

Representative Casey Snider proposes the following substitute bill:

RESOURCE DIRECTOR

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Cutler

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses directors of resources.

Highlighted Provisions:

This bill:

► modifies provisions related to the director of the Public Lands Policy Coordinating Office;

► provides for the appointment of a director of resource stewardship by the executive director of the Department of Natural Resources;

► addresses duties of the director of resource stewardship;

► addresses discretion of state agencies; and

► repeals provision housing a coordinator in the Department of Government Operations.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 **63L-11-102**, as renumbered and amended by Laws of Utah 2021, Chapter 382
27 **63L-11-201**, as last amended by Laws of Utah 2021, Chapter 345 and renumbered and
28 amended by Laws of Utah 2021, Chapter 382
29 **63L-11-202**, as last amended by Laws of Utah 2021, Chapter 345 and renumbered and
30 amended by Laws of Utah 2021, Chapter 382
31 **63L-11-305**, as last amended by Laws of Utah 2022, Chapter 313
32 **63L-11-402**, as last amended by Laws of Utah 2022, Chapter 68
33 **63L-11-403**, as renumbered and amended by Laws of Utah 2021, Chapter 382
34 **67-22-2**, as last amended by Laws of Utah 2022, Chapter 447
35 **79-2-201**, as last amended by Laws of Utah 2022, Chapter 68

36 REPEALS:

37 **63A-1-116**, as last amended by Laws of Utah 2016, Chapter 18738

39 *Be it enacted by the Legislature of the state of Utah:*40 Section 1. Section **63L-11-102** is amended to read:41 **63L-11-102. Definitions.**

42 As used in this chapter:

43 (1) "Coordinating committee" means the committee created in Section **63L-11-401**.44 (2) [~~"Executive director"~~] "Director" means the public lands policy [~~executive~~] director
45 appointed under Section **63L-11-201**.46 (3) "Office" means the Public Lands Policy Coordinating Office created in Section
47 **63L-11-201**.

48 (4) "Political subdivision" means:

49 (a) a county, municipality, local district, special service district, school district, or
50 interlocal entity, as defined in Section **11-13-103**; or

51 (b) an administrative subunit of an entity listed in Subsection (4)(a).

52 Section 2. Section **63L-11-201** is amended to read:53 **63L-11-201. Public Lands Policy Coordinating Office -- Director -- Appointment**
54 **-- Qualifications -- Compensation.**55 (1) There is created within the Department of Natural Resources the Public Lands
56 Policy Coordinating Office to be administered by [~~an executive~~] a director.

(2) The ~~[executive]~~ director shall be appointed by the governor with the advice and consent of the Senate and shall serve at the pleasure of the governor.

(3) The ~~[executive]~~ director shall have demonstrated the necessary administrative and professional ability through education and experience to efficiently and effectively manage the office's affairs.

(4) (a) The ~~[executive]~~ director and employees of the office shall receive compensation as provided in Title 63A, Chapter 17, Utah State Personnel Management Act.

(b) The office space for the ~~[executive]~~ director and employees of the office shall be in a building where the Department of Natural Resources is located.

(5) In addition to administering the office, the director shall serve as the state public lands advisor to the governor.

(6) As the state public lands advisor, the director shall consult as necessary with all state agencies and political subdivisions on:

(a) public lands policies; and

(b) other responsibilities and duties of the office under this part.

Section 3. Section **63L-11-202** is amended to read:

63L-11-202. Powers and duties of the office and director.

(1) The office shall:

(a) make a report to the Constitutional Defense Council created under Section **63C-4a-202** concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter 4a, Constitutional and Federalism Defense Act;

(b) provide staff assistance to the Constitutional Defense Council created under Section **63C-4a-202** for meetings of the council;

(c) (i) prepare and submit a constitutional defense plan under Section **63C-4a-403**; and

(ii) execute any action assigned in a constitutional defense plan;

(d) develop public lands policies by:

(i) developing cooperative contracts and agreements between the state, political subdivisions, and agencies of the federal government for involvement in the development of public lands policies;

(ii) producing research, documents, maps, studies, analysis, or other information that supports the state's participation in the development of public lands policy;

