

## HB0338S01 compared with HB0338

~~{deleted text}~~ shows text that was in HB0338 but was deleted in HB0338S01.

inserted text shows text that was not in HB0338 but was inserted into HB0338S01.

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Representative Casey Snider proposes the following substitute bill:

### RESOURCE~~{STEWARDSHIP}~~ DIRECTOR

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Paul Cutler**

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

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#### LONG TITLE

##### General Description:

This bill addresses ~~{a director}~~ directors of ~~{resource stewardship}~~ 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 ~~{Environmental Quality}~~ 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.

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### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

~~{ENACTS}~~ AMENDS:

~~{19-1-110, Utah Code Annotated 1953}~~ 63L-11-102, as renumbered and amended by  
Laws of Utah 2021, Chapter 382

63L-11-201, as last amended by Laws of Utah 2021, Chapter 345 and renumbered and  
amended by Laws of Utah 2021, Chapter 382

63L-11-202, as last amended by Laws of Utah 2021, Chapter 345 and renumbered and  
amended by Laws of Utah 2021, Chapter 382

63L-11-305, as last amended by Laws of Utah 2022, Chapter 313

63L-11-402, as last amended by Laws of Utah 2022, Chapter 68

63L-11-403, as renumbered and amended by Laws of Utah 2021, Chapter 382

67-22-2, as last amended by Laws of Utah 2022, Chapter 447

79-2-201, as last amended by Laws of Utah 2022, Chapter 68

### REPEALS:

63A-1-116, as last amended by Laws of Utah 2016, Chapter 187

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

Section 1. Section ~~{19-1-110}~~ 63L-11-102 is ~~{enacted}~~ amended to read:

~~{19-1-110. Director of resource stewardship}~~ 63L-11-102. Definitions.

As used in this chapter:

(1) "Coordinating committee" means the committee created in Section 63L-11-401.

(2) [~~"Executive director"~~] "Director" means the public lands policy [~~executive~~] director  
appointed under Section 63L-11-201.

(3) "Office" means the Public Lands Policy Coordinating Office created in Section  
63L-11-201.

(4) "Political subdivision" means:

(a) a county, municipality, local district, special service district, school district, or

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interlocal entity, as defined in Section 11-13-103; or

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

Section 2. Section 63L-11-201 is amended to read:

**63L-11-201. Public Lands Policy Coordinating Office -- Director -- Appointment**

-- ~~{Duties -- Discretion of state agencies. (1) The executive director shall appoint a state director of resource stewardship. (2) The director of resource stewardship shall report to the executive director or the executive director's designee. (3) The director of resource stewardship shall: (a) work with state agencies to implement best practices and stewardship measures to improve the quality of air, land, and water; and (b) report annually to the}~~**Qualifications -- Compensation.**

(1) There is created within the Department of Natural Resources ~~{, Agriculture, and Environment Interim Committee on best practices and stewardship efforts to improve the quality of air, land, and water. (4) A state agency retains absolute discretion whether to incorporate a practice or measure suggested by the director of resource stewardship.~~

Section 2. **Repealer.** This bill repeals: Section 63A-1-116, **Appointment of coordinator of resource stewardship -- Duties of the coordinator of resource stewardship.**~~† the Public Lands 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

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(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;

(iii) preparing comments to ensure that the positions of the state and political subdivisions are considered in the development of public lands policy; and

(iv) partnering with state agencies and political subdivisions in an effort to:

(A) prepare coordinated public lands policies;

(B) develop consistency reviews and responses to public lands policies;

(C) develop management plans that relate to public lands policies; and

(D) develop and maintain a statewide land use plan that is based on cooperation and in conjunction with political subdivisions;

(e) facilitate and coordinate the exchange of information, comments, and recommendations on public lands policies between and among:

(i) state agencies;

(ii) political subdivisions;

(iii) the Office of Rural Development created under Section 63N-4-102;

(iv) the coordinating committee;

