 Section 69. Section **63J-4-301** is amended to read:

4367 **63J-4-301. Duties of the executive director and office.**

4368 (1) The executive director and the office shall:

4369 (a) comply with the procedures and requirements of Title 63J, Chapter 1, Budgetary

4370 Procedures Act;

4371 (b) under the direct supervision of the governor, assist the governor in the preparation
4372 of the governor's budget recommendations;

4373 (c) review agency budget execution plans as specified in Section [63J-1-209](#);

4374 (d) establish benchmarking practices for measuring operational costs, quality of
4375 service, and effectiveness across all state agencies and programs;

4376 (e) assist agencies with the development of an operational plan that uses continuous
4377 improvement tools and operational metrics to increase statewide capacity and improve
4378 interagency integration;

4379 (f) review and assess agency budget requests and expenditures using a clear set of goals
4380 and measures;

4381 (g) develop and maintain enterprise portfolio and electronic information systems to
4382 select and oversee the execution of projects, ensure a return on investment, and trace and report
4383 performance metrics; and

4384 [~~(h) coordinate with the executive directors of the Department of Workforce Services
4385 and the Governor's Office of Economic Development to review data and metrics to be reported
4386 to the Legislature as described in Subsection [63J-4-708\(2\)\(d\)](#); and]~~

4387 [~~(i)~~] (h) perform other duties and responsibilities as assigned by the governor.

4388 (2) (a) The executive director [~~of the Governor's Office of Management and Budget~~] or
4389 the executive director's designee is the Federal Assistance Management Officer.

4390 (b) In acting as the Federal Assistance Management Officer, the executive director or
4391 designee shall:

4392 (i) study the administration and effect of federal assistance programs in the state and
4393 advise the governor and the Legislature, through the Office of the Legislative Fiscal Analyst
4394 and the Executive Appropriations Committee, of alternative recommended methods and
4395 procedures for the administration of these programs;

4396 (ii) assist in the coordination of federal assistance programs that involve or are

4397 administered by more than one state agency; and

4398 (iii) analyze and advise on applications for new federal assistance programs submitted
4399 to the governor for approval as required by Chapter 5, Federal Funds Procedures Act.

4400 Section 70. Section **63J-4-401** is amended to read:

4401 **63J-4-401. Planning duties of the planning coordinator and office.**

4402 (1) (a) The executive director shall appoint a planning coordinator to perform the
4403 functions and duties stated in this section.

4404 (b) The planning coordinator serves at the pleasure of and under the direction of the
4405 executive director.

4406 [(1)] (2) The [state] planning coordinator shall:

4407 (a) act as the governor's adviser on state, regional, metropolitan, and local
4408 governmental planning matters relating to public improvements and land use;

4409 (b) counsel with the authorized representatives of the Department of Transportation,
4410 the State Building Board, the Department of Health, the Department of Workforce Services,
4411 the Labor Commission, the Department of Natural Resources, the School and Institutional
4412 Trust Lands Administration, and other proper persons concerning all state planning matters;

4413 (c) when designated to do so by the governor, receive funds made available to [Utah]
4414 the state by the federal government;

4415 (d) receive [and], review, and provide an internet-accessible repository of plans and
4416 studies of the various state agencies and political subdivisions relating to public improvements
4417 [and programs], housing, land use, economic development, transportation infrastructure, water
4418 infrastructure, and utility infrastructure;

4419 (e) [~~when conflicts occur~~] if a conflict occurs between the plans and proposals of state
4420 agencies, prepare specific recommendations for the resolution of the [conflicts] conflict and
4421 submit the recommendations to the governor for a decision resolving the conflict;

4422 (f) [~~when conflicts occur~~] if a conflict occurs between the plans and proposals of a state
4423 agency and a political subdivision or between two or more political subdivisions, advise these
4424 entities of the conflict and make specific recommendations for the resolution of the conflict;

4425 (g) act as the governor's planning agent in planning public improvements and land use
4426 and, in this capacity, undertake special studies and investigations, participate in
4427 cross-jurisdictional planning activities, and, if needed, provide coordination;

4428 (h) provide information and cooperate with the Legislature or any of its committees in
4429 conducting planning studies;

4430 (i) cooperate and exchange information with federal agencies and local, metropolitan,
4431 or regional agencies as necessary to assist with federal, state, regional, metropolitan, and local
4432 programs;

4433 (j) make recommendations to the governor that the planning coordinator considers
4434 advisable for the proper development and coordination of plans for state government and
4435 political subdivisions; ~~and~~

4436 ~~[(k) oversee and supervise the activities and duties of the public lands policy~~
4437 ~~coordinator.]~~

4438 (k) assist in the interpretation of projections and analyses with respect to future growth
4439 needs; and

4440 (l) actively participate in informing the short-term and long-term budgetary needs of
4441 the state.

4442 ~~[(2)]~~ (3) (a) The [state] planning coordinator may:

4443 ~~[(a)]~~ (i) perform regional and state planning and assist state government planning
4444 agencies in performing state planning;

4445 ~~[(b)]~~ (ii) provide planning assistance to Indian tribes regarding planning for Indian
4446 reservations; ~~and~~

4447 ~~[(c)]~~ (iii) assist city, county, metropolitan, and regional planning agencies in
4448 performing local, metropolitan, and regional planning~~]; provided that the state planning~~
4449 ~~coordinator and the state planning coordinator's agents and designees recognize and promote~~
4450 ~~the plans, policies, programs, processes, and desired outcomes of each planning agency~~
4451 ~~whenever possible.]; subject to Subsection (3)(b); and~~

4452 (iv) conduct, or coordinate with stakeholders to conduct, public meetings or hearings
4453 to:

4454 (A) encourage maximum public understanding of and agreement with the factual data
4455 and assumptions upon which projections and analyses are based; and

4456 (B) receive suggestions as to the types of projections and analyses that are needed.

4457 (b) In performing the duties described in Subsection (3)(a)(iii), to the extent possible
4458 the planning coordinator and any agent or designee of the planning coordinator shall recognize

4459 and promote the plans, policies, programs, processes, and desired outcomes of the city, county,
4460 metropolitan, or regional planning agency that the planning coordinator or the planning
4461 coordinator's agent or designee is assisting.

4462 ~~[(3) When preparing or]~~ (4) In assisting in the preparation of plans, policies, programs,
4463 or processes related to the management or use of federal lands or natural resources on federal
4464 lands in ~~[Utah]~~ the state, the ~~[state]~~ planning coordinator shall~~[:]~~ coordinate with the Public
4465 Lands Policy Coordinating Office created in Section [63L-11-201](#).

4466 ~~[(a) incorporate the plans, policies, programs, processes, and desired outcomes of the~~
4467 ~~counties where the federal lands or natural resources are located, to the maximum extent~~
4468 ~~consistent with state and federal law, provided that this requirement shall not be interpreted to~~
4469 ~~infringe upon the authority of the governor;]~~

4470 ~~[(b) identify inconsistencies or conflicts between the plans, policies, programs,~~
4471 ~~processes, and desired outcomes prepared under Subsection (3)(a) and the plans, programs,~~
4472 ~~processes, and desired outcomes of local government as early in the preparation process as~~
4473 ~~possible, and seek resolution of the inconsistencies through meetings or other conflict~~
4474 ~~resolution mechanisms involving the necessary and immediate parties to the inconsistency or~~
4475 ~~conflict;]~~

4476 ~~[(c) present to the governor the nature and scope of any inconsistency or other conflict~~
4477 ~~that is not resolved under the procedures in Subsection (3)(b) for the governor's decision about~~
4478 ~~the position of the state concerning the inconsistency or conflict;]~~

4479 ~~[(d) develop, research, and use factual information, legal analysis, and statements of~~
4480 ~~desired future condition for the state, or subregion of the state, as necessary to support the~~
4481 ~~plans, policies, programs, processes, and desired outcomes of the state and the counties where~~
4482 ~~the federal lands or natural resources are located;]~~

4483 ~~[(e) establish and coordinate agreements between the state and federal land~~
4484 ~~management agencies, federal natural resource management agencies, and federal natural~~
4485 ~~resource regulatory agencies to facilitate state and local participation in the development,~~
4486 ~~revision, and implementation of land use plans, guidelines, regulations, other instructional~~
4487 ~~memoranda, or similar documents proposed or promulgated for lands and natural resources~~
4488 ~~administered by federal agencies; and]~~

4489 ~~[(f) work in conjunction with political subdivisions to establish agreements with~~

4490 federal land management agencies, federal natural resource management agencies, and federal
4491 natural resource regulatory agencies to provide a process for state and local participation in the
4492 preparation of, or coordinated state and local response to, environmental impact analysis
4493 documents and similar documents prepared pursuant to law by state or federal agencies.}]

4494 ~~[(4) The state planning coordinator shall comply with the requirements of Subsection~~
4495 ~~63C-4a-203(8) before submitting any comments on a draft environmental impact statement or~~
4496 ~~on an environmental assessment for a proposed land management plan, if the governor would~~
4497 ~~be subject to Subsection 63C-4a-203(8) if the governor were submitting the material.}]~~

4498 ~~[(5) The state planning coordinator shall cooperate with and work in conjunction with~~
4499 ~~appropriate state agencies and political subdivisions to develop policies, plans, programs,~~
4500 ~~processes, and desired outcomes authorized by this section by coordinating the development of~~
4501 ~~positions:}]~~

4502 ~~[(a) through the Resource Development Coordinating Committee;}]~~

4503 ~~[(b) in conjunction with local government officials concerning general local~~
4504 ~~government plans;}]~~

4505 ~~[(c) by soliciting public comment through the Resource Development Coordinating~~
4506 ~~Committee; and]~~

4507 ~~[(d) by working with the Public Lands Policy Coordinating Office.}]~~

4508 ~~[(6) The state planning coordinator shall recognize and promote the following~~
4509 ~~principles when preparing any policies, plans, programs, processes, or desired outcomes~~
4510 ~~relating to federal lands and natural resources on federal lands pursuant to this section:}]~~

4511 ~~[(a) (i) the citizens of the state are best served by applying multiple-use and~~
4512 ~~sustained-yield principles in public land use planning and management; and]~~

4513 ~~[(ii) multiple-use and sustained-yield management means that federal agencies should~~
4514 ~~develop and implement management plans and make other resource-use decisions that:}]~~

4515 ~~[(A) achieve and maintain in perpetuity a high-level annual or regular periodic output~~
4516 ~~of mineral and various renewable resources from public lands;}]~~

4517 ~~[(B) support valid existing transportation, mineral, and grazing privileges at the highest~~
4518 ~~reasonably sustainable levels;}]~~

4519 ~~[(C) support the specific plans, programs, processes, and policies of state agencies and~~
4520 ~~local governments;}]~~

4521 ~~[(D) are designed to produce and provide the desired vegetation for the watersheds;~~
4522 ~~timber, food, fiber, livestock forage, and wildlife forage, and minerals that are necessary to~~
4523 ~~meet present needs and future economic growth and community expansion without permanent~~
4524 ~~impairment of the productivity of the land;]~~

4525 ~~[(E) meet the recreational needs and the personal and business-related transportation~~
4526 ~~needs of the citizens of the state by providing access throughout the state;]~~

4527 ~~[(F) meet the recreational needs of the citizens of the state;]~~

4528 ~~[(G) meet the needs of wildlife;]~~

4529 ~~[(H) provide for the preservation of cultural resources, both historical and~~
4530 ~~archaeological;]~~

4531 ~~[(I) meet the needs of economic development;]~~

4532 ~~[(J) meet the needs of community development; and]~~

4533 ~~[(K) provide for the protection of water rights;]~~

4534 ~~[(b) managing public lands for "wilderness characteristics" circumvents the statutory~~
4535 ~~wilderness process and is inconsistent with the multiple-use and sustained-yield management~~
4536 ~~standard that applies to all Bureau of Land Management and U.S. Forest Service lands that are~~
4537 ~~not wilderness areas or wilderness study areas;]~~

4538 ~~[(c) all waters of the state are:]~~

4539 ~~[(i) owned exclusively by the state in trust for its citizens;]~~

4540 ~~[(ii) are subject to appropriation for beneficial use; and]~~

4541 ~~[(iii) are essential to the future prosperity of the state and the quality of life within the~~
4542 ~~state;]~~

4543 ~~[(d) the state has the right to develop and use its entitlement to interstate rivers;]~~

4544 ~~[(e) all water rights desired by the federal government must be obtained through the~~
4545 ~~state water appropriation system;]~~

4546 ~~[(f) land management and resource-use decisions which affect federal lands should~~
4547 ~~give priority to and support the purposes of the compact between the state and the United~~
4548 ~~States related to school and institutional trust lands;]~~

4549 ~~[(g) development of the solid, fluid, and gaseous mineral resources of the state is an~~
4550 ~~important part of the economy of the state, and of local regions within the state;]~~

4551 ~~[(h) the state should foster and support industries that take advantage of the state's~~

4552 outstanding opportunities for outdoor recreation;]

4553 [~~(i) wildlife constitutes an important resource and provides recreational and economic~~
4554 ~~opportunities for the state's citizens;~~]

4555 [~~(j) proper stewardship of the land and natural resources is necessary to ensure the~~
4556 ~~health of the watersheds, timber, forage, and wildlife resources to provide for a continuous~~
4557 ~~supply of resources for the people of the state and the people of the local communities who~~
4558 ~~depend on these resources for a sustainable economy;~~]

4559 [~~(k) forests, rangelands, timber, and other vegetative resources;~~]

4560 [~~(i) provide forage for livestock;~~]

4561 [~~(ii) provide forage and habitat for wildlife;~~]

4562 [~~(iii) provide resources for the state's timber and logging industries;~~]

4563 [~~(iv) contribute to the state's economic stability and growth, and]~~

4564 [~~(v) are important for a wide variety of recreational pursuits;~~]

4565 [~~(t) management programs and initiatives that improve watersheds, forests, and~~
4566 ~~increase forage for the mutual benefit of wildlife species and livestock, logging, and other~~
4567 ~~agricultural industries by utilizing proven techniques and tools are vital to the state's economy~~
4568 ~~and the quality of life in Utah; and]~~

4569 [~~(m) (i) land management plans, programs, and initiatives should provide that the~~
4570 ~~amount of domestic livestock forage, expressed in animal unit months, for permitted, active~~
4571 ~~use as well as the wildlife forage included in that amount, be no less than the maximum~~
4572 ~~number of animal unit months sustainable by range conditions in grazing allotments and~~
4573 ~~districts, based on an on-the-ground and scientific analysis;~~]

4574 [~~(ii) the state opposes the relinquishment or retirement of grazing animal unit months~~
4575 ~~in favor of conservation, wildlife, and other uses;~~]

4576 [~~(iii) (A) the state favors the best management practices that are jointly sponsored by~~
4577 ~~cattlemen's, sportsmen's, and wildlife management groups such as chaining, logging, seeding,~~
4578 ~~burning, and other direct soil and vegetation prescriptions that are demonstrated to restore~~
4579 ~~forest and rangeland health, increase forage, and improve watersheds in grazing districts and~~
4580 ~~allotments for the mutual benefit of domestic livestock and wildlife;~~]

4581 [~~(B) when practices described in Subsection (6)(m)(iii)(A) increase a grazing~~
4582 ~~allotment's forage beyond the total permitted forage use that was allocated to that allotment in~~

4583 ~~the last federal land use plan or allotment management plan still in existence as of January 1,~~
4584 ~~2005, a reasonable and fair portion of the increase in forage beyond the previously allocated~~
4585 ~~total permitted use should be allocated to wildlife as recommended by a joint, evenly balanced~~
4586 ~~committee of livestock and wildlife representatives that is appointed and constituted by the~~
4587 ~~governor for that purpose;]~~

4588 ~~[(C) the state favors quickly and effectively adjusting wildlife population goals and~~
4589 ~~population census numbers in response to variations in the amount of available forage caused~~
4590 ~~by drought or other climatic adjustments, and state agencies responsible for managing wildlife~~
4591 ~~population goals and population census numbers will give due regard to both the needs of the~~
4592 ~~livestock industry and the need to prevent the decline of species to a point where listing under~~
4593 ~~the terms of the Endangered Species Act when making such adjustments;]~~

4594 ~~[(iv) the state opposes the transfer of grazing animal unit months to wildlife for~~
4595 ~~supposed reasons of rangeland health;]~~

4596 ~~[(v) reductions in domestic livestock animal unit months must be temporary and~~
4597 ~~scientifically based upon rangeland conditions;]~~

4598 ~~[(vi) policies, plans, programs, initiatives, resource management plans, and forest plans~~
4599 ~~may not allow the placement of grazing animal unit months in a suspended use category unless~~
4600 ~~there is a rational and scientific determination that the condition of the rangeland allotment or~~
4601 ~~district in question will not sustain the animal unit months sought to be placed in suspended~~
4602 ~~use;]~~

4603 ~~[(vii) any grazing animal unit months that are placed in a suspended use category~~
4604 ~~should be returned to active use when range conditions improve;]~~

4605 ~~[(viii) policies, plans, programs, and initiatives related to vegetation management~~
4606 ~~should recognize and uphold the preference for domestic grazing over alternate forage uses in~~
4607 ~~established grazing districts while upholding management practices that optimize and expand~~
4608 ~~forage for grazing and wildlife in conjunction with state wildlife management plans and~~
4609 ~~programs in order to provide maximum available forage for all uses; and]~~

4610 ~~[(ix) in established grazing districts, animal unit months that have been reduced due to~~
4611 ~~rangeland health concerns should be restored to livestock when rangeland conditions improve,~~
4612 ~~and should not be converted to wildlife use.]~~

4613 ~~[(7) The state planning coordinator shall recognize and promote the following findings~~

4614 in the preparation of any policies, plans, programs, processes, or desired outcomes relating to
4615 federal lands and natural resources on federal lands under this section:]

4616 ~~[(a) as a coholder of R.S. 2477 rights-of-way with the counties, the state supports its~~
4617 ~~recognition by the federal government and the public use of R.S. 2477 rights-of-way and urges~~
4618 ~~the federal government to fully recognize the rights-of-way and their use by the public as~~
4619 ~~expeditiously as possible;]~~

4620 ~~[(b) it is the policy of the state to use reasonable administrative and legal measures to~~
4621 ~~protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477, and to~~
4622 ~~support and work in conjunction with counties to redress cases where R.S. 2477 rights-of-way~~
4623 ~~are not recognized or are impaired; and]~~

4624 ~~[(c) transportation and access routes to and across federal lands, including all~~
4625 ~~rights-of-way vested under R.S. 2477, are vital to the state's economy and to the quality of life~~
4626 ~~in the state, and must provide, at a minimum, a network of roads throughout the resource~~
4627 ~~planning area that provides for:]~~

4628 ~~[(i) movement of people, goods, and services across public lands;]~~

4629 ~~[(ii) reasonable access to a broad range of resources and opportunities throughout the~~
4630 ~~resource planning area, including:]~~

4631 ~~[(A) livestock operations and improvements;]~~

4632 ~~[(B) solid, fluid, and gaseous mineral operations;]~~

4633 ~~[(C) recreational opportunities and operations, including motorized and nonmotorized~~
4634 ~~recreation;]~~

4635 ~~[(D) search and rescue needs;]~~

4636 ~~[(E) public safety needs; and]~~

4637 ~~[(F) access for transportation of wood products to market;]~~

4638 ~~[(iii) access to federal lands for people with disabilities and the elderly; and]~~

4639 ~~[(iv) access to state lands and school and institutional trust lands to accomplish the~~
4640 ~~purposes of those lands.]]~~

4641 ~~[(8) The state planning coordinator shall recognize and promote the following findings~~
4642 ~~in the preparation of any plans, policies, programs, processes, or desired outcomes relating to~~
4643 ~~federal lands and natural resources on federal lands pursuant to this section:]~~

4644 ~~[(a) the state's support for the addition of a river segment to the National Wild and~~

4645 Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:]
4646 [(i) it is clearly demonstrated that water is present and flowing at all times;]
4647 [(ii) it is clearly demonstrated that the required water-related value is considered
4648 outstandingly remarkable within a region of comparison consisting of one of the three
4649 physiographic provinces in the state, and that the rationale and justification for the conclusions
4650 are disclosed;]
4651 [(iii) it is clearly demonstrated that the inclusion of each river segment is consistent
4652 with the plans and policies of the state and the county or counties where the river segment is
4653 located as those plans and policies are developed according to Subsection (3);]
4654 [(iv) the effects of the addition upon the local and state economies, agricultural and
4655 industrial operations and interests, outdoor recreation, water rights, water quality, water
4656 resource planning, and access to and across river corridors in both upstream and downstream
4657 directions from the proposed river segment have been evaluated in detail by the relevant federal
4658 agency;]
4659 [(v) it is clearly demonstrated that the provisions and terms of the process for review of
4660 potential additions have been applied in a consistent manner by all federal agencies;]
4661 [(vi) the rationale and justification for the proposed addition, including a comparison
4662 with protections offered by other management tools, is clearly analyzed within the multiple-use
4663 mandate, and the results disclosed;]
4664 [(vii) it is clearly demonstrated that the federal agency with management authority over
4665 the river segment, and which is proposing the segment for inclusion in the National Wild and
4666 Scenic River System will not use the actual or proposed designation as a basis to impose
4667 management standards outside of the federal land management plan;]
4668 [(viii) it is clearly demonstrated that the terms and conditions of the federal land and
4669 resource management plan containing a recommendation for inclusion in the National Wild
4670 and Scenic River System:]
4671 [(A) evaluates all eligible river segments in the resource planning area completely and
4672 fully for suitability for inclusion in the National Wild and Scenic River System;]
4673 [(B) does not suspend or terminate any studies for inclusion in the National Wild and
4674 Scenic River System at the eligibility phase;]
4675 [(C) fully disclaims any interest in water rights for the recommended segment as a

4676 result of the adoption of the plan; and]

4677 [~~(D) fully disclaims the use of the recommendation for inclusion in the National Wild~~
4678 ~~and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for~~
4679 ~~projects upstream, downstream, or within the recommended segment;]~~

4680 [~~(ix) it is clearly demonstrated that the agency with management authority over the~~
4681 ~~river segment commits not to use an actual or proposed designation as a basis to impose Visual~~
4682 ~~Resource Management Class I or II management prescriptions that do not comply with the~~
4683 ~~provisions of Subsection (8)(t); and]~~

4684 [~~(x) it is clearly demonstrated that including the river segment and the terms and~~
4685 ~~conditions for managing the river segment as part of the National Wild and Scenic River~~
4686 ~~System will not prevent, reduce, impair, or otherwise interfere with:]~~

4687 [~~(A) the state and its citizens' enjoyment of complete and exclusive water rights in and~~
4688 ~~to the rivers of the state as determined by the laws of the state; or]~~

4689 [~~(B) local, state, regional, or interstate water compacts to which the state or any county~~
4690 ~~is a party;]~~

4691 [~~(b) the conclusions of all studies related to potential additions to the National Wild~~
4692 ~~and Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and~~
4693 ~~action by the Legislature and governor, and the results, in support of or in opposition to, are~~
4694 ~~included in any planning documents or other proposals for addition and are forwarded to the~~
4695 ~~United States Congress;]~~

4696 [~~(c) the state's support for designation of an Area of Critical Environmental Concern~~
4697 ~~(ACEC), as defined in 43 U.S.C. Sec. 1702, within federal land management plans will be~~
4698 ~~withheld until:]~~

4699 [~~(i) it is clearly demonstrated that the proposed area satisfies all the definitional~~
4700 ~~requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec.~~
4701 ~~1702(a);]~~

4702 [~~(ii) it is clearly demonstrated that the area proposed for designation as an ACEC is~~
4703 ~~limited in geographic size and that the proposed management prescriptions are limited in scope~~
4704 ~~to the minimum necessary to specifically protect and prevent irreparable damage to the relevant~~
4705 ~~and important values identified, or limited in geographic size and management prescriptions to~~
4706 ~~the minimum required to specifically protect human life or safety from natural hazards;]~~

4707 ~~[(iii) it is clearly demonstrated that the proposed area is limited only to areas that are~~
4708 ~~already developed or used or to areas where no development is required;]~~

4709 ~~[(iv) it is clearly demonstrated that the proposed area contains relevant and important~~
4710 ~~historic, cultural or scenic values, fish or wildlife resources, or natural processes which are~~
4711 ~~unique or substantially significant on a regional basis, or contain natural hazards which~~
4712 ~~significantly threaten human life or safety;]~~

4713 ~~[(v) the federal agency has analyzed regional values, resources, processes, or hazards~~
4714 ~~for irreparable damage and its potential causes resulting from potential actions which are~~
4715 ~~consistent with the multiple-use, sustained-yield principles, and the analysis describes the~~
4716 ~~rationale for any special management attention required to protect, or prevent irreparable~~
4717 ~~damage to the values, resources, processes, or hazards;]~~

4718 ~~[(vi) it is clearly demonstrated that the proposed designation is consistent with the~~
4719 ~~plans and policies of the state and of the county where the proposed designation is located as~~
4720 ~~those plans and policies are developed according to Subsection (3);]~~

4721 ~~[(vii) it is clearly demonstrated that the proposed ACEC designation will not be applied~~
4722 ~~redundantly over existing protections provided by other state and federal laws for federal lands~~
4723 ~~or resources on federal lands, and that the federal statutory requirement for special management~~
4724 ~~attention for a proposed ACEC will discuss and justify any management requirements needed~~
4725 ~~in addition to those specified by the other state and federal laws;]~~

4726 ~~[(viii) the difference between special management attention required for an ACEC and~~
4727 ~~normal multiple-use management has been identified and justified, and that any determination~~
4728 ~~of irreparable damage has been analyzed and justified for short and long-term horizons;]~~

4729 ~~[(ix) it is clearly demonstrated that the proposed designation:]~~

4730 ~~[(A) is not a substitute for a wilderness suitability recommendation;]~~

4731 ~~[(B) is not a substitute for managing areas inventoried for wilderness characteristics~~
4732 ~~after 1993 under the BLM interim management plan for valid wilderness study areas; and]~~

4733 ~~[(C) it is not an excuse or justification to apply de facto wilderness management~~
4734 ~~standards; and]~~

4735 ~~[(x) the conclusions of all studies are submitted to the state, as a cooperating agency,~~
4736 ~~for review, and the results, in support of or in opposition to, are included in all planning~~
4737 ~~documents;]~~

4738 ~~[(d) sufficient federal lands are made available for government-to-government~~
4739 ~~exchanges of school and institutional trust lands and federal lands without regard for a~~
4740 ~~resource-to-resource correspondence between the surface or mineral characteristics of the~~
4741 ~~offered trust lands and the offered federal lands;]~~

4742 ~~[(e) federal agencies should support government-to-government exchanges of land~~
4743 ~~with the state based on a fair process of valuation which meets the fiduciary obligations of both~~
4744 ~~the state and federal governments toward trust lands management, and which assures that~~
4745 ~~revenue authorized by federal statute to the state from mineral or timber production, present or~~
4746 ~~future, is not diminished in any manner during valuation, negotiation, or implementation~~
4747 ~~processes;]~~

4748 ~~[(f) agricultural and grazing lands should continue to produce the food and fiber~~
4749 ~~needed by the citizens of the state and the nation, and the rural character and open landscape of~~
4750 ~~rural Utah should be preserved through a healthy and active agricultural and grazing industry,~~
4751 ~~consistent with private property rights and state fiduciary duties;]~~

4752 ~~[(g) the resources of the forests and rangelands of the state should be integrated as part~~
4753 ~~of viable, robust, and sustainable state and local economies, and available forage should be~~
4754 ~~evaluated for the full complement of herbivores the rangelands can support in a sustainable~~
4755 ~~manner, and forests should contain a diversity of timber species, and disease or insect~~
4756 ~~infestations in forests should be controlled using logging or other best management practices;]~~

4757 ~~[(h) the state opposes any additional evaluation of national forest service lands as~~
4758 ~~"roadless" or "unroaded" beyond the forest service's second roadless area review evaluation and~~
4759 ~~opposes efforts by agencies to specially manage those areas in a way that:]~~

4760 ~~[(i) closes or declassifies existing roads unless multiple side by side roads exist running~~
4761 ~~to the same destination and state and local governments consent to close or declassify the extra~~
4762 ~~roads;]~~

4763 ~~[(ii) permanently bars travel on existing roads;]~~

4764 ~~[(iii) excludes or diminishes traditional multiple-use activities, including grazing and~~
4765 ~~proper forest harvesting;]~~

4766 ~~[(iv) interferes with the enjoyment and use of valid, existing rights, including water~~
4767 ~~rights, local transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral~~
4768 ~~leasing rights; or]~~

4769 ~~[(v) prohibits development of additional roads reasonably necessary to pursue~~
4770 ~~traditional multiple-use activities;]~~

4771 ~~[(i) the state's support for any forest plan revision or amendment will be withheld until~~
4772 ~~the appropriate plan revision or plan amendment clearly demonstrates that:]~~

4773 ~~[(i) established roads are not referred to as unclassified roads or a similar~~
4774 ~~classification;]~~

4775 ~~[(ii) lands in the vicinity of established roads are managed under the multiple-use,~~
4776 ~~sustained-yield management standard; and]~~

4777 ~~[(iii) no roadless or unroaded evaluations or inventories are recognized or upheld~~
4778 ~~beyond those that were recognized or upheld in the forest service's second roadless area review~~
4779 ~~evaluation;]~~

4780 ~~[(j) the state's support for any recommendations made under the statutory requirement~~
4781 ~~to examine the wilderness option during the revision of land and resource management plans~~
4782 ~~by the U.S. Forest Service will be withheld until it is clearly demonstrated that:]~~

4783 ~~[(i) the duly adopted transportation plans of the state and county or counties within the~~
4784 ~~planning area are fully and completely incorporated into the baseline inventory of information~~
4785 ~~from which plan provisions are derived;]~~

4786 ~~[(ii) valid state or local roads and rights-of-way are recognized and not impaired in any~~
4787 ~~way by the recommendations;]~~

4788 ~~[(iii) the development of mineral resources by underground mining is not affected by~~
4789 ~~the recommendations;]~~

4790 ~~[(iv) the need for additional administrative or public roads necessary for the full use of~~
4791 ~~the various multiple-uses, including recreation, mineral exploration and development, forest~~
4792 ~~health activities, and grazing operations is not unduly affected by the recommendations;]~~

4793 ~~[(v) analysis and full disclosure is made concerning the balance of multiple-use~~
4794 ~~management in the proposed areas, and that the analysis compares the full benefit of~~
4795 ~~multiple-use management to the recreational, forest health, and economic needs of the state and~~
4796 ~~the counties to the benefits of the requirements of wilderness management; and]~~

4797 ~~[(vi) the conclusions of all studies related to the requirement to examine the wilderness~~
4798 ~~option are submitted to the state for review and action by the Legislature and governor, and the~~
4799 ~~results, in support of or in opposition to, are included in any planning documents or other~~

4800 proposals that are forwarded to the United States Congress;]
4801 ~~[(k) the invasion of noxious weeds and undesirable invasive plant species into the state~~
4802 ~~should be reversed, their presence eliminated, and their return prevented;]~~
4803 ~~[(l) management and resource-use decisions by federal land management and~~
4804 ~~regulatory agencies concerning the vegetative resources within the state should reflect serious~~
4805 ~~consideration of the proper optimization of the yield of water within the watersheds of the~~
4806 ~~state;]~~
4807 ~~[(m) (i) it is the policy of the state that:]~~
4808 ~~[(A) mineral and energy production and environmental protection are not mutually~~
4809 ~~exclusive;]~~
4810 ~~[(B) it is technically feasible to permit appropriate access to mineral and energy~~
4811 ~~resources while preserving nonmineral and nonenergy resources;]~~
4812 ~~[(C) resource management planning should seriously consider all available mineral and~~
4813 ~~energy resources;]~~
4814 ~~[(D) the development of the solid, fluid, and gaseous mineral resources of the state and~~
4815 ~~the renewable resources of the state should be encouraged;]~~
4816 ~~[(E) the waste of fluid and gaseous minerals within developed areas should be~~
4817 ~~prohibited; and]~~
4818 ~~[(F) requirements to mitigate or reclaim mineral development projects should be based~~
4819 ~~on credible evidence of significant impacts to natural or cultural resources;]~~
4820 ~~[(ii) the state's support for mineral development provisions within federal land~~
4821 ~~management plans will be withheld until the appropriate land management plan environmental~~
4822 ~~impact statement clearly demonstrates:]~~
4823 ~~[(A) that the authorized planning agency has:]~~
4824 ~~[(I) considered and evaluated the mineral and energy potential in all areas of the~~
4825 ~~planning area as if the areas were open to mineral development under standard lease~~
4826 ~~agreements; and]~~
4827 ~~[(H) evaluated any management plan prescription for its impact on the area's baseline~~
4828 ~~mineral and energy potential;]~~
4829 ~~[(B) that the development provisions do not unduly restrict access to public lands for~~
4830 ~~energy exploration and development;]~~

4831 ~~[(C) that the authorized planning agency has supported any closure of additional areas~~
4832 ~~to mineral leasing and development or any increase of acres subject to no surface occupancy~~
4833 ~~restrictions by adhering to;]~~

4834 ~~[(F) the relevant provisions of the Federal Land Policy and Management Act of 1976,~~
4835 ~~43 U.S.C. Sec. 1701 et seq.;]~~

4836 ~~[(H) other controlling mineral development laws; and]~~

4837 ~~[(HH) the controlling withdrawal and reporting procedures set forth in the Federal Land~~
4838 ~~Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;~~

4839 ~~[(D) that the authorized planning agency evaluated whether to repeal any moratorium~~
4840 ~~that may exist on the issuance of additional mining patents and oil and gas leases;]~~

4841 ~~[(E) that the authorized planning agency analyzed all proposed mineral lease~~
4842 ~~stipulations and considered adopting the least restrictive necessary to protect against damage to~~
4843 ~~other significant resource values;]~~

4844 ~~[(F) that the authorized planning agency evaluated mineral lease restrictions to~~
4845 ~~determine whether to waive, modify, or make exceptions to the restrictions on the basis that~~
4846 ~~they are no longer necessary or effective;]~~

4847 ~~[(G) that the authorized federal agency analyzed all areas proposed for no surface~~
4848 ~~occupancy restrictions, and that the analysis evaluated:]~~

4849 ~~[(f) whether directional drilling is economically feasible and ecologically necessary for~~
4850 ~~each proposed no surface occupancy area;]~~

4851 ~~[(H) whether the directional drilling feasibility analysis, or analysis of other~~
4852 ~~management prescriptions, demonstrates that the proposed no surface occupancy prescription,~~
4853 ~~in effect, sterilizes the mineral and energy resources beneath the area; and]~~

4854 ~~[(HH) whether, if the minerals are effectively sterilized, the area must be reported as~~
4855 ~~withdrawn under the provisions of the Federal Land Policy and Management Act; and]~~

4856 ~~[(H) that the authorized planning agency has evaluated all directional drilling~~
4857 ~~requirements in no surface occupancy areas to determine whether directional drilling is feasible~~
4858 ~~from an economic, ecological, and engineering standpoint;]~~

4859 ~~[(n) motorized, human, and animal-powered outdoor recreation should be integrated~~
4860 ~~into a fair and balanced allocation of resources within the historical and cultural framework of~~
4861 ~~multiple-uses in rural Utah, and outdoor recreation should be supported as part of a balanced~~

4862 ~~plan of state and local economic support and growth;]~~

4863 ~~[(o) off-highway vehicles should be used responsibly, the management of off-highway~~
4864 ~~vehicles should be uniform across all jurisdictions, and laws related to the use of off-highway~~
4865 ~~vehicles should be uniformly applied across all jurisdictions;]~~

4866 ~~[(p) (i) rights-of-way granted and vested under the provisions of R.S. 2477 should be~~
4867 ~~preserved and acknowledged;]~~

4868 ~~[(ii) land use management plans, programs, and initiatives should be consistent with~~
4869 ~~both state and county transportation plans developed according to Subsection (3) in order to~~
4870 ~~provide a network of roads throughout the planning area that provides for:]~~

4871 ~~[(A) movement of people, goods, and services across public lands;]~~

4872 ~~[(B) reasonable access to a broad range of resources and opportunities throughout the~~
4873 ~~planning area, including access to livestock, water, and minerals;]~~

4874 ~~[(C) economic and business needs;]~~

4875 ~~[(D) public safety;]~~

4876 ~~[(E) search and rescue;]~~

4877 ~~[(F) access for people with disabilities and the elderly;]~~

4878 ~~[(G) access to state lands; and]~~

4879 ~~[(H) recreational opportunities;]~~

4880 ~~[(q) transportation and access provisions for all other existing routes, roads, and trails~~
4881 ~~across federal, state, and school trust lands within the state should be determined and~~
4882 ~~identified, and agreements should be executed and implemented, as necessary to fully authorize~~
4883 ~~and determine responsibility for maintenance of all routes, roads, and trails;]~~

4884 ~~[(r) the reasonable development of new routes and trails for motorized, human, and~~
4885 ~~animal-powered recreation should be implemented;]~~

4886 ~~[(s) (i) forests, rangelands, and watersheds, in a healthy condition, are necessary and~~
4887 ~~beneficial for wildlife, livestock grazing, and other multiple-uses;]~~

4888 ~~[(ii) management programs and initiatives that are implemented to increase forage for~~
4889 ~~the mutual benefit of the agricultural industry, livestock operations, and wildlife species should~~
4890 ~~utilize all proven techniques and tools;]~~

4891 ~~[(iii) the continued viability of livestock operations and the livestock industry should~~
4892 ~~be supported on the federal lands within the state by management of the lands and forage~~

4893 resources, by the proper optimization of animal unit months for livestock, in accordance with
4894 the multiple-use provisions of the Federal Land Policy and Management Act of 1976, 43
4895 U.S.C. 1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. 315 et seq.,
4896 and the provisions of the Public Rangelands Improvement Act of 1978, 43 U.S.C. 1901 et
4897 seq.;

4898 [(iv) provisions for predator control initiatives or programs under the direction of state
4899 and local authorities should be implemented; and]

4900 [(v) resource-use and management decisions by federal land management and
4901 regulatory agencies should support state-sponsored initiatives or programs designed to stabilize
4902 wildlife populations that may be experiencing a scientifically demonstrated decline in those
4903 populations; and]

4904 [(t) management and resource use decisions by federal land management and
4905 regulatory agencies concerning the scenic resources of the state must balance the protection of
4906 scenery with the full management requirements of the other authorized uses of the land under
4907 multiple-use management, and should carefully consider using Visual Resource Management
4908 Class I protection only for areas of inventoried Class A scenery or equivalent.]

