

1 **AMENDMENTS RELATED TO THE GREAT SALT LAKE**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mike Schultz**

5 Senate Sponsor: Scott D. Sandall

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses issues related to the Great Salt Lake.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ enacts the Great Salt Lake Commissioner Act, including:

- 13 • defining terms;
- 14 • providing for the appointment of the commissioner;
- 15 • addressing duties and authorizations of the commissioner;
- 16 • addressing relationships with other state agencies;
- 17 • addressing the strategic plan;
- 18 • creating the Office of the Great Salt Lake Commissioner;
- 19 • addressing the Great Salt Lake Advisory Council; and
- 20 • addressing the Great Salt Lake Account;

21 ▶ provides for protected records;

22 ▶ provides that the Department of Natural Resources will provide facilities to the
23 commissioner and office;

24 ▶ addresses the Division of Forestry, Fire, and State Lands;

25 ▶ modifies provisions related to ongoing administration of water trust provisions;

26 ▶ addresses the compensation of the commissioner;

27 ▶ expands the Board of Water Resources to include an individual who represents the
28 interests of the Great Salt Lake; and

29 ▶ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31 This bill appropriates in fiscal year 2024:

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

34 • from General Fund, \$2,500,000;

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

37 • from General Fund, One-time, \$10,000,000;

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

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

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

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

44 **Other Special Clauses:**

45 This bill provides a special effective date.

46 **Utah Code Sections Affected:**

47 AMENDS:

48 **63G-2-305**, as last amended by Laws of Utah 2022, Chapters 11, 109, 198, 201, 303,
49 335, 388, 391, and 415

50 **63I-1-273**, as last amended by Laws of Utah 2022, Chapters 68, 79

51 **65A-5-1**, as last amended by Laws of Utah 2022, Chapter 54

52 **65A-10-1**, as last amended by Laws of Utah 2011, Chapter 256

53 **65A-10-8**, as last amended by Laws of Utah 2022, Chapter 78

54 **65A-16-101**, as enacted by Laws of Utah 2022, Chapter 78

55 **65A-16-202**, as enacted by Laws of Utah 2022, Chapter 78

56 **65A-16-301**, as enacted by Laws of Utah 2022, Chapter 78

57 **67-22-2**, as last amended by Laws of Utah 2022, Chapter 447

58 **73-10-2**, as last amended by Laws of Utah 2020, Chapters 352, 373
59 **79-2-201**, as last amended by Laws of Utah 2022, Chapter 68
60 **79-2-205**, as renumbered and amended by Laws of Utah 2009, Chapter 344

61 ENACTS:

62 **73-32-101**, Utah Code Annotated 1953
63 **73-32-201**, Utah Code Annotated 1953
64 **73-32-202**, Utah Code Annotated 1953
65 **73-32-203**, Utah Code Annotated 1953
66 **73-32-204**, Utah Code Annotated 1953
67 **73-32-301**, Utah Code Annotated 1953

68 RENUMBERS AND AMENDS:

69 **73-32-302**, (Renumbered from 73-30-201, as last amended by Laws of Utah 2020,
70 Chapter 352)
71 **73-32-303**, (Renumbered from 73-30-202, as last amended by Laws of Utah 2012,
72 Chapter 242)
73 **73-32-304**, (Renumbered from 65A-5-1.5, as enacted by Laws of Utah 2022, Chapter
74 54)

75 REPEALS:

76 **73-30-101**, as enacted by Laws of Utah 2010, Chapter 141
77 **73-30-102**, as enacted by Laws of Utah 2010, Chapter 141



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

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

81 **63G-2-305. Protected records.**

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

- 83 (1) trade secrets as defined in Section **13-24-2** if the person submitting the trade secret
84 has provided the governmental entity with the information specified in Section **63G-2-309**;
85 (2) commercial information or nonindividual financial information obtained from a

86 person if:

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

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

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

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

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

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

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

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

110 (i) an invitation for bids;

111 (ii) a request for proposals;

112 (iii) a request for quotes;

