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

30 Section 1. Section **63C-4a-403** is amended to read:

31 **63C-4a-403. Plans for R.S. 2477 rights and constitutional defense -- Contents.**

32 (1) (a) Any road ~~H→~~ on or across federally managed property and ~~←H~~ that is found on
32a a county's class B and class D road map or a county

33 travel plan is presumed to be a public road open for public use unless the road has been closed

34 through an appropriate action of the state or federal government properly adjudicated and with

35 due process.

36 (b) If the federal government attempts to close a road on a county's class B and class D
37 road map or county travel plan without proper adjudication and due process:

38 (i) the closure is invalid and has no effect; and

39 (ii) the state and county may disregard the alleged closure.

40 (c) In an adjudication to determine ownership of a disputed road that is included in a

41 county travel plan, including an R.S. 2477 claim, the federal government has the burden of

42 proof to show that the disputed road is not a public road and warrants closure.

43 ~~[(1)]~~ (2) The council may approve an R.S. 2477 plan if the R.S. 2477 plan:

44 (a) provides for a good faith, cooperative effort between the state and each
45 participating county;

46 (b) allows a county to formally agree to participate in the R.S. 2477 plan by adopting a
47 resolution;

48 (c) provides that the state and a participating county are equal partners in determining
49 litigation strategy and the expenditure of resources with respect to that county's rights under
50 R.S. 2477; and

51 (d) provides a process for resolving any disagreement between the state and a
52 participating county about litigation strategy or resource expenditure that includes the
53 following requirements:

54 (i) the governor or the governor's designee and a representative of the Utah Association
55 of Counties shall first attempt to resolve the disagreement;

56 (ii) if the county and the state continue to disagree, the county, the governor, and the
57 Utah Association of Counties shall present their recommendations to the council for a final
58 decision about the strategy or expenditure in question; and