4909 [(9) Notwithstanding any provision of Section ~~63J-8-105.5~~, the state is committed to
4910 establishing and administering an effective statewide conservation strategy for greater sage
4911 grouse.]

4912 [(10) Nothing contained in this section may be construed to restrict or supersede the
4913 planning powers conferred upon state departments, agencies, instrumentalities, or advisory
4914 councils of the state or the planning powers conferred upon political subdivisions by any other
4915 existing law.]

4916 [(11) Nothing in this section may be construed to affect any lands withdrawn from the
4917 public domain for military purposes, which are administered by the United States Army, Air
4918 Force, or Navy.]

4919 Section 71. Section **63J-5-201** is amended to read:

4920 **63J-5-201. Legislative appropriation subcommittees to review certain federal**
4921 **funds reauthorizations -- Executive appropriations review -- Legislative approval.**

4922 (1) The Governor's Office of [Management] Planning and Budget shall annually
4923 prepare and submit a federal funds request summary for each agency to the Legislative Fiscal

4924 Analyst at the same time the governor submits the confidential draft budget under Section
4925 [63J-1-201](#).

4926 (2) (a) The Legislative Fiscal Analyst, as directed by the Executive Appropriations
4927 Committee, may include federal funds in the base budget appropriations act or acts, when those
4928 acts are prepared as provided in JR3-2-402.

4929 (b) The Legislative Fiscal Analyst shall submit a federal funds request summary for
4930 each agency to the legislative appropriations subcommittee responsible for that agency's budget
4931 for review during each annual general session.

4932 (3) Each legislative appropriations subcommittee shall review the federal funds request
4933 summary and may:

4934 (a) recommend that the agency accept the federal funds or participate in the federal
4935 program for the fiscal year under consideration; or

4936 (b) recommend that the agency not accept the federal funds or not participate in the
4937 federal program for the fiscal year under consideration.

4938 (4) The Legislative Executive Appropriations Committee shall:

4939 (a) review each subcommittee's recommendation;

4940 (b) determine whether or not the agency should be authorized to accept the federal
4941 funds or participate in the federal program; and

4942 (c) direct the Legislative Fiscal Analyst to include or exclude those federal funds and
4943 federal programs in an annual appropriations act for approval by the Legislature.

4944 (5) Legislative approval of an appropriations act containing federal funds constitutes
4945 legislative approval of the federal grants or awards associated with the federal funds for the
4946 purposes of compliance with the requirements of this chapter.

4947 Section 72. Section **63J-5-202** is amended to read:

4948 **63J-5-202. Governor to approve certain new federal funds requests.**

4949 (1) (a) Before obligating the state to accept or receive new federal funds or to
4950 participate in a new federal program, and no later than three months after submitting a new
4951 federal funds request, and, where possible, before formally submitting the new federal funds
4952 request, an executive branch agency shall submit a federal funds request summary to the
4953 governor or the governor's designee for approval or rejection when:

4954 (i) the state will receive total payments of \$1,000,000 or less per year if the new federal

4955 funds request is approved;

4956 (ii) receipt of the new federal funds will require no additional permanent full-time
4957 employees, permanent part-time employees, or combination of additional permanent full-time
4958 employees and permanent part-time employees; and

4959 (iii) no new state money will be required to match the new federal funds or to
4960 implement the new federal program for which the grant is issued.

4961 (b) The Governor's Office of [~~Management~~] Planning and Budget shall report each new
4962 federal funds request that is approved by the governor or the governor's designee and each new
4963 federal funds request granted by the federal government to:

4964 (i) the Legislature's Executive Appropriations Committee;

4965 (ii) the Office of the Legislative Fiscal Analyst; and

4966 (iii) the Office of Legislative Research and General Counsel.

4967 (2) The governor or the governor's designee shall approve or reject each new federal
4968 funds request submitted under the authority of this section.

4969 (3) (a) If the governor or the governor's designee approves the new federal funds
4970 request, the executive branch agency may accept the new federal funds or participate in the new
4971 federal program.

4972 (b) If the governor or the governor's designee rejects the new federal funds request, the
4973 executive branch agency may not accept the new federal funds or participate in the new federal
4974 program.

4975 (4) If an executive branch agency fails to obtain the governor's or the governor's
4976 designee's approval under this section, the governor may require the agency to:

4977 (a) withdraw the new federal funds request;

4978 (b) return the federal funds;

4979 (c) withdraw from the federal program; or

4980 (d) any combination of Subsections (4)(a), (4)(b), and (4)(c).

4981 (5) If a letter or other official documentation awarding an agency a grant of federal
4982 funds is not available to be included in a federal funds request summary submitted to the
4983 Governor's Office of [~~Management~~] Planning and Budget under this section, the agency shall
4984 submit to the Governor's Office of [~~Management~~] Planning and Budget the letter or other
4985 official documentation awarding the agency a grant of federal funds before expending the

4986 federal funds granted.

4987 Section 73. Section **63J-7-201** is amended to read:

4988 **63J-7-201. Governor to approve certain grant requests.**

4989 (1) (a) Before obligating the state to accept or receive a grant, an executive branch
4990 agency shall submit a grant summary to the governor or the governor's designee for approval or
4991 rejection when:

4992 (i) the executive branch agency would receive a grant of at least \$10,000 but no more
4993 than \$50,000 if the grant is approved;

4994 (ii) receipt of the grant will require no additional permanent full-time employees,
4995 permanent part-time employees, or combination of additional permanent full-time employees
4996 and permanent part-time employees; and

4997 (iii) no new state money will be required to match the grant.

4998 (b) The Governor's Office of [~~Management~~] Planning and Budget shall report each
4999 grant authorized under this section to:

5000 (i) the Legislature's Executive Appropriations Committee; and

5001 (ii) the Office of the Legislative Fiscal Analyst.

5002 (2) The governor or the governor's designee shall approve or reject each grant
5003 submitted under the authority of this section.

5004 (3) (a) If the governor or the governor's designee approves the grant, the executive
5005 branch agency may accept the grant.

5006 (b) If the governor or the governor's designee rejects the grant, the executive branch
5007 agency may not accept the grant.

5008 (4) If an executive branch agency fails to obtain the governor's or the governor's
5009 designee's approval under this section, the governor may require the agency to return the grant.

5010 Section 74. Section **63J-8-102** is amended to read:

5011 **63J-8-102. Definitions.**

5012 As used in this chapter:

5013 (1) "ACEC" means an area of critical environmental concern as defined in 43 U.S.C.
5014 Sec. 1702.

5015 (2) "AUM" means animal unit months, a unit of grazing forage.

5016 (3) "BLM" means the United States Bureau of Land Management.

5017 (4) "BLM recommended wilderness" means a wilderness study area recommended for
5018 wilderness designation in the final report of the president of the United States to the United
5019 States Congress in 1993.

5020 (5) "Federal land use designation" means one or a combination of the following
5021 congressional or federal actions included in proposed congressional land use legislation:

5022 (a) designation of wilderness within the National Wilderness Preservation System;

5023 (b) designation of a national conservation area;

5024 (c) designation of a watercourse within the National Wild and Scenic River System;

5025 (d) designation of an ACEC;

5026 (e) designation of a national monument in accordance with the Antiquities Act or by
5027 Congress;

5028 (f) designation of a national park within the National Park System;

5029 (g) designation of a national recreational area; or

5030 (h) any other designation, classification, categorization, reservation, withdrawal, or
5031 similar action that has the purpose or effect of eliminating, restricting, or reducing energy and
5032 mineral development, motorized travel, grazing, active vegetation management, or any other
5033 traditional multiple use on public land.

5034 (6) "FLPMA" means the Federal Land Policy and Management Act of 1976, 43 U.S.C.
5035 Sec. 1701 et seq.

5036 (7) "Forest Service" means the United States Forest Service within the United States
5037 Department of Agriculture.

5038 (8) "Green River Energy Zone" means the lands described as follows in Subsections
5039 (8)(a) and (b), as more fully illustrated in the maps prepared by the Carbon County and Emery
5040 County GIS Departments in February 2013, each entitled "2013 Green River Energy Zone":

5041 (a) BLM and Forest Service lands in Carbon County that are situated in the following
5042 townships: Township 12S Range 6E, Township 12S Range 7E, Township 12S Range 8E,
5043 Township 12S Range 9E, Township 12S Range 10E, Township 12S Range 11E, Township 12S
5044 Range 12E, Township 12S Range 13E, Township 12S Range 14E, Township 12S Range 15E,
5045 Township 12S Range 16E, Township 12S Range 17E, Township 12S Range 18E, Township
5046 13S Range 6E, Township 13S Range 8E, Township 13S Range 9E, Township 13S Range 10E,
5047 Township 13S Range 11E, Township 13S Range 12E, Township 13S Range 13E, Township

5048 13S Range 14E, Township 13S Range 15E, Township 13S Range 16E, Township 13S Range
5049 17E, Township 14S Range 6E, Township 14S Range 8E, Township 14S Range 9E, Township
5050 14S Range 11E, Township 14S Range 12E, Township 14S Range 13E, Township 14S Range
5051 14E, Township 14S Range 15E, Township 14S Range 16E, Township 14S Range 17E,
5052 Township 15S Range 7E, Township 15S Range 8E, Township 15S Range 9E, Township 15S
5053 Range 10E, Township 15S Range 11E, Township 15S Range 12E, Township 15S Range 13E,
5054 Township 15S Range 14E, Township 15S Range 15E, and Township 15S Range 16E; and
5055 (b) BLM and Forest Service lands in Emery County, excluding any areas that are or
5056 may be designated as wilderness, national conservation areas, or wild or scenic rivers, that are
5057 situated in the following townships and represented in the Emery County Public Land
5058 Management Act DRAFT Map prepared by Emery County and available at
5059 emerycounty.com/publiclands/LANDS-USE-15.pdf: Township 13S Range 6E, Township 14S
5060 Range 6E, Township 14S Range 7E, Township 15S Range 6E, Township 15S Range 7E,
5061 Township 16S Range 6E, Township 16S Range 7E, Township 16S Range 8E, Township 16S
5062 Range 9E, Township 16S Range 10E, Township 16S Range 11E, Township 16S Range 12E,
5063 Township 16S Range 13E, Township 16S Range 14E, Township 16S Range 15E, Township
5064 17S Range 6E, Township 17S Range 7E, Township 17S Range 8E, Township 17S Range 9E,
5065 Township 17S Range 10E, Township 17S Range 11E, Township 17S Range 12E, Township
5066 17S Range 13E, Township 17S Range 14E, Township 17S Range 15E, Township 18S Range
5067 6E, Township 18S Range 7E, Township 18S Range 8E, Township 18S Range 9E, Township
5068 18S Range 10E, Township 18S Range 11E, Township 18S Range 12E, Township 18S Range
5069 13E, Township 18S Range 14E, Township 18S Range 15E, Township 19S Range 6E,
5070 Township 19S Range 7E, Township 19S Range 8E, Township 19S Range 9E, Township 19S
5071 Range 10E, Township 19S Range 11E, Township 19S Range 12E, Township 19S Range 13E,
5072 Township 19S Range 14E, Township 19S Range 15E, Township 20S Range 6E, Township 20S
5073 Range 7E, Township 20S Range 8E, Township 20S Range 9E, Township 20S Range 10E,
5074 Township 20S Range 11E, Township 20S Range 12E, Township 20S Range 13E, Township
5075 20S Range 14E, Township 20S Range 15E, Township 20S Range 16E, Township 21S Range
5076 6E, Township 21S Range 7E, Township 21S Range 8E, Township 21S Range 9E, Township
5077 21S Range 14E, Township 21S Range 15E, Township 21S Range 16E, Township 22S Range
5078 6E, Township 22S Range 7E, Township 22S Range 8E, Township 22S Range 9E, Township

5079 22S Range 14E, Township 22S Range 15E, Township 22S Range 16E, Township 23S Range
5080 6E, Township 23S Range 7E, Township 23S Range 8E, Township 23S Range 9E, Township
5081 23S Range 13E, Township 23S Range 14E, Township 23S Range 15E, Township 23S Range
5082 16E, Township 24S Range 6E, Township 24S Range 7E, Township 24S Range 8E, Township
5083 24S Range 12E, Township 24S Range 13E, Township 24S Range 14E, Township 24S Range
5084 15E, Township 24S Range 16E, Township 24S Range 17E, Township 25S Range 6E,
5085 Township 25S Range 7E, Township 25S Range 8E, Township 25S Range 11E, Township 25S
5086 Range 12E, Township 25S Range 13E, Township 25S Range 14E, Township 25S Range 15E,
5087 Township 25S Range 16E, Township 25S Range 17E, Township 26S Range 6E, Township 26S
5088 Range 7E, Township 26S Range 8E, Township 26S Range 9E, Township 26S Range 10E,
5089 Township 26S Range 11E, Township 26S Range 12E, Township 26S Range 13E, Township
5090 26S Range 14E, Township 26S Range 15E, Township 26S Range 16E, and Township 26S
5091 Range 17E.

5092 (9) "Multiple use" means proper stewardship of the subject lands pursuant to Section
5093 103(c) of FLPMA, 43 U.S.C. Sec. 1702(c).

5094 (10) "National conservation area" means an area designated by Congress and managed
5095 by the BLM.

5096 (11) "National wild and scenic river" means a watercourse:

5097 (a) identified in a BLM or Forest Service planning process; or

5098 (b) designated as part of the National Wild and Scenic River System.

5099 (12) "National Wild and Scenic River System" means the National Wild and Scenic
5100 River System established in 16 U.S.C. Sec. 1271 et seq.

5101 (13) "Office" means the Public Lands Policy Coordinating Office created in Section
5102 [~~63J-4-602~~] [63L-11-201](#).

5103 (14) "OHV" means off-highway vehicle as defined in Section [41-22-2](#).

5104 (15) "Proposed congressional land use legislation" means a draft or a working
5105 document of congressional legislation prepared by a person that includes a federal land use
5106 designation.

5107 (16) "RARE II" means the second United States Forest Service Roadless Area Review
5108 and Evaluation report of 1984.

5109 (17) "R.S. 2477 right-of-way" means a right-of-way established in accordance with 43

5110 U.S.C. Sec. 932 repealed by FLPMA 1976.

5111 (18) "San Juan County Energy Zone" means BLM and Forest Service lands situated in
5112 the following townships in San Juan County, as more fully illustrated in the map prepared by
5113 the San Juan County GIS department in December 2014 entitled "San Juan County Energy
5114 Zone": Township 26S Range 21E, Township 26S Range 22E, Township 26S Range 23E,
5115 Township 26S Range 24E, Township 26S Range 25E, Township 26S Range 26E, Township
5116 27S Range 21E, Township 27S Range 22E, Township 27S Range 23E, Township 27S Range
5117 24E, Township 27S Range 25E, Township 27S Range 26E, Township 28S Range 21E,
5118 Township 28S Range 22E, Township 28S Range 23E, Township 28S Range 24E, Township
5119 28S Range 25E, Township 28S Range 26E, Township 29S Range 21E, Township 29S Range
5120 22E, Township 29S Range 23E, Township 29S Range 24E, Township 29S Range 25E,
5121 Township 29S Range 26E, Township 30S Range 21E, Township 30S Range 22E, Township
5122 30S Range 23E, Township 30S Range 24E, Township 30S Range 25E, Township 30S Range
5123 26E, Township 31S Range 22E, Township 31S Range 23E, Township 31S Range 24E,
5124 Township 31S Range 25E, Township 31S Range 26E, Township 32S Range 20E, Township
5125 32S Range 21E, Township 32S Range 22E, Township 32S Range 23E, Township 32S Range
5126 24E, Township 32S Range 25E, Township 32S Range 26E, Township 33S Range 19E,
5127 Township 33S Range 20E, Township 33S Range 21E, Township 33S Range 22E, Township
5128 33S Range 23E, Township 33S Range 24E, Township 33S Range 25E, Township 33S Range
5129 26E, Township 34S Range 19E, Township 34S Range 20E, Township 34S Range 21E,
5130 Township 34S Range 22E, Township 34S Range 23E, Township 34S Range 24E, Township
5131 34S Range 25E, Township 34S Range 26E, Township 35S Range 14E, Township 35S Range
5132 15E, Township 35S Range 16E, Township 35S Range 17E, Township 35S Range 18E,
5133 Township 35S Range 19E, Township 35S Range 20E, Township 35S Range 21E, Township
5134 35S Range 22E, Township 35S Range 23E, Township 35S Range 24E, Township 35S Range
5135 25E, Township 35S Range 26E, Township 36S Range 14E, Township 36S Range 15E,
5136 Township 36S Range 16E, Township 36S Range 17E, Township 36S Range 18E, Township
5137 36S Range 19E, Township 36S Range 21E, Township 36S Range 22E, Township 36S Range
5138 23E, Township 36S Range 24E, Township 36S Range 25E, Township 36S Range 26E,
5139 Township 37S Range 14E, Township 37S Range 15E, Township 37S Range 16E, Township
5140 37S Range 17E, Township 37S Range 21E, Township 37S Range 22E, Township 37S Range

5141 23E, Township 37S Range 24E, Township 37S Range 25E, Township 37S Range 26E,
5142 Township 38S Range 12E, Township 38S Range 21E, Township 38S Range 22E, Township
5143 38S Range 23E, Township 38S Range 24E, Township 38S Range 25E, Township 38S Range
5144 26E, Township 39S Range 12E, Township 39S Range 13E, Township 39S Range 15E,
5145 Township 39S Range 21E, Township 39S Range 22E, Township 39S Range 23E, Township
5146 39S Range 24E, Township 39S Range 25E, Township 39S Range 26E, Township 40S Range
5147 14E, Township 40S Range 15E, Township 40S Range 16E, Township 40S Range 19E,
5148 Township 40S Range 20E, Township 40S Range 21E, Township 40S Range 22E, Township
5149 40S Range 23E, Township 40S Range 24E, Township 40S Range 25E, Township 40S Range
5150 26E, Township 41S Range 16E, Township 41S Range 17E, Township 41S Range 18E,
5151 Township 41S Range 19E, Township 41S Range 20E, Township 41S Range 21E, Township
5152 41S Range 22E, Township 41S Range 23E, Township 41S Range 24E, Township 41S Range
5153 25E, Township 41S Range 26E, Township 42S Range 14E, Township 42S Range 15E,
5154 Township 42S Range 16E, Township 42S Range 17E, Township 42S Range 18E, Township
5155 42S Range 19E, Township 42S Range 20E, Township 42S Range 21E, Township 42S Range
5156 22E, Township 42S Range 23E, Township 42S Range 24E, Township 42S Range 25E,
5157 Township 42S Range 26E, Township 43S Range 14E, Township 43S Range 15E, Township
5158 43S Range 16E, Township 43S Range 17E, Township 43S Range 18E, Township 43S Range
5159 19E, Township 43S Range 20E, Township 43S Range 21E, Township 43S Range 22E,
5160 Township 43S Range 23E, Township 43S Range 24E, Township 43S Range 25E, and
5161 Township 43S Range 26E.

5162 (19) "Settlement Agreement" means the written agreement between the state and the
5163 Department of the Interior in 2003 (revised in 2005) that resolved the case of State of Utah v.
5164 Gale Norton, Secretary of Interior (United States District Court, D. Utah, Case No.
5165 2:96cv0870).

5166 (20) "SITLA" means the School and Institutional Trust Lands Administration as
5167 created in Section [53C-1-201](#).

5168 (21) (a) "Subject lands" means the following non-WSA BLM lands:

5169 (i) in Beaver County:

5170 (A) Mountain Home Range South, Jackson Wash, The Toad, North Wah Wah
5171 Mountains, Central Wah Wah Mountains, and San Francisco Mountains according to the

5172 region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal
5173 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5174 existed on February 17, 2011; and

5175 (B) White Rock Range, South Wah Wah Mountains, and Granite Peak according to the
5176 region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for
5177 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5178 existed on February 17, 2011;

5179 (ii) in Box Elder County: Little Goose Creek, Grouse Creek Mountains North, Grouse
5180 Creek Mountains South, Bald Eagle Mountain, Central Pilot Range, Pilot Peak, Crater Island
5181 West, Crater Island East, Newfoundland Mountains, and Grassy Mountains North according to
5182 the region map entitled "Great Basin North" linked in the webpage entitled "Citizen's Proposal
5183 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5184 existed on February 17, 2011;

5185 (iii) in Carbon County: Desbrough Canyon and Turtle Canyon according to the region
5186 map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in
5187 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on
5188 February 17, 2011;

5189 (iv) in Daggett County: Goslin Mountain, Home Mountain, Red Creek Badlands,
5190 O-wi-yu-kuts, Lower Flaming Gorge, Crouse Canyon, and Diamond Breaks according to the
5191 region map entitled "Dinosaur" linked in the webpage entitled "Citizen's Proposal for
5192 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5193 existed on February 17, 2011;

5194 (v) in Duchesne County: Desbrough Canyon according to the region map entitled
5195 "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at
5196 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5197 2011;

5198 (vi) in Emery County:

5199 (A) San Rafael River and Sweetwater Reef, according to the region map entitled
5200 "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness in
5201 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on
5202 February 17, 2011;

5203 (B) Flat Tops according to the region map entitled "Glen Canyon," which is available
5204 by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for
5205 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5206 existed on February 17, 2011; and

5207 (C) Price River, Lost Spring Wash, Eagle Canyon, Upper Muddy Creek, Molen Reef,
5208 Rock Canyon, Mussentuchit Badland, and Muddy Creek, according to the region map entitled
5209 "San Rafael Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah"
5210 at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5211 2011;

5212 (vii) in Garfield County:

5213 (A) Pole Canyon, according to the region map entitled "Great Basin South" linked in
5214 the webpage entitled "Citizen's Proposal for Wilderness in Utah" at
5215 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5216 2011;

5217 (B) Dirty Devil, Fiddler Butte, Little Rockies, Cane Spring Desert, and Cane Spring
5218 Desert Adjacents, according to the region map entitled "Glen Canyon," which is available by
5219 clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for
5220 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5221 existed on February 17, 2011;

5222 (C) Lampstand, Wide Hollow, Steep Creek, Brinkerhof Flats, Little Valley Canyon,
5223 Death Hollow, Studhorse Peaks, Box Canyon, Heaps Canyon, North Escalante Canyon, Colt
5224 Mesa, East of Bryce, Slopes of Canaan Peak, Horse Spring Canyon, Muley Twist Flank,
5225 Pioneer Mesa, Slopes of Bryce, Blue Hills, Mud Springs Canyon, Carcass Canyon, Willis
5226 Creek North, Kodachrome Basin, and Kodachrome Headlands, according to the region map
5227 entitled "Grand Staircase Escalante" linked at the webpage entitled "Citizen's Proposal for
5228 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5229 existed on February 17, 2011; and

5230 (D) Notom Bench, Mount Ellen, Bull Mountain, Dogwater Creek, Ragged Mountain,
5231 Mount Pennell, Mount Hillers, Bullfrog Creek, and Long Canyon, according to the region map
5232 entitled "Henry Mountains" linked at the webpage entitled "Citizen's Proposal for Wilderness
5233 in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on

5234 February 17, 2011;

5235 (viii) in Iron County: Needle Mountains, Steamboat Mountain, Broken Ridge, Paradise
5236 Mountains, Crook Canyon, Hamlin, North Peaks, Mount Escalante, and Antelope Ridge,
5237 according to the region map entitled "Great Basin South" linked in the webpage entitled
5238 "Citizen's Proposal for Wilderness in Utah" at
5239 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5240 2011;

5241 (ix) in Juab County: Deep Creek Mountains, Essex Canyon, Kern Mountains, Wild
5242 Horse Pass, Disappointment Hills, Granite Mountain, Middle Mountains, Tule Valley, Fish
5243 Springs Ridge, Thomas Range, Drum Mountains, Dugway Mountains, Keg Mountains West,
5244 Keg Mountains East, Lion Peak, and Rockwell Little Sahara, according to the region map
5245 entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for
5246 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5247 existed on February 17, 2011;

5248 (x) in Kane County:

5249 (A) Willis Creek North, Willis Creek, Kodachrome Badlands, Mud Springs Canyon,
5250 Carcass Canyon, Scorpion, Bryce Boot, Paria-Hackberry Canyons, Fiftymile Canyon,
5251 Hurricane Wash, Upper Kanab Creek, Timber Mountain, Nephi Point, Paradise Canyon,
5252 Wahweap Burning Hills, Fiftymile Bench, Forty Mile Gulch, Sooner Bench 1, 2, & 3, Rock
5253 Cove, Warm Bench, Andalex Not, Vermillion Cliffs, Ladder Canyon, The Cockscomb, Nipple
5254 Bench, Moquith Mountain, Bunting Point, Glass Eye Canyon, and Pine Hollow, according to
5255 the region map entitled "Grand Staircase Escalante" linked at the webpage entitled "Citizen's
5256 Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the
5257 webpage existed on February 17, 2011; and

5258 (B) Orderville Canyon, Jolley Gulch, and Parunuweap Canyon, according to the region
5259 map entitled "Zion/Mohave" linked at the webpage entitled "Citizen's Proposal for Wilderness
5260 in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on
5261 February 17, 2011;

5262 (xi) in Millard County: Kern Mountains, Wild Horse Pass, Disappointment Hills,
5263 Granite Mountain, Middle Mountains, Tule Valley, Swasey Mountain, Little Drum Mountains
5264 North, Little Drum Mountains South, Drum Mountains, Snake Valley, Coyote Knoll, Howell

5265 Peak, Tule Valley South, Ledger Canyon, Chalk Knolls, Orr Ridge, Notch View, Bullgrass
5266 Knoll, Notch Peak, Barn Hills, Cricket Mountains, Burbank Pass, Middle Burbank Hills, King
5267 Top, Barn Hills, Red Tops, Middle Burbank Hills, Juniper, Painted Rock Mountain, Black
5268 Hills, Tunnel Springs, Red Canyon, Sand Ridge, Little Sage Valley, Cat Canyon, Headlight
5269 Mountain, Black Hills, Mountain Range Home North, Tweedy Wash, North Wah Wah
5270 Mountains, Jackson Wash, and San Francisco Mountains, according to the region map entitled
5271 "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in
5272 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on
5273 February 17, 2011;

5274 (xii) in Piute County: Kingston Ridge, Rocky Ford, and Phonolite Hill, according to
5275 the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal
5276 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5277 existed on February 17, 2011;

5278 (xiii) in San Juan County:

5279 (A) Horseshoe Point, Deadhorse Cliffs, Gooseneck, Demon's Playground, Hatch
5280 Canyon, Lockhart Basin, Indian Creek, Hart's Point, Butler Wash, Bridger Jack Mesa, and Shay
5281 Mountain, according to the region map entitled "Canyonlands Basin" linked in the webpage
5282 entitled "Citizen's Proposal for Wilderness in Utah" at
5283 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5284 2011;

5285 (B) Dark Canyon, Copper Point, Fortknocker Canyon, White Canyon, The Needle, Red
5286 Rock Plateau, Upper Red Canyon, and Tuwa Canyon, according to the region map entitled
5287 "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage
5288 entitled "Citizen's Proposal for Wilderness in Utah" at
5289 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5290 2011;

5291 (C) Hunters Canyon, Behind the Rocks, Mill Creek, and Coyote Wash, according to
5292 the region map entitled "Moab/La Sal" linked at the webpage entitled "Citizen's Proposal for
5293 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5294 existed on February 17, 2011; and

5295 (D) Hammond Canyon, Allen Canyon, Mancos Jim Butte, Arch Canyon, Monument

5296 Canyon, Tin Cup Mesa, Cross Canyon, Nokai Dome, Grand Gulch, Fish and Owl Creek
5297 Canyons, Comb Ridge, Road Canyon, The Tabernacle, Lime Creek, San Juan River, and
5298 Valley of the Gods, according to the region map entitled "San Juan" linked at the webpage
5299 entitled "Citizen's Proposal for Wilderness in Utah" at
5300 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5301 2011;

5302 (xiv) in Sevier County: Rock Canyon, Mussentuchit Badland, Limestone Cliffs, and
5303 Jones' Bench, according to the region map entitled "San Rafael Swell" linked at the webpage
5304 entitled "Citizen's Proposal for Wilderness in Utah" at
5305 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5306 2011;

5307 (xv) in Tooele County:

5308 (A) Silver Island Mountains, Crater Island East, Grassy Mountains North, Grassy
5309 Mountains South, Stansbury Island, Cedar Mountains North, Cedar Mountains Central, Cedar
5310 Mountains South, North Stansbury Mountains, Oquirrh Mountains, and Big Hollow, according
5311 to the region map entitled "Great Basin North" linked in the webpage entitled "Citizen's
5312 Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the
5313 webpage existed on February 17, 2011, excluding the areas that Congress designated as
5314 wilderness under the National Defense Authorization Act for Fiscal Year 2006; and

5315 (B) Ochre Mountain, Deep Creek Mountains, Dugway Mountains, Indian Peaks, and
5316 Lion Peak, according to the region map entitled "Great Basin Central" linked in the webpage
5317 entitled "Citizen's Proposal for Wilderness in Utah" at
5318 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5319 2011;

5320 (xvi) in Uintah County:

5321 (A) White River, Lower Bitter Creek, Sunday School Canyon, Dragon Canyon, Wolf
5322 Point, Winter Ridge, Seep Canyon, Bitter Creek, Hideout Canyon, Sweetwater Canyon, and
5323 Hell's Hole, according to the region map entitled "Book Cliffs" linked in the webpage entitled
5324 "Citizen's Proposal for Wilderness in Utah" at
5325 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5326 2011; and

5327 (B) Lower Flaming Gorge, Crouse Canyon Stone Bridge Draw, Diamond Mountain,
5328 Wild Mountain, Split Mountain Benches, Vivas Cake Hill, Split Mountain Benches South,
5329 Beach Draw, Stuntz Draw, Moonshine Draw, Bourdette Draw, and Bull Canyon, according to
5330 the region map entitled "Dinosaur" linked in the webpage entitled "Citizen's Proposal for
5331 Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5332 existed on February 17, 2011;

5333 (xvii) in Washington County: Cougar Canyon, Docs Pass, Slaughter Creek, Butcher
5334 Knife Canyon, Square Top, Scarecrow Creek, Beaver Dam Wash, Beaver Dam Mountains
5335 North, Beaver Dam Mountains South, Joshua Tree, Beaver Dam Wilderness Expansion, Red
5336 Mountain, Cottonwood Canyon, Taylor Canyon, LaVerkin Creek, Beartrap Canyon, Deep
5337 Creek, Black Ridge, Red Butte, Kolob Creek, Goose Creek, Dry Creek, Zion National Park
5338 Adjacents, Crater Hill, The Watchman, and Canaan Mountain, according to the region map
5339 entitled "Zion/Mohave" linked at the webpage entitled "Citizen's Proposal for Wilderness in
5340 Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on
5341 February 17, 2011, excluding the areas that Congress designated as wilderness and
5342 conservation areas under the Omnibus Public Lands Management Act of 2009; and

5343 (xviii) in Wayne County:

5344 (A) Sweetwater Reef, Upper Horseshoe Canyon, and Labyrinth Canyon, according to
5345 the region map entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal
5346 for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage
5347 existed on February 17, 2011;

5348 (B) Flat Tops and Dirty Devil, according to the region map entitled "Glen Canyon,"
5349 which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's
5350 Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the
5351 webpage existed on February 17, 2011;

5352 (C) Fremont Gorge, Pleasant Creek Bench, Notom Bench, Mount Ellen, and Bull
5353 Mountain, according to the region map entitled "Henry Mountains" linked at the webpage
5354 entitled "Citizen's Proposal for Wilderness in Utah" at
5355 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5356 2011; and

5357 (D) Capital Reef Adjacents, Muddy Creek, Wild Horse Mesa, North Blue Flats, Red

5358 Desert, and Factory Butte, according to the region map entitled "San Rafael Swell" linked at
5359 the webpage entitled "Citizen's Proposal for Wilderness in Utah" at
5360 <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17,
5361 2011.

