

AMENDMENTS RELATED TO THE GREAT SALT LAKE

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Schultz

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses issues related to the Great Salt Lake.

Highlighted Provisions:

This bill:

- ▶ enacts the Great Salt Lake Commissioner Act, including:
 - defining terms;
 - providing for the appointment of the commissioner;
 - addressing duties and authorizations of the commissioner;
 - addressing relationship with other state agencies;
 - addressing the strategic plan;
 - creating the Office of the Great Salt Lake Commissioner;
 - addressing the Great Salt Lake Advisory Council; and
 - addressing the Great Salt Lake Account;
- ▶ provides for protected records;
- ▶ provides that the Department of Natural Resources will provide facilities to the commissioner and office;
- ▶ addresses the Division of Forestry, Fire, and State Lands;
- ▶ modifies provisions related to ongoing administration of water trust provisions;
- ▶ addresses the compensation of the commissioner;
- ▶ expands the Board of Water Resources to include an individual who represents the



28 interests of the Great Salt Lake; and

29 ▶ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31 This bill appropriates in fiscal year 2024:

32 ▶ to the General Fund Restricted – Great Salt Lake Account, as an ongoing
33 appropriation:

34 • from General Fund, \$2,500,000;

35 ▶ to the General Fund Restricted - Great Salt Lake Account, as a one-time
36 appropriation:

37 • from General Fund, One-time, \$40,000,000;

38 ▶ to the Office of the Great Salt Lake Commissioner – Great Salt Lake
39 Commissioner, as an ongoing appropriation:

40 • from General Fund Restricted – Great Salt Lake Account, \$1,500,000;

41 and

42 ▶ to the Office of the Great Salt Lake Commissioner - Great Salt Lake
43 Commissioner, as a one-time appropriation:

44 • from General Fund Restricted – Great Salt Lake Account, One-time,
45 \$1,000,000.

46 **Other Special Clauses:**

47 This bill provides a special effective date.

48 **Utah Code Sections Affected:**

49 AMENDS:

50 **63G-2-305**, as last amended by Laws of Utah 2022, Chapters 11, 109, 198, 201, 303,
51 335, 388, 391, and 415

52 **63I-1-273**, as last amended by Laws of Utah 2022, Chapters 68, 79

53 **65A-5-1**, as last amended by Laws of Utah 2022, Chapter 54

54 **65A-10-1**, as last amended by Laws of Utah 2011, Chapter 256

55 **65A-10-8**, as last amended by Laws of Utah 2022, Chapter 78

56 **65A-16-101**, as enacted by Laws of Utah 2022, Chapter 78

57 **65A-16-202**, as enacted by Laws of Utah 2022, Chapter 78

58 **65A-16-301**, as enacted by Laws of Utah 2022, Chapter 78

- 59 [67-22-2](#), as last amended by Laws of Utah 2022, Chapter 447
- 60 [73-10-2](#), as last amended by Laws of Utah 2020, Chapters 352, 373
- 61 [79-2-201](#), as last amended by Laws of Utah 2022, Chapter 68
- 62 [79-2-205](#), as renumbered and amended by Laws of Utah 2009, Chapter 344

63 ENACTS:

- 64 [73-32-101](#), Utah Code Annotated 1953
- 65 [73-32-201](#), Utah Code Annotated 1953
- 66 [73-32-202](#), Utah Code Annotated 1953
- 67 [73-32-203](#), Utah Code Annotated 1953
- 68 [73-32-204](#), Utah Code Annotated 1953
- 69 [73-32-301](#), Utah Code Annotated 1953

70 RENUMBERS AND AMENDS:

- 71 [73-32-302](#), (Renumbered from 73-30-201, as last amended by Laws of Utah 2020,
- 72 Chapter 352)
- 73 [73-32-303](#), (Renumbered from 73-30-202, as last amended by Laws of Utah 2012,
- 74 Chapter 242)
- 75 [73-32-304](#), (Renumbered from 65A-5-1.5, as enacted by Laws of Utah 2022, Chapter
- 76 54)

77 REPEALS:

- 78 [73-30-101](#), as enacted by Laws of Utah 2010, Chapter 141
- 79 [73-30-102](#), as enacted by Laws of Utah 2010, Chapter 141

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

82 Section 1. Section [63G-2-305](#) is amended to read:

83 **[63G-2-305](#). Protected records.**

84 The following records are protected if properly classified by a governmental entity:

- 85 (1) trade secrets as defined in Section [13-24-2](#) if the person submitting the trade secret
- 86 has provided the governmental entity with the information specified in Section [63G-2-309](#);
- 87 (2) commercial information or nonindividual financial information obtained from a
- 88 person if:
- 89 (a) disclosure of the information could reasonably be expected to result in unfair

90 competitive injury to the person submitting the information or would impair the ability of the
91 governmental entity to obtain necessary information in the future;

92 (b) the person submitting the information has a greater interest in prohibiting access
93 than the public in obtaining access; and

94 (c) the person submitting the information has provided the governmental entity with
95 the information specified in Section [63G-2-309](#);

96 (3) commercial or financial information acquired or prepared by a governmental entity
97 to the extent that disclosure would lead to financial speculations in currencies, securities, or
98 commodities that will interfere with a planned transaction by the governmental entity or cause
99 substantial financial injury to the governmental entity or state economy;

100 (4) records, the disclosure of which could cause commercial injury to, or confer a
101 competitive advantage upon a potential or actual competitor of, a commercial project entity as
102 defined in Subsection [11-13-103\(4\)](#);

103 (5) test questions and answers to be used in future license, certification, registration,
104 employment, or academic examinations;

105 (6) records, the disclosure of which would impair governmental procurement
106 proceedings or give an unfair advantage to any person proposing to enter into a contract or
107 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
108 Subsection (6) does not restrict the right of a person to have access to, after the contract or
109 grant has been awarded and signed by all parties:

110 (a) a bid, proposal, application, or other information submitted to or by a governmental
111 entity in response to:

112 (i) an invitation for bids;

113 (ii) a request for proposals;

114 (iii) a request for quotes;

115 (iv) a grant; or

116 (v) other similar document; or

117 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

118 (7) information submitted to or by a governmental entity in response to a request for
119 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
120 the right of a person to have access to the information, after:

121 (a) a contract directly relating to the subject of the request for information has been
122 awarded and signed by all parties; or

123 (b) (i) a final determination is made not to enter into a contract that relates to the
124 subject of the request for information; and

125 (ii) at least two years have passed after the day on which the request for information is
126 issued;

127 (8) records that would identify real property or the appraisal or estimated value of real
128 or personal property, including intellectual property, under consideration for public acquisition
129 before any rights to the property are acquired unless:

130 (a) public interest in obtaining access to the information is greater than or equal to the
131 governmental entity's need to acquire the property on the best terms possible;

132 (b) the information has already been disclosed to persons not employed by or under a
133 duty of confidentiality to the entity;

134 (c) in the case of records that would identify property, potential sellers of the described
135 property have already learned of the governmental entity's plans to acquire the property;

136 (d) in the case of records that would identify the appraisal or estimated value of
137 property, the potential sellers have already learned of the governmental entity's estimated value
138 of the property; or

139 (e) the property under consideration for public acquisition is a single family residence
140 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
141 the property as required under Section [78B-6-505](#);

142 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
143 compensated transaction of real or personal property including intellectual property, which, if
144 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
145 of the subject property, unless:

146 (a) the public interest in access is greater than or equal to the interests in restricting
147 access, including the governmental entity's interest in maximizing the financial benefit of the
148 transaction; or

149 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
150 the value of the subject property have already been disclosed to persons not employed by or
151 under a duty of confidentiality to the entity;

152 (10) records created or maintained for civil, criminal, or administrative enforcement
153 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
154 release of the records:

