

HB0491S03 compared with HB0491

~~text~~ shows text that was in HB0491 but was deleted in HB0491S03.

text shows text that was not in HB0491 but was inserted into HB0491S03.

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Senator Scott D. Sandall proposes the following substitute bill:

AMENDMENTS RELATED TO THE GREAT SALT LAKE

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Schultz

Senate Sponsor: ~~_____~~ Scott D. Sandall

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~~ relationships 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

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- 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 interests of the Great Salt Lake; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2024:

- ▶ to the General Fund Restricted ~~{ }~~ Great Salt Lake Account, as an ongoing appropriation:
 - from General Fund, \$2,500,000;
- ▶ to the General Fund Restricted - Great Salt Lake Account, as a one-time appropriation:
 - from General Fund, One-time, ~~{ \$40 }~~ \$10,000,000;
- ▶ to the Office of the Great Salt Lake Commissioner ~~{ }~~ Great Salt Lake Commissioner, as an ongoing appropriation:
 - from General Fund Restricted ~~{ }~~ Great Salt Lake Account, \$1,500,000; and
- ▶ to the Office of the Great Salt Lake Commissioner - Great Salt Lake Commissioner, as a one-time appropriation:
 - from General Fund Restricted ~~{ }~~ Great Salt Lake Account, One-time, \$1,000,000.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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63I-1-273, as last amended by Laws of Utah 2022, Chapters 68, 79
65A-5-1, as last amended by Laws of Utah 2022, Chapter 54
65A-10-1, as last amended by Laws of Utah 2011, Chapter 256
65A-10-8, as last amended by Laws of Utah 2022, Chapter 78
65A-16-101, as enacted by Laws of Utah 2022, Chapter 78
65A-16-202, as enacted by Laws of Utah 2022, Chapter 78
65A-16-301, as enacted by Laws of Utah 2022, Chapter 78
67-22-2, as last amended by Laws of Utah 2022, Chapter 447
73-10-2, as last amended by Laws of Utah 2020, Chapters 352, 373
79-2-201, as last amended by Laws of Utah 2022, Chapter 68
79-2-205, as renumbered and amended by Laws of Utah 2009, Chapter 344

ENACTS:

73-32-101, Utah Code Annotated 1953
73-32-201, Utah Code Annotated 1953
73-32-202, Utah Code Annotated 1953
73-32-203, Utah Code Annotated 1953
73-32-204, Utah Code Annotated 1953
73-32-301, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

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

REPEALS:

73-30-101, as enacted by Laws of Utah 2010, Chapter 141
73-30-102, as enacted by Laws of Utah 2010, Chapter 141

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

Section 1. Section **63G-2-305** is amended to read:

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63G-2-305. Protected records.

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

(1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63G-2-309;

(2) commercial information or nonindividual financial information obtained from a person if:

(a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;

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

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

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

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

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

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

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

(i) an invitation for bids;

(ii) a request for proposals;

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(iii) a request for quotes;

(iv) a grant; or

(v) other similar document; or

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

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

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

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

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

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

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

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

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

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

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

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

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of the subject property, unless:

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;

(17) records that are subject to the attorney client privilege;

(18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding;

(19) (a) (i) personal files of a state legislator, including personal correspondence to or from a member of the Legislature; and

(ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of legislative action or policy may not be classified as protected under this section; and

(b) (i) an internal communication that is part of the deliberative process in connection with the preparation of legislation between:

(A) members of a legislative body;

(B) a member of a legislative body and a member of the legislative body's staff; or

(C) members of a legislative body's staff; and

(ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of legislative action or policy may not be classified as protected under this section;

(20) (a) records in the custody or control of the Office of Legislative Research and General Counsel, that, if disclosed, would reveal a particular legislator's contemplated legislation or contemplated course of action before the legislator has elected to support the legislation or course of action, or made the legislation or course of action public; and

(b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the Office of Legislative Research and General Counsel is a public document unless a legislator

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asks that the records requesting the legislation be maintained as protected records until such time as the legislator elects to make the legislation or course of action public;

(21) research requests from legislators to the Office of Legislative Research and General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared in response to these requests;

(22) drafts, unless otherwise classified as public;

(23) records concerning a governmental entity's strategy about:

(a) collective bargaining; or

(b) imminent or pending litigation;

