

# SB0149S03 compared with SB0149S02

~~{Omitted text}~~ shows text that was in SB0149S02 but was omitted in SB0149S03

inserted text shows text that was not in SB0149S02 but was inserted into SB0149S03

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**Natural Resources Modifications**  
2025 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Ronald M. Winterton**  
House Sponsor: Carl R. Albrecht



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3 **LONG TITLE**

4 **General Description:**

5 This bill modifies provisions related to hunting and public lands under the Department of  
6 Natural Resources.

7 **Highlighted Provisions:**

- 8 This bill:
- 9 ▶ defines terms;
  - 10 ▶ creates the Guide, Outfitter, and Spotter Fund;
  - 11 ▶ establishes when the use of a guide, outfitter, or spotter is unlawful;
  - 12 ▶ requires registration of a guide, outfitter, and spotter with the Division of Wildlife Resources  
(division);
  - 14 ▶ provides for division rulemaking related to guides, outfitters, and spotters;
  - 15 ▶ outlines prohibited activities and penalties for violations related to guides, outfitters, and spotters;
  - 17 ▶ clarifies that the provisions related to guides, outfitters, and spotters do not apply to private  
land;
  - 17 ▶

**SB0149S02**

## SB0149S02 compared with SB0149S03

removes a requirement for the Public Lands Policy Coordinating Office (PLPCO) to prepare and submit a constitutional defense plan;

- 19       ▶ renames the executive director of PLPCO as the {~~senior~~} advisor on public lands;
  - 20       ▶ clarifies that the {~~senior~~} advisor of PLPCO and director of the Office of Energy Development:
    - 22           • are appointed by the governor with the advice and consent of the Senate; and
    - 23           • report to the executive director of the Department of Natural Resources, upon the executive director's request;
  - 25       ▶ repeals a committee required to inventory and map R.S. 2477 rights-of-way;
  - 26       ▶ repeals regulation related to hunting guide registration by the Division of Professional Licensing;
- and
- 28       ▶ makes technical and conforming changes.

### 30 **Money Appropriated in this Bill:**

31       None

### 32 **Other Special Clauses:**

33       This bill provides a special effective date.

34       This bill provides a coordination clause.

### 36 **AMENDS:**

37       **23A-1-101 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 80 (**Effective 07/01/25**), as last amended by Laws of Utah 2024, Chapter 80

38       **23A-5-309 (Effective 07/01/25)**, as renumbered and amended by Laws of Utah 2023, Chapter 103 (**Effective 07/01/25**), as renumbered and amended by Laws of Utah 2023, Chapter 103

40       **23A-12-301 (Effective 07/01/25)**, as renumbered and amended by Laws of Utah 2023, Chapter 103 (**Effective 07/01/25**), as renumbered and amended by Laws of Utah 2023, Chapter 103

42       **23A-12-302 (Effective 07/01/25)**, as renumbered and amended by Laws of Utah 2023, Chapter 103 (**Effective 07/01/25**), as renumbered and amended by Laws of Utah 2023, Chapter 103

44       **23A-12-303 (Effective 07/01/25)**, as renumbered and amended by Laws of Utah 2023, Chapter 103 (**Effective 07/01/25**), as renumbered and amended by Laws of Utah 2023, Chapter 103

46       **63C-4a-403 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 81 (**Effective 05/07/25**), as last amended by Laws of Utah 2024, Chapter 81

47       **63L-7-104 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 68 (**Effective 05/07/25**), as last amended by Laws of Utah 2022, Chapter 68

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- 48 **63L-7-105 (Effective 05/07/25)**, as enacted by Laws of Utah 2014, Chapter 323 (**Effective 05/07/25**), as enacted by Laws of Utah 2014, Chapter 323
- 49 **63L-7-109 (Effective 05/07/25)**, as enacted by Laws of Utah 2014, Chapter 323 (**Effective 05/07/25**), as enacted by Laws of Utah 2014, Chapter 323
- 50 **63L-11-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 16 (**Effective 05/07/25**), as last amended by Laws of Utah 2023, Chapter 16
- 51 **63L-11-201 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 345 and renumbered and amended by Laws of Utah 2021, Chapter 382 (**Effective 05/07/25**), as last amended by Laws of Utah 2021, Chapter 345 and renumbered and amended by Laws of Utah 2021, Chapter 382
- 53 **63L-11-202 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 36 (**Effective 05/07/25**), as last amended by Laws of Utah 2024, Chapter 36
- 54 **63L-11-305 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 313 (**Effective 05/07/25**), as last amended by Laws of Utah 2022, Chapter 313
- 55 **63L-11-402 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 160 (**Effective 05/07/25**), as last amended by Laws of Utah 2023, Chapter 160
- 56 **63L-11-403 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2021, Chapter 382 (**Effective 05/07/25**), as renumbered and amended by Laws of Utah 2021, Chapter 382
- 58 **67-22-2 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 522 (**Effective 05/07/25**), as last amended by Laws of Utah 2024, Chapter 522
- 59 **79-1-103 (Effective 05/07/25)**, as enacted by Laws of Utah 2021, Chapter 280 (**Effective 05/07/25**), as enacted by Laws of Utah 2021, Chapter 280
- 60 **79-2-204 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 80 (**Effective 05/07/25**), as last amended by Laws of Utah 2024, Chapter 80
- 61 **79-6-401 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 4 (**Effective 05/07/25**), as last amended by Laws of Utah 2024, Third Special Session, Chapter 4
- 63 **79-6-407 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 4 (**Effective 05/07/25**), as last amended by Laws of Utah 2024, Third Special Session, Chapter 4
- 65 ENACTS:

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- 66 **23A-3-216 (Effective 07/01/25)**, Utah Code Annotated 1953 (**Effective 07/01/25**), Utah Code Annotated 1953
- 67 **23A-4-1201 (Effective 07/01/25)**, Utah Code Annotated 1953 (**Effective 07/01/25**), Utah Code Annotated 1953
- 68 **23A-4-1202 (Effective 07/01/25)**, Utah Code Annotated 1953 (**Effective 07/01/25**), Utah Code Annotated 1953
- 69 **23A-4-1203 (Effective 07/01/25)**, Utah Code Annotated 1953 (**Effective 07/01/25**), Utah Code Annotated 1953
- 70 **23A-4-1204 (Effective 07/01/25)**, Utah Code Annotated 1953 (**Effective 07/01/25**), Utah Code Annotated 1953
- 71 **23A-4-1205 (Effective 07/01/25), Utah Code Annotated 1953 (Effective 07/01/25), Utah Code Annotated 1953**
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72 REPEALS:

- 73 **23A-11-204 (Effective 07/01/25)**, as renumbered and amended by Laws of Utah 2023, Chapter 103 (**Effective 07/01/25**), as renumbered and amended by Laws of Utah 2023, Chapter 103
- 75 **58-79-101 (Effective 07/01/25)**, as last amended by Laws of Utah 2020, Chapters 316, 376 (**Effective 07/01/25**), as last amended by Laws of Utah 2020, Chapters 316, 376
- 77 **58-79-102 (Effective 07/01/25)**, as last amended by Laws of Utah 2023, Chapter 34 (**Effective 07/01/25**), as last amended by Laws of Utah 2023, Chapter 34
- 78 **58-79-103 (Effective 07/01/25)**, as enacted by Laws of Utah 2023, Chapter 345 (**Effective 07/01/25**), as enacted by Laws of Utah 2023, Chapter 345
- 79 **58-79-301 (Effective 07/01/25)**, as last amended by Laws of Utah 2020, Chapters 316, 376 (**Effective 07/01/25**), as last amended by Laws of Utah 2020, Chapters 316, 376
- 81 **58-79-302 (Effective 07/01/25)**, as last amended by Laws of Utah 2020, Chapters 316, 339 and 376 (**Effective 07/01/25**), as last amended by Laws of Utah 2020, Chapters 316, 339 and 376
- 83 **58-79-303 (Effective 07/01/25)**, as last amended by Laws of Utah 2020, Chapters 316, 376 (**Effective 07/01/25**), as last amended by Laws of Utah 2020, Chapters 316, 376
- 85 **58-79-304 (Effective 07/01/25)**, as last amended by Laws of Utah 2020, Chapters 316, 376 (**Effective 07/01/25**), as last amended by Laws of Utah 2020, Chapters 316, 376
- 87 **58-79-401 (Effective 07/01/25)**, as last amended by Laws of Utah 2023, Chapter 345 (**Effective 07/01/25**), as last amended by Laws of Utah 2023, Chapter 345

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88 **58-79-501 (Effective 07/01/25)**, as last amended by Laws of Utah 2020, Chapters 316,  
376 **(Effective 07/01/25)**, as last amended by Laws of Utah 2020, Chapters 316, 376  
90 **58-79-502 (Effective 07/01/25)**, as last amended by Laws of Utah 2020, Chapters 316,  
376 **(Effective 07/01/25)**, as last amended by Laws of Utah 2020, Chapters 316, 376  
92 **63A-16-507 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapters 162, 382  
and renumbered and amended by Laws of Utah 2021, Chapter 344 **(Effective 05/07/25)**, as last  
amended by Laws of Utah 2021, Chapters 162, 382 and renumbered and amended by Laws of Utah  
2021, Chapter 344

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

96 Section 1. Section **23A-1-101** is amended to read:

97 **23A-1-101. Definitions.**

As used in this title:

97 (1) "Activity regulated under this title" means an act, attempted act, or activity prohibited or regulated  
under this title or the rules and proclamations promulgated under this title pertaining to protected  
wildlife including:

- 100 (a) fishing;  
101 (b) hunting;  
102 (c) trapping;  
103 (d) taking;  
104 (e) permitting a dog, falcon, or other domesticated animal to take;  
105 (f) transporting;  
106 (g) possessing;  
107 (h) selling;  
108 (i) wasting;  
109 (j) importing;  
110 (k) exporting;  
111 (l) rearing;  
112 (m) keeping;  
113 (n) using as a commercial venture; and  
114 (o) releasing to the wild.