155 (a) reasonably could be expected to interfere with investigations undertaken for
156 enforcement, discipline, licensing, certification, or registration purposes;

157 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
158 proceedings;

159 (c) would create a danger of depriving a person of a right to a fair trial or impartial
160 hearing;

161 (d) reasonably could be expected to disclose the identity of a source who is not
162 generally known outside of government and, in the case of a record compiled in the course of
163 an investigation, disclose information furnished by a source not generally known outside of
164 government if disclosure would compromise the source; or

165 (e) reasonably could be expected to disclose investigative or audit techniques,
166 procedures, policies, or orders not generally known outside of government if disclosure would
167 interfere with enforcement or audit efforts;

168 (11) records the disclosure of which would jeopardize the life or safety of an
169 individual;

170 (12) records the disclosure of which would jeopardize the security of governmental
171 property, governmental programs, or governmental recordkeeping systems from damage, theft,
172 or other appropriation or use contrary to law or public policy;

173 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
174 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
175 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

176 (14) records that, if disclosed, would reveal recommendations made to the Board of
177 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
178 Board of Pardons and Parole, or the Department of Human Services that are based on the
179 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
180 jurisdiction;

181 (15) records and audit workpapers that identify audit, collection, and operational
182 procedures and methods used by the State Tax Commission, if disclosure would interfere with

- 183 audits or collections;
- 184 (16) records of a governmental audit agency relating to an ongoing or planned audit
185 until the final audit is released;
- 186 (17) records that are subject to the attorney client privilege;
- 187 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
188 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
189 quasi-judicial, or administrative proceeding;
- 190 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
191 from a member of the Legislature; and
- 192 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
193 legislative action or policy may not be classified as protected under this section; and
- 194 (b) (i) an internal communication that is part of the deliberative process in connection
195 with the preparation of legislation between:
- 196 (A) members of a legislative body;
- 197 (B) a member of a legislative body and a member of the legislative body's staff; or
- 198 (C) members of a legislative body's staff; and
- 199 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
200 legislative action or policy may not be classified as protected under this section;
- 201 (20) (a) records in the custody or control of the Office of Legislative Research and
202 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
203 legislation or contemplated course of action before the legislator has elected to support the
204 legislation or course of action, or made the legislation or course of action public; and
- 205 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
206 Office of Legislative Research and General Counsel is a public document unless a legislator
207 asks that the records requesting the legislation be maintained as protected records until such
208 time as the legislator elects to make the legislation or course of action public;
- 209 (21) research requests from legislators to the Office of Legislative Research and
210 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
211 in response to these requests;
- 212 (22) drafts, unless otherwise classified as public;
- 213 (23) records concerning a governmental entity's strategy about:

- 214 (a) collective bargaining; or
- 215 (b) imminent or pending litigation;
- 216 (24) records of investigations of loss occurrences and analyses of loss occurrences that
- 217 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
- 218 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 219 (25) records, other than personnel evaluations, that contain a personal recommendation
- 220 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
- 221 personal privacy, or disclosure is not in the public interest;
- 222 (26) records that reveal the location of historic, prehistoric, paleontological, or
- 223 biological resources that if known would jeopardize the security of those resources or of
- 224 valuable historic, scientific, educational, or cultural information;
- 225 (27) records of independent state agencies if the disclosure of the records would
- 226 conflict with the fiduciary obligations of the agency;
- 227 (28) records of an institution within the state system of higher education defined in
- 228 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
- 229 retention decisions, and promotions, which could be properly discussed in a meeting closed in
- 230 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
- 231 the final decisions about tenure, appointments, retention, promotions, or those students
- 232 admitted, may not be classified as protected under this section;
- 233 (29) records of the governor's office, including budget recommendations, legislative
- 234 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
- 235 policies or contemplated courses of action before the governor has implemented or rejected
- 236 those policies or courses of action or made them public;
- 237 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
- 238 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
- 239 recommendations in these areas;
- 240 (31) records provided by the United States or by a government entity outside the state
- 241 that are given to the governmental entity with a requirement that they be managed as protected
- 242 records if the providing entity certifies that the record would not be subject to public disclosure
- 243 if retained by it;
- 244 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a

245 public body except as provided in Section 52-4-206;

246 (33) records that would reveal the contents of settlement negotiations but not including
247 final settlements or empirical data to the extent that they are not otherwise exempt from
248 disclosure;

249 (34) memoranda prepared by staff and used in the decision-making process by an
250 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
251 other body charged by law with performing a quasi-judicial function;

252 (35) records that would reveal negotiations regarding assistance or incentives offered
253 by or requested from a governmental entity for the purpose of encouraging a person to expand
254 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
255 person or place the governmental entity at a competitive disadvantage, but this section may not
256 be used to restrict access to a record evidencing a final contract;

257 (36) materials to which access must be limited for purposes of securing or maintaining
258 the governmental entity's proprietary protection of intellectual property rights including patents,
259 copyrights, and trade secrets;

260 (37) the name of a donor or a prospective donor to a governmental entity, including an
261 institution within the state system of higher education defined in Section 53B-1-102, and other
262 information concerning the donation that could reasonably be expected to reveal the identity of
263 the donor, provided that:

264 (a) the donor requests anonymity in writing;

265 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
266 classified protected by the governmental entity under this Subsection (37); and

267 (c) except for an institution within the state system of higher education defined in
268 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
269 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
270 over the donor, a member of the donor's immediate family, or any entity owned or controlled
271 by the donor or the donor's immediate family;

272 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
273 73-18-13;

274 (39) a notification of workers' compensation insurance coverage described in Section
275 34A-2-205;

276 (40) (a) the following records of an institution within the state system of higher
277 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
278 or received by or on behalf of faculty, staff, employees, or students of the institution:

279 (i) unpublished lecture notes;

280 (ii) unpublished notes, data, and information:

281 (A) relating to research; and

282 (B) of:

283 (I) the institution within the state system of higher education defined in Section

284 53B-1-102; or

285 (II) a sponsor of sponsored research;

286 (iii) unpublished manuscripts;

287 (iv) creative works in process;

288 (v) scholarly correspondence; and

289 (vi) confidential information contained in research proposals;

290 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public

291 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

292 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

293 (41) (a) records in the custody or control of the Office of the Legislative Auditor

294 General that would reveal the name of a particular legislator who requests a legislative audit

295 prior to the date that audit is completed and made public; and

296 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the

297 Office of the Legislative Auditor General is a public document unless the legislator asks that

298 the records in the custody or control of the Office of the Legislative Auditor General that would

299 reveal the name of a particular legislator who requests a legislative audit be maintained as

300 protected records until the audit is completed and made public;

301 (42) records that provide detail as to the location of an explosive, including a map or

302 other document that indicates the location of:

303 (a) a production facility; or

304 (b) a magazine;

305 (43) information contained in the statewide database of the Division of Aging and

306 Adult Services created by Section 62A-3-311.1;

307 (44) information contained in the Licensing Information System described in Title 80,
308 Chapter 2, Child Welfare Services;

309 (45) information regarding National Guard operations or activities in support of the
310 National Guard's federal mission;

311 (46) records provided by any pawn or secondhand business to a law enforcement
312 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop,
313 Secondhand Merchandise, and Catalytic Converter Transaction Information Act;

314 (47) information regarding food security, risk, and vulnerability assessments performed
315 by the Department of Agriculture and Food;

316 (48) except to the extent that the record is exempt from this chapter pursuant to Section
317 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
318 prepared or maintained by the Division of Emergency Management, and the disclosure of
319 which would jeopardize:

320 (a) the safety of the general public; or
321 (b) the security of:

322 (i) governmental property;
323 (ii) governmental programs; or
324 (iii) the property of a private person who provides the Division of Emergency
325 Management information;