(24) records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers' Fund, or similar divisions in other governmental entities;

(25) records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;

(26) records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;

(27) records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;

(28) records of an institution within the state system of higher education defined in Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions, retention decisions, and promotions, which could be properly discussed in a meeting closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final decisions about tenure, appointments, retention, promotions, or those students admitted, may not be classified as protected under this section;

(29) records of the governor's office, including budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the governor's contemplated policies or contemplated courses of action before the governor has implemented or rejected those policies or courses of action or made them public;

(30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,

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revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;

(31) records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;

(32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-206;

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

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

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

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

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

(a) the donor requests anonymity in writing;

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

(c) except for an institution within the state system of higher education defined in Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged

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in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of the donor's immediate family, or any entity owned or controlled by the donor or the donor's immediate family;

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

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

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

(i) unpublished lecture notes;

(ii) unpublished notes, data, and information:

(A) relating to research; and

(B) of:

(I) the institution within the state system of higher education defined in Section 53B-1-102; or

(II) a sponsor of sponsored research;

(iii) unpublished manuscripts;

(iv) creative works in process;

(v) scholarly correspondence; and

(vi) confidential information contained in research proposals;

(b) Subsection (40)(a) may not be construed to prohibit disclosure of public information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

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

(41) (a) records in the custody or control of the Office of the Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit prior to the date that audit is completed and made public; and

(b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the Office of the Legislative Auditor General is a public document unless the legislator asks that the records in the custody or control of the Office of the Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit be maintained as

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protected records until the audit is completed and made public;

(42) records that provide detail as to the location of an explosive, including a map or other document that indicates the location of:

- (a) a production facility; or
- (b) a magazine;

(43) information contained in the statewide database of the Division of Aging and Adult Services created by Section 62A-3-311.1;

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

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

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

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

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

- (a) the safety of the general public; or
- (b) the security of:
 - (i) governmental property;
 - (ii) governmental programs; or
 - (iii) the property of a private person who provides the Division of Emergency

Management information;

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

(50) as provided in Section 26-39-501:

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(a) information or records held by the Department of Health related to a complaint regarding a child care program or residential child care which the department is unable to substantiate; and

(b) information or records related to a complaint received by the Department of Health from an anonymous complainant regarding a child care program or residential child care;

(51) unless otherwise classified as public under Section 63G-2-301 and except as provided under Section 41-1a-116, an individual's home address, home telephone number, or personal mobile phone number, if:

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

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

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

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

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

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

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

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

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

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

(b) conducted using animals;

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

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information disclosed under Subsection 78A-12-203(5)(e);

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

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

(57) information requested by and provided to the 911 Division under Section 63H-7a-302;

(58) in accordance with Section 73-10-33:

(a) a management plan for a water conveyance facility in the possession of the Division of Water Resources or the Board of Water Resources; or

(b) an outline of an emergency response plan in possession of the state or a county or municipality;

(59) the following records in the custody or control of the Office of Inspector General of Medicaid Services, created in Section 63A-13-201:

(a) records that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a person if the information or allegation cannot be corroborated by the Office of Inspector General of Medicaid Services through other documents or evidence, and the records relating to the allegation are not relied upon by the Office of Inspector General of Medicaid Services in preparing a final investigation report or final audit report;

(b) records and audit workpapers to the extent they would disclose the identity of a person who, during the course of an investigation or audit, communicated the existence of any Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any recognized entity of the United States, if the information was disclosed on the condition that the identity of the person be protected;

(c) before the time that an investigation or audit is completed and the final investigation or final audit report is released, records or drafts circulated to a person who is not an employee or head of a governmental entity for the person's response or information;

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(d) records that would disclose an outline or part of any investigation, audit survey plan, or audit program; or

(e) requests for an investigation or audit, if disclosure would risk circumvention of an investigation or audit;

(60) records that reveal methods used by the Office of Inspector General of Medicaid Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or abuse;

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

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

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

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

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

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

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

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

(a) depict the commission of an alleged crime;

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

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

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

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

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

(67) an audio recording that is:

(a) produced by an audio recording device that is used in conjunction with a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition;

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Title 10, Utah Municipal Code;
- (b) Title 17, Counties;
- (c) Title 17B, Limited Purpose Local Government Entities - Local Districts;
- (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- (e) Title 20A, Election Code;

(76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a voter registration record;