88 (iii) preparing comments to ensure that the positions of the state and political
89 subdivisions are considered in the development of public lands policy; and
90 (iv) partnering with state agencies and political subdivisions in an effort to:
91 (A) prepare coordinated public lands policies;
92 (B) develop consistency reviews and responses to public lands policies;
93 (C) develop management plans that relate to public lands policies; and
94 (D) develop and maintain a statewide land use plan that is based on cooperation and in
95 conjunction with political subdivisions;
96 (e) facilitate and coordinate the exchange of information, comments, and
97 recommendations on public lands policies between and among:
98 (i) state agencies;
99 (ii) political subdivisions;
100 (iii) the Office of Rural Development created under Section [63N-4-102](#);
101 (iv) the coordinating committee;
102 (v) School and Institutional Trust Lands Administration created under Section
103 [53C-1-201](#);
104 (vi) the committee created under Section [63A-16-507](#) to award grants to counties to
105 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and
106 (vii) the Constitutional Defense Council created under Section [63C-4a-202](#);
107 (f) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9,
108 Chapter 8, Part 4, Historic Sites;
109 (g) consistent with other statutory duties, encourage agencies to responsibly preserve
110 archaeological resources;
111 (h) maintain information concerning grants made under Subsection (1)(j), if available;
112 (i) report annually, or more often if necessary or requested, concerning the office's
113 activities and expenditures to:
114 (i) the Constitutional Defense Council; and
115 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim
116 Committee jointly with the Constitutional Defense Council;
117 (j) make grants of up to 16% of the office's total annual appropriations from the
118 Constitutional Defense Restricted Account to a county or statewide association of counties to

be used by the county or association of counties for public lands matters if the [executive] director, with the advice of the Constitutional Defense Council, determines that the action provides a state benefit;

(k) provide staff services to the Snake Valley Aquifer Advisory Council created in Section 63C-12-103;

(l) coordinate and direct the Snake Valley Aquifer Research Team created in Section 63C-12-107;

(m) conduct the public lands transfer study and economic analysis required by Section 63L-11-304; and

(n) fulfill the duties described in Section 63L-10-103.

(2) The [executive] director shall comply with Subsection 63C-4a-203(8) before submitting a comment to a federal agency, if the governor would be subject to Subsection 63C-4a-203(8) in submitting the comment.

(3) The office may enter into an agreement with another state agency to provide information and services related to:

(a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification Act;

(b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and Classification Act, or R.S. 2477 matters; or

(c) any other matter within the office's responsibility.

(4) In fulfilling the duties under this part, the office shall consult, as necessary, with:

(a) the Department of Natural Resources;

(b) the Department of Agriculture and Food;

(c) the Department of Environmental Quality;

(d) other applicable state agencies;

(e) political subdivisions of the state;

(f) federal land management agencies; and

(g) elected officials.

Section 4. Section 63L-11-305 is amended to read:

63L-11-305. Facilitating the acquisition of federal land.

(1) As used in this section:

150 (a) "Federal land" means land that the secretary is authorized to dispose of under the
151 federal land disposal law.

152 (b) "Federal land disposal law" means the Recreation and Public Purposes Act, 43
153 U.S.C. Sec. 869 et seq.

154 (c) "Government entity" means any state or local government entity allowed to submit
155 a land application under the federal land disposal law.

156 (d) "Land application" means an application under the federal land disposal law
157 requesting the secretary to sell or lease federal land.

158 (e) "Land application process" means the actions involved in the process of submitting
159 and obtaining a final decision on a land application.

160 (f) "Secretary" means the Secretary of the Interior of the United States.

161 (2) The office shall:

162 (a) develop expertise:

163 (i) in the land application process; and

164 (ii) concerning the factors that tend to increase the chances that a land application will
165 result in the secretary selling or leasing federal land as requested in the land application;

166 (b) work to educate government entities concerning:

167 (i) the availability of federal land pursuant to the federal land disposal law; and

168 (ii) the land application process;

169 (c) advise and consult with a government entity that requests assistance from the office
170 to formulate and submit a land application and to pursue a decision on the land application;

171 (d) advise and consult with a government entity that requests assistance from the office
172 to identify and quantify the amount of any funds needed to provide the public use described in
173 a land application;

174 (e) adopt a list of factors to be considered in determining the degree to which a land
175 application or potential land application is in the public interest;

176 (f) recommend a prioritization of land applications or potential land applications in the
177 state according to the extent to which the land applications are in the public interest, based on
178 the factors adopted under Subsection (2)(e);

179 (g) prepare and submit a written report of land applications:

180 (i) to the Natural Resources, Agriculture, and Environment Interim Committee and the

Federalism Commission;