326 (49) records of the Department of Agriculture and Food that provides for the
327 identification, tracing, or control of livestock diseases, including any program established under
328 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
329 of Animal Disease;

330 (50) as provided in Section [26-39-501](#):

331 (a) information or records held by the Department of Health related to a complaint
332 regarding a child care program or residential child care which the department is unable to
333 substantiate; and
334 (b) information or records related to a complaint received by the Department of Health
335 from an anonymous complainant regarding a child care program or residential child care;

336 (51) unless otherwise classified as public under Section [63G-2-301](#) and except as
337 provided under Section [41-1a-116](#), an individual's home address, home telephone number, or

338 personal mobile phone number, if:

339 (a) the individual is required to provide the information in order to comply with a law,
340 ordinance, rule, or order of a government entity; and

341 (b) the subject of the record has a reasonable expectation that this information will be
342 kept confidential due to:

343 (i) the nature of the law, ordinance, rule, or order; and

344 (ii) the individual complying with the law, ordinance, rule, or order;

345 (52) the portion of the following documents that contains a candidate's residential or
346 mailing address, if the candidate provides to the filing officer another address or phone number
347 where the candidate may be contacted:

348 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
349 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,
350 20A-9-408.5, 20A-9-502, or 20A-9-601;

351 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

352 (c) a notice of intent to gather signatures for candidacy, described in Section
353 20A-9-408;

354 (53) the name, home address, work addresses, and telephone numbers of an individual
355 that is engaged in, or that provides goods or services for, medical or scientific research that is:

356 (a) conducted within the state system of higher education, as defined in Section
357 53B-1-102; and

358 (b) conducted using animals;

359 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
360 Evaluation Commission concerning an individual commissioner's vote, in relation to whether a
361 judge meets or exceeds minimum performance standards under Subsection 78A-12-203(4), and
362 information disclosed under Subsection 78A-12-203(5)(e);

363 (55) information collected and a report prepared by the Judicial Performance
364 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
365 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
366 the information or report;

367 (56) records provided or received by the Public Lands Policy Coordinating Office in
368 furtherance of any contract or other agreement made in accordance with Section 63L-11-202;

- 369 (57) information requested by and provided to the 911 Division under Section
370 [63H-7a-302](#);
- 371 (58) in accordance with Section [73-10-33](#):
- 372 (a) a management plan for a water conveyance facility in the possession of the Division
373 of Water Resources or the Board of Water Resources; or
- 374 (b) an outline of an emergency response plan in possession of the state or a county or
375 municipality;
- 376 (59) the following records in the custody or control of the Office of Inspector General
377 of Medicaid Services, created in Section [63A-13-201](#):
- 378 (a) records that would disclose information relating to allegations of personal
379 misconduct, gross mismanagement, or illegal activity of a person if the information or
380 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
381 through other documents or evidence, and the records relating to the allegation are not relied
382 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
383 report or final audit report;
- 384 (b) records and audit workpapers to the extent they would disclose the identity of a
385 person who, during the course of an investigation or audit, communicated the existence of any
386 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
387 regulation adopted under the laws of this state, a political subdivision of the state, or any
388 recognized entity of the United States, if the information was disclosed on the condition that
389 the identity of the person be protected;
- 390 (c) before the time that an investigation or audit is completed and the final
391 investigation or final audit report is released, records or drafts circulated to a person who is not
392 an employee or head of a governmental entity for the person's response or information;
- 393 (d) records that would disclose an outline or part of any investigation, audit survey
394 plan, or audit program; or
- 395 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
396 investigation or audit;
- 397 (60) records that reveal methods used by the Office of Inspector General of Medicaid
398 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
399 abuse;

400 (61) information provided to the Department of Health or the Division of Professional
401 Licensing under Subsections 58-67-304(3) and (4) and Subsections 58-68-304(3) and (4);

402 (62) a record described in Section 63G-12-210;

403 (63) captured plate data that is obtained through an automatic license plate reader
404 system used by a governmental entity as authorized in Section 41-6a-2003;

405 (64) any record in the custody of the Utah Office for Victims of Crime relating to a
406 victim, including:

407 (a) a victim's application or request for benefits;

408 (b) a victim's receipt or denial of benefits; and

409 (c) any administrative notes or records made or created for the purpose of, or used to,
410 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
411 Reparations Fund;

412 (65) an audio or video recording created by a body-worn camera, as that term is
413 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
414 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
415 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
416 that term is defined in Section 62A-2-101, except for recordings that:

417 (a) depict the commission of an alleged crime;

418 (b) record any encounter between a law enforcement officer and a person that results in
419 death or bodily injury, or includes an instance when an officer fires a weapon;

420 (c) record any encounter that is the subject of a complaint or a legal proceeding against
421 a law enforcement officer or law enforcement agency;

422 (d) contain an officer involved critical incident as defined in Subsection
423 76-2-408(1)(f); or

424 (e) have been requested for reclassification as a public record by a subject or
425 authorized agent of a subject featured in the recording;

426 (66) a record pertaining to the search process for a president of an institution of higher
427 education described in Section 53B-2-102, except for application materials for a publicly
428 announced finalist;

429 (67) an audio recording that is:

430 (a) produced by an audio recording device that is used in conjunction with a device or

431 piece of equipment designed or intended for resuscitating an individual or for treating an
432 individual with a life-threatening condition;

433 (b) produced during an emergency event when an individual employed to provide law
434 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

435 (i) is responding to an individual needing resuscitation or with a life-threatening
436 condition; and

437 (ii) uses a device or piece of equipment designed or intended for resuscitating an
438 individual or for treating an individual with a life-threatening condition; and

439 (c) intended and used for purposes of training emergency responders how to improve
440 their response to an emergency situation;

441 (68) records submitted by or prepared in relation to an applicant seeking a
442 recommendation by the Research and General Counsel Subcommittee, the Budget
443 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
444 employment position with the Legislature;

445 (69) work papers as defined in Section 31A-2-204;

446 (70) a record made available to Adult Protective Services or a law enforcement agency
447 under Section 61-1-206;

448 (71) a record submitted to the Insurance Department in accordance with Section
449 31A-37-201;

450 (72) a record described in Section 31A-37-503;

451 (73) any record created by the Division of Professional Licensing as a result of
452 Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

453 (74) a record described in Section 72-16-306 that relates to the reporting of an injury
454 involving an amusement ride;

455 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
456 on a political petition, or on a request to withdraw a signature from a political petition,
457 including a petition or request described in the following titles:

458 (a) Title 10, Utah Municipal Code;

459 (b) Title 17, Counties;

460 (c) Title 17B, Limited Purpose Local Government Entities - Local Districts;

461 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

- 462 (e) Title 20A, Election Code;
- 463 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in
- 464 a voter registration record;
- 465 (77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a
- 466 signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a
- 467 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 468 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part
- 469 5, Victims Guidelines for Prosecutors Act;
- 470 (79) a record submitted to the Insurance Department under Section 31A-48-103;
- 471 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is
- 472 prohibited under Section 63G-26-103;
- 473 (81) an image taken of an individual during the process of booking the individual into
- 474 jail, unless:
 - 475 (a) the individual is convicted of a criminal offense based upon the conduct for which
 - 476 the individual was incarcerated at the time the image was taken;
 - 477 (b) a law enforcement agency releases or disseminates the image:
 - 478 (i) after determining that the individual is a fugitive or an imminent threat to an
 - 479 individual or to public safety and releasing or disseminating the image will assist in
 - 480 apprehending the individual or reducing or eliminating the threat; or
 - 481 (ii) to a potential witness or other individual with direct knowledge of events relevant
 - 482 to a criminal investigation or criminal proceeding for the purpose of identifying or locating an
 - 483 individual in connection with the criminal investigation or criminal proceeding; or
 - 484 (c) a judge orders the release or dissemination of the image based on a finding that the
 - 485 release or dissemination is in furtherance of a legitimate law enforcement interest;
 - 486 (82) a record:
 - 487 (a) concerning an interstate claim to the use of waters in the Colorado River system;
 - 488 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
 - 489 representative from another state or the federal government as provided in Section
 - 490 63M-14-205; and
 - 491 (c) the disclosure of which would:
 - 492 (i) reveal a legal strategy relating to the state's claim to the use of the water in the