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- 115 (2) "Aquaculture facility" means the same as that term is defined in Section 4-37-103.
- 116 (3) "Aquatic animal" means the same as that term is defined in Section 4-37-103.
- 117 (4) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or amphibians.
- 119 (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife that one person  
may legally take during one day.
- 121 (6) "Big game" means species of hoofed protected wildlife.
- 122 (7) "Carcass" means the dead body of an animal or the animal's parts.
- 123 (8) "Certificate of registration" means a paper-based or electronic document issued under this title, or a  
rule or proclamation of the Wildlife Board granting authority to engage in activities not covered by a  
license, permit, or tag.
- 126 (9) "Closed season" means the period of time during which the taking of protected wildlife is  
prohibited.
- 128 (10) "Dedicated hunter program" means a program that provides:
- 129 (a) expanded hunting opportunities;
- 130 (b) opportunities to participate in projects that are beneficial to wildlife; and
- 131 (c) education in hunter ethics and wildlife management principles.
- 132 (11) "Department" means the Department of Natural Resources.
- 133 (12) "Director" means the director of the division appointed under Section 23A-2-202.
- 134 (13) "Division" means the Division of Wildlife Resources.
- 135 (14) "Division of Law Enforcement" means the division within the Department of Natural Resources  
created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.
- 137 (15) Subject to Section 23A-1-103, "domicile" means the place:
- 138 (a) where an individual has a fixed permanent home and principal establishment;
- 139 (b) to which the individual if absent, intends to return and has an actual plan, method, and means to  
return to the individual's domicile within six months;
- 141 (c) in which the individual, and the individual's family voluntarily reside, not for a special or temporary  
purpose, but with the intention of making a permanent home; and
- 144 (d) is a place where the individual resides for the majority of the individual's time.
- 145 (16) "Endangered" means wildlife designated as endangered according to Section 3 of the federal  
Endangered Species Act of 1973.
- 147 (17) "Executive director" means the executive director of the Department of Natural Resources.

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- 149 (18) "Fee fishing facility" means the same as that term is defined in Section 4-37-103.
- 150 (19) "Feral" means an animal that is normally domesticated but has reverted to the wild.
- 151 (20) "Fishing" means to take fish or crayfish by any means.
- 152 (21) "Furbearer" means species of the Bassariscidae, Canidae, Felidae, Mustelidae, and Castoridae  
families, except coyote and cougar.
- 154 (22) "Game" means wildlife normally pursued, caught, or taken by sporting means for human use.
- 156 (23) "Guide" means the same as that term is defined in Section 23A-4-1201.
- 157 [~~(23)~~] (24) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by any means.
- 159 [~~(24) "Hunting guide" means the same as that term is defined in Section 58-79-102.~~]
- 160 (25) "Intimidate or harass" means to physically interfere with or impede, hinder, or diminish the efforts  
of an officer in the performance of the officer's duty.
- 162 (26)
- (a) "Natural flowing stream" means a topographic low where water collects and perennially or  
intermittently flows with a perceptible current in a channel formed exclusively by forces of nature.
- 165 (b) "Natural flowing stream" includes perennial or intermittent water flows in a:
- 166 (i) realigned or modified channel that replaces the historic, natural flowing stream channel; and
- 168 (ii) dredged natural flowing stream channel.
- 169 (c) "Natural flowing stream" does not include a human-made ditch, canal, pipeline, or other water  
delivery system that diverts and conveys water to an approved place of use pursuant to a certificated  
water right.
- 172 (27)
- (a) "Natural lake" means a perennial or intermittent body of water that collects on the surface of the  
earth exclusively through the forces of nature and without human assistance.
- 175 (b) "Natural lake" does not mean a lake where the surface water sources supplying the body of water  
originate from groundwater springs no more than 100 yards upstream.
- 177 (28) "Natural resources officer" means the same as that term is defined in Section 79-2-701.
- 178 (29) "Nominating committee" means the Wildlife Board Nominating Committee created in Section  
23A-2-302.
- 180 (30) "Nonresident" means a person who does not qualify as a resident.
- 181 (31) "Open season" means the period of time during which protected wildlife may be legally taken.
- 183 (32) "Outfitter" means the same as that term is defined in Section [~~58-79-102~~] 23A-4-1201.

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- 184 (33) "Pecuniary gain" means the acquisition of money or something of monetary value.
- 185 (34) "Permit" means a paper-based or electronic document that grants authority to engage in specified  
activities under this title or a rule or proclamation of the Wildlife Board.
- 187 (35) "Person" means an individual, association, partnership, government agency, corporation, or an  
agent of the individual, association, partnership, government agency, or corporation.
- 190 (36) "Pollute water" means to introduce into waters within the state matter or thermal energy that:  
192 (a) exceeds state water quality standards; or  
193 (b) could harm protected wildlife.
- 194 (37) "Possession" means actual or constructive possession.
- 195 (38) "Possession limit" means the number of bag limits one individual may legally possess.
- 196 (39)  
(a) "Private fish pond" means a pond, reservoir, or other body of water, including a fish culture system,  
located on privately owned land where privately owned fish:  
198 (i) are propagated or kept for a private noncommercial purpose; and  
199 (ii) may be taken without a fishing license.
- 200 (b) "Private fish pond" does not include:  
201 (i) an aquaculture facility;  
202 (ii) a fee fishing facility;  
203 (iii) a short-term fishing event; or  
204 (iv) private stocking.
- 205 (40) "Private stocking" means an authorized release of privately owned, live fish in the waters of the  
state not eligible as:  
207 (a) a private fish pond under Section 23A-9-203; or  
208 (b) an aquaculture facility or fee fishing facility under Title 4, Chapter 37, Aquaculture Act.
- 210 (41) "Private wildlife farm" means an enclosed place where privately owned birds or furbearers are  
propagated or kept and that restricts the birds or furbearers from:  
212 (a) commingling with wild birds or furbearers; and  
213 (b) escaping into the wild.
- 214 (42) "Proclamation" means the publication that is:  
215 (a) used to convey a statute, rule, policy, or pertinent information related to wildlife; and  
216 (b) issued in accordance with a rule made by the Wildlife Board under this title.

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- 217 (43)  
(a) "Protected aquatic wildlife" means aquatic wildlife except as provided in Subsection (43)(b).
- 219 (b) "Protected aquatic wildlife" does not include aquatic insects.
- 220 (44)  
(a) "Protected wildlife" means wildlife, except as provided in Subsection (44)(b).
- 221 (b) "Protected wildlife" does not include:
- 222 (i) coyote;
- 223 (ii) field mouse;
- 224 (iii) gopher;
- 225 (iv) ground squirrel;
- 226 (v) jack rabbit;
- 227 (vi) muskrat; or
- 228 (vii) raccoon.
- 229 (45) "Regional advisory council" means a council created under Section 23A-2-303.
- 230 (46) "Released to the wild" means to be turned loose from confinement.
- 231 (47)  
(a) "Reservoir constructed on a natural stream channel" means a body of water collected and stored on the course of a natural flowing stream by impounding the stream through excavation or diking.
- 234 (b) "Reservoir constructed on a natural stream channel" does not mean an impoundment on a natural flowing stream where all surface water sources supplying the impoundment originate from groundwater springs no more than 100 yards upstream.
- 237 (48) Subject to Section 23A-1-103, "resident" means a person who:
- 238 (a) has been domiciled in the state for six consecutive months immediately preceding the purchase of a license; and
- 240 (b) does not claim residency for hunting, fishing, or trapping in another state or country.
- 241 (49) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the act of selling, bartering, exchanging, or trading.
- 243 (50) "Short-term fishing event" means an event when:
- 244 (a) privately acquired fish are held or confined for a period not to exceed 10 days for the purpose of providing fishing or recreational opportunity; and
- 246 (b) no fee is charged as a requirement to fish.

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- 247 (51) "Small game" means species of protected wildlife:  
248 (a) commonly pursued for sporting purposes;  
249 (b) not classified as big game, aquatic wildlife, or furbearers; and  
250 (c) excluding turkey, cougar, and bear.
- 251 (52) "Spoiled" means impairment of the flesh of wildlife that renders the flesh unfit for human  
consumption.
- 253 (53) "Spotlighting" means throwing or casting the rays of a spotlight, headlight, or other artificial light  
on a highway or in a field, woodland, or forest while having in possession a weapon by which  
protected wildlife may be killed.
- 256 (54) "Tag" means a card, label, or other paper-based or electronic means of identification used to  
document harvest of protected wildlife.
- 258 (55) "Take" means to:  
259 (a) hunt, pursue, harass, catch, capture, possess, gather, angle, seine, trap, or kill protected wildlife; or  
261 (b) attempt an action referred to in Subsection (55)(a).
- 262 (56) "Threatened" means wildlife designated as threatened pursuant to Section 3 of the federal  
Endangered Species Act of 1973.
- 264 (57) "Trapping" means taking protected wildlife with a trapping device.
- 265 (58) "Trophy animal" means an animal described as follows:  
266 (a) deer - a buck with an outside antler measurement of 24 inches or greater;  
267 (b) elk - a bull with six points on at least one side;  
268 (c) bighorn, desert, or rocky mountain sheep - a ram with a curl exceeding half curl;  
269 (d) moose - a bull with at least one antler exceeding five inches in length;  
270 (e) mountain goat - a male or female;  
271 (f) pronghorn antelope - a buck with horns exceeding 14 inches; or  
272 (g) bison - a bull.
- 273 (59) "Upland game" means pheasant, quail, partridge, grouse, ptarmigan, mourning dove, band-tailed  
pigeon, turkey, cottontail rabbit, or snowshoe hare.
- 275 (60) "Waste" means to:  
276 (a) abandon protected wildlife; or  
277 (b) allow protected wildlife to spoil or to be used in a manner not normally associated with the  
protected wildlife's beneficial use.

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279 (61) "Wild" means the natural environment, including a private pond or private property.

280 (62) "Wildlife" means:

281 (a) crustaceans, including brine shrimp and crayfish;

282 (b) mollusks; and

283 (c) vertebrate animals living in nature, except feral animals.

284 (63) "Wildlife Board" means the board created in Section 23A-2-301.

285 (64) "Wildlife parts" means biological material derived from the body or anatomy of wildlife,  
including:

287 (a) an antler or horn;

288 (b) a hide;

289 (c) a bone; or

290 (d) meat.