(ii) (A) annually no later than August 31; and

(B) at other times, if and as requested by the committee or commission; and

(iii) (A) on the activities of the office under this section;

(B) on the land applications and potential land applications in the state;

(C) on the decisions of the secretary on land applications submitted by government entities in the state; and

(D) the quantity of land acquired under the land applications;

(h) present a summary of information contained in the report described in Subsection (2)(g):

(i) at a meeting of the Natural Resources, Agriculture, and Environment Interim Committee and at a meeting of the Federalism Commission;

(ii) annually no later than August 31; and

(iii) at other times, if and as requested by the committee or commission; and

(i) report to the Executive Appropriations Committee of the Legislature, as frequently as the ~~[executive]~~ director considers appropriate or as requested by the Executive Appropriations Committee, on the need for legislative appropriations to provide funds for the public purposes described in land applications.

(3) The office may:

(a) assist a government entity or the secretary in the filing and processing of a land application; and

(b) enter into an agreement with the secretary related to the office assisting in processing a land application.

Section 5. Section **63L-11-402** is amended to read:

63L-11-402. Membership -- Terms -- Chair -- Expenses.

(1) The Resource Development Coordinating Committee consists of the following 26 members:

(a) the state science advisor;

(b) a representative from the Department of Agriculture and Food appointed by the commissioner of the Department of Agriculture and Food;

(c) a representative from the Department of Cultural and Community Engagement

appointed by the executive director of the Department of Cultural and Community
Engagement;

(d) a representative from the Department of Environmental Quality appointed by the
executive director of the Department of Environmental Quality;

(e) a representative from the Department of Natural Resources appointed by the
executive director of the Department of Natural Resources;

(f) a representative from the Department of Transportation appointed by the executive
director of the Department of Transportation;

(g) a representative from the Governor's Office of Economic Opportunity appointed by
the director of the Governor's Office of Economic Opportunity;

(h) a representative from the Housing and Community Development Division
appointed by the director of the Housing and Community Development Division;

(i) a representative from the Division of State History appointed by the director of the
Division of State History;

(j) a representative from the Division of Air Quality appointed by the director of the
Division of Air Quality;

(k) a representative from the Division of Drinking Water appointed by the director of
the Division of Drinking Water;

(l) a representative from the Division of Environmental Response and Remediation
appointed by the director of the Division of Environmental Response and Remediation;

(m) a representative from the Division of Waste Management and Radiation Control
appointed by the director of the Division of Waste Management and Radiation Control;

(n) a representative from the Division of Water Quality appointed by the director of the
Division of Water Quality;

(o) a representative from the Division of Oil, Gas, and Mining appointed by the
director of the Division of Oil, Gas, and Mining;

(p) a representative from the Division of Parks appointed by the director of the
Division of Parks;

(q) a representative from the Division of Outdoor Recreation appointed by the director
of the Division of Outdoor Recreation;

(r) a representative from the Division of Forestry, Fire, and State Lands appointed by

the director of the Division of Forestry, Fire, and State Lands;

(s) a representative from the Utah Geological Survey appointed by the director of the Utah Geological Survey;

(t) a representative from the Division of Water Resources appointed by the director of the Division of Water Resources;

(u) a representative from the Division of Water Rights appointed by the director of the Division of Water Rights;

(v) a representative from the Division of Wildlife Resources appointed by the director of the Division of Wildlife Resources;

(w) a representative from the School and Institutional Trust Lands Administration appointed by the director of the School and Institutional Trust Lands Administration;

(x) a representative from the Division of Facilities Construction and Management appointed by the director of the Division of Facilities Construction and Management;

(y) a representative from the Division of Emergency Management appointed by the director of the Division of Emergency Management; and

(z) a representative from the Division of Conservation, created under Section 4-46-401, appointed by the director of the Division of Conservation.

(2) (a) As particular issues require, the coordinating committee may, by majority vote of the members present, appoint additional temporary members to serve as ex officio voting members.

(b) Those ex officio members may discuss and vote on the issue or issues for which they were appointed.

(3) A chair shall be selected by a vote of 14 committee members with the concurrence of the ~~executive~~ director.

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

(a) Sections 63A-3-106 and 63A-3-107; and

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

Section 6. Section 63L-11-403 is amended to read:

63L-11-403. Director responsibilities.