493 Colorado River system;

494 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
495 negotiate the best terms and conditions regarding the use of water in the Colorado River
496 system; or

497 (iii) give an advantage to another state or to the federal government in negotiations
498 regarding the use of water in the Colorado River system;

499 (83) any part of an application described in Section 63N-16-201 that the Governor's
500 Office of Economic Opportunity determines is nonpublic, confidential information that if
501 disclosed would result in actual economic harm to the applicant, but this Subsection (83) may
502 not be used to restrict access to a record evidencing a final contract or approval decision;

503 (84) the following records of a drinking water or wastewater facility:

504 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
505 and

506 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the
507 drinking water or wastewater facility uses to secure, or prohibit access to, the records described
508 in Subsection (84)(a); ~~and~~

509 (85) a statement that an employee of a governmental entity provides to the
510 governmental entity as part of the governmental entity's personnel or administrative
511 investigation into potential misconduct involving the employee if the governmental entity:

512 (a) requires the statement under threat of employment disciplinary action, including
513 possible termination of employment, for the employee's refusal to provide the statement; and

514 (b) provides the employee assurance that the statement cannot be used against the
515 employee in any criminal proceeding[-]; and

516 (86) a record:

517 (a) concerning a claim to the use of waters in the Great Salt Lake;

518 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
519 person concerning the claim, including a representative from another state or the federal
520 government; and

521 (c) the disclosure of which would:

522 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Great
523 Salt Lake;

524 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
525 and conditions regarding the use of water in the Great Salt Lake; or

526 (iii) give an advantage to another person including another state or to the federal
527 government in negotiations regarding the use of water in the Great Salt Lake.

528 Section 2. Section **63I-1-273** is amended to read:

529 **63I-1-273. Repeal dates: Title 73.**

530 (1) Title 73, Chapter 27, Legislative Water Development Commission, is repealed
531 January 1, 2031.

532 (2) In relation to Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, on
533 July 1, 2025:

534 (a) Section [73-10g-202](#) is repealed; and

535 (b) Section [73-10g-203](#) is repealed.

536 (3) Section [73-18-3.5](#), which authorizes the Division of Outdoor Recreation to appoint
537 an advisory council that includes in the advisory council's duties advising on boating policies,
538 is repealed July 1, 2024.

539 [~~(4)~~ Title 73, Chapter 30, Great Salt Lake Advisory Council Act, is repealed July 1,
540 2027.]

541 [~~(5)~~ (4) In relation to Title 73, Chapter 31, Water Banking Act, on December 31,
542 2030:

543 (a) Subsection [73-1-4\(2\)\(e\)\(xi\)](#) is repealed;

544 (b) Subsection [73-10-4\(1\)\(h\)](#) is repealed; and

545 (c) Title 73, Chapter 31, Water Banking Act, is repealed.

546 (5) Sections [73-32-302](#) and [73-32-303](#), related to the Great Salt Lake Advisory
547 Council, are repealed July 1, 2027.

548 Section 3. Section **65A-5-1** is amended to read:

549 **65A-5-1. Sovereign Lands Management Account.**

550 (1) There is created within the General Fund a restricted account known as the
551 "Sovereign Lands Management Account."

552 (2) The Sovereign Lands Management Account shall consist of the following:

553 (a) the revenues derived from sovereign lands, except for revenues deposited into the
554 Great Salt Lake Account under Section [~~65A-5-1.5~~] [73-32-304](#);

555 (b) that portion of the revenues derived from mineral leases on other lands managed by
556 the division necessary to recover management costs;

557 (c) fees deposited by the division; and

558 (d) amounts deposited into the account in accordance with Section 59-23-4.

559 (3) (a) The expenditures of the division relating directly to the management of
560 sovereign lands shall be funded by appropriation by the Legislature from the Sovereign Lands
561 Management Account or other sources.

562 (b) Money in the Sovereign Lands Management Account may be used only for the
563 direct benefit of sovereign lands, including the management of sovereign lands.

564 (c) In appropriating money from the Sovereign Lands Management Account, the
565 Legislature shall prefer appropriations that benefit the sovereign land from which the money is
566 derived unless compelling circumstances require that money be appropriated for sovereign land
567 other than the sovereign land from which the money is derived.

568 (4) The division shall use the amount deposited into the account under Subsection
569 (2)(d) for the Great Salt Lake as described in Section 65A-10-8 as directed by the Great Salt
570 Lake Advisory Council created in Section [~~73-30-201~~] 73-32-302.

571 Section 4. Section 65A-10-1 is amended to read:

572 **65A-10-1. Authority of division to manage sovereign lands.**

573 (1) [~~The~~] Subject to Title 73, Chapter 32, Great Salt Lake Commissioner Act, the
574 division is the management authority for sovereign lands, and may exchange, sell, or lease
575 sovereign lands but only in the quantities and for the purposes as serve the public interest and
576 do not interfere with the public trust.

577 (2) Nothing in this section shall be construed as asserting state ownership of the beds
578 of nonnavigable lakes, bays, rivers, or streams.

579 (3) A lease for the construction of a highway facility over sovereign lakebed lands shall
580 comply with the requirements described in Subsection 65A-7-5(5).

581 Section 5. Section 65A-10-8 is amended to read:

582 **65A-10-8. Great Salt Lake -- Management responsibilities of the division.**

583 The division has the following powers and duties:

584 (1) The division shall prepare and maintain a comprehensive management plan for the
585 Great Salt Lake that recognizes the following policies:

- 586 (a) develop strategies to deal with a fluctuating lake level;
- 587 (b) encourage development of the Great Salt Lake in a manner that will preserve the
- 588 Great Salt Lake, encourage availability of brines to lake extraction industries, protect wildlife,
- 589 and protect recreational facilities;
- 590 (c) maintain the Great Salt Lake's flood plain as a hazard zone;
- 591 (d) promote water quality management for the Great Salt Lake and the Great Salt
- 592 Lake's tributary streams;
- 593 (e) promote the development of lake brines, minerals, chemicals, and petro-chemicals
- 594 to aid the state's economy;
- 595 (f) encourage the use of appropriate areas for extraction of brine, minerals, chemicals,
- 596 and petro-chemicals;
- 597 (g) maintain the Great Salt Lake and the marshes as important to shorebirds,
- 598 waterfowl, and other waterbird flyway system;
- 599 (h) encourage the development of an integrated industrial complex;
- 600 (i) promote and maintain recreation areas on and surrounding the Great Salt Lake;
- 601 (j) encourage safe boating use of the Great Salt Lake;
- 602 (k) maintain and protect state, federal, and private marshlands, rookeries, and wildlife
- 603 refuges; and
- 604 (1) provide public access to the Great Salt Lake for recreation, hunting, and fishing.
- 605 (2) The division may employ personnel and purchase equipment and supplies that the
- 606 Legislature authorizes through appropriations for the purposes of this chapter.
- 607 (3) The division may initiate studies of the Great Salt Lake and the Great Salt Lake's
- 608 related resources.
- 609 (4) The division may publish scientific and technical information concerning the Great
- 610 Salt Lake.
- 611 (5) The division shall define the Great Salt Lake's flood plain.
- 612 (6) The division may qualify for, accept, and administer grants, gifts, or other funds
- 613 from the federal government and other sources, for carrying out any functions under this
- 614 chapter.
- 615 (7) The division shall determine the need for public works and utilities for the lake
- 616 area.