293 Section 2. Section 2 is enacted to read:

294 **23A-3-216. Guide, Outfitter, and Spotter Fund.**

293 (1) There is created an expendable special revenue fund known as the "Guide, Outfitter, and Spotter Fund."

295 (2) The Guide, Outfitter, and Spotter Fund shall consist of:

296 (a) revenue from fees collected under Section 23A-4-1202;

297 (b) money appropriated by the Legislature; and

298 (c) interest, dividends, or other income earned on fund money.

299 (3) The division shall use the money in the Guide, Outfitter, and Spotter Fund to administer Chapter 4, Part 12, Guide, Outfitter, and Spotter.

303 Section 3. Section 3 is enacted to read:

305 **23A-4-1201. Definitions.**

12. Guide, Outfitter, and Spotter

As used in this part:

305 (1) "Compensation" means anything of economic value in excess of \$100 that is paid, loaned, granted, given, donated, or transferred to a guide, outfitter, or spotter for or in consideration of a service, material, or property.

308 (2) "Guide" means an individual who offers or provides guide services on public lands for compensation.

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- 310 (3) "Guide services" means to guide, lead, or assist an individual in hunting protected wildlife.  
312 (4)
- (a) "Hunting" means to locate, pursue, chase, catch, capture, trap, or kill protected wildlife.  
314 (b) "Hunting" includes fishing.
- 315 (5) "Outfitter" means an individual who offers or provides outfitting or guide services for compensation to another individual for hunting protected wildlife on public lands.  
317 (6)
- (a) "Outfitting services" means, for hunting protected wildlife on public lands, providing:  
319 (i) transportation of people, equipment, supplies, protected wildlife to or from a location;  
321 (ii) cooking for the participants hunting, including fishing;  
322 (iii) packing, protecting, or supervising services; or  
323 (iv) guide services.
- 324 (b) "Outfitting services" does not include an activity undertaken by the division or a division employee, associate, volunteer, contractor, or agent under authority granted in this title.  
327 (7)
- (a) "Public lands" means any lands owned by the United States, the state, or a political subdivision or independent entity of the state that are open to the public for purposes of engaging in a wildlife related activity.
- 330 (b) "Public lands" does not include lands owned by the United States, the state, or a political subdivision or independent entity of the state that are included in a cooperative wildlife management unit under Subsection 23A-7-204(5) so long as the guiding and outfitting services furnished by the cooperative wildlife management unit are limited to hunting species of wildlife specifically authorized by the division in the unit's management plan.
- 336 (8) "Retain" or "retained" means a written or oral agreement for the delivery of guide services or outfitter services between a guide or outfitter and the recipient of those services.
- 339 (9) "Spotter" means an individual compensated by a guide or outfitter to locate or monitor the location of protected wildlife on public land.
- 343 Section 4. Section 4 is enacted to read:  
344 **23A-4-1202. Registration as guide, outfitter, or spotter -- Rulemaking.**  
344 (1) Beginning July 1, 2025, to provide the services of a guide, outfitter, or spotter an individual is required to annually obtain a certificate of registration with the division under this part.

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- 347 (2) The division shall issue to an individual who qualifies under this part a certificate to operate as a:  
349 (a) guide;  
350 (b) outfitter; or  
351 (c) spotter.  
352 (3) The division shall maintain a record of each individual who is registered with the division under this  
part.  
354 (4)  
(a) To register as a guide, a resident shall:  
355 (i) submit an application in a form prescribed by the division, subject to rules of the Wildlife Board;  
357 (ii) have the appropriate hunting or fishing license under this chapter to engage in the activity for  
which the guide provides guide services; and  
359 (iii) pay an annual registration fee of:  
360 (A) \$250 if the resident provides guide services related to the hunting of big game or bear; or  
362 (B) \$175 if the resident only provides guide services related to the hunting, including fishing, of  
protected wildlife other than big game or bear.  
364 (b) To register as a guide, a nonresident shall:  
365 (i) submit an application in a form prescribed by the division, subject to rules of the Wildlife Board;  
367 (ii) have the appropriate hunting or fishing license under this chapter to engage in the activity for which  
the guide provides guide services; and  
369 (iii) pay an annual registration fee of:  
370 (A) \$750 if the nonresident provides guide services related to the hunting of big game or bear; or  
372 (B) \$500 if the nonresident only provides guide services related to the hunting, including fishing, of  
protected wildlife other than big game or bear.  
374 (5)  
(a) To register as an outfitter, a resident shall:  
375 (i) submit an application in a form prescribed by the division, subject to rules of the Wildlife Board;  
377 (ii) have the appropriate hunting or fishing license under this chapter to engage in the activity for  
which the outfitter provides outfitter services; and  
379 (iii) pay an annual registration fee of:  
380 (A) \$500 if the resident provides services related to the hunting of big game or bear; or  
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(B) \$350 if the resident only provides services related to the hunting, including fishing, of protected wildlife other than big game or bear.

384 (b) To register as an outfitter, a nonresident shall:

385 (i) submit an application in a form prescribed by the division, subject to rules of the Wildlife Board;

387 (ii) have the appropriate hunting or fishing license under this chapter to engage in the activity for which the outfitter provides outfitter services; and

389 (iii) pay an annual registration fee of:

390 (A) \$1,500 if the nonresident provides services related to the hunting of big game or bear; or

392 (B) \$1,000 if the nonresident only provides services related to the hunting, including fishing, of protected wildlife other than big game or bear.

394 (6)

(a) To register as a spotter, a resident shall:

395 (i) submit an application in a form prescribed by the division, subject to rules of the Wildlife Board;

397 (ii) have the appropriate hunting license under this chapter to engage in the activity for which the spotter provides services; and

399 (iii) pay an annual registration fee of \$125.

400 (b) To register as a spotter, a nonresident shall:

401 (i) submit an application in a form prescribed by the division, subject to rules of the Wildlife Board;

403 (ii) have the appropriate hunting license under this chapter to engage in the activity for which the spotter provides services; and

405 (iii) pay an annual registration fee of \$375.

406 (7)

(a) Notwithstanding a fee amount described in Subsections (4), (5), and (6), the Wildlife Board may increase or decrease the fee amount under this section.

408 (b) An adjustment made by the Wildlife Board under Subsection (7)(a) takes effect when the Legislature adopts the fee schedule in the general session immediately following the adjustment.

411 (8) The division shall deposit fees collected under this section into the Guide, Outfitter, and Spotter Fund created in Section 23A-3-216.

413 (9) A registration automatically expires on the expiration date shown on the registration unless the registrant renews the registration.

415

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(10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules to address:

417 (a) the form of an application submitted under this section;

418 (b) a prohibited activity under Section 23A-4-1203; or

419 (c) an operation of a guide, outfitter, or spotter regulated under Section 23A-4-1204.

422 Section 5. Section 5 is enacted to read:

423 **23A-4-1203. Grounds for denial or revoking of registration -- Prohibited activities.**

423 (1) The division shall refuse to register an applicant, refuse to renew, or revoke the certificate of registration of a registrant during the time period that the division suspends the applicant's or registrant's privilege to:

426 (a) hunt, if the applicant or registrant provides services requiring registration under this part related to hunting; or

428 (b) fish, if the applicant or registrant provides services requiring registration under this part related to fishing.

430 (2) If the division suspends the privilege to hunt or fish under this title of the chief executive officer of an outfitter under which an applicant or registrant provides guide services, outfitting services, or spotting services:

433 (a) during the time period that the chief executive officer's privilege to hunt is suspended, the division shall:

435 (i) refuse to issue a registration to the applicant for services requiring registration under this part  
{~~Orelated~~} ~~related~~ to hunting; and

437 (ii) refuse to renew or shall revoke the registration of the registrant for services requiring registration under this part related to hunting; and

439 (b) during the time period that the chief executive officer's privilege to fish is suspended, the division shall:

441 (i) refuse to issue a registration to the applicant for services requiring registration under this part related to fishing; and

443 (ii) refuse to renew or shall revoke the registration of the registrant for services requiring registration under this part related to fishing.

445

## SB0149S02 compared with SB0149S03

- (3) An individual may not use the title "guide," "outfitter," or "spotter" or any other title or designation to indicate that the individual is a guide, outfitter, or spotter or acting as a guide, outfitter, or spotter unless the individual is registered as a guide, outfitter, or spotter under this part.
- 449 (4) An individual may not:
- 450 (a) engage in an activity that would place a registrant's client's, prospective client's, or third party's safety at risk, recognizing the inherent risks associated with hunting wildlife and the activity engaged in being above and beyond those inherent risks;
- 453 (b) use false, deceptive, or misleading advertising related to providing services as a guide, outfitter, or spotter;
- 455 (c) misrepresent services, outcomes, facilities, equipment, or fees to a client or prospective client; or
- 457 (d) fail to provide the division with active and current contact information within 30 days of any change to the registrant's contact information that was provided to the division during registration or the renewal of registration as a guide, outfitter, or spotter.
- 461 (5)
- (a) If an individual violates this part, the division may:
- 462 (i) revoke the certificate of registration of the individual; and
- 463 (ii) suspend the individual's privilege to hunt or fish under this title.
- 464 (b) An individual who violates Subsection (3) or (4) is guilty of a class B misdemeanor in accordance with Section 23A-5-301.
- 468 Section 6. Section 6 is enacted to read:
- 469 **23A-4-1204. Operations of a guide, outfitter, and spotter -- Limits on retaining guide or**
- outfitter -- Spotter.**
- 469 (1) Except as provided in Subsections (2) and (3), a person may not compensate an individual to provide guide services, outfitting services, or spotting services in connection with or in furtherance of taking protected wildlife on public land.
- 472 (2) A person may compensate a guide or outfitter to help the person locate and take protected wildlife on public land if:
- 474 (a) the guide or outfitter is registered and in good standing under this part;
- 475 (b) the person has retained the guide or outfitter and is the recipient of the guide services or outfitting services;
- 477 (c) the person possesses the licenses and permits required to take protected wildlife;

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- 478 (d) in total the number of individuals providing services requiring registration under this part does not  
480 exceed:  
481 (i) two individuals; or  
483 (ii) three individuals, if a guide or outfitter is retained for purposes of taking a moose, bison, bighorn  
485 sheep, or mountain goat;  
487 (e) subject to Subsection (2)(d), the retained guide or outfitter uses no more than two spotters; and  
488 (f) the person who retains the guide or outfitter is not simultaneously using another guide or outfitter to  
490 assist in taking the same species and sex of protected wildlife.  
492 (3) A registered guide or registered outfitter in good standing may use a spotter if:  
496 (a) the guide or outfitter is retained by the recipient of the guide services or outfitting services to assist  
501 the recipient to take protected wildlife on public land; and  
502 (b) the guide or outfitter does not use more than the number of spotters allowed under Subsections (2)  
504 (d) and (e).  
505 (4)  
506 (a) A person who knowingly retains an individual that is not registered under this part as a guide  
507 or outfitter or who knowingly retains a spotter in violation of this section is guilty of a class B  
508 misdemeanor, except that, notwithstanding Section 76-3-204, a court may not sentence the person to  
509 imprisonment or probation.  
510 (b) The division may suspend a person's privilege to hunt or fish under this title if the person knowingly  
511 retains an individual that is not registered under this part as a guide or outfitter or knowingly retains  
512 a spotter in violation of this section.