5362 (b) "Subject lands" also includes all BLM and Forest Service lands in the state that are
5363 not Wilderness Area or Wilderness Study Areas;

5364 (c) "Subject lands" does not include the following lands that are the subject of
5365 consideration for a possible federal lands bill and should be managed according to the 2008
5366 Price BLM Field Office Resource Management Plan until a federal lands bill provides
5367 otherwise:

5368 (i) Turtle Canyon and Desolation Canyon according to the region map entitled "Book
5369 Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at
5370 <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

5371 (ii) Labyrinth Canyon, Duma Point, and Horseshoe Point, according to the region map
5372 entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness
5373 in Utah" at <http://protectwildutah.org/proposal/index.html> as the webpage existed on February
5374 17, 2011; and

5375 (iii) Devil's Canyon, Sid's Mountain, Mexican Mountain, San Rafael Reef, Hondu
5376 Country, Cedar Mountain, and Wild Horse, according to the region map entitled "San Rafael
5377 Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at
5378 <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011.

5379 (22) "Uintah Basin Energy Zone" means BLM and Forest Service lands situated in the
5380 following townships in Daggett, Duchesne, and Uintah counties, as more fully illustrated in the
5381 map prepared by the Uintah County GIS Department in February 2012 entitled "Uintah Basin
5382 Utah Energy Zone":

5383 (a) in Daggett County, Township 3N Range 17 E, Township 3N Range 18E, Township
5384 3N Range 19E, Township 3N Range 20E, Township 3N Range 22E, Township 3N Range 23E,
5385 Township 3N Range 24E, Township 3N Range 25E, Township 2N Range 17E, Township 2N
5386 Range 18E, Township 2N Range 19E, Township 2N Range 20E, Township 2N Range 21E, and
5387 Township 2S Range 25E;

5388 (b) in Duchesne County, Township 3N Range 4W, Township 3N Range 3W, Township

5389 3N Range 2W, Township 3N Range 1W, Township 2N Range 6W, Township 2N Range 5W,
5390 Township 2N Range 4W, Township 2N Range 3W, Township 2N Range 1W, Township 1N
5391 Range 9W, Township 1N Range 8W, Township 1N Range 7W, Township 1N Range 6W,
5392 Township 1S Range 9W, Township 1S Range 8W, Township 4S Range 9W, Township 4S
5393 Range 3W, Township 4S Range 2W, Township 4S Range 1W, Township 8S Range 15E,
5394 Township 8S Range 16E, Township 8S Range 17E, Township 5S Range 9W, Township 5S
5395 Range 3W, Township 9S Range 15E, Township 9S Range 16E, Township 9S Range 17E,
5396 Township 6S Range 9W, Township 6S Range 8W, Township 6S Range 7W, Township 6S
5397 Range 6W, Township 6S Range 5W, Township 6S Range 3W, Township 10S Range 15E,
5398 Township 10S Range 16E, Township 10S Range 17E, Township 7S Range 9W, Township 7S
5399 Range 8W, Township 7S Range 7W, Township 7S Range 6W, Township 7S Range 5W,
5400 Township 7S Range 4W, Township 10S Range 11E, Township 10S Range 12E, Township 10S
5401 Range 13E, Township 10S Range 14E, Township 10S Range 15E, Township 10S Range 16E,
5402 Township 10S Range 17E, Township 11S Range 10E, Township 11S Range 11E, Township
5403 11S Range 12E, Township 11S Range 13E, Township 11S Range 14E, Township 11S Range
5404 15E, Township 11S Range 16E, and Township 11S Range 17E; and

5405 (c) in Uintah County: Township 2S Range 18E, Township 2S Range 19E, Township
5406 2S Range 20E, Township 2S Range 21E, Township 2S Range 22E, Township 2S Range 23E,
5407 Township 2S Range 24E, Township 2N Range 1W, Township 2N Range 1E, Township 2N
5408 Range 2E, Township 3S Range 18E, Township 3S Range 19E, Township 3S Range 20E,
5409 Township 3S Range 21E, Township 3S Range 22E, Township 3S Range 23E, Township 3S
5410 Range 24E, Township 4S Range 19E, Township 4S Range 20E, Township 4S Range 21E,
5411 Township 4S Range 22E, Township 4S Range 23E, Township 4S Range 24E, Township 4S
5412 Range 25E, Township 5S Range 19E, Township 5S Range 20E, Township 5S Range 21E,
5413 Township 5S Range 22E, Township 5S Range 23E, Township 5S Range 24E, Township 5S
5414 Range 25E, Township 6S Range 19E, Township 6S Range 20E, Township 6S Range 21E,
5415 Township 6S Range 22E, Township 6S Range 23E, Township 6S Range 24E, Township 6S
5416 Range 25E, Township 7S Range 19E, Township 7S Range 20E, Township 7S Range 21E,
5417 Township 7S Range 22E, Township 7S Range 23E, Township 7S Range 24E, Township 7S
5418 Range 25E, Township 8S Range 17E, Township 8S Range 18E, Township 8S Range 19E,
5419 Township 8S Range 20E, Township 8S Range 21E, Township 8S Range 22E, Township 8S

5420 Range 23E, Township 8S Range 24E, Township 8S Range 25E, Township 9S Range 17E,
5421 Township 9S Range 18E, Township 9S Range 19E, Township 9S Range 20E, Township 9S
5422 Range 21E, Township 9S Range 22E, Township 9S Range 23E, Township 9S Range 24E,
5423 Township 9S Range 25E, Township 10S Range 17E, Township 10S Range 18E, Township 10S
5424 Range 19E, Township 10S Range 20E, Township 10S Range 21E, Township 10S Range 22E,
5425 Township 10S Range 23E, Township 10S Range 24E, Township 10S Range 25E, Township
5426 11S Range 17E, Township 11S Range 18E, Township 11S Range 19E, Township 11S Range
5427 20E, Township 11S Range 21E, Township 11S Range 22E, Township 11S Range 23E,
5428 Township 11S Range 24E, Township 11S Range 25E, Township 12S Range 20E, Township
5429 12S Range 21E, Township 12S Range 22E, Township 12S Range 23E, Township 12S Range
5430 24E, Township 12S Range 25E, Township 13S Range 20E, Township 13S Range 21E,
5431 Township 13S Range 22E, Township 13S Range 23E, Township 13S Range 24E, Township
5432 13S Range 25E, Township 13S Range 26 E, Township 14S Range 21E, Township 14S Range
5433 22E, Township 14S Range 23E, Township 14S Range 24E, Township 14S Range 25E, and
5434 Township 14S Range 26E.

5435 (23) "Wilderness" means the same as that term is defined in 16 U.S.C. Sec. 1131.

5436 (24) "Wilderness area" means those BLM and Forest Service lands added to the
5437 National Wilderness Preservation System by an act of Congress.

5438 (25) "Wilderness Preservation System" means the Wilderness Preservation System
5439 established in 16 U.S.C. Sec. 1131 et seq.

5440 (26) "WSA" and "Wilderness Study Area" mean the BLM lands in Utah that were
5441 identified as having the necessary wilderness character and were classified as wilderness study
5442 areas during the BLM wilderness review conducted between 1976 and 1993 by authority of 43
5443 U.S.C. Sec. 1782 and labeled as Wilderness Study Areas within the final report of the President
5444 of the United States to the United States Congress in 1993.

5445 Section 75. Section **63J-8-104** is amended to read:

5446 **63J-8-104. State land use planning and management program.**

5447 (1) The BLM and Forest Service land use plans should produce planning documents
5448 consistent with state and local land use plans to the maximum extent consistent with federal
5449 law and FLPMA's purposes, by incorporating the state's land use planning and management
5450 program for the subject lands that is as follows:

- 5451 (a) preserve traditional multiple use and sustained yield management on the subject
5452 lands to:
- 5453 (i) achieve and maintain in perpetuity a high-level annual or regular periodic output of
5454 agricultural, mineral, and various other resources from the subject lands;
- 5455 (ii) support valid existing transportation, mineral, and grazing privileges in the subject
5456 lands at the highest reasonably sustainable levels;
- 5457 (iii) produce and maintain the desired vegetation for watersheds, timber, food, fiber,
5458 livestock forage, wildlife forage, and minerals that are necessary to meet present needs and
5459 future economic growth and community expansion in each county where the subject lands are
5460 situated without permanent impairment of the productivity of the land;
- 5461 (iv) meet the recreational needs and the personal and business-related transportation
5462 needs of the citizens of each county where the subject lands are situated by providing access
5463 throughout each such county;
- 5464 (v) meet the needs of wildlife, provided that the respective forage needs of wildlife and
5465 livestock are balanced according to the provisions of Subsection [~~63J-4-401(6)(m)~~]
5466 [63L-11-302\(13\)](#);
- 5467 (vi) protect against adverse effects to historic properties, as defined by 36 C.F.R. Sec.
5468 800;
- 5469 (vii) meet the needs of community economic growth and development;
- 5470 (viii) provide for the protection of existing water rights and the reasonable
5471 development of additional water rights; and
- 5472 (ix) provide for reasonable and responsible development of electrical transmission and
5473 energy pipeline infrastructure on the subject lands;
- 5474 (b) (i) do not designate, establish, manage, or treat any of the subject lands as an area
5475 with management prescriptions that parallel, duplicate, or resemble the management
5476 prescriptions established for wilderness areas or wilderness study areas, including the
5477 nonimpairment standard applicable to WSAs or anything that parallels, duplicates, or
5478 resembles that nonimpairment standard; and
- 5479 (ii) recognize, follow, and apply the agreement between the state and the Department
5480 of the Interior in the settlement agreement;
- 5481 (c) call upon the BLM to revoke and revise BLM Manuals H 6301, H 6302, and H

5482 6303, issued on or about February 25, 2011, in light of the settlement agreement and the
5483 following principles of this state plan:

5484 (i) BLM lacks congressional authority to manage subject lands, other than WSAs, as if
5485 they are or may become wilderness;

5486 (ii) BLM lacks authority to designate geographic areas as lands with wilderness
5487 characteristics or designate management prescriptions for such areas other than to use specific
5488 geographic-based tools and prescriptions expressly identified in FLPMA;

5489 (iii) BLM lacks authority to manage the subject lands in any manner other than to
5490 prevent unnecessary or undue degradation, unless the BLM uses geographic tools expressly
5491 identified in FLPMA and does so pursuant to a duly adopted provision of a resource
5492 management plan adopted under FLPMA, 43 U.S.C. Sec. 1712;

5493 (iv) BLM inventories for the presence of wilderness characteristics must be closely
5494 coordinated with inventories for those characteristics conducted by state and local
5495 governments, and should reflect a consensus among those governmental agencies about the
5496 existence of wilderness characteristics, as follows:

5497 (A) any inventory of wilderness characteristics should reflect all of the criteria
5498 identified in the Wilderness Act of 1964, including:

5499 (I) a size of 5,000 acres or more, containing no visible roads; and

5500 (II) the presence of naturalness, the opportunity for primitive and unconfined
5501 recreation, and the opportunity for solitude;

5502 (B) geographic areas found to contain the presence of naturalness must appear pristine
5503 to the average viewer, and not contain any of the implements, artifacts, or effects of human
5504 presence, including:

5505 (I) visible roads, whether maintained or not; and

5506 (II) human-made features such as vehicle bridges, fire breaks, fisheries, enhancement
5507 facilities, fire rings, historic mining and other properties, including tailings piles, commercial
5508 radio and communication repeater sites, fencing, spring developments, linear disturbances,
5509 stock ponds, visible drill pads, pipeline and transmission line rights-of-way, and other similar
5510 features;

5511 (C) factors, such as the following, though not necessarily conclusive, should weigh
5512 against a determination that a land area has the presence of naturalness:

5513 (I) the area is or once was the subject of mining and drilling activities;

5514 (II) mineral and hard rock mining leases exist in the area; and

5515 (III) the area is in a grazing district with active grazing allotments and visible range
5516 improvements;

5517 (D) geographic areas found to contain the presence of solitude should convey the sense
5518 of solitude within the entire geographic area identified, otherwise boundary adjustments should
5519 be performed in accordance with Subsection (1)(c)(iv)(F);

5520 (E) geographic areas found to contain the presence of an opportunity for primitive and
5521 unconfined recreation must find these features within the entire area and provide analysis about
5522 the effect of the number of visitors to the geographic area upon the presence of primitive or
5523 unconfined recreation, otherwise boundary adjustments should be performed in accordance
5524 with Subsection (1)(c)(iv)(F);

5525 (F) in addition to the actions required by the review for roads pursuant to the
5526 definitions of roads contained in BLM Manual H 6301, or any similar authority, the BLM
5527 should, pursuant to its authority to inventory, identify and list all roads or routes identified as
5528 part of a local or state governmental transportation system, and consider those routes or roads
5529 as qualifying as roads within the definition of the Wilderness Act of 1964; and

5530 (G) BLM should adjust the boundaries for a geographic area to exclude areas that do
5531 not meet the criteria of lacking roads, lacking solitude, and lacking primitive and unconfined
5532 recreation and the boundaries should be redrawn to reflect an area that clearly meets the criteria
5533 above, and which does not employ minor adjustments to simply exclude small areas with
5534 human intrusions, specifically:

5535 (I) the boundaries of a proposed geographic area containing lands with wilderness
5536 characteristics should not be drawn around roads, rights-of-way, and intrusions; and

5537 (II) lands located between individual human impacts that do not meet the requirements
5538 for lands with wilderness characteristics should be excluded;

5539 (v) BLM should consider the responses of the Department of the Interior under cover
5540 of the letter dated May 20, 2009, clearly stating that BLM does not have the authority to apply
5541 the nonimpairment management standard to the subject lands, or to manage the subject lands in
5542 any manner to preserve their suitability for designation as wilderness, when considering the
5543 proper management principles for areas that meet the full definition of lands with wilderness

5544 characteristics; and

5545 (vi) even if the BLM were to properly inventory an area for the presence of wilderness
5546 characteristics, the BLM still lacks authority to make or alter project level decisions to
5547 automatically avoid impairment of any wilderness characteristics without express
5548 congressional authority to do so;

5549 (d) achieve and maintain at the highest reasonably sustainable levels a continuing yield
5550 of energy, hard rock, and nuclear resources in those subject lands with economically
5551 recoverable amounts of such resources as follows:

5552 (i) the development of the solid, fluid, and gaseous mineral resources in portions of the
5553 subject lands is an important part of the state's economy and the economies of the respective
5554 counties, and should be recognized that it is technically feasible to access mineral and energy
5555 resources in portions of the subject lands while preserving or, as necessary, restoring
5556 nonmineral and nonenergy resources;

5557 (ii) all available, recoverable solid, fluid, gaseous, and nuclear mineral resources in the
5558 subject lands should be seriously considered for contribution or potential contribution to the
5559 state's economy and the economies of the respective counties;

5560 (iii) those portions of the subject lands shown to have reasonable mineral, energy, and
5561 nuclear potential should be open to leasing, drilling, and other access with reasonable
5562 stipulations and conditions, including mitigation, reclamation, and bonding measures where
5563 necessary, that will protect the lands against unnecessary and undue damage to other significant
5564 resource values;

5565 (iv) federal oil and gas existing lease conditions and restrictions should not be
5566 modified, waived, or removed unless the lease conditions or restrictions are no longer
5567 necessary or effective;

5568 (v) any prior existing lease restrictions in the subject lands that are no longer necessary
5569 or effective should be modified, waived, or removed;

5570 (vi) restrictions against surface occupancy should be eliminated, modified, or waived,
5571 where reasonable;

5572 (vii) in the case of surface occupancy restrictions that cannot be reasonably eliminated,
5573 modified, or waived, directional drilling should be considered where the mineral and energy
5574 resources beneath the area can be reached employing available directional drilling technology;

5575 (viii) applications for permission to drill in the subject lands that meet standard
5576 qualifications, including reasonable and effective mitigation and reclamation requirements,
5577 should be expeditiously processed and granted; and

5578 (ix) any moratorium that may exist against the issuance of qualified mining patents and
5579 oil and gas leases in the subject lands, and any barriers that may exist against developing
5580 unpatented mining claims and filing for new claims, should be carefully evaluated for removal;

5581 (e) achieve and maintain livestock grazing in the subject lands at the highest reasonably
5582 sustainable levels by adhering to the policies, goals, and management practices set forth in
5583 Subsection [~~63J-4-401(6)(m)~~] [63L-11-302\(13\)](#);

5584 (f) manage the watershed in the subject lands to achieve and maintain water resources
5585 at the highest reasonably sustainable levels as follows:

5586 (i) adhere to the policies, goals, and management practices set forth in Subsection
5587 [~~63J-4-401(6)(m)~~] [63L-11-302\(13\)](#);

5588 (ii) deter unauthorized cross-country OHV use in the subject lands by establishing a
5589 reasonable system of roads and trails in the subject lands for the use of an OHV, as closing the
5590 subject lands to all OHV use will only spur increased and unauthorized use; and

5591 (iii) keep open any road or trail in the subject lands that historically has been open to
5592 OHV use, as identified on respective county road maps;

5593 (g) achieve and maintain traditional access to outdoor recreational opportunities
5594 available in the subject lands as follows:

5595 (i) hunting, trapping, fishing, hiking, family and group parties, family and group
5596 campouts and campfires, rock hounding, OHV travel, geological exploring, pioneering,
5597 recreational vehicle parking, or just touring in personal vehicles are activities that are important
5598 to the traditions, customs, and character of the state and individual counties where the subject
5599 lands are located and should continue;

5600 (ii) wildlife hunting, trapping, and fishing should continue at levels determined by the
5601 Wildlife Board and the Division of Wildlife Resources and traditional levels of group camping,
5602 group day use, and other traditional forms of outdoor recreation, both motorized and
5603 nonmotorized, should continue; and

5604 (iii) the broad spectrum of outdoor recreational activities available on the subject lands
5605 should be available to citizens for whom a primitive, nonmotorized, outdoor experience is not

5606 preferred, affordable, or physically achievable;

5607 (h) (i) keep open to motorized travel, any road in the subject lands that is part of the
5608 respective counties' duly adopted transportation plan;

5609 (ii) provide that R.S. 2477 rights-of-way should be recognized by the BLM;

5610 (iii) provide that a county road may be temporarily closed or permanently abandoned
5611 only by statutorily authorized action of the county or state;

5612 (iv) provide that the BLM and the Forest Service must recognize and not unduly
5613 interfere with a county's ability to maintain and repair roads and, where reasonably necessary,
5614 make improvements to the roads; and

5615 (v) recognize that additional roads and trails may be needed in the subject lands from
5616 time to time to facilitate reasonable access to a broad range of resources and opportunities
5617 throughout the subject lands, including livestock operations and improvements, solid, fluid,
5618 and gaseous mineral operations, recreational opportunities and operations, search and rescue
5619 needs, other public safety needs, access to public lands for people with disabilities and the
5620 elderly, and access to Utah school and institutional trust lands for the accomplishment of the
5621 purposes of those lands;

5622 (i) manage the subject lands so as to protect prehistoric rock art, three dimensional
5623 structures, and other artifacts and sites recognized as culturally important and significant by the
5624 state historic preservation officer or each respective county by imposing reasonable and
5625 effective stipulations and conditions reached by agreement between the federal agency and the
5626 state authorized officer pursuant to the authority granted by the National Historic Preservation
5627 Act, 16 U.S.C. Sec. 470 et seq.;

5628 (j) manage the subject lands so as to not interfere with the property rights of private
5629 landowners as follows:

5630 (i) the state recognizes that there are parcels of private fee land throughout the subject
5631 lands;

5632 (ii) land management policies and standards in the subject lands should not interfere
5633 with the property rights of any private landowner to enjoy and engage in uses and activities on
5634 an individual's private property consistent with controlling county zoning and land use laws;
5635 and

5636 (iii) a private landowner or a guest or client of a private landowner should not be

5637 denied the right of motorized access to the private landowner's property consistent with past
5638 uses of the private property;

5639 (k) manage the subject lands in a manner that supports the fiduciary agreement made
5640 between the state and the federal government concerning the school and institutional trust
5641 lands, as managed according to state law, by:

5642 (i) formally recognizing, by duly authorized federal proclamation, the duty of the
5643 federal government to support the purposes of the school and institutional trust lands owned by
5644 the state and administered by SITLA in trust for the benefit of public schools and other
5645 institutions as mandated in the Utah Constitution and the Utah Enabling Act of 1894, 28 Stat.
5646 107;

5647 (ii) actively seeking to support SITLA's fiduciary responsibility to manage the school
5648 trust lands to optimize revenue by making the school trust lands available for sale and private
5649 development and for other multiple and consumptive use activities such as mineral
5650 development, grazing, recreation, timber, and agriculture;

5651 (iii) not interfering with SITLA's ability to carry out its fiduciary responsibilities by the
5652 creation of geographical areas burdened with management restrictions that prohibit or
5653 discourage the optimization of revenue, without just compensation;

5654 (iv) recognizing SITLA's right of economic access to the school trust lands to enable
5655 SITLA to put those sections to use in its fiduciary responsibilities;

5656 (v) recognizing any management plan enacted by SITLA pursuant to Section
5657 [53C-2-201](#); and

5658 (vi) acting responsibly as the owner of land parcels with potential for exchange for
5659 state land parcels by:

5660 (A) moving forward with the process for identifying federal land parcels suitable and
5661 desirable for exchange for state land parcels;

5662 (B) removing barriers to the exchange of federal land parcels for state land parcels;

5663 (C) expediting the procedures and processes necessary to execute the exchange of
5664 federal land parcels for state land parcels; and

5665 (D) lobbying and supporting in good faith any congressional legislation to enact and
5666 finalize the exchange of federal land parcels for state land parcels;

5667 (l) oppose the designation of BLM lands as areas of critical environmental concern

5668 (ACEC), as the BLM lands are generally not compatible with the state's plan and policy for
5669 managing the subject lands, but special cases may exist where such a designation is appropriate
5670 if compliance with FLPMA, 43 U.S.C. Sec. 1702(a) is clearly demonstrated and where the
5671 proposed designation and protection:

5672 (i) is limited to the geographic size to the minimum necessary to meet the standards
5673 required by [~~Section 63J-4-401~~] Sections [63L-11-302](#) and [63L-11-303](#);

5674 (ii) is necessary to protect not just a temporary change in ground conditions or visual
5675 resources that can be reclaimed or reversed naturally, but is clearly shown as necessary to
5676 protect against visible damage on the ground that will persist on a time scale beyond that which
5677 would effectively disqualify the land for a later inventory of wilderness characteristics;

5678 (iii) will not be applied in a geographic area already protected by other protective
5679 designations available pursuant to law; and

5680 (iv) is not a substitute for the nonimpairment management requirements of wilderness
5681 study areas; and

5682 (m) recognize that a BLM visual resource management class I or II rating is generally
5683 not compatible with the state's plan and policy for managing the subject lands, but special cases
5684 may exist where such a rating is appropriate if jointly considered and created by state, local,
5685 and federal authorities as part of an economic development plan for a region of the state, with
5686 due regard for school trust lands and private lands within the area.

5687 (2) All BLM and Forest Service decision documents should be accompanied with an
5688 analysis of the social and economic impact of the decision. Such analysis should:

5689 (a) consider all facets of the decision in light of valuation techniques for the potential
5690 costs and benefits of the decision;

5691 (b) clarify whether the costs and benefits employ monetized or nonmonetized
5692 techniques;

5693 (c) compare the accuracy, completeness, and viability of monetized and nonmonetized
5694 valuation techniques used as part of the analysis, including all caveats on use of the techniques;
5695 and

5696 (d) compare the valuation techniques employed in the analysis to the federal standards
5697 for valuation employed by the U.S. Department of Justice in court actions.

5698 Section 76. Section **63J-8-105.2** is amended to read:

5699 **63J-8-105.2. San Juan County Energy Zone established -- Finding --**
5700 **Management and land use priorities.**

5701 (1) There is established the San Juan County Energy Zone in San Juan County for the
5702 purpose of maximizing efficient and responsible development of energy and mineral resources.

5703 (2) The land area and boundaries of the San Juan County Energy Zone are described in
5704 Subsection [63J-8-102](#)(18) and illustrated on the map described in Section [63J-8-105](#).

5705 (3) The state finds that:

5706 (a) the lands comprising the San Juan County Energy Zone contain abundant
5707 world-class deposits of energy and mineral resources, including oil, natural gas, potash,
5708 uranium, vanadium, limestone, copper, sand, gravel, wind, and solar; and

5709 (b) the highest management priority is the responsible management, development, and
5710 extraction of existing energy and mineral resources in order to provide long-term domestic
5711 energy and supplies for the state and the United States.

5712 (4) The state supports:

5713 (a) efficient and responsible full development of all existing energy and mineral
5714 resources located within the San Juan County Energy Zone, including oil, natural gas, potash,
5715 uranium, vanadium, limestone, copper, sand, gravel, wind, and solar; and

5716 (b) a cooperative management approach by federal agencies, the state, and local
5717 governments to achieve broadly supported management plans for the full development of all
5718 energy and mineral resources within the San Juan County Energy Zone.

5719 (5) The state requests that the federal agencies that administer lands within the San
5720 Juan County Energy Zone:

5721 (a) fully cooperate and coordinate with the state and with San Juan County to develop,
5722 amend, and implement land and resource management plans and to implement management
5723 decisions that are consistent with the purposes, goals, and policies described in this section to
5724 the maximum extent allowed under federal law;

5725 (b) expedite the processing, granting, and streamlining of mineral and energy leases
5726 and applications to drill, extract, and otherwise develop all existing energy and mineral
5727 resources located within the San Juan County Energy Zone, including oil, natural gas, potash,
5728 uranium, vanadium, copper, sand, gravel, wind, and solar resources;

5729 (c) allow continued maintenance and increased development of roads, power lines,

5730 pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies
5731 described in this section;

5732 (d) refrain from any planning decisions and management actions that will undermine,
5733 restrict, or diminish the goals, purposes, and policies for the San Juan County Energy Zone as
5734 stated in this section; and

5735 (e) refrain from implementing a policy that is contrary to the goals and purposes within
5736 this section.

5737 (6) The state calls upon Congress to establish an intergovernmental standing
5738 commission, with membership consisting of representatives from the United States
5739 government, the state, and local governments, to guide and control planning and management
5740 actions in the San Juan County Energy Zone in order to achieve and maintain the goals,
5741 purposes, and policies described in this section.

5742 (7) Notwithstanding the provisions of this section, the state's grazing and livestock
5743 policies and plans on land within the San Juan County Energy Zone shall continue to be
5744 governed by Sections [~~63J-4-401~~] [63L-11-302](#), [63L-11-303](#), and [63J-8-104](#).

5745 Section 77. Section **63J-8-105.5** is amended to read:

5746 **63J-8-105.5. Uintah Basin Energy Zone established -- Findings -- Management**
5747 **and land use priorities.**

5748 (1) There is established the Uintah Basin Energy Zone in Daggett, Uintah, and
5749 Duchesne Counties for the purpose of maximizing efficient and responsible development of
5750 energy and mineral resources.

5751 (2) The land area and boundaries of the Uintah Basin Energy Zone are described in
5752 Subsection [63J-8-102\(22\)](#) and illustrated on the map described in Section [63J-8-105](#).

5753 (3) The state finds that:

5754 (a) the lands comprising the Uintah Basin Energy Zone contain abundant, world-class
5755 deposits of energy and mineral resources, including oil, natural gas, oil shale, oil sands,
5756 gilsonite, coal, phosphate, gold, uranium, and copper, as well as areas with high wind and solar
5757 energy potential; and

5758 (b) the highest management priority for all lands within the Uintah Basin Energy Zone
5759 is responsible management and development of existing energy and mineral resources in order
5760 to provide long-term domestic energy and supplies for Utah and the United States.

5761 (4) The state supports:

5762 (a) efficient and responsible full development of all existing energy and mineral
5763 resources located within the Uintah Basin Energy Zone, including oil, oil shale, natural gas, oil
5764 sands, gilsonite, phosphate, gold, uranium, copper, solar, and wind resources; and

5765 (b) a cooperative management approach among federal agencies, state, and local
5766 governments to achieve broadly supported management plans for the full development of all
5767 energy and mineral resources within the Uintah Basin Energy Zone.

5768 (5) The state calls upon the federal agencies who administer lands within the Uintah
5769 Basin Energy Zone to:

5770 (a) fully cooperate and coordinate with the state and with Daggett, Uintah, and
5771 Duchesne Counties to develop, amend, and implement land and resource management plans
5772 and to implement management decisions that are consistent with the purposes, goals, and
5773 policies described in this section to the maximum extent allowed under federal law;

5774 (b) expedite the processing, granting, and streamlining of mineral and energy leases
5775 and applications to drill, extract, and otherwise develop all existing energy and mineral
5776 resources located within the Uintah Basin Energy Zone, including oil, natural gas, oil shale, oil
5777 sands, gilsonite, phosphate, gold, uranium, copper, solar, and wind resources;

5778 (c) allow continued maintenance and increased development of roads, power lines,
5779 pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies
5780 described in this section;

5781 (d) refrain from any planning decisions and management actions that will undermine,
5782 restrict, or diminish the goals, purposes, and policies for the Uintah Basin Energy Zone as
5783 stated in this section; and

5784 (e) refrain from implementing a policy that is contrary to the goals and purposes
5785 described within this section.

5786 (6) The state calls upon Congress to establish an intergovernmental standing
5787 commission among federal, state, and local governments to guide and control planning
5788 decisions and management actions in the Uintah Basin Energy Zone in order to achieve and
5789 maintain the goals, purposes, and policies described in this section.

5790 (7) Notwithstanding the provisions of this section, the state's grazing and livestock
5791 policies and plans on land within the Uintah Basin Energy Zone shall continue to be governed

5792 by Sections [~~63J-4-401~~] [63L-11-302](#), [63L-11-303](#), and [63J-8-104](#).

5793 Section 78. Section **63J-8-105.7** is amended to read:

5794 **63J-8-105.7. Green River Energy Zone established -- Findings -- Management**
5795 **and land use priorities.**

5796 (1) There is established the Green River Energy Zone in Carbon and Emery Counties
5797 for the purpose of maximizing efficient and responsible development of energy and mineral
5798 resources.

5799 (2) The land area and boundaries of the Green River Energy Zone are described in
5800 Subsection [63J-8-102](#)(8) and illustrated on the maps described in Section [63J-8-105](#).

5801 (3) The state finds that:

5802 (a) the lands comprising the Green River Energy Zone contain abundant world-class
5803 deposits of energy and mineral resources, including oil, natural gas, oil shale, oil sands,
5804 gilsonite, coal, phosphate, gold, uranium, and copper, as well as areas with high wind and solar
5805 energy potential;

5806 (b) for lands within the Carbon County portion of the Green River Energy Zone, the
5807 highest management priority is the responsible management, development, and extraction of
5808 existing energy and mineral resources in order to provide long-term domestic energy and
5809 supplies for Utah and the United States; and

5810 (c) for lands within the Emery County portion of the Green River Energy Zone:

5811 (i) the responsible management and development of existing energy and mineral
5812 resources in order to provide long-term domestic energy and supplies for Utah and the United
5813 States is a high management priority; and

5814 (ii) the management priority described in Subsection (3)(c)(i) should be balanced with
5815 the following high management priorities:

5816 (A) watershed health;

5817 (B) water storage and water delivery systems;

5818 (C) Emery County Heritage Sites;

5819 (D) facilities and resources associated with the domestic livestock industry;

5820 (E) wildlife and wildlife habitat; and

5821 (F) recreation opportunities.

5822 (4) The state supports:

5823 (a) efficient and responsible full development of all existing energy and mineral
5824 resources located within the Green River Energy Zone, including oil, oil shale, natural gas, oil
5825 sands, gilsonite, coal, phosphate, gold, uranium, copper, solar, and wind resources; and

5826 (b) a cooperative management approach by federal agencies, the state of Utah, and
5827 local governments to achieve broadly supported management plans for the full development of
5828 all energy and mineral resources within the Green River Energy Zone.

5829 (5) The state requests that the federal agencies that administer lands within the Green
5830 River Energy Zone:

5831 (a) fully cooperate and coordinate with the state of Utah and with Carbon and Emery
5832 Counties to develop, amend, and implement land and resource management plans and to
5833 implement management decisions that are consistent with the purposes, goals, and policies
5834 described in this section to the maximum extent allowed under federal law;

5835 (b) expedite the processing, granting, and streamlining of mineral and energy leases
5836 and applications to drill, extract, and otherwise develop all existing energy and mineral
5837 resources located within the Green River Energy Zone, including oil, natural gas, oil shale, oil
5838 sands, gilsonite, coal, phosphate, gold, uranium, copper, solar, and wind resources;

5839 (c) allow continued maintenance and increased development of roads, power lines,
5840 pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies
5841 described in this section;

5842 (d) refrain from any planning decisions and management actions that will undermine,
5843 restrict, or diminish the goals, purposes, and policies for the Green River Energy Zone as stated
5844 in this section; and

5845 (e) refrain from implementing a policy that is contrary to the goals and purposes within
5846 this section.

5847 (6) The state calls upon Congress to establish an intergovernmental standing
5848 commission, with membership consisting of representatives from the United States
5849 government, the state of Utah, and local governments to guide and control planning and
5850 management actions in the Green River Energy Zone in order to achieve and maintain the
5851 goals, purposes, and policies described in this section.

5852 (7) Notwithstanding the provisions of this section, the state's grazing and livestock
5853 policies and plans on land within the Green River Energy Zone shall continue to be governed

5854 by Sections [~~63J-4-401~~] [63L-11-302](#), [63L-11-303](#), and [63J-8-104](#).

5855 Section 79. Section **63J-8-105.8** is amended to read:

5856 **63J-8-105.8. Utah Grazing Agricultural Commodity Zones established --**

5857 **Findings -- Management and land use priorities.**

5858 (1) There are established Utah Grazing Agricultural Commodity Zones in the counties
5859 of Beaver, Emery, Garfield, Kane, Piute, Iron, Sanpete, San Juan, Sevier, Washington, and
5860 Wayne for the purpose of:

5861 (a) preserving and protecting the agricultural livestock industry from ongoing threats;

5862 (b) preserving and protecting the history, culture, custom, and economic value of the
5863 agricultural livestock industry from ongoing threats; and

5864 (c) maximizing efficient and responsible restoration, reclamation, preservation,
5865 enhancement, and development of forage and watering resources for grazing and wildlife
5866 practices and affected natural, historical, and cultural activities.