617 (8) The division may implement the comprehensive plan described in Subsection (1)
618 through state and local entities or agencies.

619 (9) The division shall coordinate the activities of the various divisions within the
620 Department of Natural Resources with respect to the Great Salt Lake.

621 (10) The division may perform all other acts reasonably necessary to carry out the
622 purposes and provisions of this chapter.

623 (11) The division shall retain and encourage the continued activity of the Great Salt
624 Lake technical team.

625 (12) The division shall administer Chapter 16, Great Salt Lake Watershed
626 Enhancement Program.

627 Section 6. Section **65A-16-101** is amended to read:

628 **65A-16-101. Definitions.**

629 As used in this chapter:

630 (1) "Commissioner" means the Great Salt Lake commissioner appointed under Section
631 73-32-201.

632 (2) "Conservation organization" means an institution, corporation, foundation, or
633 association that is:

634 (a) private;

635 (b) nonprofit; and

636 (c) founded for the purpose of promoting conservation of natural resources.

637 [~~2~~] (3) "Council" means the Great Salt Lake Advisory Council created in Section
638 [73-30-201] 73-32-302.

639 [~~3~~] (4) "Division" means the Division of Forestry, Fire, and State Lands.

640 [~~4~~] (5) "Eligible applicant" means two or more conservation organizations that
641 submit a joint grant application to the division under Section 65A-16-201 and meet the criteria
642 listed in Subsection 65A-16-201(3)(a).

643 [~~5~~] (6) "Grant money" means money [the division awards] awarded to an eligible
644 applicant pursuant to this chapter.

645 [~~6~~] (7) "Grantee" means an eligible applicant that receives a grant authorized under
646 this chapter.

647 [~~7~~] (8) "Great Salt Lake watershed" means the area comprised of the Great Salt Lake,

648 the Bear River watershed, the Jordan River watershed, the Utah Lake watershed, the Weber
649 River watershed, and the West Desert watershed.

650 ~~[(8)]~~ (9) "Program" means the Great Salt Lake Watershed Enhancement Program
651 created under Section 65A-16-201.

652 Section 7. Section 65A-16-202 is amended to read:

653 **65A-16-202. Oversight.**

654 (1) (a) The division shall oversee whether a grantee and the water trust that the grantee
655 establishes comply with this chapter.

656 (b) In overseeing a grantee under this chapter, the division shall consult with the
657 commissioner.

658 (2) (a) The division, in consultation with the council and the Division of Water
659 Quality, shall establish by rule made in accordance with Section 65A-16-102, interventions for
660 a grantee or water trust that fails to comply with this chapter.

661 (b) The rules establishing interventions under Subsection (2)(a) shall include, among
662 other actions, requiring the grantee or water trust to return unexpended grant money to the
663 division for failure to comply with this chapter.

664 (3) This section may not be construed as limiting the state auditor's enforcement
665 authority under Section 51-2a-201.5.

666 Section 8. Section 65A-16-301 is amended to read:

667 **65A-16-301. Water trust -- Powers and duties -- Advisory councils.**

668 (1) The grantee under this chapter shall establish a water trust that:

669 (a) is organized:

670 (i) as a private nonprofit organization; or

671 (ii) as an agreement between two or more conservation organizations; and

672 (b) complies with this section.

673 (2) A water trust created under this section shall:

674 (a) use a fiduciary to hold and administer grant money appropriated under this chapter;

675 (b) subject to Subsection (6):

676 (i) register with the lieutenant governor as a limited purpose entity pursuant to Section
677 51-2a-201.5;

678 (ii) file with the state auditor on or before June 30 of each year the accounting report

679 that:

680 (A) satisfies Subsection 51-2a-201.5(2);

681 (B) includes an itemized accounting of the in-kind contributions and other monetary
682 contributions described in Subsection (4); and

683 (C) includes an itemized accounting of the costs incurred under Subsection (3)(a);

684 (iii) provide a copy of the accounting report described in Subsection (2)(b)(ii) to:

685 (A) the division;

686 (B) the commissioner;

687 [~~(B)~~] (C) the Division of Water Quality;

688 [~~(C)~~] (D) the council; and

689 [~~(D)~~] (E) the Natural Resources, Agriculture, and Environment Quality Appropriations
690 Subcommittee;

691 (iv) file with the division on or before January 31 of each year a report that satisfies the
692 requirements of Subsections 51-2a-201.5(4) and 63J-1-220(2); and

693 (v) provide a copy of the report described in Subsection (2)(b)(iv) to:

694 (A) the Division of Water Quality;

695 (B) the council; and

696 (C) the Natural Resources, Agriculture, and Environment Quality Appropriations
697 Subcommittee; and

698 (c) comply with applicable laws, regulations, ordinances, and rules.

699 (3) A water trust established by a grantee under this section:

700 (a) may use grant money for costs to establish, operate, or administer the water trust,
701 including the hiring of staff or contractors;

702 (b) shall use no less than 25% of the grant money to protect and restore wetlands and
703 habitats in the Great Salt Lake's surrounding ecosystem to benefit the hydrology of the Great
704 Salt Lake; and

705 (c) may invest grant money the water trust receives under this chapter or any private
706 money the water trust may receive, except that the water trust shall:

707 (i) invest and account for grant money and private money separately; and

708 (ii) use the earnings received from the investment of grant money to carry out the
709 purposes described in Subsection 65A-16-201(1).

710 (4) The water trust shall provide a significant match of in-kind contributions or other
711 monetary contributions to support the water trust's operations and for the purposes described in
712 Subsection 65A-16-201(1).

713 (5) (a) A water trust established under this section shall create and consult with one or
714 more advisory councils on matters related to the mission and objectives of the water trust.

715 (b) At least one of the advisory councils shall consist of nine members with a
716 representative from the following:

- 717 (i) agriculture;
- 718 (ii) a private land owner adjacent to the Great Salt Lake;
- 719 (iii) a conservation organization dedicated to the preservation of migratory waterfowl;
- 720 (iv) a conservation organization dedicated to the protection of non-game avian species;
- 721 (v) another conservation organization working on Great Salt Lake issues;
- 722 (vi) aquaculture;
- 723 (vii) mineral extraction;
- 724 (viii) a water conservancy district; and
- 725 (ix) wastewater treatment facilities.

726 (6) The duties of the water trust under Subsection (2)(b) apply to the water trust
727 notwithstanding whether the holdings, revenues, or expenditures of the water trust include
728 grant money or other money from the state.

729 Section 9. Section 67-22-2 is amended to read:

730 **67-22-2. Compensation -- Other state officers.**

731 (1) As used in this section:

732 (a) "Appointed executive" means the:

- 733 (i) commissioner of the Department of Agriculture and Food;
- 734 (ii) commissioner of the Insurance Department;
- 735 (iii) commissioner of the Labor Commission;
- 736 (iv) director, Department of Alcoholic Beverage Services;
- 737 (v) commissioner of the Department of Financial Institutions;
- 738 (vi) executive director, Department of Commerce;
- 739 (vii) executive director, Commission on Criminal and Juvenile Justice;
- 740 (viii) adjutant general;

- 741 (ix) executive director, Department of Cultural and Community Engagement;
- 742 (x) executive director, Department of Corrections;
- 743 (xi) commissioner, Department of Public Safety;
- 744 (xii) executive director, Department of Natural Resources;
- 745 (xiii) executive director, Governor's Office of Planning and Budget;
- 746 (xiv) executive director, Department of Government Operations;
- 747 (xv) executive director, Department of Environmental Quality;
- 748 (xvi) executive director, Governor's Office of Economic Opportunity;
- 749 (xvii) executive director, Department of Workforce Services;
- 750 (xviii) executive director, Department of Health, Nonphysician;
- 751 (xix) executive director, Department of Human Services;
- 752 (xx) executive director, Department of Transportation;
- 753 (xxi) executive director, Department of Veterans and Military Affairs; [~~and~~]
- 754 (xxii) executive director, Public Lands Policy Coordinating Office, created in Section
- 755 [63L-11-201](#); and
- 756 (xxiii) Great Salt Lake commissioner, appointed under Section [73-32-201](#).