501 Section 7. Section 7 is enacted to read:

502 **23A-4-1205. Private land excluded.**

This part does not apply to activities on private land.

504 Section 8. Section 23A-5-309 is amended to read:

505 **23A-5-309. Taking, transporting, selling, or purchasing protected wildlife illegal except as**  
506 **authorized -- Criminal penalty.**

507 (1) Except as provided in this title or a rule, proclamation, or order of the Wildlife Board, a person may  
508 not:

509 (a) take protected wildlife or wildlife parts;

510

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- (b) collect, import, possess, transport, propagate, store, donate, transfer, or export protected wildlife or wildlife parts;
- 507 (c) take, possess, sell, purchase, barter, donate, or trade protected wildlife or wildlife parts without having previously procured the necessary licenses, permits, tags, federal stamps, certificates of registration, authorizations, and receipts required in this title or a rule, proclamation, or order of the Wildlife Board;
- 511 (d) take protected wildlife with a weapon, ammunition, implement, tool, device, or any part of any of these not specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;
- 514 (e) possess while in pursuit of protected wildlife a weapon, ammunition, implement, tool, device, or any part of any of these not specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;
- 517 (f) take protected wildlife using a method, means, process, or practice not specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;
- 519 (g) take protected wildlife outside the season dates, location boundaries, and daily time frames established in rule, proclamation, or order of the Wildlife Board;
- 521 (h) take protected wildlife in excess of the bag and possession limits established in rule, proclamation, or order of the Wildlife Board;
- 523 (i) take protected wildlife in an area closed to hunting, trapping, or fishing by rule, proclamation, or order of the Wildlife Board, or by executive order of the director pursuant to Subsection 23A-2-203(4);
- 526 (j) practice falconry or capture, possess, or use birds in falconry;
- 527 (k) take wildlife from an airplane or any other airborne vehicle or device or a motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles;
- 529 (l) hold in captivity at any time any live protected wildlife;
- 530 (m) use or permit a dog or other domestic or trained animal to take protected wildlife;
- 531 (n) remove, damage, or destroy an occupied nest of protected wildlife;
- 532 (o) release captured or captive wildlife into the wild;
- 533 (p) use spotlighting to take protected wildlife;
- 534 (q) employ or use a means of concealment or camouflage while taking protected wildlife which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;

536

## SB0149S02 compared with SB0149S03

- (r) possess or use bait or other attractant to take protected wildlife which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;
- 538 (s) use a decoy or recorded or electronically amplified call which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board to take protected wildlife;
- 540 (t) commercially harvest protected wildlife, including brine shrimp and brine shrimp eggs;
- 542 (u) use protected wildlife for commercial purposes or financial gain as prohibited by Section 23A-5-304;
- 544 (v) enter, establish, or hold a contest or tournament involving the taking of protected wildlife;
- 546 (w) operate or participate in a commercial hunting area as described in Section 23A-12-202; ~~[{t} or]~~
- 548 (x) operate or participate in a cooperative wildlife management unit as defined in Section 23A-7-101[;] ; or
- 550 (y)
- (i) operate or participate in guide, outfitter, or spotter services or activities in violation of Chapter 4, Part 12, Guide, Outfitter, and Spotter; or
- 552 (ii) knowingly retain a guide, outfitter, or spotter in violation of Chapter 4, Part 12, Guide, Outfitter, and Spotter.
- 554 (2) Possession of protected wildlife without a valid license, permit, tag, certificate of registration, bill of sale, or invoice is prima facie evidence that the protected wildlife was illegally taken and is illegally held in possession.
- 557 (3) A person is subject to the penalty under Section 23A-5-301 if the person:
- 558 (a) violates Subsection (1); and
- 559 (b) does so with criminal negligence as defined in Subsection 76-2-103(4).
- 565 Section 9. Section **23A-12-301** is amended to read:
- 566 **23A-12-301. Definitions.**
- 567 (1) The definitions in Section ~~[58-79-102]~~ 23A-4-1201 apply to this part.
- 563 (2)
- (a) As used in this part, "waterfowl management area" means real property owned or managed by the division that is:
- 565 (i) primarily used for the conservation, production, or recreational harvest of ducks, mergansers, geese, brant, swans, and other waterfowl; and

567

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(ii) designated as a waterfowl management area by the Wildlife Board in accordance with Section 23A-12-303.

569 (b) "Waterfowl management area" includes the Willard Spur Waterfowl Management Area and the  
Harold Crane Waterfowl Management Area described in Section 23A-6-403.

577 Section 10. Section **23A-12-302** is amended to read:

578 **23A-12-302. Prohibited activities.**

574 (1) A commercial [~~hunting~~]{~~}~~ ]guide or outfitter may not use a waterfowl management area for any of  
the following, unless the commercial[~~hunting~~] guide or outfitter has an annual permit, issued by the  
Wildlife Board pursuant to this part, for the use:

577 (a) [~~hunting~~]guide services or outfitter services; or

578 (b) transportation of an individual to another area for the purpose of providing [~~hunting~~]guide services  
or outfitter services.

580 (2) An individual may not construct a permanent blind or other permanent structure that is used for  
hunting within the boundaries of a waterfowl management area.

587 Section 11. Section **23A-12-303** is amended to read:

588 **23A-12-303. Rulemaking -- Notice.**

584 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board  
shall make rules:

586 (a) designating and establishing the boundaries of a waterfowl management area;

587 (b) governing the management and use of a waterfowl management area in accordance with this part;  
and

589 (c) to create an annual permit process by which commercial [~~hunting~~]{~~}~~ ]guides and outfitters may use  
waterfowl management areas in accordance with this part.

591 (2) The annual permit process described in Subsection (1)(c) shall:

592 (a) preserve the opportunity for non-guided hunters to use waterfowl management areas; and

594 (b) require a permit holder to comply with safety standards established by the Wildlife Board.

596 (3) The division shall provide an annual report to the Natural Resources, Agriculture, and Environment  
Interim Committee regarding any rules made or changed in accordance with this part.

599 (4) The Wildlife Board shall publish a map of the boundaries of each waterfowl management area.

601 (5) Nothing in this part modifies or limits:

602

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(a) Section 23A-6-403, or the discretion of the division to manage waterfowl management areas for other beneficial purposes, including for the benefit of the public, shorebirds, waterfowl, and other protected wildlife; or

605 (b) the authority of the division, the director, or the Wildlife Board under Chapter 6, Lands and Waters for Wildlife Purposes.

612 Section 12. Section **63C-4a-403** is amended to read:

613 **63C-4a-403. Due process and adjudication for closure of a road -- Plans for R.S. 2477 rights.**

610 (1)

(a) Any road on or across federally managed property and that is found on a county's class B and class D road map or a county travel plan is presumed to be a public road open for public use unless the road has been closed through an appropriate action of the state or federal government properly adjudicated and with due process.

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

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

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

618 (c) In an adjudication to determine ownership of a disputed road that is included in a county travel plan, including an R.S. 2477 claim, the federal government has the burden of proof to show that the disputed road is not a public road and warrants closure.

622 (2) The council may approve an R.S. 2477 plan if the R.S. 2477 plan:

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

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

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

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

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

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

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- 638 (iii) the county may pursue a strategy or make an expenditure contrary to the final decision of the  
council only if the county does not claim resources provided to fund the R.S. 2477 plan.
- 641 (3) The council shall ensure that the R.S. 2477 plan contains:
- 642 (a) provisions identifying which expenditure types require approval of the R.S. 2477 plan committee  
and which expenditure types may be made without the R.S. 2477 plan committee approval;
- 645 (b) provisions requiring that financial statements be provided to members of the R.S. 2477 plan  
committee and members of the council, and the frequency with which those financial statements  
must be provided;
- 648 (c) provisions identifying those decisions or types of decisions that may be made by the R.S. 2477 plan  
committee and those decisions or types of decisions that must be referred to the council for decision;  
and
- 651 (d) procedures to assert claims and respond to attempted closures as described in Subsection (1).
- 653 ~~[(4)~~
- ~~(a) The Public Lands Policy Coordinating Office, in consultation with the committee, the Office of  
the Attorney General and the School and Institutional Trust Lands, shall prepare and submit a  
constitutional defense plan to the council for the council's approval.]~~
- 657 ~~[(b) The constitutional defense plan shall contain proposed action and expenditure for:]~~
- 658 ~~[(i) the council's or the commission's duties; or]~~
- 659 ~~[(ii) an action filed in accordance with Section 67-5-29.]~~
- 660 ~~[(5)] (4) The council shall:~~
- 661 (a) review expenditures, at least ~~[quarterly]~~ annually, made to further a plan approved under this  
section;
- 663 (b) approve an update to a plan under this section at least annually, or more often, if necessary; and
- 665 (c) ~~[jointly, with]~~ ensure that the Public Lands Policy Coordinating Office~~[-];~~ :
- 666 (i) ~~[present]~~{s} presents a R.S. 2477 plan approved under this section, with any updates, to~~[-]~~
- 667 ~~[(i) the Legislature's] the~~ Natural Resources, Agriculture, and Environment Interim Committee ~~[by] on~~  
or before July 1 of each calendar year~~[-, after providing the R.S. 2477 plan to the committee at least  
seven days before the presentation]; and~~
- 670 (ii) provides a hard copy or electronic copy of the R.S. 2477 plan approved under this section, with any  
updates to the plan, to:
- 672 (A) the commission~~[-, which may be by mail]; and~~

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673 [(iii)] (B) the president of the Senate and the speaker of the House of Representatives[, which may be  
by mail].