(77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

(78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5, Victims Guidelines for Prosecutors Act;

(79) a record submitted to the Insurance Department under Section 31A-48-103;

(80) personal information, as defined in Section 63G-26-102, to the extent disclosure is prohibited under Section 63G-26-103;

(81) an image taken of an individual during the process of booking the individual into jail, unless:

(a) the individual is convicted of a criminal offense based upon the conduct for which the individual was incarcerated at the time the image was taken;

(b) a law enforcement agency releases or disseminates the image:

(i) after determining that the individual is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the image will assist in apprehending the individual or reducing or eliminating the threat; or

(ii) to a potential witness or other individual with direct knowledge of events relevant to a criminal investigation or criminal proceeding for the purpose of identifying or locating an individual in connection with the criminal investigation or criminal proceeding; or

(c) a judge orders the release or dissemination of the image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest;

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(82) a record:

(a) concerning an interstate claim to the use of waters in the Colorado River system;

(b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative from another state or the federal government as provided in Section 63M-14-205; and

(c) the disclosure of which would:

(i) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River system;

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

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

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

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

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

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

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

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

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

(86) a record:

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

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

(c) the disclosure of which would:

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

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

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

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

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

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

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

(a) Section 73-10g-202 is repealed; and

(b) Section 73-10g-203 is repealed.

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

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

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

~~(a) Subsection 73-1-4(2)(e)(xi) is repealed;~~

~~(b) Subsection 73-10-4(1)(h) is repealed; and~~

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

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

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

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

- (1) There is created within the General Fund a restricted account known as the "Sovereign Lands Management Account."
- (2) The Sovereign Lands Management Account shall consist of the following:
 - (a) the revenues derived from sovereign lands, except for revenues deposited into the Great Salt Lake Account under Section [~~65A-5-1.5~~] 73-32-304;
 - (b) that portion of the revenues derived from mineral leases on other lands managed by the division necessary to recover management costs;
 - (c) fees deposited by the division; and
 - (d) amounts deposited into the account in accordance with Section 59-23-4.
- (3) (a) The expenditures of the division relating directly to the management of sovereign lands shall be funded by appropriation by the Legislature from the Sovereign Lands Management Account or other sources.
 - (b) Money in the Sovereign Lands Management Account may be used only for the direct benefit of sovereign lands, including the management of sovereign lands.
 - (c) In appropriating money from the Sovereign Lands Management Account, the Legislature shall prefer appropriations that benefit the sovereign land from which the money is derived unless compelling circumstances require that money be appropriated for sovereign land other than the sovereign land from which the money is derived.
- (4) The division shall use the amount deposited into the account under Subsection (2)(d) for the Great Salt Lake as described in Section 65A-10-8 as directed by the Great Salt Lake Advisory Council created in Section [~~73-30-201~~] 73-32-302.

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

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

- (1) [~~The~~] Subject to Title 73, Chapter 32, Great Salt Lake Commissioner Act, the ~~the~~ division is the management authority for sovereign lands, and may exchange, sell, or lease sovereign lands but only in the quantities and for the purposes as serve the public interest and do not interfere with the public trust.
- (2) Nothing in this section shall be construed as asserting state ownership of the beds of nonnavigable lakes, bays, rivers, or streams.

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

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

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

The division has the following powers and duties:

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

(a) develop strategies to deal with a fluctuating lake level;

(b) encourage development of the Great Salt Lake in a manner that will preserve the Great Salt Lake, encourage availability of brines to lake extraction industries, protect wildlife, and protect recreational facilities;

(c) maintain the Great Salt Lake's flood plain as a hazard zone;

(d) promote water quality management for the Great Salt Lake and the Great Salt Lake's tributary streams;

(e) promote the development of lake brines, minerals, chemicals, and petro-chemicals to aid the state's economy;

(f) encourage the use of appropriate areas for extraction of brine, minerals, chemicals, and petro-chemicals;

(g) maintain the Great Salt Lake and the marshes as important to shorebirds, waterfowl, and other waterbird flyway system;

(h) encourage the development of an integrated industrial complex;

(i) promote and maintain recreation areas on and surrounding the Great Salt Lake;

(j) encourage safe boating use of the Great Salt Lake;

(k) maintain and protect state, federal, and private marshlands, rookeries, and wildlife refuges; and

(l) provide public access to the Great Salt Lake for recreation, hunting, and fishing.