274 The [~~executive~~] director shall:
275 (1) administer this part;
276 (2) subject to the direction and approval of the governor, take necessary action to
277 implement this part; and
278 (3) inform political subdivision representatives, in advance, of all coordinating
279 committee meetings.

280 Section 7. Section **67-22-2** is amended to read:

281 **67-22-2. Compensation -- Other state officers.**

282 (1) As used in this section:

283 (a) "Appointed executive" means the:

284 (i) commissioner of the Department of Agriculture and Food;

285 (ii) commissioner of the Insurance Department;

286 (iii) commissioner of the Labor Commission;

287 (iv) director, Department of Alcoholic Beverage Services;

288 (v) commissioner of the Department of Financial Institutions;

289 (vi) executive director, Department of Commerce;

290 (vii) executive director, Commission on Criminal and Juvenile Justice;

291 (viii) adjutant general;

292 (ix) executive director, Department of Cultural and Community Engagement;

293 (x) executive director, Department of Corrections;

294 (xi) commissioner, Department of Public Safety;

295 (xii) executive director, Department of Natural Resources;

296 (xiii) executive director, Governor's Office of Planning and Budget;

297 (xiv) executive director, Department of Government Operations;

298 (xv) executive director, Department of Environmental Quality;

299 (xvi) executive director, Governor's Office of Economic Opportunity;

300 (xvii) executive director, Department of Workforce Services;

301 (xviii) executive director, Department of Health, Nonphysician;

302 (xix) executive director, Department of Human Services;

303 (xx) executive director, Department of Transportation;

304 (xxi) executive director, Department of Veterans and Military Affairs; and

(xxii) ~~executive~~ director, Public Lands Policy Coordinating Office, created in Section 63L-11-201.

(b) "Board or commission executive" means:

(i) members, Board of Pardons and Parole;

(ii) chair, State Tax Commission;

(iii) commissioners, State Tax Commission;

(iv) executive director, State Tax Commission;

(v) chair, Public Service Commission; and

(vi) commissioners, Public Service Commission.

(c) "Deputy" means the person who acts as the appointed executive's second in command as determined by the Division of Human Resource Management.

(2) (a) The director of the Division of Human Resource Management shall:

(i) before October 31 of each year, recommend to the governor a compensation plan for the appointed executives and the board or commission executives; and

(ii) base those recommendations on market salary studies conducted by the Division of Human Resource Management.

(b) (i) The Division of Human Resource Management shall determine the salary range for the appointed executives by:

(A) identifying the salary range assigned to the appointed executive's deputy;

(B) designating the lowest minimum salary from those deputies' salary ranges as the minimum salary for the appointed executives' salary range; and

(C) designating 105% of the highest maximum salary range from those deputies' salary ranges as the maximum salary for the appointed executives' salary range.

(ii) If the deputy is a medical doctor, the Division of Human Resource Management may not consider that deputy's salary range in designating the salary range for appointed executives.

(c) (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for board or commission executives, the Division of Human Resource Management shall set the maximum salary in the salary range for each of those positions at 90% of the salary for district judges as established in the annual appropriation act under Section 67-8-2.

(ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii)

or (iii), the Division of Human Resource Management shall set the maximum salary in the salary range for each of those positions at 100% of the salary for district judges as established in the annual appropriation act under Section 67-8-2.

(3) (a) (i) Except as provided in Subsection (3)(a)(ii), the governor shall establish a specific salary for each appointed executive within the range established under Subsection (2)(b).

(ii) If the executive director of the Department of Health is a physician, the governor shall establish a salary within the highest physician salary range established by the Division of Human Resource Management.

(iii) The governor may provide salary increases for appointed executives within the range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

(b) The governor shall apply the same overtime regulations applicable to other FLSA exempt positions.

(c) The governor may develop standards and criteria for reviewing the appointed executives.

(4) Salaries for other Schedule A employees, as defined in Section 63A-17-301, that are not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial Salary Act, shall be established as provided in Section 63A-17-301.