5867 (2) The titles, land area, and boundaries of the zones are as follows:

5868 (a) "Escalante Region Grazing Zone," consisting of certain BLM, National Park
5869 Service, and Forest Service lands in the following townships in Garfield and Kane counties, as
5870 more fully illustrated in the map jointly prepared by the Garfield County and Kane County
5871 Geographic Information Systems departments entitled "Escalante Region Grazing Zone":

5872 (i) in Garfield County, Township 32S Range 6E, Township 32S Range 7E, Township
5873 33S Range 4E, Township 33S Range 5E, Township 33S Range 6E, Township 33S Range 7E,
5874 Township 33S Range 8E, Township 34S Range 2E, Township 34S Range 3E, Township 34S
5875 Range 4E, Township 34S Range 5E, Township 34S Range 6E, Township 34S Range 7E,
5876 Township 34S Range 8E, Township 35S Range 1E, Township 35S Range 2E, Township 35S
5877 Range 3E, Township 35S Range 4E, Township 35S Range 5E, Township 35S Range 6E,
5878 Township 35S Range 7E, Township 35S Range 8E, Township 36S Range 1W, Township 36S
5879 Range 2W, Township 36S Range 3W, Township 36S Range 1E, Township 36S Range 2E,
5880 Township 36S Range 3E, Township 36S Range 4E, Township 36S Range 5E, Township 36S
5881 Range 6E, Township 36S Range 7E, Township 36S Range 8E, Township 36S Range 9E,
5882 Township 37S Range 1W, Township 37S Range 2W, Township 37S Range 3W, Township 37S
5883 Range 4W, Township 37S Range 1E, Township 37S Range 2E, Township 37S Range 3E,
5884 Township 37S Range 4E, Township 37S Range 5E, Township 37S Range 6E, Township 37S

5885 Range 7E, Township 37S Range 8E, and Township 37S Range 9E; and
5886 (ii) in Kane County, Township 38S Range 1W, Township 38S Range 2W, Township
5887 38S Range 3W, Township 38S Range 4W, Township 38S Range 1E, Township 38S Range 2E,
5888 Township 38S Range 3E, Township 38S Range 4E, Township 38S Range 5E, Township 38S
5889 Range 6E, Township 38S Range 7E, Township 38S Range 8E, Township 38S Range 9E,
5890 Township 39S Range 1W, Township 39S Range 2W, Township 39S Range 3W, Township 39S
5891 Range 4W, Township 39S Range 4.5W, Township 39S Range 1E, Township 39S Range 2E,
5892 Township 39S Range 3E, Township 39S Range 4E, Township 39S Range 5E, Township 39S
5893 Range 6E, Township 39S Range 7E, Township 39S Range 8E, Township 39S Range 9E,
5894 Township 40S Range 1W, Township 40S Range 2W, Township 40S Range 3W, Township 40S
5895 Range 4W, Township 40S Range 4.5W, Township 40S Range 5W, Township 40S Range 1E,
5896 Township 40S Range 2E, Township 40S Range 3E, Township 40S Range 4E, Township 40S
5897 Range 5E, Township 40S Range 6E, Township 40S Range 7E, Township 40S Range 8E,
5898 Township 40S Range 9E, Township 40.5S Range 9E, Township 41S Range 1W, Township
5899 41S Range 2W, Township 41S Range 3W, Township 41S Range 4W, Township 41S Range
5900 4.5W, Township 41S Range 5W, Township 41S Range 1E, Township 41S Range 2E,
5901 Township 41S Range 3E, Township 41S Range 4E, Township 41S Range 5E, Township 41S
5902 Range 6E, Township 41S Range 7E, Township 41S Range 8E, Township 41S Range 9E,
5903 Township 42S Range 1W, Township 42S Range 2W, Township 42S Range 3W, Township 42S
5904 Range 4W, Township 42S Range 4.5W, Township 42S Range 5W, Township 42S Range 1E,
5905 Township 42S Range 2E, Township 42S Range 3E, Township 42S Range 4E, Township 42S
5906 Range 5E, Township 42S Range 6E, Township 42S Range 7E, Township 42S Range 8E,
5907 Township 42S Range 9E, Township 42.5S Range 6.5E, Township 42.5S Range 7E, Township
5908 43S Range 1W, Township 43S Range 2W, Township 43S Range 3W, Township 43S Range
5909 4W, Township 43S Range 4.5W, Township 43S Range 5W, Township 43S Range 1E,
5910 Township 43S Range 2E, Township 43S Range 3E, Township 43S Range 4E, Township 43S
5911 Range 5E, Township 43S Range 6E, Township 44S Range 1W, Township 44S Range 2W,
5912 Township 44S Range 3W, Township 44S Range 4W, Township 44S Range 4.5W, Township
5913 44S Range 5W, Township 44S Range 1E, Township 44S Range 2E, Township 44S Range 3E,
5914 Township 44S Range 4E, and Township 44S Range 5E;
5915 (b) "Beaver County Southwest Desert Region Grazing Zone," consisting of certain

5916 BLM lands in the following townships in Beaver County, as more fully illustrated in the map
5917 prepared by the Beaver County Geographic Information Systems Departments entitled "Beaver
5918 County Southeast Desert Grazing Zone": Township 26S Range 11W, Township 27S Range
5919 11W, Township 28S Range 11W, Township 29S Range 11W, Township 30S Range 11W,
5920 Township 26S Range 12W, Township 27S Range 12W, Township 28S Range 12W, Township
5921 29S Range 12W, Township 30S Range 12W, Township 26S Range 13W, Township 27S
5922 Range 13W, Township 28S Range 13W, Township 29S Range 13W, Township 30S Range
5923 13W, Township 26S Range 14W, Township 27S Range 14W, Township 28S Range 14W,
5924 Township 29S Range 14W, Township 30S Range 14W, Township 26S Range 15W, Township
5925 27S Range 15W, Township 28S Range 15W, Township 29S Range 15W, Township 30S
5926 Range 15W, Township 26S Range 16W, Township 27S Range 16W, Township 28S Range
5927 16W, Township 29S Range 16W, Township 30S Range 16W, Township 26S Range 17W,
5928 Township 27S Range 17W, Township 28S Range 17W, Township 29S Range 17W, Township
5929 30S Range 17W, Township 26S Range 18W, Township 27S Range 18W, Township 28S
5930 Range 18W, Township 29S Range 18W, Township 30S Range 18W, Township 26S Range
5931 19W, Township 27S Range 19W, Township 28S Range 19W, Township 29S Range 19W,
5932 Township 30S Range 19W, Township 26S Range 20W, Township 27S Range 20W, Township
5933 28S Range 20W, Township 29S Range 20W, and Township 30S Range 20W;

5934 (c) "Beaver County Central Grazing Zone," consisting of certain BLM and Forest
5935 Service lands in the following townships in Beaver County, as more fully illustrated in the map
5936 prepared by the Beaver County Geographic Information Systems Department entitled "Beaver
5937 County Central Grazing Zone": Township 26S Range 7W, Township 26S Range 8W,
5938 Township 26S Range 9W, Township 26S Range 10W, Township 27S Range 7W, Township
5939 27S Range 8W, Township 27S Range 9W, Township 27S Range 10W, Township 28S Range
5940 7W, Township 28S Range 8W, Township 28S Range 9W, Township 28S Range 10W,
5941 Township 29S Range 7W, Township 29S Range 8W, Township 29S Range 9W, Township 29S
5942 Range 10W, Township 30S Range 7W, Township 30S Range 8W, Township 30S Range 9W,
5943 and Township 30S Range 10W;

5944 (d) "Tushar Mountain Region Grazing Zone," consisting of certain BLM and Forest
5945 Service lands in the following townships in Beaver, Garfield, and Piute counties, as more fully
5946 illustrated in the map jointly prepared by the Beaver, Garfield, and Piute counties GIS

5947 departments in February 2014, entitled "Tushar Mountain Region Grazing Zone":

5948 (i) in Beaver County, Township 28S Range 4W, Township 29S Range 4W, Township
5949 27S Range 5W, Township 28S Range 5W, Township 29S Range 5W, Township 30S Range
5950 5W, Township 26S Range 6W, Township 27S Range 6W, Township 28S Range 6W,
5951 Township 29S Range 6W, and Township 30S Range 6W;

5952 (ii) in Piute County, Township 26S Range 6W, Township 27S Range 6W, Township
5953 26S Range 5W, Township 27S Range 5W, Township 28S Range 5W, Township 29S Range
5954 5W, Township 30S Range 5W, Township 26S Range 4.5W, Township 26S Range 4W,
5955 Township 27S Range 4W, Township 28S Range 4W, Township 29S Range 4W, and Township
5956 30S Range 4W; and

5957 (iii) in Garfield County, Township 31S Range 5W;

5958 (e) "Last Chance Region Grazing Zone," consisting of certain BLM and Forest Service
5959 lands in the following townships in Sevier County, as more fully illustrated in the map
5960 prepared by the Sevier County GIS department in February 2014, entitled "Last Chance Region
5961 Grazing Zone": Township 23S Range 5E, Township 24S Range 4E, Township 24S Range 5E,
5962 Township 25S Range 5E, and Township 26S Range 5E;

5963 (f) "Muddy Creek Region Grazing Zone," consisting of certain BLM lands in the
5964 following townships in Emery County, as more fully illustrated in the map prepared by the
5965 Emery County GIS department in February 2014, entitled "Muddy Creek Region Grazing
5966 Zone": Township 22S Range 7E, Township 23S Range 7E, Township 24S Range 7E,
5967 Township 25S Range 7E, Township 22S Range 8E, Township 23S Range 8E, Township 24S
5968 Range 8E, Township 25S Range 8E, Township 23S Range 9E, and Township 24S Range 9E;

5969 (g) "McKay Flat Region Grazing Zone," consisting of certain BLM lands in the
5970 following townships in Emery County, as more fully illustrated in the map prepared by the
5971 Emery County GIS department in February 2014, entitled "McKay Flat Region Grazing Zone":
5972 Township 25S Range 9E, Township 26S Range 9E, Township 23S Range 10E, Township 24S
5973 Range 10E, Township 25S Range 10E, Township 24S Range 11E, and Township 25S Range
5974 11E;

5975 (h) "Sinbad Region Grazing Zone," consisting of certain BLM lands in the following
5976 townships in Emery County, as more fully illustrated in the map prepared by the Emery County
5977 GIS department in February 2014, entitled "Sinbad Region Grazing Zone": Township 20S

5978 Range 11E, Township 21S Range 11E, Township 21S Range 12E, Township 22S Range 12E,
5979 Township 23S Range 12E, Township 21S Range 13E, Township 22S Range 13E, and
5980 Township 23S Range 13E;

5981 (i) "Robbers Roost Region Grazing Zone," consisting of certain BLM lands in the
5982 following townships in Emery County, as more fully illustrated in the map prepared by the
5983 Emery County GIS department in February 2014, entitled "Robbers Roost Region Grazing
5984 Zone": Township 25S Range 13E, Township 26S Range 13E, Township 25S Range 14E,
5985 Township 26S Range 14E, Township 25S Range 15E, and Township 26S Range 15E;

5986 (j) "Western Iron County Region Grazing Zone," consisting of certain BLM and Forest
5987 Service lands in the following townships in Iron County, as more fully illustrated in the map
5988 prepared by the Iron County GIS department in February 2014, entitled "Western Iron County
5989 Region Grazing Zone": Township 31S Range 7W, Township 31S Range 8W, Township 31S
5990 Range 9W, Township 31S Range 10W, Township 31S Range 11W, Township 31S Range
5991 12W, Township 31S Range 13W, Township 31S Range 14W, Township 31S Range 15W,
5992 Township 31S Range 16W, Township 31S Range 17W, Township 31S Range 18W, Township
5993 31S Range 19W, Township 31S Range 20W, Township 32S Range 8W, Township 32S Range
5994 9W, Township 32S Range 10W, Township 32S Range 11W, Township 32S Range 12W,
5995 Township 32S Range 13W, Township 32S Range 14W, Township 32S Range 15W, Township
5996 32S Range 16W, Township 32S Range 17W, Township 32S Range 18W, Township 32S
5997 Range 19W, Township 32S Range 20W, Township 33S Range 8W, Township 33S Range 9W,
5998 Township 33S Range 10W, Township 33S Range 11W, Township 33S Range 12W, Township
5999 33S Range 13W, Township 33S Range 14W, Township 33S Range 15W, Township 33S
6000 Range 16W, Township 33S Range 17W, Township 33S Range 18W, Township 33S Range
6001 19W, Township 33S Range 20W, Township 34S Range 9W, Township 34S Range 10W,
6002 Township 34S Range 11W, Township 34S Range 12W, Township 34S Range 13W, Township
6003 34S Range 14W, Township 34S Range 15W, Township 34S Range 17W, Township 34S
6004 Range 18W, Township 34S Range 19W, Township 34S Range 20W, Township 35S Range
6005 10W, Township 35S Range 12W, Township 35S Range 13W, Township 35S Range 14W,
6006 Township 35S Range 15W, Township 35S Range 17W, Township 35S Range 18W, Township
6007 35S Range 19W, Township 35S Range 20W, Township 36S Range 11W, Township 36S
6008 Range 12W, Township 36S Range 13W, Township 36S Range 14W, Township 36S Range

6009 15W, Township 36S Range 17W, Township 36S Range 18W, Township 36S Range 19W,
6010 Township 36S Range 20W, Township 37S Range 12W, Township 37S Range 13W, Township
6011 37S Range 14W, and Township 38S Range 12W;

6012 (k) "Eastern Iron County Region Grazing Zone," consisting of certain BLM and Forest
6013 Service lands in the following townships in Iron County, as more fully illustrated in the map
6014 prepared by the Iron County GIS department in February 2014, entitled "Eastern Iron County
6015 Region Grazing Zone": Township 31S Range 6W, Township 31S Range 7W, Township 32S
6016 Range 6W, Township 32S Range 7W, Township 33S Range 6W, Township 33S Range 7W,
6017 Township 33S Range 8W, Township 34S Range 7W, Township 34S Range 8W, Township 34S
6018 Range 9W, Township 35S Range 8W, Township 35S Range 9W, Township 35S Range 10W,
6019 Township 36S Range 8W, Township 36S Range 9W, Township 36S Range 10W, Township
6020 36S Range 11W, Township 37S Range 8W, Township 37S Range 9W, Township 37S Range
6021 11W, Township 37S Range 12W, Township 38S Range 11W, Township 38S Range 12W,
6022 Township 38S Range 10W, Township 38S Range 11W, and Township 38S Range 12W,
6023 excluding Zion National Park;

6024 (l) "Panguitch Lake Region Grazing Zone," consisting of certain BLM and Forest
6025 Service lands in the following townships in Kane and Garfield counties, as more fully
6026 illustrated in the map prepared by the Kane County GIS department in February 2014, entitled
6027 "Panguitch Lake Region Grazing Zone," and the map prepared by the Garfield County GIS
6028 department in February 2017 entitled "Panguitch Lake Region Grazing Zone":

6029 (i) in Kane County, Township 38S Range 9W, Township 38S Range 8W, Township
6030 38S Range 7W, Township 38S Range 6W, Township 39S Range 8W, and Township 39S
6031 Range 7W; and

6032 (ii) in Garfield County, Township 35S Range 7W, Township 36S Range 7W,
6033 Township 37S Range 7W, Township 34S Range 6W, Township 35S Range 6W, Township 36S
6034 Range 6W, and Township 37S Range 6W;

6035 (m) "East Fork Region Grazing Zone," consisting of certain BLM and Forest Service
6036 lands in the following townships in Kane and Garfield counties, as more fully illustrated in the
6037 map jointly prepared by the Kane and Garfield counties GIS departments in February 2017,
6038 entitled "East Fork Region Grazing Zone":

6039 (i) in Kane County, Township 38S Range 5W, Township 38S Range 4.5W, Township

6040 39S Range 5W, and Township 39S Range 4.5W; and

6041 (ii) in Garfield County, Township 36S Range 5W, Township 37S Range 5W,
6042 Township 32S Range 4.5W, Township 33S Range 4.5W, Township 34S Range 4.5W,
6043 Township 35S Range 4.5W, Township 36S Range 4.5W, Township 37S Range 4.5W,
6044 Township 31S Range 4W, Township 32S Range 4W, Township 33S Range 4W, Township 34S
6045 Range 4W, Township 35S Range 4W, Township 36S Range 4W, Township 37S Range 4W,
6046 Township 31S Range 3W, Township 32S Range 3W, Township 33S Range 3W, Township 34S
6047 Range 3W, Township 35S Range 3W, Township 36S Range 3W, Township 37S Range 3W,
6048 Township 31S Range 2.5W, Township 32S Range 2W, Township 33S Range 2W, Township
6049 34S Range 2W, and Township 35S Range 2W;

6050 (n) "Sevier River Region Grazing Zone," consisting of certain BLM and Forest Service
6051 lands in the following townships in Piute County, as more fully illustrated in the map prepared
6052 by the Piute GIS department in February 2014, entitled "Sevier River Region Grazing Zone":
6053 Township 27S Range 3W, Township 28S Range 3W, and Township 29S Range 3W;

6054 (o) "Kingston Canyon Region Grazing Zone," consisting of certain BLM and Forest
6055 Service lands in the following townships in Piute and Garfield counties, as more fully
6056 illustrated in the map jointly prepared by the Piute and Garfield counties GIS departments in
6057 February 2017, entitled "Kingston Canyon Region Grazing Zone":

6058 (i) in Piute County, Township 30S Range 3W, Township 30S Range 2.5W, and
6059 Township 30S Range 2W; and

6060 (ii) in Garfield County, Township 31S Range 2W, Township 32S Range 2W,
6061 Township 31S Range 1W, and Township 32S Range 1W;

6062 (p) "Monroe Mountain Region Grazing Zone," consisting of certain BLM and Forest
6063 Service lands in the following townships in Piute County, as more fully illustrated in the map
6064 prepared by the Piute County GIS department in February 2014, entitled "Monroe Mountain
6065 Region Grazing Zone": Township 26S Range 3W, Township 27S Range 2.5W, Township 28S
6066 Range 2.5W, Township 29S Range 2.5W, Township 26S Range 2W, Township 27S Range
6067 2W, Township 28S Range 2W, Township 29S Range 2W, Township 26S Range 1W, and
6068 Township 27S Range 1W;

6069 (q) "Parker Mountain Region Grazing Zone," consisting of certain BLM and Forest
6070 Service lands in the following townships in Wayne County, as more fully illustrated in the map

6071 prepared by the Wayne County GIS department in February 2014, entitled "Parker Mountain
6072 Region Grazing Zone": Township 26S Range 2E, Township 27S Range 2E, Township 28S
6073 Range 2E, Township 29S Range 2E, and Township 30S Range 2E;

6074 (r) "Boulder Mountain Region Grazing Zone," consisting of certain BLM and Forest
6075 Service lands in the following townships in Wayne and Garfield counties, as more fully
6076 illustrated in the map jointly prepared by the Wayne and Garfield counties GIS departments in
6077 February 2017, entitled "Boulder Mountain Region Grazing Zone":

6078 (i) in Wayne County, Township 30S Range 3E, Township 30S Range 4E, and
6079 Township 30S Range 5E; and

6080 (ii) in Garfield County, Township 35S Range 3W, Township 36S Range 3W,
6081 Township 33S Range 2W, Township 34S Range 2W, Township 35S Range 2W, Township 36S
6082 Range 2W, Township 31S Range 1W, Township 32S Range 1W, Township 33S Range 1W,
6083 Township 34S Range 1W, Township 35S Range 1W, Township 36S Range 1W, Township 31S
6084 Range 1E, Township 32S Range 1E, Township 33S Range 1E, Township 34S Range 1E,
6085 Township 35S Range 1E, Township 36S Range 1E, Township 37S Range 1E, Township 31S
6086 Range 2E, Township 32S Range 2E, Township 33S Range 2E, Township 34S Range 2E,
6087 Township 31S Range 3E, Township 32S Range 3E, Township 33S Range 3E, Township 34S
6088 Range 3E, Township 31S Range 4E, Township 32S Range 4E, Township 33S Range 4E,
6089 Township 30.5S Range 5E, Township 31S Range 5E, Township 32S Range 5E, Township 33S
6090 Range 5E, Township 31S Range 6E, and Township 32S Range 6E;

6091 (s) "Thousand Lake Region Grazing Zone," consisting of certain Forest Service lands
6092 in the following townships in Wayne County, as more fully illustrated in the map prepared by
6093 the Wayne County GIS department in February 2014, entitled "Thousand Lake Region Grazing
6094 Zone": Township 26S Range 4E, Township 27S Range 4E, and Township 28S Range 4E;

6095 (t) "Hartnet-Middle Desert Region Grazing Zone," consisting of certain BLM lands in
6096 the following townships in Wayne County, as more fully illustrated in the map prepared by the
6097 Wayne County GIS department in February 2014, entitled "Hartnet-Middle Desert Region
6098 Grazing Zone": Township 28S Range 7E, Township 27S Range 8E, and Township 28S Range
6099 8E;

6100 (u) "Sandy No. 1 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 "Sandy No. 1 Region Grazing
6103 Zone": Township 29S Range 8E and Township 30S Range 8E;

6104 (v) "Blue Benches 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 "Blue Benches Region Grazing
6107 Zone": Township 29S Range 9E, Township 29S Range 10E, and Township 30S Range 10E;

6108 (w) "Wild Horse Region Grazing Zone," consisting of certain BLM lands in the
6109 following townships in Wayne County, as more fully illustrated in the map prepared by the
6110 Wayne County GIS department in February 2014, entitled "Wild Horse Region Grazing Zone":
6111 Township 27S Range 10E and Township 27S Range 11E;

6112 (x) "Hanksville Region Grazing Zone," consisting of certain BLM lands in the
6113 following townships in Wayne County, as more fully illustrated in the map prepared by the
6114 Wayne County GIS department in February 2014, entitled "Hanksville Region Grazing Zone":
6115 Township 29S Range 11E, Township 30S Range 11E, Township 28S Range 12E, Township
6116 29S Range 12E, Township 30S Range 12E, and Township 30S Range 13E;

6117 (y) "Jeffery Wells Region Grazing Zone," consisting of certain BLM lands in the
6118 following townships in Wayne County, as more fully illustrated in the map prepared by the
6119 Wayne County GIS department in February 2014, entitled "Jeffery Wells Region Grazing
6120 Zone": Township 27S Range 14E and Township 27S Range 15E;

6121 (z) "Robbers Roost Region Grazing Zone," consisting of certain BLM lands in the
6122 following townships in Wayne County, as more fully illustrated in the map prepared by the
6123 Wayne County GIS department in February 2014, entitled "Robbers Roost Region Grazing
6124 Zone": Township 29S Range 14E;

6125 (aa) "French Springs Region Grazing Zone," consisting of certain BLM lands in the
6126 following townships in Wayne County, as more fully illustrated in the map prepared by the
6127 Wayne County GIS department in February 2014, entitled "French Springs Region Grazing
6128 Zone": Township 30S Range 16E;

6129 (bb) "12 Mile C&H Region Grazing Zone," consisting of certain Forest Service lands
6130 in the following townships in Sanpete County, as more fully illustrated in the map prepared by
6131 the Sanpete County GIS department in February 2014, entitled "12 Mile C&H Region Grazing
6132 Zone": Township 19S Range 3E and Township 20S Range 3E;

6133 (cc) "Horseshoe Region Grazing Zone," consisting of certain Forest Service lands in
6134 the following townships in Sanpete County, as more fully illustrated in the map prepared by the
6135 Sanpete County GIS department in February 2014, entitled "Horseshoe Region Grazing Zone":
6136 Township 14S Range 5E, Township 14S Range 6E, Township 15S Range 5E, and Township
6137 15S Range 6E;

6138 (dd) "Nokai Dome Region Grazing Zone," consisting of certain BLM and National
6139 Park Service lands in the following townships in San Juan County, as more fully illustrated in
6140 the map prepared by the San Juan County GIS department in February 2014, entitled "Nokai
6141 Dome Region Grazing Zone": Township 38S Range 11E, Township 38S Range 12E, Township
6142 39S Range 11E, Township 39S Range 12E, Township 39S Range 13E, Township 39S Range
6143 14E, Township 39S Range 15E, Township 40S Range 10E, Township 40S Range 11E,
6144 Township 40S Range 12E, Township 40S Range 13E, Township 40S Range 14E, Township
6145 41S Range 9E, Township 41S Range 10E, Township 41S Range 11E, and Township 41S
6146 Range 12E;

6147 (ee) "Grand Gulch Region Grazing Zone," consisting of certain BLM and National
6148 Park Service lands in the following townships in San Juan County, as more fully illustrated in
6149 the map prepared by the San Juan County GIS department in February 2014, entitled "Grand
6150 Gulch Region Grazing Zone": Township 37S Range 17E, Township 37S Range 18E, Township
6151 38S Range 16E, Township 38S Range 17E, Township 38S Range 18E, Township 39S Range
6152 14E, Township 39S Range 15E, Township 39S Range 16E, Township 39S Range 17E,
6153 Township 39S Range 18E, Township 40S Range 14E, Township 40S Range 15E, Township
6154 40S Range 16E, Township 40S Range 17E, and Township 40S Range 18E;

6155 (ff) "Cedar Mesa East Region Grazing Zone," consisting of certain BLM and National
6156 Park Service lands in the following townships in San Juan County, as more fully illustrated in
6157 the map prepared by the San Juan County GIS department in February 2014, entitled "Cedar
6158 Mesa East Region Grazing Zone": Township 36S Range 20E, Township 37S Range 18E,
6159 Township 37S Range 19E, Township 37S Range 20E, Township 37S Range 21E, Township
6160 38S Range 18E, Township 38S Range 19E, Township 38S Range 20E, Township 38S Range
6161 21E, Township 39S Range 18E, Township 39S Range 19E, Township 39S Range 20E,
6162 Township 39S Range 21E, Township 40S Range 18E, Township 40S Range 19E, Township
6163 40S Range 20E, Township 40S Range 21E, Township 41S Range 18E, Township 41S Range

6164 19E, Township 41S Range 20E, and Township 41S Range 21E;

6165 (gg) "Mancos Mesa Region Grazing Zone," consisting of certain BLM and National
6166 Park Service lands in the following townships in San Juan County, as more fully illustrated in
6167 the map prepared by the San Juan County GIS department in February 2014, entitled "Mancos
6168 Mesa Region Grazing Zone": Township 35S Range 13E, Township 36S Range 12E, Township
6169 36S Range 13E, Township 36S Range 14E, Township 37S Range 12E, Township 37S Range
6170 13E, Township 37S Range 14E, Township 37S Range 15E, Township 38S Range 11E,
6171 Township 38S Range 12E, Township 38S Range 13E, Township 38S Range 14E, Township
6172 38S Range 15E, Township 38S Range 18E, Township 39S Range 13E, Township 39S Range
6173 14E, and Township 39S Range 15E;

6174 (hh) "Red Canyon Region Grazing Zone," consisting of certain BLM and National Park
6175 Service lands in the following townships in San Juan County, as more fully illustrated in the
6176 map prepared by the San Juan County GIS department in February 2014, entitled "Red Canyon
6177 Region Grazing Zone": Township 33S Range 14E, Township 34S Range 13E, Township 34S
6178 Range 14E, Township 34S Range 15E, Township 35S Range 13E, Township 35S Range 14E,
6179 Township 35S Range 15E, Township 36S Range 14E, Township 36S Range 15E, Township
6180 36S Range 16E, Township 36S Range 17E, Township 37S Range 14E, Township 37S Range
6181 15E, Township 37S Range 16E, Township 37S Range 17E, Township 38S Range 15E, and
6182 Township 38S Range 16E;

6183 (ii) "White Canyon Region Grazing Zone," consisting of certain BLM and National
6184 Park Service lands in the following townships in San Juan County, as more fully illustrated in
6185 the map prepared by the San Juan County GIS department in February 2014, entitled "White
6186 Canyon Region Grazing Zone": Township 33S Range 14E, Township 33S Range 15E,
6187 Township 33S Range 16E, Township 34S Range 14E, Township 34S Range 15E, Township
6188 34S Range 16E, Township 34S Range 17E, Township 35S Range 15E, Township 35S Range
6189 16E, Township 35S Range 17E, Township 35S Range 18E, Township 36S Range 15E,
6190 Township 36S Range 16E, Township 36S Range 17E, Township 36S Range 18E, Township
6191 37S Range 17E, and Township 37S Range 18E;

6192 (jj) "Dark Canyon/Hammond Canyon Region Grazing Zone," consisting of certain
6193 Forest Service lands in the following townships in San Juan County, as more fully illustrated in
6194 the map prepared by the San Juan County GIS department in February 2014, entitled "Dark

6195 Canyon/Hammond Canyon Region Grazing Zone": Township 34S Range 17E, Township 34S
6196 Range 18E, Township 34S Range 19E, Township 34S Range 20E, Township 35S Range 17E,
6197 Township 35S Range 18E, Township 35S Range 19E, Township 35S Range 20E, Township
6198 36S Range 18E, Township 36S Range 19E, Township 36S Range 20E, and Township 37S
6199 Range 19E;

6200 (kk) "Chippean/Indian Creek Region Grazing Zone," consisting of certain Forest
6201 Service lands in the following townships in San Juan County, as more fully illustrated in the
6202 map prepared by the San Juan County GIS department in February 2014, entitled
6203 "Chippean/Indian Creek Region Grazing Zone": Township 32S Range 21E, Township 32S
6204 Range 22E, Township 33S Range 21E, Township 33S Range 22E, Township 34S Range 20E,
6205 Township 34S Range 21E, Township 34S Range 22E, Township 35S Range 20E, Township
6206 35S Range 21E, and Township 35S Range 22E;

6207 (ll) "Henry Mountain Region Grazing Zone," consisting of certain BLM and National
6208 Park Service lands in the following townships in Garfield County, as more fully illustrated in
6209 the map prepared by the Garfield County GIS department in February 2017, entitled "Henry
6210 Mountain Region Grazing Zone": Township 31S Range 7E, Township 32S Range 7E,
6211 Township 31S Range 8E, Township 32S Range 8E, Township 33S Range 8E, Township 34S
6212 Range 8E, Township 31S Range 9E, Township 32S Range 9E, Township 33S Range 9E,
6213 Township 34S Range 9E, Township 35S Range 9E, Township 31S Range 10E, Township 32S
6214 Range 10E, Township 33S Range 10E, Township 34S Range 10E, Township 35S Range 10E,
6215 Township 31S Range 11E, Township 32S Range 11E, Township 33S Range 11E, Township
6216 34S Range 11E, Township 31S Range 12E, Township 32S Range 12E, Township 33S Range
6217 12E, and Township 34S Range 12E;

6218 (mm) "Glen Canyon Region Grazing Zone," consisting of certain BLM and National
6219 Park Service lands in the following townships in Garfield County, as more fully illustrated in
6220 the map prepared by the Garfield County GIS department in February 2017, entitled "Glen
6221 Canyon Region Grazing Zone": Township 36S Range 9E, Township 37S Range 9E, Township
6222 36S Range 10E, Township 37S Range 10E, Township 35S Range 11E, Township 36S Range
6223 11E, Township 37S Range 11E, Township 31S Range 12E, Township 32S Range 12E,
6224 Township 33S Range 12E, Township 34S Range 12E, Township 35S Range 12E, Township
6225 35.5S Range 12E, Township 36S Range 12E, Township 37S Range 12E, Township 31S Range

6226 13E, Township 32S Range 13E, Township 33S Range 13E, Township 34S Range 13E,
6227 Township 35S Range 13E, Township 35.5S Range 13E, Township 36S Range 13E, Township
6228 31S Range 14E, Township 32S Range 14E, Township 32.5S Range 14E, Township 33S Range
6229 14E, Township 31S Range 15E, Township 32S Range 15E, Township 32.5S Range 15E,
6230 Township 33S Range 15E, Township 30.5S Range 16E, Township 31S Range 16E, Township
6231 32S Range 16E, Township 30.5S Range 17E, Township 31S Range 17E, Township 32S Range
6232 17E, Township 30.5S Range 18E, and Township 31S Range 18E;

6233 (nn) "Glendale Bench Region Grazing Zone," consisting of certain BLM and Forest
6234 Service lands in the following townships in Kane County, as more fully illustrated in the map
6235 prepared by the Kane County GIS department in February 2014, entitled "Glendale Bench
6236 Region Grazing Zone": Township 39S Range 6W, Township 39S Range 5W, Township 39S
6237 Range 4.5W, Township 40S Range 7W, Township 40S Range 6W, Township 41S Range 7W,
6238 and Township 41S Range 6W;

6239 (oo) "John R. Region Grazing Zone," consisting of certain BLM and Forest Service
6240 lands in the following townships in Kane County, as more fully illustrated in the map prepared
6241 by the Kane County GIS department in February 2014, entitled "John R. Region Grazing
6242 Zone": Township 41S Range 7W, Township 41S Range 6W, Township 42S Range 7W,
6243 Township 42S Range 6W, Township 43S Range 6W, and Township 44S Range 6W;

6244 (pp) "Beaver Dam Scope Region Grazing Zone," consisting of certain BLM lands in
6245 the following townships in Washington County, as more fully illustrated in the map prepared
6246 by the Washington County GIS department: Township 42 South Range 17 West, Township 43
6247 South Range 18 West, Township 43 South Range 19 West, Township 43 South Range 20
6248 West, Township 42 South Range 18 West, Township 42 South Range 19 West, Township 42
6249 South Range 20 West, Township 41 South Range 17 West, Township 41 South Range 18
6250 West, Township 41 South Range 19 West, Township 41 South Range 20 West, Township 40
6251 South Range 18 West, Township 40 South Range 19 West, and Township 40 South Range 20
6252 West;

6253 (qq) "Square Top Daggett Flat Region Grazing Zone," consisting of certain BLM lands
6254 in the following townships in Washington County, as more fully illustrated in the map prepared
6255 by the Washington County GIS department: Township 40 South Range 17 West, Township 40
6256 South Range 18 West, Township 40 South Range 19 West, Township 40 South Range 20

6257 West, Township 39 South Range 16 West, Township 39 South Range 17 West, Township 39
6258 South Range 18 West, Township 39 South Range 19 West, Township 39 South Range 20
6259 West, Township 38 South Range 18 West, Township 38 South Range 19 West, and Township
6260 38 South Range 20 West;

6261 (rr) "Enterprise Region Grazing Zone," consisting of certain BLM and Forest Service
6262 lands in the following townships in Washington County, as more fully illustrated in the map
6263 prepared by the Washington County GIS department: Township 37 South Range 17 West and
6264 Township 37 South Range 18 West;

6265 (ss) "Apex Region Grazing Zone," consisting of certain BLM lands in the following
6266 townships in Washington County, as more fully illustrated in the map prepared by the
6267 Washington County GIS department: Township 42 South Range 16 West, Township 42 South
6268 Range 17 West, Township 43 South Range 16 West, and Township 43 South Range 17 West;

6269 (tt) "Veyo/Gunlock Region Grazing Zone," consisting of certain BLM lands in the
6270 following townships in Washington County, as more fully illustrated in the map prepared by
6271 the Washington County GIS department: Township 39 South Range 16 West, Township 39
6272 South Range 17 West, Township 40 South Range 16 West, Township 40 South Range 17
6273 West, Township 41 South Range 16 West, Township 41 South Range 17 West, and Township
6274 41 South Range 18 West;

6275 (uu) "Pine Valley Dixie National Forest Grazing Zone," consisting of certain Forest
6276 Service lands in the following townships in Washington County, as more fully illustrated in the
6277 map prepared by the Washington County GIS department: Township 37 South Range 15 West,
6278 Township 37 South Range 16 West, Township 37 South Range 17 West, Township 37 South
6279 Range 18 West, Township 37 South Range 19 West, Township 37 South Range 20 West,
6280 Township 38 South Range 13 West, Township 38 South Range 14 West, Township 38 South
6281 Range 15 West, Township 38 South Range 16 West, Township 38 South Range 17 West,
6282 Township 38 South Range 18 West, Township 38 South Range 19 West, Township 39 South
6283 Range 13 West, Township 39 South Range 14 West, Township 39 South Range 15 West,
6284 Township 39 South Range 16 West, Township 39 South Range 17 West, and Township 39
6285 South Range 18 West;

6286 (vv) "New Harmony Region Grazing Zone," consisting of certain BLM lands in the
6287 following township in Washington County, as more fully illustrated in the map prepared by the

6288 Washington County GIS department: Township 38 South Range 13 West;
6289 (ww) "Kanarra Region Grazing Zone," consisting of certain BLM lands in the
6290 following township in Washington County, as more fully illustrated in the map prepared by the
6291 Washington County GIS department: Township 38 South Range 11 West;
6292 (xx) "Kolob Region Grazing Zone," consisting of certain BLM lands in the following
6293 townships in Washington County, as more fully illustrated in the map prepared by the
6294 Washington County GIS department: Township 38 South Range 10 West and Township 39
6295 South Range 10 West;
6296 (yy) "La Verkin Creek/Dry Creek Region Grazing Zone," consisting of certain BLM
6297 lands in the following townships in Washington County, as more fully illustrated in the map
6298 prepared by the Washington County GIS department: Township 39 South Range 11 West,
6299 Township 39 South Range 12 West, Township 39 South Range 13 West, Township 40 South
6300 Range 11 West, Township 40 South Range 12 West, Township 40 South Range 13 West,
6301 Township 41 South Range 11 West, Township 41 South Range 12 West, and Township 41
6302 South Range 13 West;
6303 (zz) "Grafton Region Grazing Zone," consisting of certain BLM lands in the following
6304 townships in Washington County: Township 41 South Range 11 West, Township 41 South
6305 Range 12 West, Township 41 South Range 13 West, Township 42 South Range 11 West,
6306 Township 42 South Range 12 West, and Township 42 South Range 13 West;
6307 (aaa) "Hurricane Region Grazing Zone," consisting of certain BLM lands in the
6308 following townships in Washington County, as more fully illustrated in the map prepared by
6309 the Washington County GIS department: Township 42 South Range 13 West, Township 42
6310 South Range 14 West, Township 42 South Range 15 West, Township 43 South Range 13
6311 West, Township 43 South Range 14 West, and Township 43 South Range 15 West;
6312 (bbb) "Little Creek Region Grazing Zone," consisting of certain BLM lands in the
6313 following townships in Washington County, as more fully illustrated in the map prepared by
6314 the Washington County GIS department: Township 42 South Range 11 West, Township 42
6315 South Range 12 West, Township 42 South Range 13 West, Township 43 South Range 11
6316 West, Township 43 South Range 12 West, and Township 43 South Range 13 West;
6317 (ccc) "Canaan Mountain Grazing Zone," consisting of certain BLM lands in the
6318 following townships in Washington County, as more fully illustrated in the map prepared by

6319 the Washington County GIS department: Township 42 South Range 9.5 West, Township 42
6320 South Range 10 West, Township 42 South Range 11 West, Township 43 South Range 9.5
6321 West, Township 43 South Range 10 West, and Township 43 South Range 11 West; and

6322 (ddd) "Panguitch Valley Regional Grazing Zone," consisting of certain BLM lands in
6323 the following townships in Garfield County, as more fully illustrated in the map prepared by
6324 the Garfield County GIS department in February 2017, entitled "Panguitch Valley Region
6325 Grazing Zone": Township 34S Range 6W, Township 35S Range 6W, Township 36S Range
6326 6W, Township 37S Range 6W, Township 32S Range 5.5W, Township 31S Range 5W,
6327 Township 32S Range 5W, Township 33S Range 5W, Township 34S Range 5W, Township 35S
6328 Range 5W, Township 36S Range 5W, Township 37S Range 5W, Township 32S Range 4.5W,
6329 Township 33S Range 4.5W, Township 34S Range 4.5W, Township 35S Range 4.5W,
6330 Township 36S Range 4.5W, Township 31S Range 4W, and Township 31S Range 3W.