(2) The division may employ personnel and purchase equipment and supplies that the Legislature authorizes through appropriations for the purposes of this chapter.

(3) The division may initiate studies of the Great Salt Lake and the Great Salt Lake's related resources.

(4) The division may publish scientific and technical information concerning the Great

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Salt Lake.

(5) The division shall define the Great Salt Lake's flood plain.

(6) The division may qualify for, accept, and administer grants, gifts, or other funds from the federal government and other sources, for carrying out any functions under this chapter.

(7) The division shall determine the need for public works and utilities for the lake area.

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

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

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

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

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

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

65A-16-101. Definitions.

As used in this chapter:

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

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

- (a) private;
- (b) nonprofit; and
- (c) founded for the purpose of promoting conservation of natural resources.

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

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

~~(4)~~ (5) "Eligible applicant" means two or more conservation organizations that

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submit a joint grant application to the division under Section 65A-16-201 and meet the criteria listed in Subsection 65A-16-201(3)(a).

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

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

~~[(7)]~~ (8) "Great Salt Lake watershed" means the area comprised of the Great Salt Lake, the Bear River watershed, the Jordan River watershed, the Utah Lake watershed, the Weber River watershed, and the West Desert watershed.

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

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

65A-16-202. Oversight.

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

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

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

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

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

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

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

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

(a) is organized:

(i) as a private nonprofit organization; or

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

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(b) complies with this section.

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

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

(b) subject to Subsection (6):

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

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

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

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

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

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

(A) the division;

(B) the commissioner;

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

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

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

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

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

(A) the Division of Water Quality;

(B) the council; and

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

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

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

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

(b) shall use no less than 25% of the grant money to protect and restore wetlands and

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habitats in the Great Salt Lake's surrounding ecosystem to benefit the hydrology of the Great Salt Lake; and

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

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

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

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

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

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

(i) agriculture;

(ii) a private land owner adjacent to the Great Salt Lake;

(iii) a conservation organization dedicated to the preservation of migratory waterfowl;

(iv) a conservation organization dedicated to the protection of non-game avian species;

(v) another conservation organization working on Great Salt Lake issues;

(vi) aquaculture;

(vii) mineral extraction;

(viii) a water conservancy district; and

(ix) wastewater treatment facilities.

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

Section 9. 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;

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- (ii) commissioner of the Insurance Department;
- (iii) commissioner of the Labor Commission;
- (iv) director, Department of Alcoholic Beverage Services;
- (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; and

(xxiii) Great Salt Lake commissioner, appointed under Section 73-32-201.

(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

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command as determined by the Division of Human Resource Management.

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

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

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

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

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

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

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

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

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

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

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

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

(iii) The governor may provide salary increases for appointed executives within the

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range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

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

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

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

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

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

(ii) health insurance;

(iii) dental insurance;

(iv) basic life insurance;

(v) unemployment compensation;

(vi) workers' compensation;

(vii) required employer contribution to Social Security;

(viii) long-term disability income insurance;

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

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

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

(A) sick leave;

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

(C) educational allowances;

(D) holidays; and

(E) annual leave except that annual leave shall be accrued at the maximum rate

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provided to Schedule B state employees;

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

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

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

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

(6) The Legislature fixes the following additional benefits:

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

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

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

(d) for the commissioner of Public Safety:

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

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

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

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

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

(1) (a) The Board of Water Resources shall be comprised of [~~eight~~] nine members to be appointed by the governor with the advice and consent of the Senate in accordance with Title

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63G, Chapter 24, Part 2, Vacancies.

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

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

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

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

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

Summit;

~~(c)~~ (iii) Salt Lake District, comprising the counties of Salt Lake and Tooele;

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

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

Piute, and Wayne;

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

Uintah;

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

Grand, and San Juan; and

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

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

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

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

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

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

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

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

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

(5) A member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

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

CHAPTER 32. GREAT SALT LAKE COMMISSIONER ACT

Part 1. General Provisions

73-32-101. Definitions.