(5) (a) The Legislature fixes benefits for the appointed executives and the board or commission executives as follows:

(i) the option of participating in a state retirement system established by Title 49, Utah State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered by the State Retirement Office in accordance with the Internal Revenue Code and its accompanying rules and regulations;

(ii) health insurance;

(iii) dental insurance;

(iv) basic life insurance;

(v) unemployment compensation;

(vi) workers' compensation;

(vii) required employer contribution to Social Security;

(viii) long-term disability income insurance;

(ix) the same additional state-paid life insurance available to other noncareer service employees;

(x) the same severance pay available to other noncareer service employees;

(xi) the same leave, holidays, and allowances granted to Schedule B state employees as follows:

(A) sick leave;

(B) converted sick leave if accrued prior to January 1, 2014;

(C) educational allowances;

(D) holidays; and

(E) annual leave except that annual leave shall be accrued at the maximum rate provided to Schedule B state employees;

(xii) the option to convert accumulated sick leave to cash or insurance benefits as provided by law or rule upon resignation or retirement according to the same criteria and procedures applied to Schedule B state employees;

(xiii) the option to purchase additional life insurance at group insurance rates according to the same criteria and procedures applied to Schedule B state employees; and

(xiv) professional memberships if being a member of the professional organization is a requirement of the position.

(b) Each department shall pay the cost of additional state-paid life insurance for its executive director from its existing budget.

(6) The Legislature fixes the following additional benefits:

(a) for the executive director of the State Tax Commission a vehicle for official and personal use;

(b) for the executive director of the Department of Transportation a vehicle for official and personal use;

(c) for the executive director of the Department of Natural Resources a vehicle for commute and official use;

(d) for the commissioner of Public Safety:

(i) an accidental death insurance policy if POST certified; and

(ii) a public safety vehicle for official and personal use;

(e) for the executive director of the Department of Corrections:

- 398 (i) an accidental death insurance policy if POST certified; and
399 (ii) a public safety vehicle for official and personal use;
400 (f) for the adjutant general a vehicle for official and personal use; and
401 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
402 official use.

403 Section 8. Section **79-2-201** is amended to read:

404 **79-2-201. Department of Natural Resources created -- Director of resource**
405 **stewardship.**

- 406 (1) There is created the Department of Natural Resources.
407 (2) The department comprises the following:
408 (a) Board of Water Resources, created in Section 73-10-1.5;
409 (b) Board of Oil, Gas, and Mining, created in Section 40-6-4;
410 (c) Board of State Parks, created in Section 79-4-301;
411 (d) Office of Energy Development, created in Section 79-6-401;
412 (e) Wildlife Board, created in Section 23-14-2;
413 (f) Board of the Utah Geological Survey, created in Section 79-3-301;
414 (g) Water Development Coordinating Council, created in Section 73-10c-3;
415 (h) Division of Water Rights, created in Section 73-2-1.1;
416 (i) Division of Water Resources, created in Section 73-10-18;
417 (j) Division of Forestry, Fire, and State Lands, created in Section 65A-1-4;
418 (k) Division of Oil, Gas, and Mining, created in Section 40-6-15;
419 (l) Division of State Parks, created in Section 79-4-201;
420 (m) Division of Outdoor Recreation, created in Section 79-7-201;
421 (n) Division of Wildlife Resources, created in Section 23-14-1;
422 (o) Utah Geological Survey, created in Section 79-3-201;
423 (p) Heritage Trees Advisory Committee, created in Section 65A-8-306;
424 (q) Utah Outdoor Recreation Infrastructure Advisory Committee, created in Section
425 79-7-206;
426 (r) (i) an advisory council that includes in the advisory council's duties advising on
427 state boating policy, authorized by Section 73-18-3.5; or
428 (ii) an advisory council that includes in the advisory council's duties advising on

off-highway vehicle use, authorized by Section 41-22-10;

(s) Wildlife Board Nominating Committee, created in Section 23-14-2.5;

(t) Wildlife Regional Advisory Councils, created in Section 23-14-2.6;

(u) Utah Watersheds Council, created in Section 73-10g-304;

(v) Utah Natural Resources Legacy Fund Board, created in Section 23-31-202; and

(w) Public Lands Policy Coordinating Office created in Section 63L-11-201.

(3) (a) The executive director shall appoint a state director of resource stewardship.

(b) The director of resource stewardship shall report to the executive director or the executive director's designee.

(c) The director of resource stewardship shall:

(i) work with state agencies to implement best practices and stewardship measures to improve the quality of air, land, and water; and

(ii) report annually to the Natural Resources, Agriculture, and Environment Interim Committee on best practices and stewardship efforts to improve the quality of air, land, and water.

(d) A state agency retains absolute discretion whether to incorporate a practice or measure suggested by the director of resource stewardship.

Section 9. **Repealer.**

This bill repeals:

Section 63A-1-116, **Appointment of coordinator of resource stewardship -- Duties of the coordinator of resource stewardship.**