681 Section 13. Section **63L-7-104** is amended to read:

682 **63L-7-104. Identification of a potential wilderness area.**

677 (1)

(a) Subject to Subsection (1)(b), the [director] {senior} advisor of PLPCO, within one year of the acquisition date, shall identify within a parcel of acquired land any conservation areas.

680 (b) Before identifying a parcel of land as a conservation area, the [director] {senior} advisor of PLPCO shall:

682 (i) inform the School and Institutional Trust Lands Administration that a parcel is being considered for designation as a conservation area; and

684 (ii) provide the School and Institutional Trust Lands Administration with the opportunity to trade out land owned by the School and Institutional Trust Lands Administration for the parcel in question subject to reaching an exchange agreement with the agency that manages the parcel.

688 (2) The [director] {senior} advisor of PLPCO shall:

689 (a) file a map and legal description of each identified conservation area with the governor, the Senate, and the House of Representatives;

691 (b) maintain, and make available to the public, records pertaining to identified conservation areas, including:

693 (i) maps;

694 (ii) legal descriptions;

695 (iii) copies of proposed regulations governing the conservation area; and

696 (iv) copies of public notices of, and reports submitted to the Legislature, regarding pending additions, eliminations, or modifications to a conservation area; and

698 (c) within five years of the date of acquisition:

699 (i) review each identified conservation area for its suitability to be classified as a protected wilderness area; and

701 (ii) report the findings under Subsection (2)(c)(i) to the governor.

702 (3) The records described in Subsection (2)(b) shall be available for inspection at:

703 (a) the PLPCO office;

704 (b) the main office of DNR;

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705 (c) a regional office of the Division of Forestry, Fire, and State Lands for any record that deals with an  
identified conservation area in that region; and

707 (d) the Division of State Parks or the Division of Outdoor Recreation.

708 (4) A conservation area may be designated as a protected wilderness area as described in Section  
63L-7-105.

710 (5) A conservation area identified under Subsection (1) shall be managed by DNR, in coordination  
with the county government having jurisdiction over the area, without the conservation area being  
designated as a protected wilderness area unless otherwise provided by the Legislature.

720 Section 14. Section **63L-7-105** is amended to read:

721 **63L-7-105. Report to the governor -- Governor's report to the Legislature -- Designation of a  
protected wilderness area -- Modification of a protected wilderness area -- Rulemaking authority.**

718 (1) Within five years of the acquisition date of a parcel of land, the [~~director~~] {senior} advisor of  
PLPCO shall:

720 (a) review all areas identified as conservation areas under Section 63L-7-104; and

721 (b) subject to Subsection (3), submit a report and recommendation to the governor on the suitability of a  
conservation area for designation as a protected wilderness area.

723 (2) Before making a recommendation, the [~~director~~] {senior} advisor of PLPCO shall:

724 (a) give notice of the proposed recommendation in a newspaper having general circulation in the  
vicinity of the affected land;

726 (b) hold a public hearing at a location convenient to citizens who live in the affected area; and

728 (c) at least 30 days before the date of the hearing described in Subsection (2)(b), invite local authorities  
to submit their opinions on the proposed action:

730 (i) at the hearing; or

731 (ii) to the [~~director~~] {senior} advisor of PLPCO, in writing, no later than 30 days after the day on which  
the hearing is held.

733 (3) Any opinions submitted to the [~~director~~] {senior} advisor of PLPCO shall be included with any  
recommendations to the governor under Subsection (2) and the Legislature under Subsection (5).

736 (4) The governor shall, after receiving the reports described in Subsection (1)(b):

737 (a) formulate a recommendation on which conservation areas to designate as protected wilderness areas;  
and

739

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(b) advise the speaker of the House of Representatives and the president of the Senate of the governor's recommendation.

741 (5) An area shall be designated as a protected wilderness area upon a concurrent resolution of the  
Legislature, the governor concurring therein, including:

743 (a) the legal description of the proposed protected wilderness area; and

744 (b) any special conditions that shall be placed upon the protected wilderness area.

745 (6) Any modification or adjustment to the boundaries of a protected wilderness area shall be:

747 (a) recommended by the [director] {senior} advisor of PLPCO after public notice of, and hearing on,  
the proposal, as described in Subsections (1) and (2); and

749 (b) made official as described in Subsections (4) and (5).

750 (7) DNR shall make rules governing the protection of a protected wilderness area.

757 Section 15. Section **63L-7-109** is amended to read:

758 **63L-7-109. Annual reports.**

753 (1) The [director] {senior} advisor of PLPCO shall report to the governor, for transmission to the  
Legislature, on:

755 (a) the status of the Utah wilderness preservation system;

756 (b) regulations in effect; and

757 (c) other pertinent information.

758 (2) The [director] {senior} advisor of PLPCO shall report any recommendations for future action to the  
Natural Resources, Agriculture, and Environment Interim Committee by November 30 of each year.

767 Section 16. Section **63L-11-102** is amended to read:

768 **63L-11-102. Definitions.**

As used in this chapter:

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

765 (2) "Executive director" means the [~~public lands policy~~] executive director of the Department of Natural  
Resources appointed under Section [~~63L-11-201~~] 79-2-202.

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

769 (4) "Political subdivision" means:

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

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

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- 773 (5) {"Senior advisor"} "Advisor" means the {senior} advisor of the office appointed under Section  
63L-11-201.
- 780 Section 17. Section 63L-11-201 is amended to read:
- 781 **63L-11-201. Public Lands Policy Coordinating Office -- {"Senior advisor"} Advisor on public**  
**lands -- Appointment -- Qualifications -- Compensation.**
- 778 (1)
- (a) There is created the Public Lands Policy Coordinating Office within the Department of Natural  
Resources[ ~~the Public Lands Policy Coordinating Office to be administered by an executive~~  
~~director~~].
- 781 (b) The {senior} advisor on public lands is the executive and administrative head of the Public Lands  
Policy Coordinating Office.
- 783 (2)
- (a) The [ ~~executive director shall be appointed by the governor~~ ] governor shall appoint the {senior}  
advisor with the advice and consent of the Senate[ ~~and shall serve at the pleasure of the governor~~].
- 786 (b) The {senior} advisor shall:
- 787 (i) serve at the pleasure of the governor; and
- 788 (ii) report to the executive director on matters concerning the office as the executive director may  
require.
- 790 (3) The [ ~~executive director~~ ] {senior} advisor shall have demonstrated the necessary administrative  
and professional ability through education and experience to efficiently and effectively manage the  
office's affairs.
- 793 (4)
- (a) The [ ~~executive director~~ ] {senior} advisor and employees of the office shall receive compensation as  
provided in Title 63A, Chapter 17, Utah State Personnel Management Act.
- 796 (b) The office space for the [ ~~executive director~~ ] {senior} advisor and employees of the office shall be  
in a building where the Department of Natural Resources is located.
- 803 Section 18. Section 63L-11-202 is amended to read:
- 804 **63L-11-202. Powers and duties of the office and {"senior"} advisor on public lands.**
- 801 (1) The office shall:
- 802

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- (a) make a report to the Constitutional Defense Council created under Section 63C-4a-202 concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter 4a, Constitutional and Federalism Defense Act;
- 805 (b) provide staff assistance to the Constitutional Defense Council created under Section 63C-4a-202 for meetings of the council;
- 807 [(e)
- (i) ~~prepare and submit a constitutional defense plan under Section 63C-4a-403; and]~~
- 809 [(ii) ~~execute any action assigned in a constitutional defense plan;~~]
- 810 (c) for a R.S. 2477 plan approved under Section 63C-4a-403:
- 811 (i) present the plan, with any updates to the plan, to the Natural Resources, Agriculture, and Environment Interim Committee on or before July 1 of each calendar year; and
- 814 (ii) provide a hard copy or electronic copy of the plan, with any updates to the plan, to:
- 816 (A) the Natural Resources, Agriculture, and Environment Interim Committee no later than seven days before the day of the presentation described in Subsection (1)(c)(i);
- 819 (B) the Federalism Commission created in Section 63C-4a-302; and
- 820 (C) the president of the Senate and the speaker of the House of Representatives;
- 821 (d) develop public lands policies by:
- 822 (i) developing cooperative contracts and agreements between the state, political subdivisions, and agencies of the federal government for involvement in the development of public lands policies;
- 825 (ii) producing research, documents, maps, studies, analysis, or other information that supports the state's participation in the development of public lands policy;
- 827 (iii) preparing comments to ensure that the positions of the state and political subdivisions are considered in the development of public lands policy; and
- 829 (iv) partnering with state agencies and political subdivisions in an effort to:
- 830 (A) prepare coordinated public lands policies;
- 831 (B) develop consistency reviews and responses to public lands policies;
- 832 (C) develop management plans that relate to public lands policies; and
- 833 (D) develop and maintain a statewide land use plan that is based on cooperation and in conjunction with political subdivisions;
- 835 (e) facilitate and coordinate the exchange of information, comments, and recommendations on public lands policies between and among:

## SB0149S02 compared with SB0149S03

- 837 (i) state agencies;
- 838 (ii) political subdivisions;
- 839 (iii) the Office of Rural Development created under Section 63N-4-102;
- 840 (iv) the coordinating committee;
- 841 (v) School and Institutional Trust Lands Administration created under Section 53C-1-201; and
- 843 [~~(vi) the committee created under Section 63A-16-507 to award grants to counties to inventory and map~~  
R.S. 2477 rights-of-way, associated structures, and other features; and]
- 846 [~~(vii)~~ (vi) the Constitutional Defense Council created under Section 63C-4a-202;
- 847 (f) perform the duties established in Title 9, Chapter 8a, Part 3, Antiquities, and Title 9, Chapter 8a, Part  
4, Historic Sites;
- 849 (g) consistent with other statutory duties, encourage agencies to responsibly preserve archaeological  
resources;
- 851 (h) maintain information concerning grants made under Subsection (1)(j), if available;
- 852 (i) report annually, or more often if necessary or requested, concerning the office's activities and  
expenditures to:
- 854 (i) the Constitutional Defense Council created under Section 63C-4a-202; and
- 855 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim Committee jointly with  
the Constitutional Defense Council;
- 857 (j) make grants of up to 16% of the office's total annual appropriations from the Constitutional Defense  
Restricted Account to a county or statewide association of counties to be used by the county or  
association of counties for public lands matters if the executive director, with the advice of the  
Constitutional Defense Council, determines that the action provides a state benefit;
- 862 (k) conduct the public lands transfer study and economic analysis required by Section 63L-11-304; and
- 864 (l) fulfill the duties described in Section 63L-10-103.
- 865 (2) The [~~executive director~~] {senior} advisor shall comply with Subsection 63C-4a-203(8) before  
submitting a comment to a federal agency, if the governor would be subject to Subsection  
63C-4a-203(8) in submitting the comment.
- 868 (3) The office may enter into an agreement with another state agency to provide information and  
services related to:
- 870 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification Act;
- 872

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

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

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

876 (a) the Department of Natural Resources;

877 (b) the Department of Agriculture and Food;

878 (c) the Department of Environmental Quality;

879 (d) other applicable state agencies;

880 (e) political subdivisions of the state;

881 (f) federal land management agencies; and

882 (g) elected officials.

888 Section 19. Section **63L-11-305** is amended to read:

889 **63L-11-305. Facilitating the acquisition of federal land.**

885 (1) As used in this section:

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

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

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

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

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

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

897 (2) The office shall:

898 (a) develop expertise:

899 (i) in the land application process; and

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

903 (b) work to educate government entities concerning:

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- 904 (i) the availability of federal land pursuant to the federal land disposal law; and  
905 (ii) the land application process;
- 906 (c) advise and consult with a government entity that requests assistance from the office to formulate and  
submit a land application and to pursue a decision on the land application;
- 909 (d) advise and consult with a government entity that requests assistance from the office to identify and  
quantify the amount of any funds needed to provide the public use described in a land application;
- 912 (e) adopt a list of factors to be considered in determining the degree to which a land application or  
potential land application is in the public interest;
- 914 (f) recommend a prioritization of land applications or potential land applications in the state according  
to the extent to which the land applications are in the public interest, based on the factors adopted  
under Subsection (2)(e);
- 917 (g) prepare and submit a written report of land applications:
- 918 (i) to the Natural Resources, Agriculture, and Environment Interim Committee and the Federalism  
Commission;
- 920 (ii)
- (A) annually no later than August 31; and
- 921 (B) at other times, if and as requested by the committee or commission; and
- 922 (iii)
- (A) on the activities of the office under this section;
- 923 (B) on the land applications and potential land applications in the state;
- 924 (C) on the decisions of the secretary on land applications submitted by government entities in the state;  
and
- 926 (D) the quantity of land acquired under the land applications;
- 927 (h) present a summary of information contained in the report described in Subsection (2)(g):
- 929 (i) at a meeting of the Natural Resources, Agriculture, and Environment Interim Committee and at a  
meeting of the Federalism Commission;
- 931 (ii) annually no later than August 31; and
- 932 (iii) at other times, if and as requested by the committee or commission; and
- 933 (i) report to the Executive Appropriations Committee of the Legislature, as frequently as the [executive  
director] {~~senior~~} advisor considers appropriate or as requested by the Executive Appropriations

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Committee, on the need for legislative appropriations to provide funds for the public purposes described in land applications.

937 (3) The office may:

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

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

947 Section 20. Section **63L-11-402** is amended to read:

948 **63L-11-402. Membership -- Terms -- Chair -- Expenses.**

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

946 (a) the state science advisor;

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

949 (c) a representative from the Department of Cultural and Community Engagement appointed by the executive director of the Department of Cultural and Community Engagement;

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

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

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

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

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

962 (i) a representative from the Utah Historical Society appointed by the director of the Utah Historical Society;

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

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

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- (l) a representative from the Division of Environmental Response and Remediation appointed by the director of the Division of Environmental Response and Remediation;
- 971 (m) a representative from the Division of Waste Management and Radiation Control appointed by the director of the Division of Waste Management and Radiation Control;
- 974 (n) a representative from the Division of Water Quality appointed by the director of the Division of Water Quality;
- 976 (o) a representative from the Division of Oil, Gas, and Mining appointed by the director of the Division of Oil, Gas, and Mining;
- 978 (p) a representative from the Division of Parks appointed by the director of the Division of Parks;
- 980 (q) a representative from the Division of Outdoor Recreation appointed by the director of the Division of Outdoor Recreation;
- 982 (r) a representative from the Division of Forestry, Fire, and State Lands appointed by the director of the Division of Forestry, Fire, and State Lands;
- 984 (s) a representative from the Utah Geological Survey appointed by the director of the Utah Geological Survey;
- 986 (t) a representative from the Division of Water Resources appointed by the director of the Division of Water Resources;
- 988 (u) a representative from the Division of Water Rights appointed by the director of the Division of Water Rights;
- 990 (v) a representative from the Division of Wildlife Resources appointed by the director of the Division of Wildlife Resources;
- 992 (w) a representative from the School and Institutional Trust Lands Administration appointed by the director of the School and Institutional Trust Lands Administration;
- 994 (x) a representative from the Division of Facilities Construction and Management appointed by the director of the Division of Facilities Construction and Management;
- 996 (y) a representative from the Division of Emergency Management appointed by the director of the Division of Emergency Management; and
- 998 (z) a representative from the Division of Conservation, created under Section 4-46-401, appointed by the director of the Division of Conservation.
- 1000 (2)

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- (a) As particular issues require, the coordinating committee may, by majority vote of the members present, appoint additional temporary members to serve as ex officio voting members.
- 1003 (b) Those ex officio members may discuss and vote on the issue or issues for which they were appointed.
- 1005 (3) A chair shall be selected by a vote of 14 committee members with the concurrence of the [~~executive director~~] {senior} advisor.
- 1007 (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:
- 1009 (a) Sections 63A-3-106 and 63A-3-107; and
- 1010 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- 1017 Section 21. Section **63L-11-403** is amended to read:
- 1018 **63L-11-403. {Senior advisor} Advisor on public lands responsibilities.**
- The [~~executive director~~] {senior} advisor shall:
- 1015 (1) administer this part;
- 1016 (2) subject to the direction and approval of the governor, take necessary action to implement this part; and
- 1018 (3) inform political subdivision representatives, in advance, of all coordinating committee meetings.
- 1025 Section 22. Section **67-22-2** is amended to read:
- 1026 **67-22-2. Compensation -- Other state officers.**
- 1022 (1) As used in this section:
- 1023 (a) "Appointed executive" means the:
- 1024 (i) commissioner of the Department of Agriculture and Food;
- 1025 (ii) commissioner of the Insurance Department;
- 1026 (iii) commissioner of the Labor Commission;
- 1027 (iv) director, Department of Alcoholic Beverage Services;
- 1028 (v) commissioner of the Department of Financial Institutions;
- 1029 (vi) executive director, Department of Commerce;
- 1030 (vii) executive director, Commission on Criminal and Juvenile Justice;
- 1031 (viii) adjutant general;
- 1032 (ix) executive director, Department of Cultural and Community Engagement;
- 1033 (x) executive director, Department of Corrections;

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- 1034 (xi) commissioner, Department of Public Safety;
- 1035 (xii) executive director, Department of Natural Resources;
- 1036 (xiii) executive director, Governor's Office of Planning and Budget;
- 1037 (xiv) executive director, Department of Government Operations;
- 1038 (xv) executive director, Department of Environmental Quality;
- 1039 (xvi) executive director, Governor's Office of Economic Opportunity;
- 1040 (xvii) executive director, Department of Workforce Services;
- 1041 (xviii) executive director, Department of Health and Human Services, Nonphysician;
- 1042 (xix) executive director, Department of Transportation;
- 1043 (xx) executive director, Department of Veterans and Military Affairs;
- 1044 (xxi) [~~executive director~~] {senior} advisor, Public Lands Policy Coordinating Office, created in Section 63L-11-201;
- 1046 (xxii) Great Salt Lake commissioner, appointed under Section 73-32-201; and
- 1047 (xxiii) Utah water agent, appointed under Section 73-10g-602.
- 1048 (b) "Board or commission executive" means:
- 1049 (i) members, Board of Pardons and Parole;
- 1050 (ii) chair, State Tax Commission;
- 1051 (iii) commissioners, State Tax Commission;
- 1052 (iv) executive director, State Tax Commission;
- 1053 (v) chair, Public Service Commission; and
- 1054 (vi) commissioners, Public Service Commission.
- 1055 (c) "Deputy" means the person who acts as the appointed executive's second in command as determined by the Division of Human Resource Management.
- 1057 (2)
- 1058 (a) The director of the Division of Human Resource Management shall:
- 1060 (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
- 1060 (ii) base those recommendations on market salary studies conducted by the Division of Human Resource Management.
- 1062 (b)

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

1064 (A) identifying the salary range assigned to the appointed executive's deputy;

1065 (B) designating the lowest minimum salary from those deputies' salary ranges as the minimum salary for the appointed executives' salary range; and

1067 (C) designating 105% of the highest maximum salary range from those deputies' salary ranges as the maximum salary for the appointed executives' salary range.

1069 (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.

1072 (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.

1077 (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.

1082 (3)

(a)

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

1085 (ii) If the executive director of the Department of Health and Human Services is a physician, the governor shall establish a salary within the highest physician salary range established by the Division of Human Resource Management.

1088 (iii) The governor may provide salary increases for appointed executives within the range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

1090 (b) The governor shall apply the same overtime regulations applicable to other FLSA exempt positions.