As used in this chapter:

- (1) "Account" means the Great Salt Lake Account created in Section 73-32-304.
- (2) "Commissioner" means the Great Salt Lake commissioner appointed under Section 73-32-201.
- (3) "Council" means the Great Salt Lake Advisory Council created in Section 73-32-302.
- (4) "Department" means the Department of Natural Resources.
- (5) "Office" means the Office of the Great Salt Lake Commissioner created in Section 73-32-301.
- (6) "State agency" means a department, division, board, council, committee, institution, office, bureau, or other similar administrative unit of the executive branch of state government.
- (7) "Strategic plan" means the plan prepared by the commissioner under Sections 73-32-202 and 73-32-204.

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

Part 2. Commissioner

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

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

~~(2)~~ ~~(a)~~ ~~(b)~~ Before the governor appoints the commissioner under this section, the

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governor shall consult with the speaker of the House of Representatives and the president of the Senate concerning the selection of potential candidates for the position of commissioner.

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

~~_____ (b) The governor may remove the commissioner if the governor finds that the commissioner has engaged in neglect of duty or malfeasance in office.~~ but shall be subject to removal at the pleasure of the governor.

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

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

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

(1) The commissioner shall:

(a) subject to Section 73-32-204, prepare an approved strategic plan for the long-term health of the Great Salt Lake and update the strategic plan regularly;

(b) oversee the execution of the strategic plan by other state agencies as provided in Section 73-32-203;

(c) maintain information that measures Great Salt Lake levels, salinity, and overall health;

(d) meet regularly with the executive director of the department and with the executive director of the Department of Environmental Quality;

(e) ~~administer~~ consult with the Division of Forestry, Fire, and State Lands regarding Title 65A, Chapter 16, Great Salt Lake Watershed Enhancement Program;

(f) monitor the integrated water assessment conducted under Chapter 10g, Part 4, Great Salt Lake Watershed Integrated Water Assessment;

(g) inform the governor, the president of the Senate, and the speaker of the House of Representatives, at least annually, about the status of the strategic plan and the progress regarding implementation of the strategic plan;

(h) at least annually report to the Executive Appropriations Committee regarding the expenditure of money under this chapter; ~~and~~

(i) coordinate and work collaboratively with water conservancy districts that serve water users within the Great Salt Lake watershed ~~;~~ and

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(j) annually report to the Natural Resources, Agriculture, and Environment Interim Committee regarding the activities of the commissioner.

(2) The commissioner may:

(a) access information from other state or federal agencies related to the Great Salt Lake;

(b) develop cooperative agreements between the state, political subdivisions, and agencies of the federal government for involvement in the strategic plan;

(c) produce research, documents, maps, studies, analysis, or other information that supports the strategic plan for the Great Salt Lake;

(d) facilitate and coordinate the exchange of information, comments, and recommendations on Great Salt Lake policies between and among:

(i) state agencies;

(ii) political subdivisions;

(iii) institutions of higher education that conduct research relevant to the Great Salt Lake;

(iv) nonprofit entities; and

(v) private business;

(e) communicate with the Great Salt Lake Watershed Council created under Chapter 10g, Part 3, Watershed Councils Act; and

(f) perform other duties that the commissioner considers necessary or expedient to carry out the purposes of this chapter.

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

(a) the department;

(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 agencies;

(g) elected officials; and

(h) local tribal officials.

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

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

(1) A state agency shall cooperate with the commissioner, including providing information to the commissioner, to the extent not prohibited by federal or state law, at the commissioner's request.

(2) To the extent not prohibited by federal law and notwithstanding any other provision of state law, the commissioner may require a state agency to ~~comply with the strategic plan, or to~~ take action or refrain from acting to benefit the health of the Great Salt Lake~~.~~

~~(3) Nothing in this chapter modifies the statutory duties~~ to comply with the strategic plan.

(3) This chapter may not be interpreted to override, substitute, or modify a water right within the state or the role and authority of the state engineer ~~under this title.~~

~~(4) (a) If:~~

(4) (a) This Subsection (4) applies if:

(i) the commissioner determines that an action or failure to act by the Department of Environmental Quality ~~determines that an action by the commissioner under Subsection (2)~~ may negatively impact the health of the Great Salt Lake, as established by the strategic plan; and

(ii) the Department of Environmental Quality refuses to act or refrain from action because the Department of Environmental Quality believes it would jeopardize a delegation agreement entered into by the Department of Environmental Quality with the United States Environmental Protection Agency~~, the Department of Environmental Quality shall inform the governor.~~

(b) If the conditions of Subsection (4)(a) are met, the commissioner shall inform:

(i) the governor;

(ii) the speaker of the House of Representatives~~;~~ and

(iii) the president of the Senate.