6331 (3) Printed copies of the maps referenced in Subsection (2) shall be available for
6332 inspection by the public at the offices of the Utah Association of Counties.

6333 (4) The state finds with respect to the grazing zones described in Subsection (2) that:

6334 (a) agricultural livestock industry on the lands comprising these zones has provided a
6335 significant contribution to the history, customs, culture, economy, welfare, and other values of
6336 each area for more than 100 years;

6337 (b) the potential for abundant natural and vegetative resources exists within these zones
6338 if managed properly, that will support and expand continued, responsible agricultural livestock
6339 activities and wildlife habitat;

6340 (c) agricultural livestock activities in these zones and the associated historic resources,
6341 human history, shaping of human endeavors, variety of cultural resources, landmarks,
6342 structures, and other objects of historic or scientific interest are worthy of recognition,
6343 preservation, and protection;

6344 (d) (i) the highest management priority for lands within these zones is the preservation,
6345 restoration, and enhancement of watershed and rangeland health to sustain and expand forage
6346 production for both livestock grazing and wildlife habitat, and the restoration and development
6347 of historic, existing, and future livestock grazing and wildlife habitat resources in order to
6348 provide protection for the resources, objects, customs, culture, and values identified above; and

6349 (ii) notwithstanding Subsection (4)(d)(i), if part or all of any zone lies within a sage

6350 grouse management area, then the management priorities for such part shall be consistent with
6351 the management priorities set forth in Subsection (4)(d)(i) to the maximum extent consistent
6352 with the management priorities of the sage grouse management area;

6353 (e) subject to Subsection (4)(d)(ii), responsible development of any deposits of energy
6354 and mineral resources, including oil, natural gas, oil shale, oil sands, coal, phosphate, gold,
6355 uranium, and copper, as well as areas with wind and solar energy potential, that may exist in
6356 these zones is compatible with the management priorities of Subsection (4)(d)(i) in these
6357 zones; and

6358 (f) subject to Subsection (4)(d)(ii), responsible development of any recreation
6359 resources, including roads, campgrounds, water resources, trails, OHV use, sightseeing,
6360 canyoneering, hunting, fishing, trapping, and hiking resources that may exist in these grazing
6361 zones is compatible with the management priorities of Subsection (4)(d)(i) in these grazing
6362 zones.

6363 (5) The state finds with respect to the zones described in Subsection (2) that the
6364 historic levels of livestock grazing activity and other values identified in Subsection (4) in each
6365 zone have greatly diminished, or are under other serious threat, due to:

6366 (a) unreasonable, arbitrary, and unlawfully restrictive federal management policies,
6367 including:

6368 (i) de facto managing for wilderness in nonwilderness areas and non-WSAs;

6369 (ii) ignoring the chiefly valuable for grazing designation of the Secretary of the Interior
6370 applicable to each of these zones; and

6371 (iii) the arbitrary administrative reductions in animal unit months of permitted forage;

6372 (b) inflexible federal grazing practices that disallow grazing at different times each year
6373 proven to be most effective for maintaining and enhancing rangeland conditions;

6374 (c) mismanagement of wild horses and burros resulting in competition for forage by
6375 excess and mismanaged populations of wild horses and burros in Beaver and Emery counties;

6376 (d) improper management of vegetation resulting in the overgrowth of pinion, invasive
6377 species, and juniper, and other woody vegetation that:

6378 (i) compromise watershed and rangeland health;

6379 (ii) crowd out grazing forage;

6380 (iii) degrade habitat and limit wildlife populations;

- 6381 (iv) reduce water yield; and
- 6382 (v) heighten the risk of catastrophic wildfire; and
- 6383 (e) other practices that degrade overall rangeland health.
- 6384 (6) To protect and preserve against the threats described in Subsection (5), the state
- 6385 supports the following with respect to the zones described in Subsection (2):
- 6386 (a) efficient and sustained policies, programs, and practices directed at preserving,
- 6387 restoring, and enhancing watershed and rangeland health to maximize:
- 6388 (i) all permitted forage production for livestock grazing and other compatible uses,
- 6389 including flexible grazing on and off dates adaptive to yearly climate and range conditions; and
- 6390 (ii) forage for fish and wildlife;
- 6391 (b) a cooperative management approach by federal agencies, the state, and local
- 6392 government agencies to achieve broadly supported management plans for the full development
- 6393 of:
- 6394 (i) forage resources for grazing livestock and wildlife; and
- 6395 (ii) other uses compatible with livestock grazing and wildlife utilization;
- 6396 (c) effective and responsible management of wild horses and burros to eliminate excess
- 6397 populations; and
- 6398 (d) effective and responsible management of wildlife habitat.
- 6399 (7) The state requests that the federal agencies that administer lands within each
- 6400 grazing zone:
- 6401 (a) fully cooperate and coordinate with the state and the respective counties within
- 6402 which each grazing zone is situated to develop, amend, and implement land and resource
- 6403 management plans, and implement management decisions that are consistent with the
- 6404 purposes, goals, and policies described in this section to the maximum extent allowed under
- 6405 federal law;
- 6406 (b) expedite the processing, granting, and streamlining of grazing permits, range
- 6407 improvements, and applications to enhance and otherwise develop all existing and permitted
- 6408 grazing resources located within each grazing zone, including renewable vegetative resources;
- 6409 (c) allow continued maintenance and increased development of roads, power lines,
- 6410 pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies
- 6411 described in this section and consistent with multiple use and sustained yield principles;

6412 (d) refrain from any planning decisions and management actions that will undermine,
6413 restrict, or diminish the goals, purposes, and policies for each grazing zone as stated in this
6414 section;

6415 (e) subject to Subsection (4)(d)(ii), refrain from implementing a policy that is contrary
6416 to the goals and purposes described within this section; and

6417 (f) refrain from implementing utilization standards less than 50%, unless:

6418 (i) implementing a standard of less than 50% utilization on a temporary basis is
6419 necessary to resolve site-specific concerns; and

6420 (ii) the federal agency consults, coordinates, and cooperates fully with local
6421 governments.

6422 (8) (a) If a grazing zone described in Subsection (2) is managed or neglected in such a
6423 way as to increase the risk of catastrophic wildfire, and if the chief executive officer of a
6424 county or a county sheriff finds that the catastrophic wildfire risk adversely affects the health,
6425 safety, and welfare of the people of the political subdivision and that increased livestock
6426 grazing in part or all of the grazing zone would substantially reduce that adverse effect:

6427 (i) Subsections 11-51-103(1)(a) and (b) shall govern and apply to the chief executive
6428 officer and the county sheriff with respect to making increased livestock grazing available in
6429 the grazing zone; and

6430 (ii) Subsection 11-51-103(1)(b) shall govern and apply to the attorney general with
6431 respect to making increased livestock grazing available in the grazing zone.

6432 (b) If a grazing zone described in Subsection (2) is managed or neglected in such a way
6433 as to increase the risk of catastrophic wildfire, and if the chief executive officer of a county or a
6434 county sheriff finds that the catastrophic wildfire risk constitutes an imminent threat to the
6435 health, safety, and welfare of the people of the political subdivision and that increased livestock
6436 grazing in part or all of the grazing zone would substantially reduce that imminent threat:

6437 (i) Subsections 11-51-103(2) and (3) shall govern and apply to the chief executive
6438 officer and the county sheriff with respect to making increased livestock grazing available in
6439 the grazing zone; and

6440 (ii) Subsection 11-51-103(3) and Section 11-51-104 shall govern and apply to the
6441 attorney general with respect to making increased livestock grazing available in the grazing
6442 zone.

6443 (9) (a) The state recognizes the importance of all grazing districts on Utah BLM and
6444 Forest Service lands but establishes the grazing zones described in Subsection (2) to provide
6445 special protection and preservation against the identified threats found in Subsection (5) to
6446 exist in these zones.

6447 (b) It is the intent of the state to designate additional grazing agricultural commodity
6448 zones in future years, if circumstances warrant special protection and preservation for new
6449 zones.

6450 (10) The state calls upon applicable federal, state, and local agencies to coordinate with
6451 each other and establish applicable intergovernmental standing commissions, with membership
6452 consisting of representatives from the United States government, the state, and local
6453 governments to coordinate and achieve consistency in planning decisions and management
6454 actions in zones described in Subsection (2) in order to achieve the goals, purposes, and
6455 policies described in this section.

6456 (11) Notwithstanding the provisions of this section, and subject to Subsection
6457 (4)(d)(ii), the state's mineral, oil, gas, and energy policies and plans on land within the zones
6458 described in Subsection (2) shall be governed by Sections ~~[63J-4-401]~~ [63L-11-302](#),
6459 [63L-11-303](#), and [63J-8-104](#).

6460 Section 80. Section **63J-8-105.9** is amended to read:

6461 **63J-8-105.9. Utah Timber Agricultural Commodity Zones established -- Findings**
6462 **-- Management and land use priorities.**

6463 (1) There are established and designated Utah Timber Agricultural Commodity Zones
6464 for the purpose of:

6465 (a) preserving and protecting the agricultural timber, logging, and forest products
6466 industry within these zones from ongoing threats;

6467 (b) preserving and protecting the significant history, culture, customs, and economic
6468 value of the agricultural timber, logging, and forest products industry within these zones from
6469 ongoing threats; and

6470 (c) maximizing efficient and responsible restoration, reclamation, preservation,
6471 enhancement, and development of timber, logging, and forest products and affected natural,
6472 historical, and cultural activities within these zones, in order to protect and preserve these
6473 zones from ongoing threats.

6474 (2) The titles, land area, and boundaries of these zones are described as follows:

6475 (a) "Tushar Mountain Region Timber Zone," consisting of certain Forest Service lands
6476 in the following townships in Beaver County and Piute County, as more fully illustrated in the
6477 map jointly prepared by the Beaver and Piute counties GIS departments in February 2014,
6478 entitled "Tushar Mountain Region Timber Zone":

6479 (i) in Beaver County, Township 28S Range 4W, Township 29S Range 4W, Township
6480 27S Range 5W, Township 28S Range 5W, Township 29S Range 5W, Township 30S Range
6481 5W, Township 26S Range 6W, Township 27S Range 6W, Township 28S Range 6W,
6482 Township 29S Range 6W, and Township 30S Range 6W; and

6483 (ii) in Piute County, Township 26S Range 6W, Township 27S Range 6W, Township
6484 26S Range 5W, Township 27S Range 5W, Township 28S Range 5W, Township 29S Range
6485 5W, Township 30S Range 5W, Township 26S Range 4.5W, Township 26S Range 4W,
6486 Township 28S Range 4W, Township 29S Range 4W, and Township 30S Range 4W;

6487 (b) "Panguitch Lake Region Timber Zone," consisting of certain Forest Service lands
6488 situated in the following townships in Iron, Kane, and Garfield counties, as more fully
6489 illustrated in the map jointly prepared by the Iron, Kane, and Garfield counties GIS
6490 departments in February 2014, entitled "Panguitch Lake Region Timber Zone":

6491 (i) in Iron County, Township 34S Range 7W, Township 35S Range 8W, Township 36S
6492 Range 8W, Township 36S Range 9W (excluding Cedar Breaks National Monument and
6493 Ashdown Wilderness Area), Township 37S Range 8W, and Township 37S Range 9W;

6494 (ii) in Kane County, Township 38S Range 9W, Township 38S Range 8W, Township
6495 38S Range 7W, Township 38S Range 6W, Township 39S Range 8W, Township 39S Range
6496 7W, and Township 39S Range 6W; and

6497 (iii) in Garfield County, Township 35S Range 7W, Township 35S Range 6W,
6498 Township 36S Range 7W, Township 36S Range 6W, Township 37S Range 7W, and Township
6499 37S Range 6W;

6500 (c) "Monroe Mountain Region Timber Zone," consisting of certain Forest Service
6501 lands in the following townships in Piute County, as more fully illustrated in the map prepared
6502 by the Piute County GIS department in February 2014, entitled "Monroe Mountain Region
6503 Timber Zone": Township 26S Range 3W, Township 27S Range 2.5W, Township 28S Range
6504 2.5W, Township 29S Range 2.5W, Township 26S Range 2W, Township 27S Range 2W,

6505 Township 28S Range 2W, Township 29S Range 2W, Township 26S Range 1W, and Township
6506 7S Range 1W;

6507 (d) "Boulder Mountain Region Timber Zone," consisting of certain Forest Service
6508 lands situated in the following townships in Wayne and Garfield counties, as more fully
6509 illustrated in the map jointly prepared by the Wayne and Garfield counties GIS departments in
6510 February 2014, entitled "Boulder Mountain Region Timber Zone":

6511 (i) in Wayne County, Township 30S Range 3E, Township 30S Range 4E, and
6512 Township 30S Range 5E; and

6513 (ii) in Garfield County, Township 31S Range 1E, Township 31S Range 2E, Township
6514 31S Range 3E, Township 32S Range 2E, Township 32S Range 3E, Township 32S Range 4E,
6515 Township 33S Range 3E, Township 33S Range 4E, Township 30 1/2S Range 5E, Township
6516 31S Range 5E, Township 31S Range 6E, Township 32S Range 5E, and Township 32S Range
6517 6E;

6518 (e) "Thousand Lake Region Timber Zone," consisting of certain Forest Service lands in
6519 the following townships in Wayne County, as more fully illustrated in the map prepared by the
6520 Wayne County GIS department in February 2014, entitled "Thousand Lake Region Timber
6521 Zone": Township 26S Range 4E, Township 27S Range 4E, and Township 28S Range 4E;

6522 (f) "Millers Flat Region Timber Zone," consisting of certain Forest Service lands
6523 situated in the following townships in Sanpete County, as more fully illustrated in the map
6524 prepared by the Sanpete County GIS department in February 2014, entitled "Millers Flat
6525 Region Timber Zone": Township 16S Range 5E, Township 17S Range 5E, Township 17S
6526 Range 4E, and Township 17S Range 6E;

6527 (g) "East Fork Timber Zone," consisting of certain Forest Service lands situated in the
6528 following townships in Garfield and Kane counties, as more fully illustrated in the map jointly
6529 prepared by the Garfield and Kane counties GIS departments in February 2014, entitled "East
6530 Fork Region Timber Zone":

6531 (i) in Garfield County, Township 36S Range 4 1/2W, Township 36S Range 4W,
6532 Township 37S Range 5W, Township 37S Range 4 1/2W, and Township 37S Range 4W; and

6533 (ii) in Kane County, Township 38S Range 5W, Township 38S Range 4.5W, Township
6534 39S Range 5W, and Township 39S Range 4.5W;

6535 (h) "Upper Valley Timber Zone," consisting of certain Forest Service lands situated in

6536 the following townships in Garfield County, as more fully illustrated in the map prepared by
6537 the Garfield County GIS department in February 2014, entitled "Upper Valley Region Timber
6538 Zone": Township 34S Range 1W, Township 35S Range 1W, Township 35S Range 1E,
6539 Township 36S Range 1W, Township 36S Range 1E, and Township 37S Range 1E;

6540 (i) "Iron Springs Timber Zone," consisting of certain Forest Service lands situated in
6541 the following townships in Garfield County, as more fully illustrated in the map prepared by
6542 the Garfield County GIS department in February 2014, entitled "Iron Springs Region Timber
6543 Zone": Township 32S Range 1E, Township 33S Range 1W, Township 33S Range 1E, and
6544 Township 34S Range 1W; and

6545 (j) "Dutton Timber Zone," consisting of certain Forest Service lands situated in the
6546 following townships in Garfield County, as more fully illustrated in the map prepared by the
6547 Garfield County GIS department in February 2014, entitled "Dutton Region Timber Zone":
6548 Township 32S Range 3W, Township 32S Range 2W, Township 33S Range 3W, and Township
6549 33S Range 2W.

6550 (3) Printed copies of the maps referenced in Subsection (2) shall be available for
6551 inspection by the public at the offices of the Utah Association of Counties.

6552 (4) The state finds with respect to the zones described in Subsection (2) that:

6553 (a) agricultural timber, logging, and forest product industries on the lands comprising
6554 these timber zones have provided a significant contribution to the history, customs, culture,
6555 economy, welfare, and other values of each area for many decades;

6556 (b) abundant natural and vegetative resources exist within these zones to support and
6557 expand continued, responsible timber, logging, and other forest product activities;

6558 (c) agricultural timber, logging, and forest product activities in these zones, and the
6559 associated historic resources, human history, shaping of human endeavors, variety of cultural
6560 resources, landmarks, structures, and other objects of historic or scientific interest are worthy of
6561 recognition, preservation, and protection;

6562 (d) (i) the highest management priority for lands within these zones is maintenance and
6563 promotion of forest and vegetation ecosystem health achieved by responsible active
6564 management in development of historic, existing, and future timber, logging, and forest
6565 product resources in order to provide protection for the resources, objects, customs, culture,
6566 and values identified above; and

6567 (ii) notwithstanding Subsection (4)(d)(i), if part or all of any zone lies within a sage
6568 grouse management area, then the management priorities for such part shall be consistent with
6569 the management priorities set forth in Subsection (4)(d)(i) to the maximum extent consistent
6570 with the management priorities of the sage grouse management area;

6571 (e) subject to Subsection (4)(d)(ii), responsible development of any deposits of energy
6572 and mineral resources, including oil, natural gas, oil shale, oil sands, coal, phosphate, gold,
6573 uranium, and copper, as well as areas with wind and solar energy potential, that may exist in
6574 these zones is compatible with the management priorities of Subsection (4)(d)(i) in these
6575 zones; and

6576 (f) subject to Subsection (4)(d)(ii), responsible development of any recreation
6577 resources, including wildlife, roads, campgrounds, water resources, trails, OHV use,
6578 sightseeing, canyoneering, hunting, fishing, trapping, and hiking resources that may exist in
6579 these timber zones is compatible with the management priorities of Subsection (4)(d)(i) in
6580 these timber zones.

6581 (5) The state finds that the historic levels of timber, logging, and forest products
6582 activities in the zones described in Subsection (2) have greatly diminished, or are under serious
6583 threat, due to:

6584 (a) unreasonable, arbitrary, and unlawfully restrictive federal management policies,
6585 including:

6586 (i) de facto managing for wilderness in nonwilderness areas;

6587 (ii) ignoring the multiple use sustained yield mission of the Forest Service;

6588 (iii) ignoring the fact that the Forest Service's parent agency is the United States
6589 Department of Agriculture whose mission includes providing timber as an important
6590 agriculture resource; and

6591 (iv) the arbitrary administrative reductions in timber, logging, and forest products
6592 activities;

6593 (b) improper management of forest vegetation resulting in the overcrowding of old
6594 growth alpine species and the crowding out of aspen diversity, all of which results in:

6595 (i) devastation of entire mountainsides due to insect infestation and disease;

6596 (ii) reduced water yield;

6597 (iii) increased catastrophic wildfire;

- 6598 (iv) increased soil erosion;
- 6599 (v) degradation of wildlife habitat; and
- 6600 (vi) suppression and threatened extinction of important rural economic activities; and
- 6601 (c) other practices that degrade overall forest health.
- 6602 (6) To protect and preserve against the threats described in Subsection (5), the state
- 6603 supports the following with respect to the zones described in Subsection (2):
- 6604 (a) efficient and responsible development, within each timber zone, of:
- 6605 (i) robust timber thinning and harvesting programs and activities; and
- 6606 (ii) other uses compatible with increased timber, logging, and forest product activities,
- 6607 including a return to historic levels of timber, logging, and forest product activity in each of
- 6608 these zones;
- 6609 (b) a cooperative management approach by federal agencies, the state, and local
- 6610 governments to achieve broadly supported management plans for the full development, within
- 6611 each timber zone, of:
- 6612 (i) forest product resources; and
- 6613 (ii) other uses compatible with timber activities; and
- 6614 (c) effective and responsible management of wildlife habitat.
- 6615 (7) The state requests that the federal agencies that administer lands within each timber
- 6616 zone:
- 6617 (a) fully cooperate and coordinate with the state and the respective counties within
- 6618 which each timber zone is situated to develop, amend, and implement land and resource
- 6619 management plans and implement management decisions that are consistent with the purposes,
- 6620 goals, and policies described in this section to the maximum extent allowed under federal law;
- 6621 (b) expedite the processing, granting, and streamlining of logging and forest product
- 6622 harvesting permits, range improvements, and applications to enhance and otherwise develop
- 6623 existing and permitted timber resources located within each timber zone, including renewable
- 6624 vegetative resources;
- 6625 (c) expedite stewardship programs to allow private enterprise to carry out the timber,
- 6626 logging, and forest activities described in this section;
- 6627 (d) allow continued maintenance and increased development of roads, power lines,
- 6628 pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies

6629 described in this section and consistent with multiple use and sustained yield principles;

6630 (e) refrain from any planning decisions and management actions that will undermine,
6631 restrict, or diminish the goals, purposes, and policies for each timber zone as stated in this
6632 section; and

6633 (f) subject to Subsection (4)(d)(ii), refrain from implementing a policy that is contrary
6634 to the goals and purposes described within this section.

6635 (8) (a) The state recognizes the importance of all areas on BLM and Forest Service
6636 lands high value lumber and forest product resources but establishes the special Timber
6637 Agricultural Commodity Zones to provide special protection and preservation against the
6638 identified threats found in Subsection (5) to exist in these zones.

6639 (b) It is the intent of the Legislature to designate additional Timber Agricultural
6640 Commodity Zones in future years, if circumstances warrant special protection and preservation
6641 for new zones.

6642 (9) The state calls upon applicable federal, state, and local agencies to coordinate with
6643 each other and establish applicable intergovernmental standing commissions, with membership
6644 consisting of representatives from the United States government, the state, and local
6645 governments to coordinate and achieve consistency in planning decisions and management
6646 actions in the zones described in Subsection (2).

6647 (10) Notwithstanding the provisions of this section, and subject to Subsection
6648 (4)(d)(ii), the state's mineral, oil, gas, and energy policies, as well as its grazing policies, on
6649 land within zones described in Subsection (2), shall continue to be governed by Sections
6650 [~~63J-4-401~~] [63L-11-302](#), [63L-11-303](#), and [63J-8-104](#).

6651 Section 81. Section **63J-8-106** is amended to read:

6652 **63J-8-106. County supported federal land use designation proposed in proposed**
6653 **congressional land use legislation -- Process for legislative review of proposed federal**
6654 **legislation land use within a county.**

6655 (1) (a) Notwithstanding any other provision of this chapter, the Legislature may, in
6656 accordance with this section, recommend to the Utah congressional delegation proposed
6657 congressional land use legislation that is supported by a county.

6658 (b) A county that fails to comply with the requirements of this section may not
6659 communicate or otherwise represent in any way that a federal land use designation contained in

6660 proposed congressional land use legislation has the support or approval of the Legislature.

6661 (2) If a county supports a federal land use designation contained in proposed
6662 congressional land use legislation, the county shall:

6663 (a) prepare a report on the proposed congressional land use legislation in accordance
6664 with Subsection (3);

6665 (b) draft a concurrent resolution for a legislative committee's consideration, in
6666 accordance with Subsection (7)(a), in support of the proposed congressional land use
6667 legislation; and

6668 (c) subject to Subsection (4)(a), deliver the report and draft concurrent resolution to the
6669 office.

6670 (3) The report required in Subsection (2)(a) shall include:

6671 (a) a copy of the proposed congressional land use legislation;

6672 (b) a detailed description of the land or watercourse proposed for a federal land use
6673 designation, including:

6674 (i) the total acres of federal land proposed for a federal land use designation;

6675 (ii) (A) a map showing the location of the land or watercourse; and

6676 (B) the proposed type of federal land use designation for each location;

6677 (iii) a proposed land conveyance or land proposed for auction by the BLM, if any; and

6678 (iv) (A) school and institutional trust land, as defined in Section 53C-1-103, proposed
6679 for a land exchange, if any; and

6680 (B) whether the county has coordinated with SITLA on the proposed land exchange;

6681 (c) an explanation of whether a federal land use designation will assist in resolving
6682 long-standing public lands issues, such as wilderness disputes, economic development,
6683 recreational use, and access to public lands;

6684 (d) a narrative description of the economic, recreational, and cultural impacts, taken as
6685 a whole, on a county and the state that would occur if Congress adopted the proposed
6686 congressional land use legislation, including an impact on state revenues;

6687 (e) an account of actions, if any, proposed in a federal land use designation to minimize
6688 impacts on:

6689 (i) resource extraction activities occurring on the land or in the watercourse proposed
6690 for a federal land use designation, including mining and energy development; and

- 6691 (ii) motorized recreational use and public access;
- 6692 (f) a summary of potential benefits gained by the county and state if Congress adopts
6693 the proposed congressional land use legislation;
- 6694 (g) a description of the stakeholders and their positions on a federal land use
6695 designation;
- 6696 (h) whether land identified for a federal land use designation is BLM recommended
6697 wilderness;
- 6698 (i) an explanation of what the proposed congressional land use legislation proposes for
6699 federal land located in the county other than land identified for the federal land use designation;
- 6700 (j) (i) a description of the impact that, if adopted by Congress, the proposed
6701 congressional land use legislation would have on access to roads currently identified as part of
6702 an adopted county transportation plan as described in Section [~~63J-4-401~~] [63L-11-303](#); and
6703 (ii) if a federal land use designation proposes to close a road described in Subsection
6704 (3)(j)(i), an explanation for the road closure and a copy of the minutes of any county public
6705 hearing in which the proposed road closures were discussed and public comment was taken;
- 6706 (k) (i) a description of a proposed resolution for an R.S. 2477 right-of-way, if any,
6707 located within the area identified in a federal land use designation; and
6708 (ii) whether a proposed resolution described in Subsection (3)(k)(i) would include a
6709 quiet title action concerning an R.S. 2477 right-of-way;
- 6710 (l) an explanation of whether a federal land use designation proposes a hard release of
6711 all public lands and watercourses not included in the federal land use designation, placing the
6712 land and watercourses in multiple use management;
- 6713 (m) an explanation of whether a federal land use designation proposes a prohibition on
6714 further federal action under the Antiquities Act of 1906, 16 U.S.C. Sec. 431 et seq.;
- 6715 (n) a narrative description of a federal land use designation's interaction with, if any, a
6716 regional haze rule adopted by the United States Environmental Protection Agency;
- 6717 (o) an explanation of whether a federal land use designation would authorize best
6718 management practices as part of an active effort to control on the land or watercourse proposed
6719 for a federal land use designation:
- 6720 (i) wildfire;
- 6721 (ii) invasive species, including insects; and

- 6722 (iii) disease;
- 6723 (p) if applicable, a statement as to whether a federal land use designation would allow
6724 for the continuation of existing grazing permits;
- 6725 (q) a statement as to the presence or need of passive water management facilities or
6726 activities for livestock or wildlife, such as guzzlers or fencing, for the management of wildlife
6727 or livestock;
- 6728 (r) if a federal land use designation identifies land that has oil, gas, or mineral deposits,
6729 an explanation as to why the federal land use designation includes the land;
- 6730 (s) (i) a statement as to whether a federal land use designation:
6731 (A) affects land or a watercourse located exclusively within the county; or
6732 (B) affects, whether by an actual federal land use designation or by implication if a
6733 federal land use designation is adopted, land or a watercourse located in another county; and
6734 (ii) if the land use proposal would affect land or a watercourse located in another
6735 county, whether that county supports the proposed congressional land use legislation;
- 6736 (t) an explanation of whether a proposed land use designation designates land as
6737 wilderness in the National Wilderness Preservation System or designates land as a national
6738 conservation area that is not part of:
6739 (i) BLM recommended wilderness; or
6740 (ii) Forest Service land recommended for wilderness designation in RARE II; and
6741 (u) a statement explaining whether and to what extent members of Utah's congressional
6742 delegation and their staff were consulted in preparing the proposed congressional land use
6743 legislation and the federal land use designation contained therein.
- 6744 (4) (a) No later than 60 days before delivering a report and draft concurrent resolution
6745 in accordance with Subsection (2), a county shall contact and inform the office of the county's
6746 intention to prepare and deliver the report and draft concurrent resolution.
- 6747 (b) The office may give general guidance to a county described in Subsection (4)(a), as
6748 requested, as to compliance with this section.
- 6749 (5) The office shall prepare an evaluation of the county's report, including whether the
6750 county has addressed each matter described in Subsection (3).
- 6751 (6) The office shall deliver the evaluation described in Subsection (5), including a copy
6752 of the county's report, the proposed congressional land use legislation, and the draft concurrent

6753 resolution, no later than 30 days after receiving the county's report:

6754 (a) if the Legislature is not in session, and subject to Subsection (6)(b), to the chair of
6755 the Natural Resources, Agriculture, and Environment Interim Committee; or

6756 (b) if the Legislature is in session or there are no scheduled meetings of the Natural
6757 Resources, Agriculture, and Environment Interim Committee before the beginning of the next
6758 legislative session, to the chair of either the House Natural Resources, Agriculture, and
6759 Environment Committee or the Senate Natural Resources, Agriculture, and Environment
6760 Committee.

6761 (7) (a) At a committee's next scheduled meeting after receiving a report, the draft
6762 concurrent resolution, and a copy of the proposed congressional land use legislation, the
6763 committee shall:

6764 (i) review:

6765 (A) the county's report;

6766 (B) the draft concurrent resolution, if the concurrent resolution has a legislative
6767 sponsor; and

6768 (C) the office's evaluation;

6769 (ii) if the draft concurrent resolution is presented to the committee, consider whether to
6770 approve or reject the draft concurrent resolution;

6771 (iii) if the draft concurrent resolution is rejected, provide direction to the county as to
6772 the reasons the resolution was rejected and the actions that the county might take to secure
6773 committee approval of the resolution; and

6774 (iv) take any additional action the committee finds necessary.

6775 (b) A legislative committee may not accept for review a county-supported federal land
6776 use designation contained in proposed congressional land use legislation that does not meet the
6777 requirements of this section.

6778 (8) (a) If the committee rejects the draft concurrent resolution, a county may resubmit a
6779 revised report and draft concurrent resolution to the office in accordance with the terms of this
6780 section.

6781 (b) Upon receipt of a revised report and draft concurrent resolution, the office shall
6782 comply with the procedures set forth in this section.

6783 (c) Upon receipt of a revised report, evaluation, and draft concurrent resolution by the

6784 office, a committee described in Subsection (6) shall comply with the procedures set forth in
6785 this section.

6786 (9) The governor may call a special session to consider the concurrent resolution
6787 presented to and approved by a committee described in Subsection (7)(a).

6788 (10) If a concurrent resolution described in this section is adopted by the Legislature
6789 and signed by the governor, the Office of the Governor shall forward a copy of the concurrent
6790 resolution, the county's report, and the proposed congressional land use legislation to Utah's
6791 congressional delegation.