1092 (c) The governor may develop standards and criteria for reviewing the appointed executives.

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- (d) If under Section 73-10g-602 the governor appoints an individual who is serving in an appointed executive branch position to be the Utah water agent, the governor shall adjust the salary of the Utah water agent to account for salary received for the appointed executive branch position.
- 1098 (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.
- 1101 (5)
- (a) The Legislature fixes benefits for the appointed executives and the board or commission executives as follows:
- 1103 (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;
- 1107 (ii) health insurance;
- 1108 (iii) dental insurance;
- 1109 (iv) basic life insurance;
- 1110 (v) unemployment compensation;
- 1111 (vi) workers' compensation;
- 1112 (vii) required employer contribution to Social Security;
- 1113 (viii) long-term disability income insurance;
- 1114 (ix) the same additional state-paid life insurance available to other noncareer service employees;
- 1116 (x) the same severance pay available to other noncareer service employees;
- 1117 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as follows:
- 1119 (A) sick leave;
- 1120 (B) converted sick leave if accrued prior to January 1, 2014;
- 1121 (C) educational allowances;
- 1122 (D) holidays; and
- 1123 (E) annual leave except that annual leave shall be accrued at the maximum rate provided to Schedule B state employees;
- 1125

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- (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;
- 1128 (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
- 1131 (xiv) professional memberships if being a member of the professional organization is a requirement of the position.
- 1133 (b) Each department shall pay the cost of additional state-paid life insurance for its executive director from its existing budget.
- 1135 (6) The Legislature fixes the following additional benefits:
- 1136 (a) for the executive director of the State Tax Commission a vehicle for official and personal use;
- 1138 (b) for the executive director of the Department of Transportation a vehicle for official and personal use;
- 1140 (c) for the executive director of the Department of Natural Resources a vehicle for commute and official use;
- 1142 (d) for the commissioner of Public Safety:
- 1143 (i) an accidental death insurance policy if POST certified; and
- 1144 (ii) a public safety vehicle for official and personal use;
- 1145 (e) for the executive director of the Department of Corrections:
- 1146 (i) an accidental death insurance policy if POST certified; and
- 1147 (ii) a public safety vehicle for official and personal use;
- 1148 (f) for the adjutant general a vehicle for official and personal use;
- 1149 (g) for each member of the Board of Pardons and Parole a vehicle for commute and official use; and
- 1151 (h) for the executive director of the Department of Veterans and Military Affairs a vehicle for commute and official use.
- 1158 Section 23. Section **79-1-103** is amended to read:
- 1159 **79-1-103. Coordination council.**
- 1155 (1) There is created a coordination council that consists of:
- 1156 (a) the executive director of the department;
- 1157 (b) the executive director of the Department of Environmental Quality;
- 1158 (c) the commissioner of the Department of Agriculture and Food;

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- 1159 (d) the [director] {~~senior~~} advisor of the Public Lands Policy Coordinating Office; and  
1160 (e) the director of the Office of Energy Development.

1161 (2) The coordination council shall:

- 1162 (a) rotate the position of chair among the members; and  
1163 (b) meet at least monthly.

1164 (3) The coordination council shall discuss methods to enhance the coordination of regulation and services of the five entities.

1171 Section 24. Section **79-2-204** is amended to read:

1172 **79-2-204. Division directors -- Appointment -- Removal -- Jurisdiction of executive director.**

1169 (1)

(a) The chief administrative officer of a division within the department is a director appointed by the executive director with the concurrence of the board having policy authority for the division.

1172 (b) The director of a division may be removed from office by the executive director.

1173 (c) ~~[The]~~ Notwithstanding the provisions of this section, the appointment and term of office of:

1175 (i) the state engineer[~~, notwithstanding anything to the contrary contained in this section,~~] shall be in accordance with Section 73-2-1[-] ;

1177 (ii) the director of the Office of Energy Development shall be in accordance with Subsection 79-6-401(2); and

1179 (iii) the {~~senior~~} advisor of the Public Lands Policy Coordinating Office created in Section 63L-11-201 shall be in accordance with Subsection 63L-11-201(2).

1181 (2)

(a) The executive director has administrative jurisdiction over a division director for the purpose of implementing department policy as established by the division's board.

1183 (b) The executive director may:

1184 (i) consolidate personnel and service functions in the divisions to effectuate efficiency and economy in the operations of the department;

1186 (ii) establish a departmental services division to perform service functions; and

1187 (iii) employ law enforcement officers within the department that have all of the powers of a natural resources officer and law enforcement officer, with the exception of the power to serve civil process.

1195 Section 25. Section **79-6-401** is amended to read:

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- 1196 **79-6-401. Office of Energy Development -- Creation -- Director -- Purpose -- Rulemaking**  
1194 **regarding confidential information -- Fees -- Transition for employees.**
- 1196 (1) There is created an Office of Energy Development within the Department of Natural Resources to  
be administered by a director.
- 1196 (2)
- 1199 (a) The ~~[executive director]~~ governor shall appoint the director ~~[and the director shall serve at the~~  
1200 ~~pleasure of the executive director]~~ with the advice and consent of the Senate.
- 1202 (b) The director shall:
- 1203 (i) have demonstrated the necessary administrative and professional ability through education and  
experience to efficiently and effectively manage the office's affairs[-] ;
- 1202 (ii) serve at the pleasure of the governor; and
- 1203 (iii) report to the executive director on matters concerning the office as the executive director may  
require.
- 1205 (3) The purposes of the office are to:
- 1206 (a) serve as the primary resource for advancing energy and mineral development in the state;
- 1208 (b) implement:
- 1209 (i) the state energy policy under Section 79-6-301; and
- 1210 (ii) the governor's energy and mineral development goals and objectives;
- 1211 (c) advance energy education, outreach, and research, including the creation of elementary, higher  
education, and technical college energy education programs;
- 1213 (d) promote energy and mineral development workforce initiatives;
- 1214 (e) support collaborative research initiatives targeted at Utah-specific energy and mineral development;
- 1216 (f) in coordination with the Department of Environmental Quality and other relevant state agencies:
- 1218 (i) develop effective policy strategies to advocate for and protect the state's interests relating to federal  
energy and environmental entities, programs, and regulations;
- 1220 (ii) participate in the federal environmental rulemaking process by:
- 1221 (A) advocating for positive reform of federal energy and environmental regulations and permitting;
- 1223 (B) coordinating with other states to develop joint advocacy strategies; and
- 1224 (C) conducting other government relations efforts; and
- 1225 (iii) direct the funding of legal efforts to combat federal overreach and unreasonable delays regarding  
energy and environmental permitting; and

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- 1227 (g) fund the development of detailed and accurate forecasts of the state's long-term energy supply and demand, including a baseline projection of expected supply and demand and analysis of potential alternative scenarios.
- 1230 (4) By following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, the office may:
- 1232 (a) seek federal grants or loans;
- 1233 (b) seek to participate in federal programs; and
- 1234 (c) in accordance with applicable federal program guidelines, administer federally funded state energy programs.
- 1236 (5) The office shall perform the duties required by Sections 11-42a-106, 59-5-102, 59-7-614.7, 59-10-1029, Part 5, Alternative Energy Development Tax Credit Act, and Part 6, High Cost Infrastructure Development Tax Credit Act.
- 1239 (6)
- (a) For purposes of administering this section, the office may make rules, by following Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to maintain as confidential, and not as a public record, information that the office receives from any source.
- 1243 (b) The office shall maintain information the office receives from any source at the level of confidentiality assigned by the source.
- 1245 (7) The office may charge application, filing, and processing fees in amounts determined by the office in accordance with Section 63J-1-504 as dedicated credits for performing office duties described in this part.
- 1248 (8)
- (a) An employee of the office on April 30, 2024, is an at-will employee.
- 1249 (b) For an employee described in Subsection (8)(a) who was employed by the office on April 30, 2024, the employee shall have the same salary and benefit options an employee had when the office was part of the office of the governor.
- 1252 (c) An employee of the office hired on or after May 1, 2024, shall receive compensation as provided in Title 63A, Chapter 17, Utah State Personnel Management Act.
- 1254 (9)
- (a) The office shall prepare a strategic energy plan to achieve the state's energy policy, including:
- 1256 (i) technological and infrastructure innovation needed to meet future energy demand including:

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- 1258 (A) energy production technologies;
- 1259 (B) battery and storage technologies;
- 1260 (C) smart grid technologies;
- 1261 (D) energy efficiency technologies; and
- 1262 (E) any other developing energy technology, energy infrastructure planning, or investments that will assist the state in meeting energy demand;
- 1264 (ii) the state's efficient use and development of:
- 1265 (A) energy resources, including natural gas, coal, clean coal, hydrogen, oil, oil shale, and oil sands;
- 1267 (B) renewable energy resources, including geothermal, solar, hydrogen, wind, biomass, biofuel, and hydroelectric;
- 1269 (C) nuclear power; and
- 1270 (D) earth minerals;
- 1271 (iii) areas of energy-related academic research;
- 1272 (iv) specific areas of workforce development necessary for an evolving energy industry;
- 1274 (v) the development of partnerships with national laboratories; and
- 1275 (vi) a proposed state budget for economic development and investment.
- 1276 (b) In preparing the strategic energy plan, the office shall:
- 1277 (i) consult with stakeholders, including representatives from:
- 1278 (A) energy companies in the state;
- 1279 (B) private and public institutions of higher education within the state conducting energy-related research; and
- 1281 (C) other state agencies; and
- 1282 (ii) use modeling and industry standard data to:
- 1283 (A) define the energy services required by a growing economy;
- 1284 (B) calculate energy needs;
- 1285 (C) develop state strategy for energy transportation, including transmission lines, pipelines, and other infrastructure needs;
- 1287 (D) optimize investments to meet energy needs at the least cost and least risk while meeting the policy outlined in this section;
- 1289 (E) address state needs and investments through a prospective 30-year period, divided into five-year working plans; and