757 (b) "Board or commission executive" means:

- 758 (i) members, Board of Pardons and Parole;
- 759 (ii) chair, State Tax Commission;
- 760 (iii) commissioners, State Tax Commission;
- 761 (iv) executive director, State Tax Commission;
- 762 (v) chair, Public Service Commission; and
- 763 (vi) commissioners, Public Service Commission.

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

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

- 767 (i) before October 31 of each year, recommend to the governor a compensation plan for
- 768 the appointed executives and the board or commission executives; and
- 769 (ii) base those recommendations on market salary studies conducted by the Division of
- 770 Human Resource Management.

771 (b) (i) The Division of Human Resource Management shall determine the salary range

772 for the appointed executives by:

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

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

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

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

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

785 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii)
786 or (iii), the Division of Human Resource Management shall set the maximum salary in the
787 salary range for each of those positions at 100% of the salary for district judges as established
788 in the annual appropriation act under Section 67-8-2.

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

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

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

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

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

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

803 Salary Act, shall be established as provided in Section [63A-17-301](#).

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

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

810 (ii) health insurance;

811 (iii) dental insurance;

812 (iv) basic life insurance;

813 (v) unemployment compensation;

814 (vi) workers' compensation;

815 (vii) required employer contribution to Social Security;

816 (viii) long-term disability income insurance;

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

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

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

822 (A) sick leave;

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

824 (C) educational allowances;

825 (D) holidays; and

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

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

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

833 (xiv) professional memberships if being a member of the professional organization is a

834 requirement of the position.

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

837 (6) The Legislature fixes the following additional benefits:

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

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

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

844 (d) for the commissioner of Public Safety:

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

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

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

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

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

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

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

853 Section 10. Section **73-10-2** is amended to read:

854 **73-10-2. Board of Water Resources -- Members -- Appointment -- Terms --**
855 **Vacancies.**

856 (1) (a) The Board of Water Resources shall be comprised of ~~[eight]~~ nine members to be
857 appointed by the governor with the advice and consent of the Senate in accordance with Title
858 63G, Chapter 24, Part 2, Vacancies.

859 (b) In addition to the requirements of Section [79-2-203](#), not more than ~~[four]~~ five
860 members shall be from the same political party.

861 (2) ~~[One]~~ The Board of Water Resources shall consist of:

862 (a) one member [of the board shall be] appointed from each of the following districts:

863 ~~[(a)]~~ (i) Bear River District, comprising the counties of Box Elder, Cache, and Rich;

864 ~~[(b)]~~ (ii) Weber District, comprising the counties of Weber, Davis, Morgan, and

865 Summit;

866 ~~[(e)]~~ (iii) Salt Lake District, comprising the counties of Salt Lake and Tooele;

867 ~~[(d)]~~ (iv) Provo River District, comprising the counties of Juab, Utah, and Wasatch;

868 ~~[(e)]~~ (v) Sevier River District, comprising the counties of Millard, Sanpete, Sevier,

869 Piute, and Wayne;

870 ~~[(f)]~~ (vi) Green River District, comprising the counties of Daggett, Duchesne, and

871 Uintah;

872 ~~[(g)]~~ (vii) Upper Colorado River District, comprising the counties of Carbon, Emery,

873 Grand, and San Juan; and

874 ~~[(h)]~~ (viii) Lower Colorado River District, comprising the counties of Beaver, Garfield,

875 Iron, Washington, and Kane[-]; and

876 (b) one member that represents the interests of the Great Salt Lake.

877 (3) (a) Except as required by Subsection (3)(b), all appointments shall be for terms of
878 four years.

879 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
880 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
881 board members are staggered so that approximately half of the board is appointed every two
882 years.

883 (c) When a vacancy occurs in the membership for any reason, the ~~[replacement shall be~~
884 ~~appointed]~~ governor shall appoint a replacement member for the unexpired term, with the
885 advice and consent of the Senate ~~[and shall be from the same district as such person], who:~~

886 (i) is from the same district as the individual leaving the board; or

887 (ii) if the individual leaving the board is appointed under Subsection (2)(b), represents
888 the interests of the Great Salt Lake.

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

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

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

893 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
894 [63A-3-107](#).

895 (5) A member shall comply with the conflict of interest provisions described in Title

896 63G, Chapter 24, Part 3, Conflicts of Interest.

897 Section 11. Section 73-32-101 is enacted to read:

898 **CHAPTER 32. GREAT SALT LAKE COMMISSIONER ACT**

899 **Part 1. General Provisions**

900 **73-32-101. Definitions.**

901 As used in this chapter:

902 (1) "Account" means the Great Salt Lake Account created in Section [73-32-304](#).

903 (2) "Commissioner" means the Great Salt Lake commissioner appointed under Section
904 [73-32-201](#).

905 (3) "Council" means the Great Salt Lake Advisory Council created in Section
906 [73-32-302](#).

907 (4) "Department" means the Department of Natural Resources.

908 (5) "Office" means the Office of the Great Salt Lake Commissioner created in Section
909 [73-32-301](#).

910 (6) "State agency" means a department, division, board, council, committee, institution,
911 office, bureau, or other similar administrative unit of the executive branch of state government.

912 (7) "Strategic plan" means the plan prepared by the commissioner under Sections
913 [73-32-202](#) and [73-32-204](#).

914 Section 12. Section 73-32-201 is enacted to read:

915 **Part 2. Commissioner**

916 **73-32-201. Great Salt Lake commissioner appointment.**

917 (1) The governor shall appoint a Great Salt Lake commissioner with the advice and
918 consent of the Senate.

919 (2) (a) The commissioner shall serve a term of six years and may be appointed to more
920 than one term.

921 (b) The governor may remove the commissioner if the governor finds that the
922 commissioner has engaged in neglect of duty or malfeasance in office.

923 (3) The governor shall establish the commissioner's compensation within the salary
924 range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

925 Section 13. Section 73-32-202 is enacted to read:

926 **73-32-202. Duties and authorizations of the commissioner.**

- 927 (1) The commissioner shall:
- 928 (a) subject to Section 73-32-204, prepare an approved strategic plan for the long-term
929 health of the Great Salt Lake and update the strategic plan regularly;
- 930 (b) oversee the execution of the strategic plan by other state agencies as provided in
931 Section 73-32-203;
- 932 (c) maintain information that measures Great Salt Lake levels, salinity, and overall
933 health;
- 934 (d) meet regularly with the executive director of the department and with the executive
935 director of the Department of Environmental Quality;
- 936 (e) administer Title 65A, Chapter 16, Great Salt Lake Watershed Enhancement
937 Program;
- 938 (f) monitor the integrated water assessment conducted under Chapter 10g, Part 4, Great
939 Salt Lake Watershed Integrated Water Assessment;
- 940 (g) inform the governor, the president of the Senate, and the speaker of the House of
941 Representatives, at least annually, about the status of the strategic plan and the progress
942 regarding implementation of the strategic plan;
- 943 (h) at least annually report to the Executive Appropriations Committee regarding the
944 expenditure of money under this chapter; and
- 945 (i) coordinate and work collaboratively with water conservancy districts that serve
946 water users within the Great Salt Lake watershed.
- 947 (2) The commissioner may:
- 948 (a) access information from other state or federal agencies related to the Great Salt
949 Lake;
- 950 (b) develop cooperative agreements between the state, political subdivisions, and
951 agencies of the federal government for involvement in the strategic plan;
- 952 (c) produce research, documents, maps, studies, analysis, or other information that
953 supports the strategic plan for the Great Salt Lake;
- 954 (d) facilitate and coordinate the exchange of information, comments, and
955 recommendations on Great Salt Lake policies between and among:
- 956 (i) state agencies;
- 957 (ii) political subdivisions;

958 (iii) institutions of higher education that conduct research relevant to the Great Salt
959 Lake;
960 (iv) nonprofit entities; and
961 (v) private business;
962 (e) communicate with the Great Salt Lake Watershed Council created under Chapter
963 10g, Part 3, Watershed Councils Act; and
964 (f) perform other duties that the commissioner considers necessary or expedient to
965 carry out the purposes of this chapter.