6792 Section 82. Section **63L-2-301** is amended to read:

6793 **63L-2-301. Promoting or lobbying for a federal designation within the state.**

6794 (1) As used in this section:

6795 (a) "Federal designation" means the designation of a:

6796 (i) national monument;

6797 (ii) national conservation area;

6798 (iii) wilderness area or wilderness study area;

6799 (iv) area of critical environmental concern;

6800 (v) research natural area; or

6801 (vi) national recreation area.

6802 (b) (i) "Governmental entity" means:

6803 (A) a state-funded institution of higher education or public education;

6804 (B) a political subdivision of the state;

6805 (C) an office, agency, board, bureau, committee, department, advisory board, or
6806 commission that the government funds or establishes to carry out the public's business,
6807 regardless of whether the office, agency board, bureau, committee, department, advisory board,
6808 or commission is composed entirely of public officials or employees;

6809 (D) an interlocal entity as defined in Section [11-13-103](#) or a joint or cooperative
6810 undertaking as defined in Section [11-13-103](#);

6811 (E) a governmental nonprofit corporation as defined in Section [11-13a-102](#); or

6812 (F) an association as defined in Section [53G-7-1101](#).

6813 (ii) "Governmental entity" does not mean:

6814 (A) the School and Institutional Trust Lands Administration created in Section

6815 [53C-1-201](#);

6816 (B) the School and Institutional Trust Lands Board of Trustees created in Section

6817 [53C-1-202](#);

6818 (C) the Office of the Governor;

6819 (D) the Governor's Office of [~~Management~~] Planning and Budget created in Section

6820 [63J-4-201](#);

6821 (E) the Public Lands Policy Coordinating Office created in Section [~~63J-4-602~~]

6822 [63L-11-201](#);

6823 (F) the Office of Energy Development created in Section [63M-4-401](#); or

6824 (G) the Governor's Office of Economic Development created in Section [63N-1-201](#),

6825 including the Office of Tourism and the Utah Office of Outdoor Recreation created in Section

6826 [63N-9-104](#).

6827 (2) (a) A governmental entity, or a person a governmental entity employs and

6828 designates as a representative, may investigate the possibility of a federal designation within

6829 the state.

6830 (b) A governmental entity that intends to advocate for a federal designation within the

6831 state shall:

6832 (i) notify the chairs of the following committees before the introduction of federal

6833 legislation:

6834 (A) the Natural Resources, Agriculture, and Environment Interim Committee, if

6835 constituted, and the Federalism Commission; or

6836 (B) if the notice is given during a General Session, the House and Senate Natural

6837 Resources, Agriculture, and Environment Standing Committees; and

6838 (ii) upon request of the chairs, meet with the relevant committee to review the proposal.

6839 (3) This section does not apply to a political subdivision supporting a federal

6840 designation if the federal designation:

6841 (a) applies to 5,000 acres or less; and

6842 (b) has an economical or historical benefit to the political subdivision.

6843 Section 83. Section **63L-10-102** is amended to read:

6844 **63L-10-102. Definitions.**

6845 As used in this chapter:

6846 (1) "Commission" means the Federalism Commission.

6847 (2) "Office" means the Public Lands Policy Coordinating Office established in Section
6848 [~~63J-4-602~~] [63L-11-201](#).

6849 (3) "Plan" means the statewide resource management plan, created pursuant to Section
6850 [~~63J-4-607~~] [63L-11-203](#) and adopted in Section [63L-10-103](#).

6851 (4) "Public lands" means:

6852 (a) land other than a national park that is managed by the United States Parks Service;

6853 (b) land that is managed by the United States Forest Service; and

6854 (c) land that is managed by the Bureau of Land Management.

6855 Section 84. Section **63L-11-101** is enacted to read:

6856 **CHAPTER 11. PUBLIC LANDS PLANNING**

6857 **Part 1. General Provisions**

6858 **63L-11-101. Title.**

6859 This chapter is known as "Public Lands Planning."

6860 Section 85. Section **63L-11-102**, which is renumbered from Section 63J-4-601 is
6861 renumbered and amended to read:

6862 [~~63J-4-601~~]. **63L-11-102. Definitions.**

6863 As used in this [part] chapter:

6864 (1) "Coordinating committee" means the committee created in Section [63L-11-401](#).

6865 [(1) "Coordinator"] (2) "Executive director" means the public lands policy
6866 [~~coordinator~~] executive director appointed [in this part] under Section [63L-11-201](#).

6867 [(2)] (3) "Office" means the Public Lands Policy Coordinating Office created [by this
6868 part] in Section [63L-11-201](#).

6869 [(3)] (4) "Political subdivision" means:

6870 (a) a county, municipality, local district, special service district, school district, or
6871 interlocal [~~cooperation agreement entity, or any~~] entity, as defined in Section [11-13-103](#); or

6872 (b) an administrative subunit of [them] an entity listed in Subsection (4)(a).

6873 [(4) "State planning coordinator" means the person appointed under Subsection
6874 [63J-4-202\(1\)\(a\)\(ii\)](#).]

6875 Section 86. Section **63L-11-103** is enacted to read:

6876 **63L-11-103. Interrelationship with other law.**

6877 (1) Notwithstanding any provision of Section 63J-8-105.5, the state is committed to
 6878 establishing and administering an effective statewide conservation strategy for greater sage
 6879 grouse.

6880 (2) Nothing in this chapter may be construed to restrict or supersede the planning
 6881 powers conferred upon departments, agencies, instrumentalities, or advisory councils of the
 6882 state or the planning powers conferred upon political subdivisions by any other existing law.

6883 (3) Nothing in this chapter may be construed to affect any lands withdrawn from the
 6884 public domain for military purposes to be administered by the United States Army, Air Force,
 6885 or Navy.

6886 Section 87. Section **63L-11-201**, which is renumbered from Section 63J-4-602 is
 6887 renumbered and amended to read:

6888 **Part 2. Public Lands Policy Coordinating Office**

6889 ~~[63J-4-602].~~ **63L-11-201. Public Lands Policy Coordinating Office --**
 6890 **Executive director -- Appointment -- Qualifications -- Compensation.**

6891 (1) There is created within [~~state government~~] the Department of Natural Resources the
 6892 Public Lands Policy Coordinating Office[~~. The office shall~~] to be administered by [a public
 6893 lands policy coordinator] an executive director.

6894 (2) The [~~coordinator~~] executive director shall be appointed by the governor with the
 6895 advice and consent of the Senate and shall serve at the pleasure of the governor.

6896 (3) The [~~coordinator~~] executive director shall have demonstrated the necessary
 6897 administrative and professional ability through education and experience to efficiently and
 6898 effectively manage the office's affairs.

6899 (4) (a) The [~~coordinator~~] executive director and employees of the office shall receive
 6900 compensation as provided in Title 67, Chapter 19, Utah State Personnel Management Act.

6901 (b) The office space for the executive director and employees of the office shall be in a
 6902 building where the Department of Natural Resources is located.

6903 Section 88. Section **63L-11-202**, which is renumbered from Section 63J-4-603 is
 6904 renumbered and amended to read:

6905 ~~[63J-4-603].~~ **63L-11-202. Powers and duties of the office and executive**
 6906 **director.**

6907 (1) The [~~coordinator and the~~] office shall:

6908 (a) make a report to the Constitutional Defense Council created under Section
6909 63C-4a-202 concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter
6910 4a, Constitutional and Federalism Defense Act;

6911 (b) provide staff assistance to the Constitutional Defense Council created under Section
6912 63C-4a-202 for meetings of the council;

6913 (c) (i) prepare and submit a constitutional defense plan under Section 63C-4a-403; and

6914 (ii) execute any action assigned in a constitutional defense plan;

6915 (d) [~~under the direction of the state planning coordinator, assist in fulfilling the state~~
6916 ~~planning coordinator's duties outlined in Section 63J-4-401 as those duties relate to the~~
6917 ~~development of] develop public lands policies by:~~

6918 (i) developing cooperative contracts and agreements between the state, political
6919 subdivisions, and agencies of the federal government for involvement in the development of
6920 public lands policies;

6921 (ii) producing research, documents, maps, studies, analysis, or other information that
6922 supports the state's participation in the development of public lands policy;

6923 (iii) preparing comments to ensure that the positions of the state and political
6924 subdivisions are considered in the development of public lands policy; and

6925 (iv) partnering with state agencies and political subdivisions in an effort to:

6926 (A) prepare coordinated public lands policies;

6927 (B) develop consistency reviews and responses to public lands policies;

6928 (C) develop management plans that relate to public lands policies; and

6929 (D) develop and maintain a statewide land use plan that is based on cooperation and in
6930 conjunction with political subdivisions; [~~and~~

6931 [~~providing other information or services related to public lands policies as~~
6932 ~~requested by the state planning coordinator;]~~

6933 (e) facilitate and coordinate the exchange of information, comments, and
6934 recommendations on public lands policies between and among:

6935 (i) state agencies;

6936 (ii) political subdivisions;

6937 (iii) the Office of Rural Development created under Section 63N-4-102;

6938 (iv) the [~~Resource Development Coordinating Committee created under Section~~

6939 ~~63J-4-501~~] coordinating committee;

6940 (v) School and Institutional Trust Lands Administration created under Section

6941 ~~53C-1-201~~;

6942 (vi) the committee created under Section ~~63F-1-508~~ to award grants to counties to

6943 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and

6944 (vii) the Constitutional Defense Council created under Section ~~63C-4a-202~~;

6945 (f) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9,

6946 Chapter 8, Part 4, Historic Sites;

6947 (g) consistent with other statutory duties, encourage agencies to responsibly preserve

6948 archaeological resources;

6949 (h) maintain information concerning grants made under Subsection (1)(j), if available;

6950 (i) report annually, or more often if necessary or requested, concerning the office's

6951 activities and expenditures to:

6952 (i) the Constitutional Defense Council; and

6953 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim

6954 Committee jointly with the Constitutional Defense Council;

6955 (j) make grants of up to 16% of the office's total annual appropriations from the

6956 Constitutional Defense Restricted Account to a county or statewide association of counties to

6957 be used by the county or association of counties for public lands matters if the [~~coordinator~~]

6958 executive director, with the advice of the Constitutional Defense Council, determines that the

6959 action provides a state benefit;

6960 (k) provide staff services to the Snake Valley Aquifer Advisory Council created in

6961 Section ~~63C-12-103~~;

6962 (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section

6963 ~~63C-12-107~~;

6964 (m) conduct the public lands transfer study and economic analysis required by Section

6965 [~~63J-4-606~~] ~~63L-11-304~~; and

6966 (n) fulfill the duties described in Section ~~63L-10-103~~.

6967 (2) The [~~coordinator and office~~] executive director shall comply with Subsection

6968 ~~63C-4a-203~~(8) before submitting a comment to a federal agency, if the governor would be

6969 subject to Subsection ~~63C-4a-203~~(8) [~~if the governor were~~] in submitting the [~~material~~]

6970 comment.

6971 [~~(3) The office may enter into a contract or other agreement with another state agency~~
6972 ~~to provide information and services related to:]~~

6973 [~~(a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and~~
6974 ~~Classification Act;]~~

6975 [~~(b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and~~
6976 ~~Classification Act, or R.S. 2477 matters; or]~~

6977 [~~(c) any other matter within the office's responsibility.]~~

6978 (3) The office may enter into an agreement with another state agency to provide
6979 information and services related to:

6980 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and
6981 Classification Act;

6982 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and
6983 Classification Act, or R.S. 2477 matters; or

6984 (c) any other matter within the office's responsibility.

6985 (4) In fulfilling the duties under this part, the office shall consult, as necessary, with:

6986 (a) the Department of Natural Resources;

6987 (b) the Department of Agriculture and Food;

6988 (c) the Department of Environmental Quality;

6989 (d) other applicable state agencies;

6990 (e) political subdivisions of the state;

6991 (f) federal land management agencies; and

6992 (g) elected officials.

6993 Section 89. Section **63L-11-203**, which is renumbered from Section 63J-4-607 is
6994 renumbered and amended to read:

6995 ~~[63J-4-607].~~ **63L-11-203. Resource management plan administration.**

6996 (1) The office shall consult with the Federalism Commission before expending funds
6997 appropriated by the Legislature for the implementation of this section.

6998 (2) To the extent that the Legislature appropriates sufficient funding, the office may
6999 procure the services of a non-public entity in accordance with Title 63G, Chapter 6a, Utah
7000 Procurement Code, to assist the office with the office's responsibilities described in Subsection

- 7001 (3).
- 7002 (3) The office shall:
- 7003 (a) assist each county with the creation of the county's resource management plan by:
- 7004 (i) consulting with the county on policy and legal issues related to the county's resource
- 7005 management plan; and
- 7006 (ii) helping the county ensure that the county's resource management plan meets the
- 7007 requirements of Subsection 17-27a-401(3);
- 7008 (b) promote quality standards among all counties' resource management plans; and
- 7009 (c) upon submission by a county, review and verify the county's:
- 7010 (i) estimated cost for creating a resource management plan; and
- 7011 (ii) actual cost for creating a resource management plan.
- 7012 (4) (a) A county shall cooperate with the office, or an entity procured by the office
- 7013 under Subsection (2), with regards to the office's responsibilities under Subsection (3).
- 7014 (b) To the extent that the Legislature appropriates sufficient funding, the office may, in
- 7015 accordance with Subsection (4)(c), provide funding to a county before the county completes a
- 7016 resource management plan.
- 7017 (c) The office may provide pre-completion funding described in Subsection (4)(b):
- 7018 (i) after:
- 7019 (A) the county submits an estimated cost for completing the resource management plan
- 7020 to the office; and
- 7021 (B) the office reviews and verifies the estimated cost in accordance with Subsection
- 7022 (3)(c)(i); and
- 7023 (ii) in an amount up to:
- 7024 (A) 50% of the estimated cost of completing the resource management plan, verified
- 7025 by the office; or
- 7026 (B) \$25,000, if the amount described in Subsection (4)(c)(i)(A) is greater than \$25,000.
- 7027 (d) To the extent that the Legislature appropriates sufficient funding, the office shall
- 7028 provide funding to a county in the amount described in Subsection (4)(e) after:
- 7029 (i) a county's resource management plan:
- 7030 (A) meets the requirements described in Subsection 17-27a-401(3); and
- 7031 (B) is adopted under Subsection 17-27a-404(5)(d);

7032 (ii) the county submits the actual cost of completing the resource management plan to
7033 the office; and

7034 (iii) the office reviews and verifies the actual cost in accordance with Subsection
7035 (3)(c)(ii).

7036 (e) The office shall provide funding to a county under Subsection (4)(d) in an amount
7037 equal to the difference between:

7038 (i) the lesser of:

7039 (A) the actual cost of completing the resource management plan, verified by the office;

7040 or

7041 (B) \$50,000; and

7042 (ii) the amount of any pre-completion funding that the county received under
7043 Subsections (4)(b) and (c).

7044 (5) To the extent that the Legislature appropriates sufficient funding, after the deadline
7045 established in Subsection 17-27a-404(5)(d) for a county to adopt a resource management plan,
7046 the office shall:

7047 (a) obtain a copy of each county's resource management plan;

7048 (b) create a statewide resource management plan that:

7049 (i) meets the same requirements described in Subsection 17-27a-401(3); and

7050 (ii) to the extent reasonably possible, coordinates and is consistent with any resource
7051 management plan or land use plan established under Chapter 8, State of Utah Resource
7052 Management Plan for Federal Lands; and

7053 (c) submit a copy of the statewide resource management plan to the Federalism
7054 Commission for review.

7055 (6) Following review of the statewide resource management plan, the Federalism
7056 Commission shall prepare a concurrent resolution approving the statewide resource
7057 management plan for consideration during the 2018 General Session.

7058 (7) To the extent that the Legislature appropriates sufficient funding, the office shall
7059 provide legal support to a county that becomes involved in litigation with the federal
7060 government over the requirements of Subsection 17-27a-405(3).

7061 (8) After the statewide resource management plan is approved, as described in
7062 Subsection (6), and to the extent that the Legislature appropriates sufficient funding, the office

7063 shall monitor the implementation of the statewide resource management plan at the federal,
7064 state, and local levels.

7065 Section 90. Section **63L-11-301** is enacted to read:

7066 **Part 3. Office Duties Related to Federal Land**

7067 **63L-11-301. Office duties relating to plans for the management of federal land.**

7068 (1) (a) In preparing or assisting in the preparation of plans, policies, programs, or
7069 processes related to the management or use of federal land or natural resources on federal land
7070 in the state, the office shall:

7071 (i) incorporate the plans, policies, programs, processes, and desired outcomes of the
7072 counties where the federal lands or natural resources are located, to the maximum extent
7073 consistent with state and federal law, subject to Subsection (1)(b);

7074 (ii) identify inconsistencies or conflicts between the plans, policies, programs,
7075 processes, and desired outcomes prepared under Subsection (1)(a)(i) and the plans, programs,
7076 processes, and desired outcomes of local government as early in the preparation process as
7077 possible, and seek resolution of the inconsistencies through meetings or other conflict
7078 resolution mechanisms involving the necessary and immediate parties to the inconsistency or
7079 conflict;

7080 (iii) present to the governor the nature and scope of any inconsistency or other conflict
7081 that is not resolved under the procedures in Subsection (1)(a)(i) for the governor's decision
7082 about the position of the state concerning the inconsistency or conflict;

7083 (iv) develop, research, and use factual information, legal analysis, and statements of
7084 desired future condition for the state, or subregion of the state, as necessary to support the
7085 plans, policies, programs, processes, and desired outcomes of the state and the counties where
7086 the federal lands or natural resources are located;

7087 (v) establish and coordinate agreements between the state and federal land management
7088 agencies, federal natural resource management agencies, and federal natural resource
7089 regulatory agencies to facilitate state and local participation in the development, revision, and
7090 implementation of land use plans, guidelines, regulations, other instructional memoranda, or
7091 similar documents proposed or promulgated for lands and natural resources administered by
7092 federal agencies; and

7093 (vi) work in conjunction with political subdivisions to establish agreements with

7094 federal land management agencies, federal natural resource management agencies, and federal
7095 natural resource regulatory agencies to provide a process for state and local participation in the
7096 preparation of, or coordinated state and local response to, environmental impact analysis
7097 documents and similar documents prepared pursuant to law by state or federal agencies.

7098 (b) The requirement in Subsection (1)(a)(i) may not be interpreted to infringe upon the
7099 authority of the governor.

7100 (2) The office shall cooperate with and work in conjunction with appropriate state
7101 agencies and political subdivisions to develop policies, plans, programs, processes, and desired
7102 outcomes authorized by this section by coordinating the development of positions:

7103 (a) through the coordinating committee;

7104 (b) in conjunction with local government officials concerning general local government
7105 plans; and

7106 (c) by soliciting public comment through the coordinating committee.

7107 Section 91. Section **63L-11-302** is enacted to read:

7108 **63L-11-302. Principles to be recognized and promoted.**

7109 The office shall recognize and promote the following principles when preparing any
7110 policies, plans, programs, processes, or desired outcomes relating to federal lands and natural
7111 resources on federal lands under Section [63L-11-301](#):

7112 (1) (a) the citizens of the state are best served by applying multiple-use and
7113 sustained-yield principles in public land use planning and management; and

7114 (b) multiple-use and sustained-yield management means that federal agencies should
7115 develop and implement management plans and make other resource-use decisions that:

7116 (i) achieve and maintain in perpetuity a high-level annual or regular periodic output of
7117 mineral and various renewable resources from public lands;

7118 (ii) support valid existing transportation, mineral, and grazing privileges at the highest
7119 reasonably sustainable levels;

7120 (iii) support the specific plans, programs, processes, and policies of state agencies and
7121 local governments;

7122 (iv) are designed to produce and provide the desired vegetation for the watersheds,
7123 timber, food, fiber, livestock forage, wildlife forage, and minerals that are necessary to meet
7124 present needs and future economic growth and community expansion without permanent

7125 impairment of the productivity of the land;
7126 (v) meet the recreational needs and the personal and business-related transportation
7127 needs of the citizens of the state by providing access throughout the state;
7128 (vi) meet the recreational needs of the citizens of the state;
7129 (vii) meet the needs of wildlife;
7130 (viii) provide for the preservation of cultural resources, both historical and
7131 archaeological;
7132 (ix) meet the needs of economic development;
7133 (x) meet the needs of community development; and
7134 (xi) provide for the protection of water rights;
7135 (2) managing public lands for wilderness characteristics circumvents the statutory
7136 wilderness process and is inconsistent with the multiple-use and sustained-yield management
7137 standard that applies to all Bureau of Land Management and United States. Forest Service
7138 lands that are not wilderness areas or wilderness study areas;
7139 (3) all waters of the state are:
7140 (a) owned exclusively by the state in trust for the state's citizens;
7141 (b) are subject to appropriation for beneficial use; and
7142 (c) are essential to the future prosperity of the state and the quality of life within the
7143 state;
7144 (4) the state has the right to develop and use the state's entitlement to interstate rivers;
7145 (5) all water rights desired by the federal government must be obtained through the
7146 state water appropriation system;
7147 (6) land management and resource-use decisions which affect federal lands should give
7148 priority to and support the purposes of the compact between the state and the United States
7149 related to school and institutional trust lands;
7150 (7) development of the solid, fluid, and gaseous mineral resources of the state is an
7151 important part of the economy of the state, and of local regions within the state;
7152 (8) the state should foster and support industries that take advantage of the state's
7153 outstanding opportunities for outdoor recreation;
7154 (9) wildlife constitutes an important resource and provides recreational and economic
7155 opportunities for the state's citizens;

7156 (10) proper stewardship of the land and natural resources is necessary to ensure the
7157 health of the watersheds, timber, forage, and wildlife resources to provide for a continuous
7158 supply of resources for the people of the state and the people of the local communities who
7159 depend on these resources for a sustainable economy;

7160 (11) forests, rangelands, timber, and other vegetative resources:

7161 (a) provide forage for livestock;

7162 (b) provide forage and habitat for wildlife;

7163 (c) provide resources for the state's timber and logging industries;

7164 (d) contribute to the state's economic stability and growth; and

7165 (e) are important for a wide variety of recreational pursuits;

7166 (12) management programs and initiatives that improve watersheds and forests and
7167 increase forage for the mutual benefit of wildlife species and livestock, logging, and other
7168 agricultural industries by utilizing proven techniques and tools are vital to the state's economy
7169 and the quality of life in the state; and

7170 (13) (a) land management plans, programs, and initiatives should provide that the
7171 amount of domestic livestock forage, expressed in animal unit months, for permitted, active
7172 use as well as the wildlife forage included in that amount, be no less than the maximum
7173 number of animal unit months sustainable by range conditions in grazing allotments and
7174 districts, based on an on-the-ground and scientific analysis;

7175 (b) the state opposes the relinquishment or retirement of grazing animal unit months in
7176 favor of conservation, wildlife, and other uses;

7177 (c) (i) the state favors the best management practices that are jointly sponsored by
7178 cattlemen, sportsmen, and wildlife management groups such as chaining, logging, seeding,
7179 burning, and other direct soil and vegetation prescriptions that are demonstrated to restore
7180 forest and rangeland health, increase forage, and improve watersheds in grazing districts and
7181 allotments for the benefit of domestic livestock and wildlife;

7182 (ii) when practices described in Subsection (13)(c)(i) increase a grazing allotment's
7183 forage beyond the total permitted forage use that was allocated to that allotment in the last
7184 federal land use plan or allotment management plan still in existence as of January 1, 2005, a
7185 reasonable and fair portion of the increase in forage beyond the previously allocated total
7186 permitted use should be allocated to wildlife as recommended by a joint, evenly balanced

7187 committee of livestock and wildlife representatives that is appointed and constituted by the
7188 governor for that purpose; and

7189 (iii) the state favors quickly and effectively adjusting wildlife population goals and
7190 population census numbers in response to variations in the amount of available forage caused
7191 by drought or other climatic adjustments, and state agencies responsible for managing wildlife
7192 population goals and population census numbers will, when making those adjustments, give
7193 due regard to both the needs of the livestock industry and the need to prevent the decline of
7194 species to a point of listing under the terms of the Endangered Species Act;

7195 (d) the state opposes the transfer of grazing animal unit months to wildlife for
7196 supposed reasons of rangeland health;

7197 (e) reductions in domestic livestock animal unit months must be temporary and
7198 scientifically based upon rangeland conditions;

7199 (f) policies, plans, programs, initiatives, resource management plans, and forest plans
7200 may not allow the placement of grazing animal unit months in a suspended use category unless
7201 there is a rational and scientific determination that the condition of the rangeland allotment or
7202 district in question will not sustain the animal unit months sought to be placed in suspended
7203 use;

7204 (g) any grazing animal unit months that are placed in a suspended use category should
7205 be returned to active use when range conditions improve;

7206 (h) policies, plans, programs, and initiatives related to vegetation management should
7207 recognize and uphold the preference for domestic grazing over alternate forage uses in
7208 established grazing districts while upholding management practices that optimize and expand
7209 forage for grazing and wildlife in conjunction with state wildlife management plans and
7210 programs in order to provide maximum available forage for all uses; and

7211 (i) in established grazing districts, animal unit months that have been reduced due to
7212 rangeland health concerns should be restored to livestock when rangeland conditions improve,
7213 and should not be converted to wildlife use.

7214 Section 92. Section **63L-11-303** is enacted to read:

7215 **63L-11-303. Findings to be recognized and promoted.**

7216 The office shall recognize and promote the following findings in the preparation of any
7217 policies, plans, programs, processes, or desired outcomes under Section [63L-11-301](#) relating to

7218 federal lands and natural resources on federal lands:

7219 (1) as a coholder of R.S. 2477 rights-of-way with the counties, the state supports the
7220 state's recognition by the federal government and the public use of R.S. 2477 rights-of-way and
7221 urges the federal government to fully recognize the rights-of-way and their use by the public as
7222 expeditiously as possible;

7223 (2) it is the policy of the state to use reasonable administrative and legal measures to
7224 protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477, and to
7225 support and work in conjunction with counties to redress cases where R.S. 2477 rights-of-way
7226 are not recognized or are impaired; and

7227 (3) transportation and access routes to and across federal lands, including all
7228 rights-of-way vested under R.S. 2477, are vital to the state's economy and to the quality of life
7229 in the state, and must provide, at a minimum, a network of roads throughout the resource
7230 planning area that provides for:

7231 (a) movement of people, goods, and services across public lands;

7232 (b) reasonable access to a broad range of resources and opportunities throughout the
7233 resource planning area, including:

7234 (i) livestock operations and improvements;

7235 (ii) solid, fluid, and gaseous mineral operations;

7236 (iii) recreational opportunities and operations, including motorized and nonmotorized
7237 recreation;

7238 (iv) search and rescue needs;

7239 (v) public safety needs; and

7240 (vi) access for transportation of wood products to market;

7241 (c) access to federal lands for people with disabilities and the elderly; and

7242 (d) access to state lands and school and institutional trust lands to accomplish the
7243 purposes of those lands;

7244 (4) the state's support for the addition of a river segment to the National Wild and
7245 Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:

7246 (a) it is clearly demonstrated that water is present and flowing at all times;

7247 (b) it is clearly demonstrated that the required water-related value is considered
7248 outstandingly remarkable within a region of comparison consisting of one of the three

7249 physiographic provinces in the state, and that the rationale and justification for the conclusions
7250 are disclosed;

7251 (c) it is clearly demonstrated that the inclusion of each river segment is consistent with
7252 the plans and policies of the state and the county or counties where the river segment is located
7253 as those plans and policies are developed according to Subsection (3);

7254 (d) the effects of the addition upon the local and state economies, agricultural and
7255 industrial operations and interests, outdoor recreation, water rights, water quality, water
7256 resource planning, and access to and across river corridors in both upstream and downstream
7257 directions from the proposed river segment have been evaluated in detail by the relevant federal
7258 agency;

7259 (e) it is clearly demonstrated that the provisions and terms of the process for review of
7260 potential additions have been applied in a consistent manner by all federal agencies;

7261 (f) the rationale and justification for the proposed addition, including a comparison
7262 with protections offered by other management tools, is clearly analyzed within the multiple-use
7263 mandate, and the results disclosed;

7264 (g) it is clearly demonstrated that the federal agency that has management authority
7265 over the river segment and that is proposing the segment for inclusion in the National Wild and
7266 Scenic River System will not use the actual or proposed designation as a basis to impose
7267 management standards outside of the federal land management plan;

7268 (h) it is clearly demonstrated that the federal land and resource management plan
7269 containing a recommendation for inclusion in the National Wild and Scenic River System:

7270 (i) evaluates all eligible river segments in the resource planning area completely and
7271 fully for suitability for inclusion in the National Wild and Scenic River System;

7272 (ii) does not suspend or terminate any studies for inclusion in the National Wild and
7273 Scenic River System at the eligibility phase;

7274 (iii) fully disclaims any interest in water rights for the recommended segment as a
7275 result of the adoption of the plan; and

7276 (iv) fully disclaims the use of the recommendation for inclusion in the National Wild
7277 and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for
7278 projects upstream, downstream, or within the recommended segment;

7279 (i) it is clearly demonstrated that the agency with management authority over the river

7280 segment commits not to use an actual or proposed designation as a basis to impose Visual
7281 Resource Management Class I or II management prescriptions that do not comply with the
7282 provisions of Subsection (24); and

7283 (j) it is clearly demonstrated that including the river segment and the terms and
7284 conditions for managing the river segment as part of the National Wild and Scenic River
7285 System will not prevent, reduce, impair, or otherwise interfere with:

7286 (i) the enjoyment of the state and the state's citizens of complete and exclusive water
7287 rights in and to the rivers of the state as determined by the laws of the state; or

7288 (ii) local, state, regional, or interstate water compacts to which the state or any county
7289 is a party;

7290 (5) the conclusions of all studies related to potential additions to the National Wild and
7291 Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and
7292 action by the Legislature and governor, and the results, in support of or in opposition to, are
7293 included in any planning documents or other proposals for addition and are forwarded to the
7294 United States Congress;

7295 (6) the state's support for designation of an Area of Critical Environmental Concern
7296 (ACEC), as defined in 43 U.S.C. Sec. 1702, within federal land management plans will be
7297 withheld until:

7298 (a) it is clearly demonstrated that the proposed area satisfies all the definitional
7299 requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec.
7300 1702(a);

7301 (b) it is clearly demonstrated that:

7302 (i) the area proposed for designation as an ACEC is limited in geographic size; and

7303 (ii) that the proposed management prescriptions are limited in scope to the minimum
7304 necessary to specifically protect and prevent irreparable damage to the relevant and important
7305 values identified, or limited in geographic size and management prescriptions to the minimum
7306 required to specifically protect human life or safety from natural hazards;

7307 (c) it is clearly demonstrated that the proposed area is limited only to areas that are
7308 already developed or used or to areas where no development is required;

7309 (d) it is clearly demonstrated that the proposed area contains relevant and important
7310 historic, cultural or scenic values, fish or wildlife resources, or natural processes which are

7311 unique or substantially significant on a regional basis, or contain natural hazards which
7312 significantly threaten human life or safety;

7313 (e) the federal agency has analyzed regional values, resources, processes, or hazards for
7314 irreparable damage and potential causes of the damage resulting from potential actions which
7315 are consistent with the multiple-use, sustained-yield principles, and the analysis describes the
7316 rationale for any special management attention required to protect, or prevent irreparable
7317 damage to, the values, resources, processes, or hazards;

7318 (f) it is clearly demonstrated that the proposed designation is consistent with the plans
7319 and policies of the state and of the county where the proposed designation is located as those
7320 plans and policies are developed according to Subsection (3);

7321 (g) it is clearly demonstrated that the proposed ACEC designation will not be applied
7322 redundantly over existing protections provided by other state and federal laws for federal lands
7323 or resources on federal lands, and that the federal statutory requirement for special management
7324 attention for a proposed ACEC will discuss and justify any management requirements needed
7325 in addition to those specified by the other state and federal laws;

7326 (h) the difference between special management attention required for an ACEC and
7327 normal multiple-use management has been identified and justified, and any determination of
7328 irreparable damage has been analyzed and justified for short-term and long-term horizons;

7329 (i) it is clearly demonstrated that the proposed designation:

7330 (i) is not a substitute for a wilderness suitability recommendation;

7331 (ii) is not a substitute for managing areas inventoried for wilderness characteristics
7332 after 1993 under the Bureau of Land Management interim management plan for valid
7333 wilderness study areas; and

7334 (iii) it is not an excuse or justification to apply de facto wilderness management
7335 standards; and

7336 (j) the conclusions of all studies are submitted to the state, as a cooperating agency, for
7337 review, and the results, in support of or in opposition to, are included in all planning
7338 documents;

7339 (7) sufficient federal lands are made available for government-to-government
7340 exchanges of school and institutional trust lands and federal lands without regard for a
7341 resource-to-resource correspondence between the surface or mineral characteristics of the

7342 offered trust lands and the offered federal lands;

7343 (8) federal agencies should support government-to-government exchanges of land with
7344 the state based on a fair process of valuation which meets the fiduciary obligations of both the
7345 state and federal governments toward trust lands management, and which assures that revenue
7346 authorized by federal statute to the state from mineral or timber production, present or future, is
7347 not diminished in any manner during valuation, negotiation, or implementation processes;

7348 (9) agricultural and grazing lands should continue to produce the food and fiber needed
7349 by the citizens of the state and the nation, and the rural character and open landscape of rural
7350 Utah should be preserved through a healthy and active agricultural and grazing industry,
7351 consistent with private property rights and state fiduciary duties;

7352 (10) (a) the resources of the forests and rangelands of the state should be integrated as
7353 part of viable, robust, and sustainable state and local economies;

7354 (b) available forage should be evaluated for the full complement of herbivores the
7355 rangelands can support in a sustainable manner;

7356 (c) forests should contain a diversity of timber species; and

7357 (d) disease or insect infestations in forests should be controlled using logging or other
7358 best management practices;

7359 (11) the state opposes any additional evaluation of national forest service lands as
7360 roadless or unroaded beyond the forest service's second roadless area review evaluation and
7361 opposes efforts by agencies to specially manage those areas in a way that:

7362 (a) closes or declassifies existing roads unless multiple side-by-side roads exist running
7363 to the same destination and state and local governments consent to close or declassify the extra
7364 roads;

7365 (b) permanently bars travel on existing roads;

7366 (c) excludes or diminishes traditional multiple-use activities, including grazing and
7367 proper forest harvesting;

7368 (d) interferes with the enjoyment and use of valid, existing rights, including water
7369 rights, local transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral
7370 leasing rights; or

7371 (e) prohibits development of additional roads reasonably necessary to pursue
7372 traditional multiple-use activities;

7373 (12) the state's support for any forest plan revision or amendment will be withheld until
7374 the appropriate plan revision or plan amendment clearly demonstrates that:

7375 (a) established roads are not referred to as unclassified roads or a similar classification;

7376 (b) lands in the vicinity of established roads are managed under the multiple-use,
7377 sustained-yield management standard; and

7378 (c) no roadless or unroaded evaluations or inventories are recognized or upheld beyond
7379 those that were recognized or upheld in the forest service's second roadless area review
7380 evaluation;

7381 (13) the state's support for any recommendations made under the statutory requirement
7382 to examine the wilderness option during the revision of land and resource management plans
7383 by the United States Forest Service will be withheld until it is clearly demonstrated that:

7384 (a) the duly adopted transportation plans of the state and each county within the
7385 planning area are fully and completely incorporated into the baseline inventory of information
7386 from which plan provisions are derived;

7387 (b) valid state or local roads and rights-of-way are recognized and not impaired in any
7388 way by the recommendations;

7389 (c) the development of mineral resources by underground mining is not affected by the
7390 recommendations;

7391 (d) the need for additional administrative or public roads necessary for the full use of
7392 the various multiple uses, including recreation, mineral exploration and development, forest
7393 health activities, and grazing operations, is not unduly affected by the recommendations;

7394 (e) analysis and full disclosure are made concerning the balance of multiple-use
7395 management in the proposed areas, and that the analysis compares the full benefit of
7396 multiple-use management to the recreational, forest health, and economic needs of the state and
7397 the counties to the benefits of the requirements of wilderness management; and

7398 (f) the conclusions of all studies related to the requirement to examine the wilderness
7399 option are submitted to the state for review and action by the Legislature and governor, and the
7400 results, in support of or in opposition to, are included in any planning documents or other
7401 proposals that are forwarded to the United States Congress;

7402 (14) the invasion of noxious weeds and undesirable invasive plant species into the state
7403 should be reversed, their presence eliminated, and their return prevented;

7404 (15) management and resource-use decisions by federal land management and
7405 regulatory agencies concerning the vegetative resources within the state should reflect serious
7406 consideration of the proper optimization of the yield of water within the watersheds of the
7407 state;

7408 (16) it is the policy of the state that:

7409 (a) mineral and energy production and environmental protection are not mutually
7410 exclusive;

7411 (b) it is technically feasible to permit appropriate access to mineral and energy
7412 resources while preserving nonmineral and nonenergy resources;

7413 (c) resource management planning should seriously consider all available mineral and
7414 energy resources;

7415 (d) the development of the solid, fluid, and gaseous mineral resources of the state and
7416 the renewable resources of the state should be encouraged;

7417 (e) the waste of fluid and gaseous minerals within developed areas should be
7418 prohibited; and

7419 (f) requirements to mitigate or reclaim mineral development projects should be based
7420 on credible evidence of significant impacts to natural or cultural resources;

7421 (17) the state's support for mineral development provisions within federal land
7422 management plans will be withheld until the appropriate land management plan environmental
7423 impact statement clearly demonstrates:

7424 (a) that the authorized planning agency has:

7425 (i) considered and evaluated the mineral and energy potential in all areas of the
7426 planning area as if the areas were open to mineral development under standard lease
7427 agreements; and

7428 (ii) evaluated any management plan prescription for the plan's impact on the area's
7429 baseline mineral and energy potential;

7430 (b) that the development provisions do not unduly restrict access to public lands for
7431 energy exploration and development;

7432 (c) that the authorized planning agency has supported any closure of additional areas to
7433 mineral leasing and development or any increase of acres subject to no surface occupancy
7434 restrictions by adhering to:

7435 (i) the relevant provisions of the Federal Land Policy and Management Act of 1976, 43
7436 U.S.C. Sec. 1701 et seq.;
7437 (ii) other controlling mineral development laws; and
7438 (iii) the controlling withdrawal and reporting procedures set forth in the Federal Land
7439 Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;
7440 (d) that the authorized planning agency evaluated whether to repeal any moratorium
7441 that may exist on the issuance of additional mining patents and oil and gas leases;
7442 (e) that the authorized planning agency analyzed all proposed mineral lease stipulations
7443 and considered adopting the least restrictive necessary to protect against damage to other
7444 significant resource values;
7445 (f) that the authorized planning agency evaluated mineral lease restrictions to
7446 determine whether to waive, modify, or make exceptions to the restrictions on the basis that
7447 they are no longer necessary or effective;
7448 (g) that the authorized federal agency analyzed all areas proposed for no surface
7449 occupancy restrictions, and that the analysis evaluated:
7450 (i) whether directional drilling is economically feasible and ecologically necessary for
7451 each proposed no surface occupancy area;
7452 (ii) whether the directional drilling feasibility analysis, or analysis of other
7453 management prescriptions, demonstrates that the proposed no surface occupancy prescription,
7454 in effect, sterilizes the mineral and energy resources beneath the area; and
7455 (iii) whether, if the minerals are effectively sterilized, the area must be reported as
7456 withdrawn under the provisions of the Federal Land Policy and Management Act; and
7457 (h) that the authorized planning agency has evaluated all directional drilling
7458 requirements in no surface occupancy areas to determine whether directional drilling is feasible
7459 from an economic, ecological, and engineering standpoint;
7460 (18) motorized, human-powered, and animal-powered outdoor recreation should be
7461 integrated into a fair and balanced allocation of resources within the historical and cultural
7462 framework of multiple uses in rural areas of the state, and outdoor recreation should be
7463 supported as part of a balanced plan of state and local economic support and growth;
7464 (19) off-highway vehicles should be used responsibly, the management of off-highway
7465 vehicles should be uniform across all jurisdictions, and laws related to the use of off-highway

7466 vehicles should be uniformly applied across all jurisdictions;
7467 (20) (a) rights-of-way granted and vested under the provisions of R.S. 2477 should be
7468 preserved and acknowledged; and
7469 (b) land use management plans, programs, and initiatives should be consistent with
7470 both state and county transportation plans developed according to Subsection (3) in order to
7471 provide a network of roads throughout the planning area that provides for:
7472 (i) movement of people, goods, and services across public lands;
7473 (ii) reasonable access to a broad range of resources and opportunities throughout the
7474 planning area, including access to livestock, water, and minerals;
7475 (iii) economic and business needs;
7476 (iv) public safety;
7477 (v) search and rescue;
7478 (vi) access for people with disabilities and the elderly;
7479 (vii) access to state lands; and
7480 (viii) recreational opportunities;
7481 (21) transportation and access provisions for all other existing routes, roads, and trails
7482 across federal, state, and school trust lands within the state should be determined and
7483 identified, and agreements should be executed and implemented, as necessary to fully authorize
7484 and determine responsibility for maintenance of all routes, roads, and trails;
7485 (22) the reasonable development of new routes and trails for motorized,
7486 human-powered, and animal-powered recreation should be implemented;
7487 (23) (a) forests, rangelands, and watersheds, in a healthy condition, are necessary and
7488 beneficial for wildlife, livestock grazing, and other multiple uses;
7489 (b) management programs and initiatives that are implemented to increase forage for
7490 the benefit of the agricultural industry, livestock operations, and wildlife species should utilize
7491 all proven techniques and tools;
7492 (c) the continued viability of livestock operations and the livestock industry should be
7493 supported on the federal lands within the state by management of the lands and forage
7494 resources, by the proper optimization of animal unit months for livestock, in accordance with
7495 the multiple-use provisions of the Federal Land Policy and Management Act of 1976, 43
7496 U.S.C. Sec. 1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. Sec. 315

7497 et seq., and the provisions of the Public Rangelands Improvement Act of 1978, 43 U.S.C. Sec.
 7498 1901 et seq.;

7499 (d) provisions for predator control initiatives or programs under the direction of state
 7500 and local authorities should be implemented; and

7501 (e) resource use and management decisions by federal land management and regulatory
 7502 agencies should support state-sponsored initiatives or programs designed to stabilize wildlife
 7503 populations that may be experiencing a scientifically demonstrated decline in those
 7504 populations; and

7505 (24) management and resource use decisions by federal land management and
 7506 regulatory agencies concerning the scenic resources of the state must balance the protection of
 7507 scenery with the full management requirements of the other authorized uses of the land under
 7508 multiple-use management, and should carefully consider using Visual Resource Management
 7509 Class I protection only for areas of inventoried Class A scenery or equivalent.

7510 Section 93. Section **63L-11-304**, which is renumbered from Section 63J-4-606 is
 7511 renumbered and amended to read:

7512 ~~[63J-4-606]~~. **63L-11-304. Public lands transfer study and economic**
 7513 **analysis -- Report.**

7514 (1) As used in this section:

7515 (a) "Public lands" means the same as that term is defined in Section [63L-6-102](#).

7516 (b) "Transfer of public lands" means the transfer of public lands from federal
 7517 ownership to state ownership.

7518 (2) The ~~[coordinator and the]~~ office shall, on an ongoing basis, report to the Federalism
 7519 Commission regarding the ramifications and economic impacts of the transfer of public lands.

7520 (3) The ~~[coordinator and]~~ office shall:

7521 (a) on an ongoing basis, discuss issues related to the transfer of public lands with:

7522 (i) the School and Institutional Trust Lands Administration;

7523 (ii) local governments;

7524 (iii) water managers;

7525 (iv) environmental advocates;

7526 (v) outdoor recreation advocates;

7527 (vi) nonconventional and renewable energy producers;

- 7528 (vii) tourism representatives;
- 7529 (viii) wilderness advocates;
- 7530 (ix) ranchers and agriculture advocates;
- 7531 (x) oil, gas, and mining producers;
- 7532 (xi) fishing, hunting, and other wildlife interests;
- 7533 (xii) timber producers;
- 7534 (xiii) other interested parties; and
- 7535 (xiv) the Federalism Commission; and
- 7536 (b) develop ways to obtain input from [Utah] citizens of the state regarding the transfer
- 7537 of public lands and the future care and use of public lands.

7538 Section 94. Section **63L-11-305**, which is renumbered from Section 63J-4-608 is

7539 renumbered and amended to read:

7540 ~~[63J-4-608]~~. **63L-11-305. Facilitating the acquisition of federal land --**

7541 **Advisory committee.**

7542 (1) As used in this section:

7543 (a) "Advisory committee" means the committee established under Subsection (3).

7544 (b) "Federal land" means land that the secretary is authorized to dispose of under the

7545 federal land disposal law.

7546 (c) "Federal land disposal law" means the Recreation and Public Purposes Act, 43

7547 U.S.C. Sec. 869 et seq.

7548 (d) "Government entity" means any state or local government entity allowed to submit

7549 a land application under the federal land disposal law.

7550 (e) "Land application" means an application under the federal land disposal law

7551 requesting the secretary to sell or lease federal land.

7552 (f) "Land application process" means all actions involved in the process of submitting

7553 and obtaining a final decision on a land application.

7554 (g) "Secretary" means the Secretary of the Interior of the United States.

7555 (2) The ~~[coordinator and the]~~ office shall:

7556 (a) develop expertise:

7557 (i) in the land application process; and

7558 (ii) concerning the factors that tend to increase the chances that a land application will

- 7559 result in the secretary selling or leasing federal land as requested in the land application;
- 7560 (b) work to educate government entities concerning:
- 7561 (i) the availability of federal land pursuant to the federal land disposal law; and
- 7562 (ii) the land application process;
- 7563 (c) advise and consult with a government entity that requests assistance from [~~the~~
- 7564 ~~coordinator or~~] the office to formulate and submit a land application and to pursue a decision
- 7565 on the land application;
- 7566 (d) advise and consult with a government entity that requests assistance from [~~the~~
- 7567 ~~coordinator or~~] the office to identify and quantify the amount of any funds needed to provide
- 7568 the public use described in a land application;
- 7569 (e) with the advice and recommendations of the advisory committee:
- 7570 (i) adopt a list of factors to be considered in determining the degree to which a land
- 7571 application or potential land application is in the public interest; and
- 7572 (ii) recommend a prioritization of all land applications or potential land applications in
- 7573 the state according to the extent to which the land applications are in the public interest, based
- 7574 on the factors adopted under Subsection (2)[~~(f)~~](e)(i);
- 7575 (f) prepare and submit a written report of land applications:
- 7576 (i) to the Natural Resources, Agriculture, and Environment Interim Committee and the
- 7577 Federalism Commission;
- 7578 (ii) (A) annually no later than August 31; and
- 7579 (B) at other times, if and as requested by the committee or commission; and
- 7580 (iii) (A) on the activities of [~~the coordinator and~~] the office under this section;
- 7581 (B) on the land applications and potential land applications in the state; and
- 7582 (C) on the decisions of the secretary on land applications submitted by government
- 7583 entities in the state and the quantity of land acquired under the land applications;
- 7584 (g) present a summary of information contained in the report described in Subsection
- 7585 [~~(3)~~] (2)(f):
- 7586 (i) at a meeting of the Natural Resources, Agriculture, and Environment Interim
- 7587 Committee and at a meeting of the Federalism Commission;
- 7588 (ii) annually no later than August 31; and
- 7589 (iii) at other times, if and as requested by the committee or commission; and

7590 (h) report to the Executive Appropriations Committee of the Legislature, as frequently
7591 as the [~~coordinator~~] executive director considers appropriate or as requested by the committee,
7592 on the need for legislative appropriations to provide funds for the public purposes described in
7593 land applications.

7594 (3) (a) There is created [~~a~~] an advisory committee comprised of:

7595 (i) an individual designated by the chairs of the Federalism Commission;

7596 (ii) an individual designated by the director of the Division of Facilities Construction
7597 and Management;

7598 (iii) a representative of the Antiquities Section, created in Section 9-8-304, designated
7599 by the director of the Division of State History;

7600 (iv) a representative of municipalities designated by the Utah League of Cities and
7601 Towns;

7602 (v) a representative of counties designated by the Utah Association of Counties;

7603 (vi) an individual designated by the Governor's Office of Economic Development; and

7604 (vii) an individual designated by the director of the Division of Parks and Recreation,
7605 created in Section 79-4-201.

7606 (b) The seven members of the advisory committee under Subsection (3)(a) may, by
7607 majority vote, appoint up to four additional volunteer members of the advisory committee.

7608 (c) The advisory committee shall advise and provide recommendations to [~~the~~
7609 ~~coordinator and~~] the office on:

7610 (i) factors the [~~coordinator and~~] office should consider in determining the degree to
7611 which a land application or potential land application is in the public interest; and

7612 (ii) the prioritization of land applications or potential land applications in the state
7613 according to the extent to which the land applications are in the public interest, based on the
7614 factors adopted under Subsection (2)[~~(f)~~](e)(i).

7615 (d) A member of the advisory committee may not receive compensation, benefits, or
7616 expense reimbursement for the member's service on the advisory committee.

7617 (e) The advisory committee may:

7618 (i) select a chair from among the advisory committee members; and

7619 (ii) meet as often as necessary to perform the advisory committee's duties under this
7620 section.

7621 (f) The [~~coordinator~~] executive director shall facilitate the convening of the first
7622 meeting of the advisory committee.

7623 Section 95. Section **63L-11-401**, which is renumbered from Section 63J-4-501 is
7624 renumbered and amended to read:

Part 4. Resource Development Coordinating Committee

[~~63J-4-501~~]. 63L-11-401. Creation of coordinating committee.

7625
7626
7627 There is created the Resource Development Coordinating Committee within the
7628 [~~Governor's Office of Management and Budget~~] office to:

7629 (1) assist the [~~state planning coordinator~~] office in fulfilling the responsibilities of
7630 reviewing and coordinating technical and policy actions that may affect the physical resources
7631 of the state; and

7632 (2) facilitate the exchange of information on those actions among state agencies and
7633 other levels of government.

7634 Section 96. Section **63L-11-402**, which is renumbered from Section 63J-4-502 is
7635 renumbered and amended to read:

[~~63J-4-502~~]. 63L-11-402. Membership -- Terms -- Chair -- Expenses.

7637 (1) The Resource Development Coordinating Committee [~~shall consist~~] consists of the
7638 following 24 members:

7639 (a) the state science advisor;

7640 (b) a representative from the Department of Agriculture and Food appointed by the
7641 executive director of the Department of Agriculture and Food;

7642 (c) a representative from the Department of Heritage and Arts appointed by the
7643 executive director of the Department of Heritage and Arts;

7644 (d) a representative from the Department of Environmental Quality appointed by the
7645 executive director of the Department of Environmental Quality;

7646 (e) a representative from the Department of Natural Resources appointed by the
7647 executive director of the Department of Natural Resources;

7648 (f) a representative from the Department of Transportation appointed by the executive
7649 director of the Department of Transportation;

7650 (g) a representative from the Governor's Office of Economic Development appointed
7651 by the director of the Governor's Office of Economic Development;

- 7652 (h) a representative from the Housing and Community Development Division
7653 appointed by the director of the Housing and Community Development Division;
- 7654 (i) a representative from the Division of State History appointed by the director of the
7655 Division of State History;
- 7656 (j) a representative from the Division of Air Quality appointed by the director of the
7657 Division of Air Quality;
- 7658 (k) a representative from the Division of Drinking Water appointed by the director of
7659 the Division of Drinking Water;
- 7660 (l) a representative from the Division of Environmental Response and Remediation
7661 appointed by the director of the Division of Environmental Response and Remediation;
- 7662 (m) a representative from the Division of Waste Management and Radiation Control
7663 appointed by the director of the Division of Waste Management and Radiation Control;
- 7664 (n) a representative from the Division of Water Quality appointed by the director of the
7665 Division of Water Quality;
- 7666 (o) a representative from the Division of Oil, Gas, and Mining appointed by the
7667 director of the Division of Oil, Gas, and Mining;
- 7668 (p) a representative from the Division of Parks and Recreation appointed by the
7669 director of the Division of Parks and Recreation;
- 7670 (q) a representative from the Division of Forestry, Fire, and State Lands appointed by
7671 the director of the Division of Forestry, Fire, and State Lands;
- 7672 (r) a representative from the Utah Geological Survey appointed by the director of the
7673 Utah Geological Survey;
- 7674 (s) a representative from the Division of Water Resources appointed by the director of
7675 the Division of Water Resources;
- 7676 (t) a representative from the Division of Water Rights appointed by the director of the
7677 Division of Water Rights;
- 7678 (u) a representative from the Division of Wildlife Resources appointed by the director
7679 of the Division of Wildlife Resources;
- 7680 (v) a representative from the School and Institutional Trust Lands Administration
7681 appointed by the director of the School and Institutional Trust Lands Administration;
- 7682 (w) a representative from the Division of Facilities Construction and Management

7683 appointed by the director of the Division of Facilities Construction and Management; and

7684 (x) a representative from the Division of Emergency Management appointed by the
7685 director of the Division of Emergency Management.

7686 (2) (a) As particular issues require, the coordinating committee may, by majority vote
7687 of the members present, [~~and with the concurrence of the state planning coordinator,~~] appoint
7688 additional temporary members to serve as ex officio voting members.

7689 (b) Those ex officio members may discuss and vote on the issue or issues for which
7690 they were appointed.

7691 (3) A chair shall be selected by a majority vote of committee members with the
7692 concurrence of the [~~state planning coordinator~~] executive director.

7693 (4) A member may not receive compensation or benefits for the member's service, but
7694 may receive per diem and travel expenses in accordance with:

7695 (a) [~~Section~~] Sections 63A-3-106 [~~;~~ (b) ~~Section~~] and 63A-3-107; and

7696 [~~(c)~~] (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7697 63A-3-107.

7698 Section 97. Section **63L-11-403**, which is renumbered from Section 63J-4-503 is
7699 renumbered and amended to read:

7700 ~~[63J-4-503]~~. **63L-11-403. Executive director responsibilities.**

7701 [~~(1) The state planning coordinator shall:~~]

7702 The executive director shall:

7703 [~~(a)~~] (1) administer this part;

7704 [~~(b)~~] (2) subject to the direction and approval of the governor, take necessary action
7705 [~~for its implementation~~] to implement this part; and

7706 [~~(c)~~] (3) inform political subdivision representatives, in advance, of all coordinating
7707 committee meetings.

7708 [~~(2) The state planning coordinator may delegate the state planning coordinator's~~
7709 ~~responsibilities under this part to the Public Lands Policy Coordinating Office.~~]

7710 Section 98. Section **63L-11-404**, which is renumbered from Section 63J-4-504 is
7711 renumbered and amended to read:

7712 ~~[63J-4-504]~~. **63L-11-404. Coordinating committee duties.**

7713 (1) The coordinating committee shall assist the [~~state planning coordinator~~] office:

- 7714 (a) in the review of:
- 7715 (i) proposed state actions affecting physical resources;
- 7716 (ii) federal and federally assisted actions for which state review is provided by federal
- 7717 law, regulation, or policy; and
- 7718 (iii) proposed federal regulations and policies pertaining to natural resource issues; and
- 7719 (b) in the development and implementation of a procedure that will expedite the review
- 7720 of proposed energy and industrial facilities that require permits to be issued by more than one
- 7721 state agency.

7722 (2) The [~~state planning coordinator~~] office shall review and forward the comments and

7723 recommendations of the committee to:

- 7724 (a) the governor;
- 7725 (b) the initiating state agency, in the case of a proposed state action; and
- 7726 (c) the Office of Legislative Research and General Counsel.

7727 Section 99. Section ~~63L-11-405~~, which is renumbered from Section 63J-4-505 is

7728 renumbered and amended to read:

7729 ~~[63J-4-505]~~. **63L-11-405. Powers of state agencies and local governments**

7730 **not limited.**

7731 This part does not limit powers conferred upon [~~state~~] departments, agencies, [~~or~~]

7732 instrumentalities [~~of the state~~], or political subdivisions of the state by existing law.

7733 Section 100. Section ~~63N-1-203~~ is amended to read:

7734 **63N-1-203. Powers and duties of executive director.**

7735 (1) Unless otherwise expressly provided by statute, the executive director may organize

7736 the office in any appropriate manner, including the appointment of deputy directors of the

7737 office.

7738 (2) The executive director may consolidate personnel and service functions for

7739 efficiency and economy in the office.

7740 (3) The executive director, with the approval of the governor:

7741 (a) may, by following the procedures and requirements of Title 63J, Chapter 5, Federal

7742 Funds Procedures Act, seek federal grants, loans, or participation in federal programs;

7743 (b) may enter into a lawful contract or agreement with another state, a chamber of

7744 commerce organization, a service club, or a private entity; and

7745 (c) shall annually prepare and submit to the governor a budget of the office's financial
7746 requirements.

7747 (4) With the governor's approval, if a federal program requires the expenditure of state
7748 funds as a condition for the state to participate in a fund, property, or service, the executive
7749 director may expend necessary funds from money provided by the Legislature for the use of the
7750 office.

7751 (5) The executive director shall coordinate with the executive directors of the
7752 Department of Workforce Services and the Governor's Office of ~~Management~~ Planning and
7753 Budget to review data and metrics to be reported to the Legislature as described in Subsection
7754 [63N-1-301\(2\)\(b\)](#).

7755 Section 101. Section **63N-1-301** is amended to read:

7756 **63N-1-301. Annual report -- Content -- Format -- Strategic plan.**

7757 (1) The office shall prepare and submit to the governor and the Legislature, by October
7758 1 of each year, an annual written report of the operations, activities, programs, and services of
7759 the office, including the divisions, sections, boards, commissions, councils, and committees
7760 established under this title, for the preceding fiscal year.

7761 (2) For each operation, activity, program, or service provided by the office, the annual
7762 report shall include:

7763 (a) a description of the operation, activity, program, or service;

7764 (b) data and metrics:

7765 (i) selected and used by the office to measure progress, performance, effectiveness, and
7766 scope of the operation, activity, program, or service, including summary data; and

7767 (ii) that are consistent and comparable for each state operation, activity, program, or
7768 service that primarily involves employment training or placement as determined by the
7769 executive directors of the office, the Department of Workforce Services, and the Governor's
7770 Office of ~~Management~~ Planning and Budget;

7771 (c) budget data, including the amount and source of funding, expenses, and allocation
7772 of full-time employees for the operation, activity, program, or service;

7773 (d) historical data from previous years for comparison with data reported under
7774 Subsections (2)(b) and (c);

7775 (e) goals, challenges, and achievements related to the operation, activity, program, or

7776 service;

7777 (f) relevant federal and state statutory references and requirements;

7778 (g) contact information of officials knowledgeable and responsible for each operation,

7779 activity, program, or service; and

7780 (h) other information determined by the office that:

7781 (i) may be needed, useful, or of historical significance; or

7782 (ii) promotes accountability and transparency for each operation, activity, program, or

7783 service with the public and elected officials.

7784 (3) The annual report shall be designed to provide clear, accurate, and accessible

7785 information to the public, the governor, and the Legislature.

7786 (4) The office shall:

7787 (a) submit the annual report in accordance with Section [68-3-14](#);

7788 (b) make the annual report, and previous annual reports, accessible to the public by

7789 placing a link to the reports on the office's website; and

7790 (c) provide the data and metrics described in Subsection (2)(b) to the Talent Ready

7791 Utah Board created in Section [63N-12-503](#).

7792 (5) (a) On or before October 1, 2019, the office shall:

7793 (i) in consultation with the organizations described in Subsection (5)(c), coordinate the

7794 development of a written strategic plan that contains a coordinated economic development

7795 strategy for the state; and

7796 (ii) provide the strategic plan to the president of the Senate, the speaker of the House of

7797 Representatives, and the Economic Development and Workforce Services Interim Committee.

7798 (b) The strategic plan shall:

7799 (i) establish a statewide economic development strategy that consists of a limited set of

7800 clear, concise, and defined principles and goals;

7801 (ii) recommend targeted economic development policies that will further the

7802 implementation of the economic development strategy described in this section;

7803 (iii) identify each of the relevant state-level economic development agencies, including

7804 the agencies described in Subsection (5)(c);

7805 (iv) outline the functional role in furthering the state's economic development strategy

7806 for each relevant state-level economic development agency;

7807 (v) establish specific principles and make specific recommendations to decrease
7808 competition and increase communication and cooperation among state-level economic
7809 development agencies, providers and administrators of economic development programs in the
7810 state, nonprofit entities that participate in economic development in the state, and local
7811 governments;

7812 (vi) recommend a fundamental realignment of economic development programs in the
7813 state to ensure each program's purpose is congruent with the mission of the organization within
7814 which the program is located;

7815 (vii) address rural economic development by:

7816 (A) establishing goals and principles to ensure the state's economic development
7817 strategy works for both urban and rural areas of the state; and

7818 (B) providing recommendations on how existing rural economic development
7819 programs should be restructured or realigned;

7820 (viii) assess the effectiveness of the state's economic development incentives and make
7821 recommendations regarding:

7822 (A) how incentive policies could be improved; and

7823 (B) how incentives could be better coordinated among state-level economic
7824 development agencies and local governments;

7825 (ix) make recommendations regarding how to align the state's economic development
7826 strategy and policies in order to take advantage of the strengths and address the weaknesses of
7827 the state's current and projected urban and rural workforce;

7828 (x) make recommendations regarding how to monitor and assess whether certain
7829 economic development policies further the statewide economic development strategy described
7830 in this section, including recommendations on performance metrics to measure results; and

7831 (xi) align the strategic plan with each element of the statewide economic development
7832 strategy.

7833 (c) The office shall coordinate the development of the strategic plan by working in
7834 coordination with and obtaining information from other state agencies, including:

7835 (i) the Department of Workforce Services;

7836 (ii) the Office of Energy Development;

7837 (iii) the State Board of Education; and

7838 (iv) the Utah Board of Higher Education.

7839 (d) If contacted by the office, other state agencies, including those described in
7840 Subsection (5)(c), shall, in accordance with state and federal law, share information and
7841 cooperate with the office in coordinating the development of the strategic plan.

7842 Section 102. Section **63N-2-107** is amended to read:

7843 **63N-2-107. Reports of new state revenues, partial rebates, and tax credits.**

7844 (1) Before October 1 of each year, the office shall submit a report to the Governor's
7845 Office of [~~Management~~] Planning and Budget, the Office of the Legislative Fiscal Analyst, and
7846 the Division of Finance identifying:

7847 (a) (i) the total estimated amount of new state revenues created from new commercial
7848 projects in development zones;

7849 (ii) the estimated amount of new state revenues from new commercial projects in
7850 development zones that will be generated from:

7851 (A) sales tax;

7852 (B) income tax; and

7853 (C) corporate franchise and income tax; and

7854 (iii) the minimum number of new incremental jobs and high paying jobs that will be
7855 created before any tax credit is awarded; and

7856 (b) the total estimated amount of tax credits that the office projects that business
7857 entities, local government entities, or community reinvestment agencies will qualify to claim
7858 under this part.

7859 (2) By the first business day of each month, the office shall submit a report to the
7860 Governor's Office of [~~Management~~] Planning and Budget, the Office of the Legislative Fiscal
7861 Analyst, and the Division of Finance identifying:

7862 (a) each new agreement entered into by the office since the last report;

7863 (b) the estimated amount of new state revenues that will be generated under each
7864 agreement;

7865 (c) the estimated maximum amount of tax credits that a business entity, local
7866 government entity, or community reinvestment agency could qualify for under each agreement;
7867 and

7868 (d) the minimum number of new incremental jobs and high paying jobs that will be

7869 created before any tax credit is awarded.

7870 (3) At the reasonable request of the Governor's Office of [Management] Planning and
7871 Budget, the Office of the Legislative Fiscal Analyst, or the Division of Finance, the office shall
7872 provide additional information about the tax credit, new incremental jobs and high paying jobs,
7873 costs, and economic benefits related to this part, if the information is part of a public record as
7874 defined in Section 63G-2-103.

7875 Section 103. Section 63N-2-811 is amended to read:

7876 **63N-2-811. Reports of tax credits.**

7877 (1) Before December 1 of each year, the office shall submit a report to the Governor's
7878 Office of [Management] Planning and Budget, the Office of the Legislative Fiscal Analyst, and
7879 the Division of Finance identifying:

7880 (a) the total amount listed on tax credit certificates the office issues under this part; and
7881 (b) the criteria that the office uses in prioritizing the issuance of tax credits amongst tax
7882 credit applicants.

7883 (2) By the first business day of each month, the office shall submit a report to the
7884 Governor's Office of [Management] Planning and Budget, the Office of the Legislative Fiscal
7885 Analyst, and the Division of Finance identifying:

7886 (a) each new agreement entered into by the office since the last report;
7887 (b) the total amount listed on tax credit certificates the office issues under this part; and
7888 (c) the criteria that the office uses in prioritizing the issuance of tax credits amongst tax
7889 credit applicants.

7890 Section 104. Section 63N-3-111 is amended to read:

7891 **63N-3-111. Annual policy considerations.**

7892 (1) (a) The board shall determine annually which industries or groups of industries
7893 shall be targeted industries as defined in Section 63N-3-102.

7894 (b) The office shall make recommendations to state and federal agencies, local
7895 governments, the governor, and the Legislature regarding policies and initiatives that promote
7896 the economic development of targeted industries.

7897 (c) The office may create one or more voluntary advisory committees that may include
7898 public and private stakeholders to solicit input on policy guidance and best practices in
7899 encouraging the economic development of targeted industries.

7900 (2) In designating an economically disadvantaged rural area, the board shall consider
7901 the average agricultural and nonagricultural wage, personal income, unemployment, and
7902 employment in the area.

7903 (3) In evaluating the economic impact of applications for assistance, the board shall use
7904 an econometric cost-benefit model or models adopted by the Governor's Office of
7905 ~~[Management]~~ Planning and Budget.

7906 (4) The board may establish:

7907 (a) minimum interest rates to be applied to loans granted that reflect a fair social rate of
7908 return to the state comparable to prevailing market-based rates such as the prime rate, U.S.
7909 Government T-bill rate, or bond coupon rate as paid by the state, adjusted by social indicators
7910 such as the rate of unemployment; and

7911 (b) minimum applicant expense ratios, as long as they are at least equal to those
7912 required under Subsection [63N-3-105\(1\)\(a\)](#) or [63N-3-108\(1\)\(b\)\(i\)\(A\)](#).

7913 Section 105. Section **63N-9-104** is amended to read:

7914 **63N-9-104. Creation of outdoor recreation office and appointment of director --**
7915 **Responsibilities of outdoor recreation office.**

7916 (1) There is created within the Governor's Office of Economic Development the Utah
7917 Office of Outdoor Recreation.

7918 (2) (a) The executive director shall appoint a director of the outdoor recreation office.

7919 (b) The director shall report to the executive director and may appoint staff.

7920 (3) The outdoor recreation office shall:

7921 (a) coordinate outdoor recreation policy, management, and promotion:

7922 (i) among state and federal agencies and local government entities in the state; and

7923 (ii) with the Public Lands Policy Coordinating Office created in Section ~~[63J-4-602]~~
7924 [63L-11-201](#), if public land is involved;

7925 (b) promote economic development in the state by:

7926 (i) coordinating with outdoor recreation stakeholders;

7927 (ii) improving recreational opportunities; and

7928 (iii) recruiting outdoor recreation business;

7929 (c) recommend to the governor and Legislature policies and initiatives to enhance
7930 recreational amenities and experiences in the state and help implement those policies and

7931 initiatives;

7932 (d) develop data regarding the impacts of outdoor recreation in the state; and

7933 (e) promote the health and social benefits of outdoor recreation, especially to young
7934 people.

7935 (4) By following the procedures and requirements of Title 63J, Chapter 5, Federal
7936 Funds Procedures Act, the outdoor recreation office may:

7937 (a) seek federal grants or loans;

7938 (b) seek to participate in federal programs; and

7939 (c) in accordance with applicable federal program guidelines, administer federally
7940 funded outdoor recreation programs.

7941 (5) For purposes of administering this part, the outdoor recreation office may make
7942 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

7943 Section 106. Section **64-13e-105** is amended to read:

7944 **64-13e-105. Meeting to discuss daily incarceration rates.**

7945 (1) Before September 30 of each year, the individuals described in Subsection (2) shall
7946 meet to review and discuss:

7947 (a) the actual state daily incarceration rate, described in Section [64-13e-103.1](#);

7948 (b) the actual county daily incarceration rate; and

7949 (c) the compilation described in Subsection [64-13e-104\(7\)](#).

7950 (2) The following individuals shall meet in accordance with Subsection (1):

7951 (a) as designated by the Utah Sheriffs Association:

7952 (i) one sheriff of a county that is currently under contract with the department to house
7953 state inmates; and

7954 (ii) one sheriff of a county that is currently receiving reimbursement from the
7955 department for housing state probationary inmates or state parole inmates;

7956 (b) the executive director of the department or the executive director's designee;

7957 (c) as designated by the Utah Association of Counties:

7958 (i) one member of the legislative body of one county that is currently under contract
7959 with the department to house state inmates; and

7960 (ii) one member of the legislative body of one county that is currently receiving
7961 reimbursement from the department for housing state probationary inmates or state parole

7962 inmates;

7963 (d) the executive director of the Commission on Criminal and Juvenile Justice or the
7964 executive director's designee; and

7965 (e) the executive director of the Governor's Office of [~~Management~~] Planning and
7966 Budget or the executive director's designee.

7967 Section 107. Section **67-4-16** is amended to read:

7968 **67-4-16. State financial advisor -- Duties -- Conflict of interest restrictions.**

7969 (1) The state treasurer may hire a state financial advisor on a fee-for-service basis.

7970 (2) The state financial advisor shall advise the state treasurer, the executive director of
7971 the Governor's Office of [~~Management~~] Planning and Budget, the director of the Division of
7972 Finance, the director of the Division of Facilities Construction and Management, and the
7973 Legislature and its staff offices on the issuance of bonds and other debt, and on all other public
7974 debt matters generally.