113 (iv) a grant; or

- 114 (v) other similar document; or
- 115 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);
- 116 (7) information submitted to or by a governmental entity in response to a request for
- 117 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
- 118 the right of a person to have access to the information, after:
 - 119 (a) a contract directly relating to the subject of the request for information has been
 - 120 awarded and signed by all parties; or
 - 121 (b) (i) a final determination is made not to enter into a contract that relates to the
 - 122 subject of the request for information; and
 - 123 (ii) at least two years have passed after the day on which the request for information is
 - 124 issued;
 - 125 (8) records that would identify real property or the appraisal or estimated value of real
 - 126 or personal property, including intellectual property, under consideration for public acquisition
 - 127 before any rights to the property are acquired unless:
 - 128 (a) public interest in obtaining access to the information is greater than or equal to the
 - 129 governmental entity's need to acquire the property on the best terms possible;
 - 130 (b) the information has already been disclosed to persons not employed by or under a
 - 131 duty of confidentiality to the entity;
 - 132 (c) in the case of records that would identify property, potential sellers of the described
 - 133 property have already learned of the governmental entity's plans to acquire the property;
 - 134 (d) in the case of records that would identify the appraisal or estimated value of
 - 135 property, the potential sellers have already learned of the governmental entity's estimated value
 - 136 of the property; or
 - 137 (e) the property under consideration for public acquisition is a single family residence
 - 138 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
 - 139 the property as required under Section [78B-6-505](#);
 - 140 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
 - 141 compensated transaction of real or personal property including intellectual property, which, if

142 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
143 of the subject property, unless:

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

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

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

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

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

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

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

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

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

168 (12) records the disclosure of which would jeopardize the security of governmental
169 property, governmental programs, or governmental recordkeeping systems from damage, theft,

170 or other appropriation or use contrary to law or public policy;

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

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

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

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

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

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

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

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

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

194 (A) members of a legislative body;

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

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

197 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of

198 legislative action or policy may not be classified as protected under this section;

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

203 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
204 Office of Legislative Research and General Counsel is a public document unless a legislator
205 asks that the records requesting the legislation be maintained as protected records until such
206 time as the legislator elects to make the legislation or course of action public;

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

210 (22) drafts, unless otherwise classified as public;

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

212 (a) collective bargaining; or

213 (b) imminent or pending litigation;

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

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

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

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

225 (28) records of an institution within the state system of higher education defined in

226 Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,
227 retention decisions, and promotions, which could be properly discussed in a meeting closed in
228 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
229 the final decisions about tenure, appointments, retention, promotions, or those students
230 admitted, may not be classified as protected under this section;

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

235 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
236 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
237 recommendations in these areas;

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

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

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

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

250 (35) records that would reveal negotiations regarding assistance or incentives offered
251 by or requested from a governmental entity for the purpose of encouraging a person to expand
252 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
253 person or place the governmental entity at a competitive disadvantage, but this section may not

254 be used to restrict access to a record evidencing a final contract;

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

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

262 (a) the donor requests anonymity in writing;

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

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

270 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
271 73-18-13;

272 (39) a notification of workers' compensation insurance coverage described in Section
273 34A-2-205;

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

277 (i) unpublished lecture notes;

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

279 (A) relating to research; and

280 (B) of:

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

282 [53B-1-102](#); or
283 (II) a sponsor of sponsored research;
284 (iii) unpublished manuscripts;
285 (iv) creative works in process;
286 (v) scholarly correspondence; and
287 (vi) confidential information contained in research proposals;
288 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
289 information required pursuant to Subsection [53B-16-302\(2\)\(a\)](#) or (b); and
290 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
291 (41) (a) records in the custody or control of the Office of the Legislative Auditor
292 General that would reveal the name of a particular legislator who requests a legislative audit
293 prior to the date that audit is completed and made public; and
294 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
295 Office of the Legislative Auditor General is a public document unless the legislator asks that
296 the records in the custody or control of the Office of the Legislative Auditor General that would
297 reveal the name of a particular legislator who requests a legislative audit be maintained as
298 protected records until the audit is completed and made public;
299 (42) records that provide detail as to the location of an explosive, including a map or
300 other document that indicates the location of:
301 (a) a production facility; or
302 (b) a magazine;
303 (43) information contained in the statewide database of the Division of Aging and
304 Adult Services created by Section [62A-3-311.1](#);
305 (44) information contained in the Licensing Information System described in Title 80,
306 Chapter 2, Child Welfare Services;
307 (45) information regarding National Guard operations or activities in support of the
308 National Guard's federal mission;
309 (46) records provided by any pawn or secondhand business to a law enforcement