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- 1291 (F) update the plan at least every two years.
- 1292 (c) The office shall report annually to the Public Utilities, Energy, and Technology Interim Committee  
on or before the October interim meeting describing:
- 1294 (i) progress towards creation and implementation of the strategic energy plan;
- 1295 (ii) the plan's compliance with the state energy policy; and
- 1296 (iii) a proposed budget for the office to continue development of the strategic energy plan.
- 1298 (10) The director shall:
- 1299 (a) annually review and propose updates to the state's energy policy, as contained in Section 79-6-301;
- 1301 (b) promote as the governor considers necessary:
- 1302 (i) the development of cost-effective energy resources both renewable and nonrenewable; and
- 1304 (ii) educational programs, including programs supporting conservation and energy efficiency measures;
- 1306 (c) coordinate across state agencies to assure consistency with state energy policy, including:
- 1308 (i) working with the State Energy Program to promote access to federal assistance for energy-related  
projects for state agencies and members of the public;
- 1310 (ii) working with the Division of Emergency Management to assist the governor in carrying out the  
governor's energy emergency powers under Title 53, Chapter 2a, Part 10, Energy Emergency  
Powers of the Governor Act;
- 1313 (iii) participating in the annual review of the energy emergency plan and the maintenance of the energy  
emergency plan and a current list of contact persons required by Section 53-2a-902; and
- 1316 (iv) identifying and proposing measures necessary to facilitate low-income consumers' access to energy  
services;
- 1318 (d) coordinate with the Division of Emergency Management ongoing activities designed to test an  
energy emergency plan to ensure coordination and information sharing among state agencies and  
political subdivisions in the state, public utilities and other energy suppliers, and other relevant  
public sector persons as required by Sections 53-2a-902, 53-2a-1004, 53-2a-1008, and 53-2a-1010;
- 1323 (e) coordinate with requisite state agencies to study:
- 1324 (i) the creation of a centralized state repository for energy-related information;
- 1325 (ii) methods for streamlining state review and approval processes for energy-related projects; and
- 1327 (iii) the development of multistate energy transmission and transportation infrastructure;
- 1329 (f) coordinate energy-related regulatory processes within the state;
- 1330

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- (g) compile, and make available to the public, information about federal, state, and local approval requirements for energy-related projects;
- 1332 (h) act as the state's advocate before federal and local authorities for energy-related infrastructure projects or coordinate with the appropriate state agency; and
- 1334 (i) help promote the Division of Facilities Construction and Management's measures to improve energy efficiency in state buildings.
- 1336 (11) The director has standing to testify on behalf of the governor at the Public Service Commission created in Section 54-1-1.
- 1338 (12) The office shall include best practices in developing actionable goals and recommendations as part of preparing and updating every two years the strategic energy plan required under Subsection (9).
- 1341 (13) The office shall maintain and regularly update a public website that provides an accessible dashboard of relevant metrics and reports and makes available the data used to create the strategic energy plan.
- 1349 Section 26. Section **79-6-407** is amended to read:
- 1350 **79-6-407. Decommissioned Asset Disposition Authority.**
- 1346 (1) As used in this section:
- 1347 (a) "Asset intended for decommissioning" means an electrical generation facility owned by a project entity that is intended to be removed from active service.
- 1349 (b) "Authority" means the Decommissioned Asset Disposition Authority created in this section.
- 1351 (c) "Fair market value" means the value of an electrical generation facility considering both the assets and liabilities of the facility, including the value of water rights necessary to operate the existing electrical generation facility at full capacity.
- 1354 (d) "Highest and best purchase offer" means the purchase offer for the asset intended for decommissioning that the authority determines to be in the overall best interest of the state, considering:
- 1357 (i) the purchase price offer amount;
- 1358 (ii) the potential purchaser's:
- 1359 (A) commitment to utilize the best available control technology;
- 1360 (B) intent to use state resources to the maximum extent feasible;
- 1361 (C) commitment to provide jobs and other economic benefits to the state;
- 1362 (D) intent to promote the interests of state residents and ratepayers; and

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- 1363 (E) financial capability; and  
1364 (iii) any other factors the authority considers relevant.  
1365 (e) "Project entity" means the same as that term is defined in Section 11-13-103.  
1366 (2) There is established within the office the Decommissioned Asset Disposition Authority.  
1367 (3)  
1368 (a) The authority shall be composed of:  
1369 (i) the [~~executive~~]director of the office;  
1370 (ii) two members appointed by the governor;  
1371 (iii) two members appointed by the president of the Senate; and  
1372 (iv) two members appointed by the speaker of the House of Representatives.  
1373 (b) The office shall provide staff and support to the authority.  
1374 (4) The authority shall:  
1375 (a) provide recommendations to the governor and Legislature regarding the state exercising an option to  
1376 purchase an asset intended for decommissioning;  
1377 (b) if the state exercises an option to purchase the asset intended for decommissioning under Section  
1378 11-13-318:  
1379 (i) enter into contracts and agreements related to the decommissioned asset;  
1380 (ii) govern the disposition of assets intended for decommissioning as outlined in Subsection (6); and  
1381 (iii) take any other action necessary for governance of a decommissioned asset purchased by the state;  
1382 (c) contract with independent professionals that have expertise in emissions modeling, air quality  
1383 impact assessments, regulatory compliance, and any other discipline necessary for the preparation  
1384 and submission of a complete alternative air permit application, including:  
1385 (i) conducting emissions modeling, air quality impact assessments, and gathering any other information  
1386 necessary for inclusion in a complete alternative air permit application;  
1387 (ii) preparing the full application with all necessary information included, as would be required for an  
1388 application submitted by the owner of the electrical generation facility; and  
1389 (iii) submitting the full permit application to the Division of Air Quality; and  
1390 (d) submit a complete alternative air permit application to the division on or before December 31, 2024,  
1391 unless the authority determines that it is not feasible to submit a complete application on or before  
1392 that date.  
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(5) If the authority determines under Subsection (4)(d) that it is not feasible to submit a complete application on or before December 31, 2024, the authority shall:

1399 (a) submit a written report to the Legislative Management Committee on or before December 15,  
2024, explaining the reasons for the delay and providing an estimated time line for submitting the  
complete application; and

1402 (b) submit the complete application to the division as soon as practicable after December 31, 2024.

1404 (6) If the state exercises an option to purchase or otherwise take control of the asset intended for  
decommissioning under Section 11-13-318, the authority may, no sooner than July 2, 2025:

1407 (a) hold a public hearing to receive comment and evidence regarding:

1408 (i) the fair market value of the asset, including the valuation study conducted by the authority under  
Section 79-6-408; and

1410 (ii) the proposed disposition of the decommissioned asset;

1411 (b) establish procedures and timelines for potential purchasers to submit binding purchase offers;

1413 (c) evaluate all purchase offers to determine the highest and best purchase offer;

1414 (d) approve the sale of the decommissioned asset to the purchaser that has submitted the highest and  
best purchase offer; and

1416 (e) take any other action necessary to govern the disposition of the decommissioned asset in accordance  
with this section.

1418 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the authority shall  
make rules that establish:

1420 (a) procedures and associated timelines for potential purchasers to submit binding purchase offers for a  
decommissioned asset;

1422 (b) objective criteria and a process to evaluate all purchase offers submitted for a decommissioned asset  
and determine which purchase offer is the highest and best offer; and

1425 (c) a process for the authority to approve the sale of a decommissioned asset to the purchaser that has  
submitted the highest and best purchase offer.

1432 Section 27. **Repealer.**

This Bill Repeals:

1433 This bill repeals:

1434 Section **23A-11-204, Limitation on compensating people to locate big game animals.**

1435 Section **58-79-101, Title.**

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- 1436 Section **58-79-102, Definitions.**
- 1437 Section **58-79-103, Hunting guide and outfitter rules.**
- 1438 Section **58-79-301, Registration required.**
- 1439 Section **58-79-302, Qualifications for registration.**
- 1440 Section **58-79-303, Term of registration -- Expiration -- Renewal.**
- 1441 Section **58-79-304, Exemptions from registration.**
- 1442 Section **58-79-401, Grounds for denial of registration -- Disciplinary proceedings.**
- 1443 Section **58-79-501, Unlawful conduct.**
- 1444 Section **58-79-502, Unprofessional conduct.**
- 1445 Section **63A-16-507, Committee to award grants to counties for inventory and mapping**
- 1446 **of R.S. 2477 rights-of-way -- Use of grants -- Request for proposals.**
- 1447 Section 28. **Effective date.**
- Effective Date.
- 1443 (1) Except as provided in Subsection (2), this bill takes effect July 1, 2025.
- 1444 (2) The actions affecting the following sections take effect on May 7, 2025:
- 1450 (a) Section 63L-11-102 (Effective 05/07/25);
- 1451 (b) Section 63A-16-507;
- 1445 ~~{(a)}~~ (c) Section 63C-4a-403 (Effective 05/07/25);
- 1446 ~~{(b)}~~ ~~{Section 63A-16-507;}~~
- 1447 ~~{(c)}~~ ~~{Section 63L-11-102 (Effective 05/07/25);}~~
- 1448 (d) Section 79-6-401 (Effective 05/07/25);
- 1449 (e) Section 63L-11-403 (Effective 05/07/25);
- 1450 (f) Section 63L-11-201 (Effective 05/07/25);
- 1451 (g) Section 63L-11-202 (Effective 05/07/25);
- 1452 (h) Section 63L-7-104 (Effective 05/07/25);
- 1453 (i) Section 63L-11-402 (Effective 05/07/25);
- 1454 (j) Section 63L-7-109 (Effective 05/07/25);
- 1455 (k) Section 79-6-407 (Effective 05/07/25);
- 1456 (l) Section 79-1-103 (Effective 05/07/25);
- 1457 (m) Section 63L-11-305 (Effective 05/07/25);
- 1458 (n) Section 63L-7-105 (Effective 05/07/25);

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1459 (o) Section 79-2-204 (Effective 05/07/25); and

1460 (p) Section 67-22-2 (Effective 05/07/25).

1466 Section 29. **Coordinating S.B. 149 with other 2025 General Session legislation.**

The Legislature intends that, on May 7, 2025, all references to the term "executive director" or "director" of the Public Lands Policy Coordinating Office change to {"~~senior~~

"advisor" in

{"~~advisor" in~~"} any new language added to the Utah Code by legislation that passes in the 2025

General

{"~~General~~"} Session and becomes law.

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