7975 (3) The financial advisor may assist in the preparation of the official statement,
7976 represent the state's creditworthiness before credit rating agencies, and assist in the preparation,
7977 marketing, or issuance of public debt.

7978 (4) (a) The state financial advisor or the firm that the advisor represents may not
7979 negotiate to underwrite debt issued by the state of Utah for which he has provided financial
7980 advisor services.

7981 (b) The state financial advisor may enter a competitive bid, either for his own account
7982 or in cooperation with others, in response to a call for public bids for the sale of state debt.

7983 (5) (a) Fees directly related to the preparation, marketing, or issuance of public debt,
7984 including ordinary and necessary expenses, may be paid from the debt proceeds.

7985 (b) Fees for other services shall be paid from the state treasurer's budget.

7986 Section 108. Section **67-5-34** is amended to read:

7987 **67-5-34. Rate committee -- Membership -- Duties.**

7988 (1) (a) There is created a rate committee that consists of:

7989 (i) the executive director of the Governor's Office of [~~Management~~] Planning and
7990 Budget, or the executive director's designee; and

7991 (ii) the executive directors of six state agencies that use or are likely to use services and
7992 pay rates to the Office of the Attorney General's internal service fund, appointed by the

7993 governor for a two-year term, or the executive directors' designees.

7994 (b) The rate committee shall elect a chair from the rate committee's members.

7995 (2) Each member of the rate committee who is a state government employee and does
7996 not receive salary, per diem, or expenses from the member's agency for the member's service
7997 on the rate committee shall receive no compensation, benefits, per diem, or expenses for the
7998 member's service on the rate committee.

7999 (3) The Office of the Attorney General shall provide staff services to the rate
8000 committee.

8001 (4) The Office of the Attorney General shall submit to the rate committee a proposed
8002 rate and fee schedule for legal services rendered by the Office of the Attorney General to an
8003 agency.

8004 (5) (a) The rate committee shall:

8005 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings
8006 Act;

8007 (ii) review the proposed rate and fee schedules and, at the rate committee's discretion,
8008 approve, increase, or decrease the rate and fee schedules;

8009 (iii) recommend a proposed rate and fee schedule for the internal service fund to:

8010 (A) the Governor's Office of ~~Management~~ Planning and Budget; and

8011 (B) each legislative appropriations subcommittee that, in accordance with Section
8012 [63J-1-410](#), approves the internal service fund rates, fees, and budget; and

8013 (iv) review and approve, increase or decrease an interim rate, fee, or amount when the
8014 office begins a new service or introduces a new product between annual general sessions of the
8015 Legislature.

8016 (b) The committee may, in accordance with Subsection [63J-1-410\(4\)](#), decrease a rate,
8017 fee, or amount that has been approved by the Legislature.

8018 Section 109. Section **67-19-11** is amended to read:

8019 **67-19-11. Use of department facilities -- Field office facilities cost allocation --**
8020 **Rate committee.**

8021 (1) (a) An agency or a political subdivision of the state shall allow the department to
8022 use public buildings under the agency's of the political subdivision's control, and furnish heat,
8023 light, and furniture, for any examination, training, hearing, or investigation authorized by this

8024 chapter.

8025 (b) An agency or political subdivision that allows the department to use a public
8026 building under Subsection (1)(a) shall pay the cost of the department's use of the public
8027 building.

8028 (2) The executive director shall:

8029 (a) prepare an annual budget request for the department;

8030 (b) submit the budget request to the governor and the Legislature; and

8031 (c) before charging a fee for services provided by the department's internal service fund
8032 to an executive branch agency:

8033 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established
8034 under Subsection (3); and

8035 (ii) obtain the approval of the Legislature as required under Section [63J-1-410](#).

8036 (3) (a) There is created a rate committee that shall consist of the executive directors of
8037 seven state agencies that use services and pay rates to one of the department internal service
8038 funds, or their designee, appointed by the governor for a two-year term.

8039 (b) (i) Of the seven executive agencies represented on the rate committee under
8040 Subsection (3)(a), only one of the following may be represented on the committee, if at all, at
8041 any one time:

8042 (A) the Governor's Office of ~~Management~~ Planning and Budget;

8043 (B) the Division of Finance;

8044 (C) the Department of Administrative Services; or

8045 (D) the Department of Technology Services.

8046 (ii) The department may not have a representative on the rate committee.

8047 (c) (i) The rate committee shall elect a chair from the rate committee's members.

8048 (ii) Each member of the rate committee who is a state government employee and who
8049 does not receive salary, per diem, or expenses from the member's agency for the member's
8050 service on the rate committee shall receive no compensation, benefits, per diem, or expenses
8051 for the member's service on the rate committee.

8052 (d) The department shall provide staff services to the rate committee.

8053 (4) (a) The department shall submit to the rate committee a proposed rate and fee
8054 schedule for:

- 8055 (i) human resource management services rendered; and
8056 (ii) costs incurred by the Office of the Attorney General in defending the state in a
8057 grievance under review by the Career Service Review Office.
- 8058 (b) The rate committee shall:
- 8059 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings
8060 Act;
- 8061 (ii) meet at least once each calendar year to:
- 8062 (A) discuss the service performance of each internal service fund;
- 8063 (B) review the proposed rate and fee schedules;
- 8064 (C) at the rate committee's discretion, approve, increase, or decrease the rate and fee
8065 schedules described in Subsection (4)(b)(ii)(B); and
- 8066 (D) discuss any prior or potential adjustments to the service level received by state
8067 agencies that pay rates to an internal service fund;
- 8068 (iii) recommend a proposed rate and fee schedule for the internal service fund to:
- 8069 (A) the Governor's Office of ~~Management~~ Planning and Budget; and
- 8070 (B) each legislative appropriations subcommittee that, in accordance with Section
8071 [63J-1-410](#), approves the internal service fund rates, fees, and budget; and
- 8072 (iv) review and approve, increase or decrease an interim rate, fee, or amount when the
8073 department begins a new service or introduces a new product between annual general sessions
8074 of the Legislature.
- 8075 (c) The committee may in accordance with Subsection [63J-1-410](#)(4) decrease a rate,
8076 fee, or amount that has been approved by the Legislature.
- 8077 Section 110. Section **67-19-15** is amended to read:
- 8078 **67-19-15. Career service -- Exempt positions -- Schedules for civil service**
8079 **positions -- Coverage of career service provisions.**
- 8080 (1) Except as otherwise provided by law or by rules and regulations established for
8081 federally aided programs, the following positions are exempt from the career service provisions
8082 of this chapter and are designated under the following schedules:
- 8083 (a) schedule AA includes the governor, members of the Legislature, and all other
8084 elected state officers;
- 8085 (b) schedule AB includes appointed executives and board or commission executives

- 8086 enumerated in Section [67-22-2](#);
- 8087 (c) schedule AC includes all employees and officers in:
- 8088 (i) the office and at the residence of the governor;
- 8089 (ii) the Public Lands Policy Coordinating [~~Council~~] Office;
- 8090 (iii) the Office of the State Auditor; and
- 8091 (iv) the Office of the State Treasurer;
- 8092 (d) schedule AD includes employees who:
- 8093 (i) are in a confidential relationship to an agency head or commissioner; and
- 8094 (ii) report directly to, and are supervised by, a department head, commissioner, or
- 8095 deputy director of an agency or its equivalent;
- 8096 (e) schedule AE includes each employee of the State Board of Education that the State
- 8097 Board of Education designates as exempt from the career service provisions of this chapter;
- 8098 (f) schedule AG includes employees in the Office of the Attorney General who are
- 8099 under their own career service pay plan under Sections [67-5-7](#) through [67-5-13](#);
- 8100 (g) schedule AH includes:
- 8101 (i) teaching staff of all state institutions; and
- 8102 (ii) employees of the Utah Schools for the Deaf and the Blind who are:
- 8103 (A) educational interpreters as classified by the department; or
- 8104 (B) educators as defined by Section [53E-8-102](#);
- 8105 (h) schedule AN includes employees of the Legislature;
- 8106 (i) schedule AO includes employees of the judiciary;
- 8107 (j) schedule AP includes all judges in the judiciary;
- 8108 (k) schedule AQ includes:
- 8109 (i) members of state and local boards and councils appointed by the governor and
- 8110 governing bodies of agencies;
- 8111 (ii) a water commissioner appointed under Section [73-5-1](#);
- 8112 (iii) other local officials serving in an ex officio capacity; and
- 8113 (iv) officers, faculty, and other employees of state universities and other state
- 8114 institutions of higher education;
- 8115 (l) schedule AR includes employees in positions that involve responsibility:
- 8116 (i) for determining policy;

- 8117 (ii) for determining the way in which a policy is carried out; or
8118 (iii) of a type not appropriate for career service, as determined by the agency head with
8119 the concurrence of the executive director;
- 8120 (m) schedule AS includes any other employee:
8121 (i) whose appointment is required by statute to be career service exempt;
8122 (ii) whose agency is not subject to this chapter; or
8123 (iii) whose agency has authority to make rules regarding the performance,
8124 compensation, and bonuses for its employees;
- 8125 (n) schedule AT includes employees of the Department of Technology Services,
8126 designated as executive/professional positions by the executive director of the Department of
8127 Technology Services with the concurrence of the executive director;
- 8128 (o) schedule AU includes patients and inmates employed in state institutions;
- 8129 (p) employees of the Department of Workforce Services, designated as schedule AW:
8130 (i) who are temporary employees that are federally funded and are required to work
8131 under federally qualified merit principles as certified by the director; or
8132 (ii) for whom substantially all of their work is repetitive, measurable, or transaction
8133 based, and who voluntarily apply for and are accepted by the Department of Workforce
8134 Services to work in a pay for performance program designed by the Department of Workforce
8135 Services with the concurrence of the executive director; and
- 8136 (q) for employees in positions that are temporary, seasonal, time limited, funding
8137 limited, or variable hour in nature, under schedule codes and parameters established by the
8138 department by administrative rule.
- 8139 (2) The civil service shall consist of two schedules as follows:
- 8140 (a) (i) Schedule A is the schedule consisting of positions under Subsection (1).
8141 (ii) Removal from any appointive position under schedule A, unless otherwise
8142 regulated by statute, is at the pleasure of the appointing officers without regard to tenure.
- 8143 (b) Schedule B is the competitive career service schedule, consisting of:
8144 (i) all positions filled through competitive selection procedures as defined by the
8145 executive director; or
8146 (ii) positions filled through a department approved on-the-job examination intended to
8147 appoint a qualified person with a disability, or a veteran in accordance with Title 71, Chapter

8148 10, Veterans Preference.

8149 (3) (a) The executive director, after consultation with the heads of concerned executive
8150 branch departments and agencies and with the approval of the governor, shall allocate positions
8151 to the appropriate schedules under this section.

8152 (b) Agency heads shall make requests and obtain approval from the executive director
8153 before changing the schedule assignment and tenure rights of any position.

8154 (c) Unless the executive director's decision is reversed by the governor, when the
8155 executive director denies an agency's request, the executive director's decision is final.

8156 (4) (a) Compensation for employees of the Legislature shall be established by the
8157 directors of the legislative offices in accordance with Section 36-12-7.

8158 (b) Compensation for employees of the judiciary shall be established by the state court
8159 administrator in accordance with Section 78A-2-107.

8160 (c) Compensation for officers, faculty, and other employees of state universities and
8161 institutions of higher education shall be established as provided in Title 53B, Chapter 1,
8162 Governance, Powers, Rights, and Responsibilities, and Title 53B, Chapter 2, Institutions of
8163 Higher Education.

8164 (d) Unless otherwise provided by law, compensation for all other schedule A
8165 employees shall be established by their appointing authorities, within ranges approved by, and
8166 after consultation with the executive director of the Department of Human Resource
8167 Management.

8168 (5) An employee who is in a position designated schedule AC and who holds career
8169 service status on June 30, 2010, shall retain the career service status if the employee:

8170 (a) remains in the position that the employee is in on June 30, 2010; and

8171 (b) does not elect to convert to career service exempt status in accordance with a rule
8172 made by the department.

8173 Section 111. Section 67-19-43 is amended to read:

8174 **67-19-43. State employee matching supplemental defined contribution benefit.**

8175 (1) As used in this section:

8176 (a) "Qualifying account" means:

8177 (i) a defined contribution plan qualified under Section 401(k) of the Internal Revenue
8178 Code, which is sponsored by the Utah State Retirement Board; or

8179 (ii) a deemed Individual Retirement Account authorized under the Internal Revenue
8180 Code, which is sponsored by the Utah State Retirement Board; or

8181 (iii) a similar savings plan or account authorized under the Internal Revenue Code,
8182 which is sponsored by the Utah State Retirement Board.

8183 (b) "Qualifying employee" means an employee who is:

8184 (i) in a position that is:

8185 (A) receiving retirement benefits under Title 49, Utah State Retirement and Insurance
8186 Benefit Act; and

8187 (B) accruing paid leave benefits that can be used in the current and future calendar
8188 years; and

8189 (ii) not an employee who is reemployed as that term is:

8190 (A) defined in Section 49-11-1202; or

8191 (B) used in Section 49-11-504.

8192 (2) Subject to the requirements of Subsection (3) and beginning on or after January 4,
8193 2014, an employer shall make a biweekly matching contribution to every qualifying employee's
8194 defined contribution plan qualified under Section 401(k) of the Internal Revenue Code, subject
8195 to federal requirements and limitations, which is sponsored by the Utah State Retirement
8196 Board.

8197 (3) (a) In accordance with the requirements of this Subsection (3), each qualifying
8198 employee shall be eligible to receive the same dollar amount for the contribution under
8199 Subsection (2).

8200 (b) A qualifying employee:

8201 (i) shall receive the contribution amount determined under Subsection (3)(c) if the
8202 qualifying employee makes a voluntary personal contribution to one or more qualifying
8203 accounts in an amount equal to or greater than the employer's contribution amount determined
8204 in Subsection (3)(c);

8205 (ii) shall receive a partial contribution amount that is equal to the qualifying employee's
8206 personal contribution amount if the employee makes a voluntary personal contribution to one
8207 or more qualifying accounts in an amount less than the employer's contribution amount
8208 determined in Subsection (3)(c); or

8209 (iii) may not receive a contribution under Subsection (2) if the qualifying employee

8210 does not make a voluntary personal contribution to a qualifying account.

8211 (c) (i) Subject to the maximum limit under Subsection (3)(c)(iii), the Legislature shall
8212 annually determine the contribution amount that an employer shall provide to each qualifying
8213 employee under Subsection (2).

8214 (ii) The department shall make recommendations annually to the Legislature on the
8215 contribution amount required under Subsection (2), in consultation with the Governor's Office
8216 of ~~[Management]~~ Planning and Budget and the Division of Finance.

8217 (iii) The biweekly matching contribution amount required under Subsection (2) may
8218 not exceed \$26 for each qualifying employee.

8219 (4) A qualifying employee is eligible to receive the biweekly contribution under this
8220 section for any pay period in which the employee is in a paid status or other status protected by
8221 federal or state law.

8222 (5) The employer and employee contributions made and related earnings under this
8223 section vest immediately upon deposit and can be withdrawn by the employee at any time,
8224 subject to Internal Revenue Code regulations on the withdrawals.

8225 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8226 executive director shall make rules establishing procedures to implement the provisions of this
8227 section.

8228 Section 112. Section **67-19d-202** is amended to read:

8229 **67-19d-202. Board of trustees of the State Post-Retirement Benefits Trust Fund**
8230 **and the Elected Official Post-Retirement Benefits Trust Fund.**

8231 (1) (a) There is created a board of trustees of the State Post-Retirement Benefits Trust
8232 Fund and the Elected Official Post-Retirement Benefits Trust Fund composed of three
8233 members:

8234 (i) the state treasurer or designee;

8235 (ii) the director of the Division of Finance or designee; and

8236 (iii) the executive director of the Governor's Office of ~~[Management]~~ Planning and
8237 Budget or designee.

8238 (b) The state treasurer is chair of the board.

8239 (c) Three members of the board are a quorum.

8240 (d) A member may not receive compensation or benefits for the member's service, but

- 8241 may receive per diem and travel expenses in accordance with:
- 8242 (i) Section 63A-3-106;
- 8243 (ii) Section 63A-3-107; and
- 8244 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 8245 63A-3-107.
- 8246 (e) (i) Except as provided in Subsection (1)(e)(ii), the state treasurer shall staff the
- 8247 board of trustees.
- 8248 (ii) The Division of Finance shall provide accounting services for the trust fund.
- 8249 (2) The board shall:
- 8250 (a) on behalf of the state, act as trustee of the State Post-Retirement Benefits Trust
- 8251 Fund created under Section 67-19d-201 and the Elected Official Post-Retirement Benefits
- 8252 Trust Fund created under Section 67-19d-201.5 and exercise the state's fiduciary
- 8253 responsibilities;
- 8254 (b) meet at least twice per year;
- 8255 (c) review and approve all policies, projections, rules, criteria, procedures, forms,
- 8256 standards, performance goals, and actuarial reports;
- 8257 (d) review and approve the budget for each trust fund described under Subsection
- 8258 (2)(a);
- 8259 (e) review financial records for each trust fund described under Subsection (2)(a),
- 8260 including trust fund receipts, expenditures, and investments;
- 8261 (f) commission and obtain actuarial studies of the liabilities for each trust fund
- 8262 described under Subsection (2)(a);
- 8263 (g) for purposes of the State Post-Retirement Benefits Trust Fund, establish labor
- 8264 additive rates to charge all federal, state, and other programs to cover:
- 8265 (i) the annual required contribution as determined by actuary; and
- 8266 (ii) the administrative expenses of the trust fund; and
- 8267 (h) do any other things necessary to perform the state's fiduciary obligations under each
- 8268 trust fund described under Subsection (2)(a).
- 8269 (3) The attorney general shall:
- 8270 (a) act as legal counsel and provide legal representation to the board of trustees; and
- 8271 (b) attend, or direct an attorney from the Office of the Attorney General to attend, each

8272 meeting of the board of trustees.

8273 Section 113. Section **67-19f-202** is amended to read:

8274 **67-19f-202. Board of trustees of the State Employees' Annual Leave Trust Fund.**

8275 (1) (a) There is created a board of trustees of the State Employees' Annual Leave Trust
8276 Fund composed of the following three members:

8277 (i) the state treasurer or the state treasurer's designee;

8278 (ii) the director of the Division of Finance or the director's designee; and

8279 (iii) the executive director of the Governor's Office of ~~Management~~ Planning and

8280 Budget or the executive director's designee.

8281 (b) The state treasurer is chair of the board.

8282 (c) Three members of the board is a quorum.

8283 (d) A member may not receive compensation or benefits for the member's service, but
8284 may receive per diem and travel expenses as allowed in:

8285 (i) Section [63A-3-106](#);

8286 (ii) Section [63A-3-107](#); and

8287 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and

8288 [63A-3-107](#).

8289 (e) (i) Except as provided in Subsection (1)(e)(ii), the state treasurer shall staff the
8290 board of trustees.

8291 (ii) The Division of Finance shall provide accounting services for the trust fund.

8292 (2) The board shall:

8293 (a) on behalf of the state, act as trustee of the trust fund created under Section

8294 [67-19f-201](#) and exercise the state's fiduciary responsibilities;

8295 (b) meet at least twice per year;

8296 (c) review and approve the policies, projections, rules, criteria, procedures, forms,
8297 standards, performance goals, and actuarial reports for the trust fund;

8298 (d) review and approve the budget for the trust fund;

8299 (e) review financial records for the trust fund, including trust fund receipts,

8300 expenditures, and investments; and

8301 (f) do any other things necessary to perform the state's fiduciary obligations under the

8302 trust fund.

- 8303 (3) The board may:
- 8304 (a) commission and obtain actuarial studies of the liabilities for the trust fund; and
- 8305 (b) for purposes of the trust fund, establish labor additive rates to charge for the
- 8306 administrative expenses of the trust fund.
- 8307 (4) The attorney general shall:
- 8308 (a) act as legal counsel and provide legal representation to the board of trustees; and
- 8309 (b) attend, or direct an attorney from the Office of the Attorney General to attend, each
- 8310 meeting of the board of trustees.
- 8311 Section 114. Section **67-22-2** is amended to read:
- 8312 **67-22-2. Compensation -- Other state officers.**
- 8313 (1) As used in this section:
- 8314 (a) "Appointed executive" means the:
- 8315 (i) commissioner of the Department of Agriculture and Food;
- 8316 (ii) commissioner of the Insurance Department;
- 8317 (iii) commissioner of the Labor Commission;
- 8318 (iv) director, Department of Alcoholic Beverage Control;
- 8319 (v) commissioner of the Department of Financial Institutions;
- 8320 (vi) executive director, Department of Commerce;
- 8321 (vii) executive director, Commission on Criminal and Juvenile Justice;
- 8322 (viii) adjutant general;
- 8323 (ix) executive director, Department of Heritage and Arts;
- 8324 (x) executive director, Department of Corrections;
- 8325 (xi) commissioner, Department of Public Safety;
- 8326 (xii) executive director, Department of Natural Resources;
- 8327 (xiii) executive director, Governor's Office of [~~Management~~] Planning and Budget;
- 8328 (xiv) executive director, Department of Administrative Services;
- 8329 (xv) executive director, Department of Human Resource Management;
- 8330 (xvi) executive director, Department of Environmental Quality;
- 8331 (xvii) director, Governor's Office of Economic Development;
- 8332 (xviii) executive director, Utah Science Technology and Research Governing
- 8333 Authority;

- 8334 (xix) executive director, Department of Workforce Services;
- 8335 (xx) executive director, Department of Health, Nonphysician;
- 8336 (xxi) executive director, Department of Human Services;
- 8337 (xxii) executive director, Department of Transportation;
- 8338 (xxiii) executive director, Department of Technology Services; [~~and~~]
- 8339 (xxiv) executive director, Department of Veterans and Military Affairs[-]; and
- 8340 (xxv) executive director, Public Lands Policy Coordinating Office, created in Section
- 8341 63L-11-201.

8342 (b) "Board or commission executive" means:

- 8343 (i) members, Board of Pardons and Parole;
- 8344 (ii) chair, State Tax Commission;
- 8345 (iii) commissioners, State Tax Commission;
- 8346 (iv) executive director, State Tax Commission;
- 8347 (v) chair, Public Service Commission; and
- 8348 (vi) commissioners, Public Service Commission.

8349 (c) "Deputy" means the person who acts as the appointed executive's second in
8350 command as determined by the Department of Human Resource Management.

8351 (2) (a) The executive director of the Department of Human Resource Management
8352 shall:

- 8353 (i) before October 31 of each year, recommend to the governor a compensation plan for
8354 the appointed executives and the board or commission executives; and
- 8355 (ii) base those recommendations on market salary studies conducted by the Department
8356 of Human Resource Management.

8357 (b) (i) The Department of Human Resource Management shall determine the salary
8358 range for the appointed executives by:

- 8359 (A) identifying the salary range assigned to the appointed executive's deputy;
- 8360 (B) designating the lowest minimum salary from those deputies' salary ranges as the
8361 minimum salary for the appointed executives' salary range; and
- 8362 (C) designating 105% of the highest maximum salary range from those deputies' salary
8363 ranges as the maximum salary for the appointed executives' salary range.

8364 (ii) If the deputy is a medical doctor, the Department of Human Resource Management

8365 may not consider that deputy's salary range in designating the salary range for appointed
8366 executives.

8367 (c) (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for
8368 board or commission executives, the Department of Human Resource Management shall set
8369 the maximum salary in the salary range for each of those positions at 90% of the salary for
8370 district judges as established in the annual appropriation act under Section 67-8-2.

8371 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii)
8372 or (iii), the Department of Human Resource Management shall set the maximum salary in the
8373 salary range for each of those positions at 100% of the salary for district judges as established
8374 in the annual appropriation act under Section 67-8-2.

8375 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), the governor shall establish a
8376 specific salary for each appointed executive within the range established under Subsection
8377 (2)(b).

8378 (ii) If the executive director of the Department of Health is a physician, the governor
8379 shall establish a salary within the highest physician salary range established by the Department
8380 of Human Resource Management.

8381 (iii) The governor may provide salary increases for appointed executives within the
8382 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

8383 (b) The governor shall apply the same overtime regulations applicable to other FLSA
8384 exempt positions.

8385 (c) The governor may develop standards and criteria for reviewing the appointed
8386 executives.

8387 (4) Salaries for other Schedule A employees, as defined in Section 67-19-15, that are
8388 not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial
8389 Salary Act, shall be established as provided in Section 67-19-15.

8390 (5) (a) The Legislature fixes benefits for the appointed executives and the board or
8391 commission executives as follows:

8392 (i) the option of participating in a state retirement system established by Title 49, Utah
8393 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered
8394 by the State Retirement Office in accordance with the Internal Revenue Code and its
8395 accompanying rules and regulations;

- 8396 (ii) health insurance;
- 8397 (iii) dental insurance;
- 8398 (iv) basic life insurance;
- 8399 (v) unemployment compensation;
- 8400 (vi) workers' compensation;
- 8401 (vii) required employer contribution to Social Security;
- 8402 (viii) long-term disability income insurance;
- 8403 (ix) the same additional state-paid life insurance available to other noncareer service
- 8404 employees;
- 8405 (x) the same severance pay available to other noncareer service employees;
- 8406 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as
- 8407 follows:
- 8408 (A) sick leave;
- 8409 (B) converted sick leave if accrued prior to January 1, 2014;
- 8410 (C) educational allowances;
- 8411 (D) holidays; and
- 8412 (E) annual leave except that annual leave shall be accrued at the maximum rate
- 8413 provided to Schedule B state employees;
- 8414 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
- 8415 provided by law or rule upon resignation or retirement according to the same criteria and
- 8416 procedures applied to Schedule B state employees;
- 8417 (xiii) the option to purchase additional life insurance at group insurance rates according
- 8418 to the same criteria and procedures applied to Schedule B state employees; and
- 8419 (xiv) professional memberships if being a member of the professional organization is a
- 8420 requirement of the position.
- 8421 (b) Each department shall pay the cost of additional state-paid life insurance for its
- 8422 executive director from its existing budget.
- 8423 (6) The Legislature fixes the following additional benefits:
- 8424 (a) for the executive director of the State Tax Commission a vehicle for official and
- 8425 personal use;
- 8426 (b) for the executive director of the Department of Transportation a vehicle for official

8427 and personal use;

8428 (c) for the executive director of the Department of Natural Resources a vehicle for
8429 commute and official use;

8430 (d) for the commissioner of Public Safety:

8431 (i) an accidental death insurance policy if POST certified; and

8432 (ii) a public safety vehicle for official and personal use;

8433 (e) for the executive director of the Department of Corrections:

8434 (i) an accidental death insurance policy if POST certified; and

8435 (ii) a public safety vehicle for official and personal use;

8436 (f) for the adjutant general a vehicle for official and personal use; and

8437 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
8438 official use.

8439 Section 115. Section **79-2-201** is amended to read:

8440 **79-2-201. Department of Natural Resources created.**

8441 (1) There is created the Department of Natural Resources.

8442 (2) The department comprises the following:

8443 (a) Board of Water Resources, created in Section [73-10-1.5](#);

8444 (b) Board of Oil, Gas, and Mining, created in Section [40-6-4](#);

8445 (c) Board of Parks and Recreation, created in Section [79-4-301](#);

8446 (d) Wildlife Board, created in Section [23-14-2](#);

8447 (e) Board of the Utah Geological Survey, created in Section [79-3-301](#);

8448 (f) Water Development Coordinating Council, created in Section [73-10c-3](#);

8449 (g) Division of Water Rights, created in Section [73-2-1.1](#);

8450 (h) Division of Water Resources, created in Section [73-10-18](#);

8451 (i) Division of Forestry, Fire, and State Lands, created in Section [65A-1-4](#);

8452 (j) Division of Oil, Gas, and Mining, created in Section [40-6-15](#);

8453 (k) Division of Parks and Recreation, created in Section [79-4-201](#);

8454 (l) Division of Wildlife Resources, created in Section [23-14-1](#);

8455 (m) Utah Geological Survey, created in Section [79-3-201](#);

8456 (n) Heritage Trees Advisory Committee, created in Section [65A-8-306](#);

8457 (o) Recreational Trails Advisory Council, authorized by Section [79-5-201](#);

- 8458 (p) Boating Advisory Council, authorized by Section [73-18-3.5](#);
- 8459 (q) Wildlife Board Nominating Committee, created in Section [23-14-2.5](#);
- 8460 (r) Wildlife Regional Advisory Councils, created in Section [23-14-2.6](#);
- 8461 (s) Utah Watersheds Council, created in Section [73-10g-304](#); [and]
- 8462 (t) Utah Natural Resources Legacy Fund Board, created in Section [23-31-202\[-\]](#); and
- 8463 (u) Public Lands Policy Coordinating Office created in Section [63L-11-201](#).

8464 Section 116. **Repealer.**

8465 This bill repeals:

8466 Section [63J-4-701](#), **Definitions.**

8467 Section [63J-4-702](#), **Employability to Careers Program Board.**

8468 Section [63J-4-703](#), **Employability to Careers Program Restricted Account.**

8469 Section [63J-4-704](#), **Results-based contracts -- Board duties.**

8470 Section [63J-4-705](#), **Employability to Careers Program.**

8471 Section [63J-4-706](#), **Feasibility analysis.**

8472 Section [63J-4-707](#), **Components of an education, employability training, and**
8473 **workforce placement program.**

8474 Section [63J-4-708](#), **Reporting.**

8475 Section 117. **Intent language.**

8476 It is the intent of the Legislature that:

8477 (1) the Division of Finance transfer any money remaining in the Employability to
8478 Careers Restricted Account at the end of fiscal year 2021 to the General Fund; and

8479 (2) notwithstanding the effective date of this bill, agencies may take until July 1, 2022
8480 to update the financial and information systems to come into full compliance with the
8481 provisions of this bill.

8482 Section 118. **Appropriation.**

8483 The following sums of money are appropriated for the fiscal year beginning July 1,
8484 2021, and ending June 30, 2022. These are additions to the amounts previously appropriated
8485 for fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary
8486 Procedures Act, the Legislature appropriates the following sums of money from the funds or
8487 accounts indicated for the use and support of the government of the state of Utah.

8488 ITEM 1

8489	<u>To the Public Lands Policy Coordinating Office</u>	
8490	<u>From General Fund</u>	<u>(\$2,685,100)</u>
8491	<u>From General Fund, One-Time</u>	<u>(\$5,100)</u>
8492	<u>From General Fund Restricted - Constitutional Defense</u>	<u>(1,227,300)</u>
8493	<u>From General Fund Restricted - Constitutional Defense, One-Time</u>	<u>(\$2,300)</u>
8494	<u>From Beginning Nonlapsing Balances</u>	<u>(\$2,559,900)</u>
8495	<u>From Closing Nonlapsing Balances</u>	<u>\$2,189,900</u>
8496	<u>Schedule of Programs:</u>	
8497	<u>Public Lands Policy Coordinating Office</u>	<u>(\$4,289,800)</u>

8498 ITEM 2

8499	<u>To the Department of Natural Resources - Public Lands Policy Coordinating Office</u>	
8500	<u>From General Fund</u>	<u>\$2,685,100</u>
8501	<u>From General Fund, One-Time</u>	<u>\$5,100</u>
8502	<u>From General Fund Restricted - Constitutional Defense</u>	<u>\$1,227,300</u>
8503	<u>From General Fund Restricted - Constitutional Defense, One-Time</u>	<u>\$2,300</u>
8504	<u>From Beginning Nonlapsing Balances</u>	<u>\$2,559,900</u>
8505	<u>From Closing Nonlapsing Balances</u>	<u>(\$2,189,900)</u>
8506	<u>Schedule of Programs:</u>	
8507	<u>Public Lands Policy Coordinating Office</u>	<u>\$4,289,800</u>

8508 The Legislature intends that, at the close of fiscal year 2021 accounting, the Division of
8509 Finance transfer any fiscal year 2021 closing nonlapsing balances in the Public Lands Policy
8510 Coordinating Office to the Department of Natural Resources - Public Lands Policy
8511 Coordinating Office, as fiscal year 2022 beginning nonlapsing balances.

8512 Section 119. **Effective date.**

8513 This bill takes effect on July 1, 2021.

8514 Section 120. **Revisor instructions.**

8515 The Legislature intends that the Office of Legislative Research and General Counsel, in
8516 preparing the Utah Code database for publication, on May 5, 2021, replace "Management and
8517 Budget," when referring to the Governor's Office of Management and Budget, with "Planning
8518 and Budget" in any new language added to the Utah Code by legislation passed during the 2021
8519 General Session.

8520 Section 121. **Coordinating H.B. 368 with H.B. 347 -- Substantive and technical**
8521 **changes.**

8522 If this H.B. 368 and H.B. 347, Homeless Services Amendments, both pass and become
8523 law, it is the intent of the Legislature that the Office of Legislative Research and General
8524 Counsel shall prepare the Utah Code database for publication by amending Subsection
8525 63J-4-202(1)(a) to read:

8526 "(1)(a) The governor shall appoint, to serve at the governor's pleasure:

8527 (i) an executive director of the office; and

8528 (ii) a state homelessness coordinator."

8529 Section 122. **Coordinating H.B. 368 with S.B. 21 -- Substantive and technical**
8530 **changes.**

8531 If this H.B. 368 and S.B. 21, Federal Land Application Advisory Committee Sunset
8532 Extension, both pass and become law, it is the intent of the Legislature that the Office of
8533 Legislative Research and General Counsel shall prepare the Utah Code database for publication
8534 by amending Subsection 63I-1-263(22) to read:

8535 "(22) [~~Subsection 63J-4-608(3), which creates the Federal Land Application Advisory~~
8536 ~~Committee, is repealed]~~ In relation to the advisory committee created in Subsection
8537 63L-11-305(3), on July 1, [2021:] 2022:

8538 (a) Subsection 63L-11-305(1)(a), which defines "advisory committee," is repealed; and

8539 (b) Subsection 63L-11-305(3), which creates the advisory committee, is repealed."

8540 Section 123. **Coordinating H.B. 368 with H.B. 313 -- Technical change.**

8541 If this H.B. 368 and H.B. 313, Heritage and Arts Amendments, both pass and become
8542 law, it is the intent of the Legislature that the Office of Legislative Research and General
8543 Counsel shall prepare the Utah Code database for publication by amending Subsection
8544 63L-11-402(1)(c) to read:

8545 "(c) a representative from the Department of [~~Heritage and Arts]~~ Cultural and
8546 Community Engagement appointed by the executive director of the Department of Cultural and
8547 Community Engagement."

8548 Section 124. **Coordinating H.B. 368 with H.B. 346 -- Technical change.**

8549 If this H.B. 368 and H.B. 346, Natural Resources Entities Amendments, both pass and
8550 become law, it is the intent of the Legislature that the Office of Legislative Research and

8551 General Counsel shall prepare the Utah Code database for publication by amending Subsection
8552 63L-11-402(1)(p) to read:
8553 "(p) a representative from the Division of Parks [~~and Recreation~~] appointed by the
8554 director of the Division of Parks;
8555 (q) a representative from the Division of Recreation appointed by the director of the
8556 Division of Recreation;".