310 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop,
311 Secondhand Merchandise, and Catalytic Converter Transaction Information Act;
312 (47) information regarding food security, risk, and vulnerability assessments performed
313 by the Department of Agriculture and Food;
314 (48) except to the extent that the record is exempt from this chapter pursuant to Section
315 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
316 prepared or maintained by the Division of Emergency Management, and the disclosure of
317 which would jeopardize:
318 (a) the safety of the general public; or
319 (b) the security of:
320 (i) governmental property;
321 (ii) governmental programs; or
322 (iii) the property of a private person who provides the Division of Emergency
323 Management information;
324 (49) records of the Department of Agriculture and Food that provides for the
325 identification, tracing, or control of livestock diseases, including any program established under
326 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
327 of Animal Disease;
328 (50) as provided in Section [26-39-501](#):
329 (a) information or records held by the Department of Health related to a complaint
330 regarding a child care program or residential child care which the department is unable to
331 substantiate; and
332 (b) information or records related to a complaint received by the Department of Health
333 from an anonymous complainant regarding a child care program or residential child care;
334 (51) unless otherwise classified as public under Section [63G-2-301](#) and except as
335 provided under Section [41-1a-116](#), an individual's home address, home telephone number, or
336 personal mobile phone number, if:
337 (a) the individual is required to provide the information in order to comply with a law,

338 ordinance, rule, or order of a government entity; and

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

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

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

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

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

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

350 (c) a notice of intent to gather signatures for candidacy, described in Section
351 20A-9-408;

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

354 (a) conducted within the state system of higher education, as defined in Section
355 53B-1-102; and

356 (b) conducted using animals;

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

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

365 (56) records provided or received by the Public Lands Policy Coordinating Office in

366 furtherance of any contract or other agreement made in accordance with Section 63L-11-202;
367 (57) information requested by and provided to the 911 Division under Section
368 63H-7a-302;
369 (58) in accordance with Section 73-10-33:
370 (a) a management plan for a water conveyance facility in the possession of the Division
371 of Water Resources or the Board of Water Resources; or
372 (b) an outline of an emergency response plan in possession of the state or a county or
373 municipality;
374 (59) the following records in the custody or control of the Office of Inspector General
375 of Medicaid Services, created in Section 63A-13-201:
376 (a) records that would disclose information relating to allegations of personal
377 misconduct, gross mismanagement, or illegal activity of a person if the information or
378 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
379 through other documents or evidence, and the records relating to the allegation are not relied
380 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
381 report or final audit report;
382 (b) records and audit workpapers to the extent they would disclose the identity of a
383 person who, during the course of an investigation or audit, communicated the existence of any
384 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
385 regulation adopted under the laws of this state, a political subdivision of the state, or any
386 recognized entity of the United States, if the information was disclosed on the condition that
387 the identity of the person be protected;
388 (c) before the time that an investigation or audit is completed and the final
389 investigation or final audit report is released, records or drafts circulated to a person who is not
390 an employee or head of a governmental entity for the person's response or information;
391 (d) records that would disclose an outline or part of any investigation, audit survey
392 plan, or audit program; or
393 (e) requests for an investigation or audit, if disclosure would risk circumvention of an

394 investigation or audit;

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

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

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

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

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

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

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

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

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

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

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

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

420 (d) contain an officer involved critical incident as defined in Subsection
421 76-2-408(1)(f); or

- 422 (e) have been requested for reclassification as a public record by a subject or
423 authorized agent of a subject featured in the recording;
- 424 (66) a record pertaining to the search process for a president of an institution of higher
425 education described in Section [53B-2-102](#), except for application materials for a publicly
426 announced finalist;
- 427 (67) an audio recording that is:
- 428 (a) produced by an audio recording device that is used in conjunction with a device or
429 piece of equipment designed or intended for resuscitating an individual or for treating an
430 individual with a life-threatening condition;
- 431 (b) produced during an emergency event when an individual employed to provide law
432 enforcement, fire protection, paramedic, emergency medical, or other first responder service:
- 433 (i) is responding to an individual needing resuscitation or with a life-threatening
434 condition; and
- 435 (ii) uses a device or piece of equipment designed or intended for resuscitating an
436 individual or for treating an individual with a life-threatening condition; and
- 437 (c) intended and used for purposes of training emergency responders how to improve
438 their response to an emergency situation;
- 439 (68) records submitted by or prepared in relation to an applicant seeking a
440 recommendation by the Research and General Counsel Subcommittee, the Budget
441 Subcommittee, or the Audit Subcommittee, established under Section [36-12-8](#), for an
442 employment position with the Legislature;
- 443 (69) work papers as defined in Section [31A-2-204](#);
- 444 (70) a record made available to Adult Protective Services or a law enforcement agency
445 under Section [61-1-206](#);
- 446 (71) a record submitted to the Insurance Department in accordance with Section
447 [31A-37-201](#);
- 448 (72) a record described in Section [31A-37-503](#);
- 449 (73) any record created by the Division of Professional Licensing as a result of