966 (3) In fulfilling the duties under this chapter, the commissioner shall consult and
967 coordinate, as necessary, with:

- 968 (a) the department;
- 969 (b) the Department of Agriculture and Food;
- 970 (c) the Department of Environmental Quality;
- 971 (d) other applicable state agencies;
- 972 (e) political subdivisions of the state;
- 973 (f) federal agencies;
- 974 (g) elected officials; and
- 975 (h) local tribal officials.

976 Section 14. Section **73-32-203** is enacted to read:

977 **73-32-203. Relationship to other state agencies.**

- 978 (1) A state agency shall cooperate with the commissioner, including providing
979 information to the commissioner at the commissioner's request.
- 980 (2) To the extent not prohibited by federal law and notwithstanding any other provision
981 of state law, the commissioner may require a state agency to comply with the strategic plan, or
982 to take action or refrain from acting to benefit the health of the Great Salt Lake.
- 983 (3) Nothing in this chapter modifies the statutory duties of the state engineer under this
984 title.
- 985 (4) (a) If the Department of Environmental Quality determines that an action by the
986 commissioner under Subsection (2) would jeopardize a delegation agreement entered into by
987 the Department of Environmental Quality with the United States Environmental Protection
988 Agency, the Department of Environmental Quality shall inform the governor, speaker of the

989 House of Representatives, and the president of the Senate.

990 (b) The commissioner may inform the governor, speaker of the House of
991 Representatives, and the president of the Senate of the need for the commissioner's action
992 described in Subsection (4)(a).

993 (c) The governor may review the information provided under this Subsection (4) and
994 take action to resolve the issue raised by the Department of Environmental Quality.

995 Section 15. Section **73-32-204** is enacted to read:

996 **73-32-204. Strategic plan.**

997 (1) (a) In accordance with this section, the commissioner shall prepare a strategic plan
998 and obtain the approval of the governor of that strategic plan.

999 (b) A strategic plan prepared by the commissioner may not be implemented until the
1000 governor approves the strategic plan, except as provided in Subsection (5).

1001 (2) The commissioner shall base the strategic plan on a holistic approach that balances
1002 the diverse interests related to the health of the Great Salt Lake, and includes provisions
1003 concerning:

1004 (a) coordination of efforts related to the Great Salt Lake;

1005 (b) a sustainable water supply for the Great Salt Lake, while balancing competing
1006 needs;

1007 (c) human health and quality of life;

1008 (d) a healthy ecosystem;

1009 (e) economic development;

1010 (f) water conservation, including municipal and industrial uses and agricultural uses;

1011 (g) water and land use planning;

1012 (h) regional water sharing; and

1013 (i) other provisions that the commissioner determines would be for the benefit of the
1014 Great Salt Lake.

1015 (3) (a) The commissioner shall obtain the approval of the governor of an initial
1016 strategic plan by no later than December 31, 2023.

1017 (b) On or before November 30, 2023, the commissioner shall submit an initial strategic
1018 plan to the governor, speaker of the House of Representatives, and the president of the Senate.

1019 (c) The governor shall approve the strategic plan by no later than December 31, 2023,

1020 if the governor determines that the initial strategic plan satisfies this chapter.

1021 (d) By no later than January 15, 2024, the commissioner shall provide the following a
1022 copy of the initial strategic plan approved by the governor under Subsection (3)(c):

1023 (i) the Natural Resources, Agriculture, and Environment Interim Committee;

1024 (ii) the department;

1025 (iii) the Department of Environmental Quality; and

1026 (iv) the Department of Agriculture and Food.

1027 (4) The governor may approve a strategic plan only after consulting with the speaker of
1028 the House of Representatives and the president of the Senate.

1029 (5) Once a strategic plan is approved by the governor, the commissioner may make
1030 substantive changes to the strategic plan without the approval of the governor, except that the
1031 commissioner shall:

1032 (a) inform the governor, the speaker of the House of Representatives, and the president
1033 of the Senate of a substantive change to the strategic plan; and

1034 (b) submit the strategic plan every five years for the approval of the governor in a
1035 process that is consistent with Subsection (3).

1036 (6) The commissioner may work with the Division of Forestry, Fire, and State Lands in
1037 coordinating the comprehensive management plan created under Section [65A-10-8](#) with the
1038 strategic plan.

1039 Section 16. Section **73-32-301** is enacted to read:

1040 **Part 3. Administration**

1041 **73-32-301. Office of the Great Salt Lake Commissioner.**

1042 (1) There is created the Office of the Great Salt Lake Commissioner.

1043 (2) The office shall:

1044 (a) provide staff support to the commissioner; and

1045 (b) operate under the supervision of the commissioner.

1046 (3) The department shall provide office space, furnishings, and supplies to the
1047 commissioner, the office, and support staff for the office.

1048 Section 17. Section **73-32-302**, which is renumbered from Section 73-30-201 is
1049 renumbered and amended to read:

1050 ~~[73-30-201]~~. **73-32-302. Advisory council created -- Staffing -- Per diem**

1051 **and travel expenses.**

1052 (1) There is created an advisory council known as the "Great Salt Lake Advisory
1053 Council" consisting of 11 members listed in Subsection (2).

1054 (2) (a) The governor shall appoint the following members, with the advice and consent
1055 of the Senate:

1056 (i) one representative of industry representing the extractive industry;

1057 (ii) one representative of industry representing aquaculture;

1058 (iii) one representative of conservation interests;

1059 (iv) one representative of a migratory bird protection area as defined in Section
1060 [23-28-102](#);

1061 (v) one representative who is an elected official from municipal government, or the
1062 elected official's designee;

1063 (vi) five representatives who are elected officials from county government, or the
1064 elected official's designee, one each representing:

1065 (A) Box Elder County;

1066 (B) Davis County;

1067 (C) Salt Lake County;

1068 (D) Tooele County; and

1069 (E) Weber County; and

1070 (vii) one representative of a publicly owned treatment works.

1071 (3) (a) Except as required by Subsection (3)(b), each member shall serve a four-year
1072 term.

1073 (b) Notwithstanding Subsection (3)(a), at the time of appointment or reappointment,
1074 the governor shall adjust the length of terms of voting members to ensure that the terms of
1075 council members are staggered so that approximately half of the council is appointed every two
1076 years.

1077 (c) When a vacancy occurs in the membership for any reason, the governor shall
1078 appoint a replacement for the unexpired term with the advice and consent of the Senate.

1079 (d) A member shall hold office until the member's successor is appointed and qualified.

1080 (4) The council shall determine:

1081 (a) the time and place of meetings; and

1082 (b) any other procedural matter not specified in this chapter.

1083 (5) (a) Attendance of six members at a meeting of the council constitutes a quorum.

1084 (b) A vote of the majority of the members present at a meeting when a quorum is
1085 present constitutes an action of the council.

1086 (6) A member may not receive compensation or benefits for the member's service, but
1087 may receive per diem and travel expenses in accordance with:

1088 (a) Section 63A-3-106;

1089 (b) Section 63A-3-107; and

1090 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1091 63A-3-107.