~~(b) (c)~~ The ~~commissioner's~~ Department of Environmental Quality may inform the governor, the speaker of the House of Representatives, and the president of the Senate of the need for the ~~commissioner's~~ Department of Environmental Quality to take the action or refrain from the action described in Subsection (4)(a).

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(f) (d) The governor may review the information provided under this Subsection (4) and take action to resolve the issue raised by the commissioner under Subsection (4)(b).

(e) If the conditions of Subsection (4)(a) are not met, the Department of Environmental Quality shall comply with Subsection (2).

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

73-32-204. Strategic plan.

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

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

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

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

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

(c) human health and quality of life;

(d) a healthy ecosystem;

(e) economic development;

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

(g) water and land use planning;

(h) regional water sharing; and

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

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

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

(c) The governor shall approve the strategic plan by no later than December 31, 2023, if the governor determines that the initial strategic plan satisfies this chapter.

(d) By no later than January 15, 2024, the commissioner shall provide the following a

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copy of the initial strategic plan approved by the governor under Subsection (3)(c):

- (i) the Natural Resources, Agriculture, and Environment Interim Committee;
- (ii) the department;
- (iii) the Department of Environmental Quality; and
- (iv) the Department of Agriculture and Food.

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

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

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

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

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

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

Part 3. Administration

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

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

(2) The office shall:

(a) provide staff support to the commissioner; and

(b) operate under the supervision of the commissioner.

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

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

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

(1) There is created an advisory council known as the "Great Salt Lake Advisory

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Council" consisting of 11 members listed in Subsection (2).

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

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

(ii) one representative of industry representing aquaculture;

(iii) one representative of conservation interests;

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

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

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

(A) Box Elder County;

(B) Davis County;

(C) Salt Lake County;

(D) Tooele County; and

(E) Weber County; and

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

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

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

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

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

(4) The council shall determine:

(a) the time and place of meetings; and

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

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

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

(6) 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) Section 63A-3-106;

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

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

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

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

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

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

(i) sustainable use;

(ii) environmental health; and

(iii) reasonable access for existing and future development.

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

(i) the governor;

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

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

(iv) the commissioner.

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

(3) The council:

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

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

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

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

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

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

(1) As used in this section ~~[:~~~~]~~

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

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

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

- (i) revenues deposited into the account under Subsection (3);
- (ii) appropriations from the Legislature; and
- (iii) interest and other earnings described in Subsection (2)(b).

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

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

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

- (a) manage the water levels of the Great Salt Lake; and
- (b) fund the activities of the commissioner and office under this chapter.

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

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

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

(2) The department comprises the following:

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- (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;
- (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) The department shall provide office space, furnishings, and supplies to the Great Salt Lake commissioner appointed under Section 73-32-201, the Office of the Great Salt Lake Commissioner created in Section 73-32-301, and support staff for the Office of the Great Salt Lake Commissioner.

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

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

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

Section 22. **Repealer.**

This bill repeals:

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

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

Section 23. **Appropriations.**

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

ITEM 1

To General Fund Restricted - Great Salt Lake Account

<u>From General Fund</u>	<u>2,500,000</u>
<u>From General Fund, fOne-time</u> <u>One-time</u>	<u>f4010,000,000</u>
<u>Schedule of Programs:</u>	
<u>Great Salt Lake Account</u>	<u>f 4212,500,000</u>

ITEM 2

To Office of the Great Salt Lake Commissioner ~~f~~ Great Salt Lake Commissioner

<u>From General Fund Restricted f Great Salt Lake Account</u>	<u>1,500,000</u>
<u>From General Fund Restricted f Great Salt Lake Account, f</u>	
<u>f f One-time</u>	<u>1,000,000</u>
<u>Schedule of Programs:</u>	
<u>Administration</u>	<u>f 22,500,000</u>

The Legislature intends that the Division of Finance not allocate the \$1,000,000 one-time appropriation from the Great Salt Lake Account to the Office of the Great Salt Lake

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Commissioner until the strategic plan described by Section 73-32-204, enacted by this bill, may be implemented in accordance with Section 73-32-204.

Section 24. **Effective date.**

This bill takes effect on July 1, 2023.