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(v) School and Institutional Trust Lands Administration created under Section 53C-1-201;

(vi) the committee created under Section 63A-16-507 to award grants to counties to inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and

(vii) the Constitutional Defense Council created under Section 63C-4a-202;

(f) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9, Chapter 8, Part 4, Historic Sites;

(g) consistent with other statutory duties, encourage agencies to responsibly preserve archaeological resources;

(h) maintain information concerning grants made under Subsection (1)(j), if available;

(i) report annually, or more often if necessary or requested, concerning the office's activities and expenditures to:

(i) the Constitutional Defense Council; and

(ii) the Legislature's Natural Resources, Agriculture, and Environment Interim Committee jointly with the Constitutional Defense Council;

(j) make grants of up to 16% of the office's total annual appropriations from the 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

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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:

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

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

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

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

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

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

(2) The office shall:

(a) develop expertise;

(i) in the land application process; and

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

(b) work to educate government entities concerning:

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

(ii) the land application process;

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

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

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

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

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

(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

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(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;



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(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

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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.**

The [executive] director shall:

(1) administer this part;

(2) subject to the direction and approval of the governor, take necessary action to implement this part; and

(3) inform political subdivision representatives, in advance, of all coordinating committee meetings.

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

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

(1) As used in this section:

(a) "Appointed executive" means the:

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

(ii) commissioner of the Insurance Department;

(iii) commissioner of the Labor Commission;

(iv) director, Department of Alcoholic Beverage Services;

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(v) commissioner of the Department of Financial Institutions;  
(vi) executive director, Department of Commerce;  
(vii) executive director, Commission on Criminal and Juvenile Justice;  
(viii) adjutant general;  
(ix) executive director, Department of Cultural and Community Engagement;  
(x) executive director, Department of Corrections;  
(xi) commissioner, Department of Public Safety;  
(xii) executive director, Department of Natural Resources;  
(xiii) executive director, Governor's Office of Planning and Budget;  
(xiv) executive director, Department of Government Operations;  
(xv) executive director, Department of Environmental Quality;  
(xvi) executive director, Governor's Office of Economic Opportunity;  
(xvii) executive director, Department of Workforce Services;  
(xviii) executive director, Department of Health, Nonphysician;  
(xix) executive director, Department of Human Services;  
(xx) executive director, Department of Transportation;  
(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

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(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

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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;

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(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:

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

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

(f) for the adjutant general a vehicle for official and personal use; and

(g) for each member of the Board of Pardons and Parole a vehicle for commute and official use.

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

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

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

(2) The department comprises the following:

(a) Board of Water Resources, created in Section 73-10-1.5;

(b) Board of Oil, Gas, and Mining, created in Section 40-6-4;

(c) Board of State Parks, created in Section 79-4-301;

(d) Office of Energy Development, created in Section 79-6-401;

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- (e) Wildlife Board, created in Section 23-14-2;
- (f) Board of the Utah Geological Survey, created in Section 79-3-301;
- (g) Water Development Coordinating Council, created in Section 73-10c-3;
- (h) Division of Water Rights, created in Section 73-2-1.1;
- (i) Division of Water Resources, created in Section 73-10-18;
- (j) Division of Forestry, Fire, and State Lands, created in Section 65A-1-4;
- (k) Division of Oil, Gas, and Mining, created in Section 40-6-15;
- (l) Division of State Parks, created in Section 79-4-201;
- (m) Division of Outdoor Recreation, created in Section 79-7-201;
- (n) Division of Wildlife Resources, created in Section 23-14-1;
- (o) Utah Geological Survey, created in Section 79-3-201;
- (p) Heritage Trees Advisory Committee, created in Section 65A-8-306;
- (q) Utah Outdoor Recreation Infrastructure Advisory Committee, created in Section 79-7-206;
- (r) (i) an advisory council that includes in the advisory council's duties advising on state boating policy, authorized by Section 73-18-3.5; or
  - (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

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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.