1092 (7) The ~~[Department of Natural Resources]~~ office, the department, and the Department
1093 of Environmental Quality shall coordinate and provide necessary staff assistance to the council.

1094 Section 18. Section ~~73-32-303~~, which is renumbered from Section 73-30-202 is
1095 renumbered and amended to read:

1096 ~~[73-30-202]~~. **73-32-303. Duties of the council.**

1097 (1) (a) The council shall advise the persons listed in Subsection (1)(b) on the
1098 sustainable use, protection, and development of the Great Salt Lake in terms of balancing:

1099 (i) sustainable use;

1100 (ii) environmental health; and

1101 (iii) reasonable access for existing and future development.

1102 (b) The council shall advise, as provided in Subsection (1)(a):

1103 (i) the governor;

1104 (ii) the Department of Natural Resources; ~~[and]~~

1105 (iii) the Department of Environmental Quality~~[-];~~ and

1106 (iv) the commissioner.

1107 (2) The council shall assist the Division of Forestry, Fire, and State Lands in ~~[its]~~ the
1108 Division of Forestry, Fire, and State Land's responsibilities for the Great Salt Lake described in
1109 Section 65A-10-8.

1110 (3) The council:

1111 (a) may recommend appointments to the Great Salt Lake technical team created by the
1112 Division of Forestry, Fire, and State Lands; and

1113 (b) shall receive and [~~utilize~~] use technical support from the Great Salt Lake technical
1114 team.

1115 (4) The council shall assist the [~~Department of Natural Resources~~] department, the
1116 Department of Environmental Quality, and their applicable boards in accomplishing their
1117 responsibilities for the Great Salt Lake.

1118 (5) The council shall report annually to the Natural Resources, Agriculture, and
1119 Environmental Quality Appropriations Subcommittee on the council's activities.

1120 Section 19. Section ~~73-32-304~~, which is renumbered from Section 65A-5-1.5 is
1121 renumbered and amended to read:

1122 ~~[65A-5-1.5].~~ **73-32-304. Great Salt Lake Account.**

1123 (1) As used in this section[;]

1124 [~~(a) "Account" means the Great Salt Lake Account created in this section.~~]

1125 [~~(b) "Mining"~~, "mining" means the process of producing, extracting, leaching,
1126 evaporating, or otherwise removing a mineral from a natural deposit of the mineral.

1127 (2) (a) There is created within the General Fund a restricted account known as the
1128 "Great Salt Lake Account" consisting of:

1129 (i) revenues deposited into the account under Subsection (3);

1130 (ii) appropriations from the Legislature; and

1131 (iii) interest and other earnings described in Subsection (2)(b).

1132 (b) The Office of the Treasurer shall deposit interest and other earnings derived from
1133 investment of money in the account into the account.

1134 (3) The [~~division~~] Division of Forestry, Fire, and State Lands shall deposit into the
1135 account the royalty income received by the state from mining that occurs on or after July 1,
1136 2022, of a mineral from the sovereign lands of the Great Salt Lake if during the fiscal year
1137 beginning July 1, 2020, the state did not receive royalty income from the mining of that same
1138 mineral from the sovereign lands of the Great Salt Lake.

1139 (4) Upon appropriation by the Legislature, money in the account may be used to:

1140 (a) manage the water levels of the Great Salt Lake; and

1141 (b) fund the activities of the commissioner and office under this chapter.

1142 Section 20. Section ~~79-2-201~~ is amended to read:

1143 **79-2-201. Department of Natural Resources created.**

- 1144 (1) There is created the Department of Natural Resources.
- 1145 (2) The department comprises the following:
- 1146 (a) Board of Water Resources, created in Section 73-10-1.5;
- 1147 (b) Board of Oil, Gas, and Mining, created in Section 40-6-4;
- 1148 (c) Board of State Parks, created in Section 79-4-301;
- 1149 (d) Office of Energy Development, created in Section 79-6-401;
- 1150 (e) Wildlife Board, created in Section 23-14-2;
- 1151 (f) Board of the Utah Geological Survey, created in Section 79-3-301;
- 1152 (g) Water Development Coordinating Council, created in Section 73-10c-3;
- 1153 (h) Division of Water Rights, created in Section 73-2-1.1;
- 1154 (i) Division of Water Resources, created in Section 73-10-18;
- 1155 (j) Division of Forestry, Fire, and State Lands, created in Section 65A-1-4;
- 1156 (k) Division of Oil, Gas, and Mining, created in Section 40-6-15;
- 1157 (l) Division of State Parks, created in Section 79-4-201;
- 1158 (m) Division of Outdoor Recreation, created in Section 79-7-201;
- 1159 (n) Division of Wildlife Resources, created in Section 23-14-1;
- 1160 (o) Utah Geological Survey, created in Section 79-3-201;
- 1161 (p) Heritage Trees Advisory Committee, created in Section 65A-8-306;
- 1162 (q) Utah Outdoor Recreation Infrastructure Advisory Committee, created in Section
- 1163 79-7-206;
- 1164 (r) (i) an advisory council that includes in the advisory council's duties advising on
- 1165 state boating policy, authorized by Section 73-18-3.5; or
- 1166 (ii) an advisory council that includes in the advisory council's duties advising on
- 1167 off-highway vehicle use, authorized by Section 41-22-10;
- 1168 (s) Wildlife Board Nominating Committee, created in Section 23-14-2.5;
- 1169 (t) Wildlife Regional Advisory Councils, created in Section 23-14-2.6;
- 1170 (u) Utah Watersheds Council, created in Section 73-10g-304;
- 1171 (v) Utah Natural Resources Legacy Fund Board, created in Section 23-31-202; and
- 1172 (w) Public Lands Policy Coordinating Office created in Section 63L-11-201.
- 1173 (3) The department shall provide office space, furnishings, and supplies to the Great
- 1174 Salt Lake commissioner appointed under Section 73-32-201, the Office of the Great Salt Lake

1175 Commissioner created in Section 73-32-301, and support staff for the Office of the Great Salt
1176 Lake Commissioner.

1177 Section 21. Section 79-2-205 is amended to read:

1178 **79-2-205. Procedures -- Adjudicative proceedings.**

1179 Except as provided by Sections 40-10-13, 63G-4-102, and 73-2-25, a division, board,
1180 council, or committee referred to in [~~Section 79-2-201~~] Subsection 79-2-201(2) shall comply
1181 with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act,
1182 in an adjudicative proceeding.

1183 Section 22. **Repealer.**

1184 This bill repeals:

1185 Section **73-30-101, Title.**

1186 Section **73-30-102, Definition.**

1187 Section 23. **Appropriations.**

1188 The following sums of money are appropriated for the fiscal year beginning July 1,
1189 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
1190 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
1191 Act, the Legislature appropriates the following sums of money from the funds or accounts
1192 indicated for the use and support of the government of the state of Utah.

1193 ITEM 1

1194 To General Fund Restricted - Great Salt Lake Account

1195 From General Fund 2,500,000

1196 From General Fund, One - time 40,000,000

1197 Schedule of Programs:

1198 Great Salt Lake Account 42,500,000

1199 ITEM 2

1200 To Office of the Great Salt Lake Commissioner – Great Salt Lake Commissioner

1201 From General Fund Restricted – Great Salt Lake Account 1,500,000

1202 From General Fund Restricted – Great Salt Lake Account,

1203 One-time 1,000,000

1204 Schedule of Programs:

1205 Administration 2,500,000

1206 The Legislature intends that the Division of Finance not allocate the \$1,000,000 one-time
1207 appropriation from the Great Salt Lake Account to the Office of the Great Salt Lake
1208 Commissioner until the strategic plan described by Section [73-32-204](#), enacted by this bill, may
1209 be implemented in accordance with Section [73-32-204](#).

1210 Section 24. **Effective date.**

1211 This bill takes effect on July 1, 2023.