450 Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);
451 (74) a record described in Section 72-16-306 that relates to the reporting of an injury
452 involving an amusement ride;
453 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
454 on a political petition, or on a request to withdraw a signature from a political petition,
455 including a petition or request described in the following titles:
456 (a) Title 10, Utah Municipal Code;
457 (b) Title 17, Counties;
458 (c) Title 17B, Limited Purpose Local Government Entities - Local Districts;
459 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
460 (e) Title 20A, Election Code;
461 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in
462 a voter registration record;
463 (77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a
464 signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a
465 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;
466 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part
467 5, Victims Guidelines for Prosecutors Act;
468 (79) a record submitted to the Insurance Department under Section 31A-48-103;
469 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is
470 prohibited under Section 63G-26-103;
471 (81) an image taken of an individual during the process of booking the individual into
472 jail, unless:
473 (a) the individual is convicted of a criminal offense based upon the conduct for which
474 the individual was incarcerated at the time the image was taken;
475 (b) a law enforcement agency releases or disseminates the image:
476 (i) after determining that the individual is a fugitive or an imminent threat to an
477 individual or to public safety and releasing or disseminating the image will assist in

478 apprehending the individual or reducing or eliminating the threat; or

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

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

484 (82) a record:

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

486 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
487 representative from another state or the federal government as provided in Section

488 [63M-14-205](#); and

489 (c) the disclosure of which would:

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

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

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

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

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

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

503 and

504 (b) except as provided in Section [63G-2-106](#), a record detailing tools or processes the
505 drinking water or wastewater facility uses to secure, or prohibit access to, the records described

506 in Subsection (84)(a); ~~and~~
507 (85) a statement that an employee of a governmental entity provides to the
508 governmental entity as part of the governmental entity's personnel or administrative
509 investigation into potential misconduct involving the employee if the governmental entity:
510 (a) requires the statement under threat of employment disciplinary action, including
511 possible termination of employment, for the employee's refusal to provide the statement; and
512 (b) provides the employee assurance that the statement cannot be used against the
513 employee in any criminal proceeding~~[-]; and~~
514 (86) a record:
515 (a) concerning a claim to the use of waters in the Great Salt Lake;
516 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
517 person concerning the claim, including a representative from another state or the federal
518 government; and
519 (c) the disclosure of which would:
520 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Great
521 Salt Lake;
522 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
523 and conditions regarding the use of water in the Great Salt Lake; or
524 (iii) give an advantage to another person including another state or to the federal
525 government in negotiations regarding the use of water in the Great Salt Lake.
526 Section 2. Section **63I-1-273** is amended to read:
527 **63I-1-273. Repeal dates: Title 73.**
528 (1) Title 73, Chapter 27, Legislative Water Development Commission, is repealed
529 January 1, 2031.
530 (2) In relation to Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, on
531 July 1, 2025:
532 (a) Section **73-10g-202** is repealed; and
533 (b) Section **73-10g-203** is repealed.

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

537 [~~(4) Title 73, Chapter 30, Great Salt Lake Advisory Council Act, is repealed July 1,~~
538 ~~2027.~~]

539 [~~(5)~~ (4) In relation to Title 73, Chapter 31, Water Banking Act, on December 31,
540 2030:

- 541 (a) Subsection [73-1-4\(2\)\(e\)\(xi\)](#) is repealed;
- 542 (b) Subsection [73-10-4\(1\)\(h\)](#) is repealed; and
- 543 (c) Title 73, Chapter 31, Water Banking Act, is repealed.

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

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

547 **65A-5-1. Sovereign Lands Management Account.**

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

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

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

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

555 (c) fees deposited by the division; and

556 (d) amounts deposited into the account in accordance with Section [59-23-4](#).

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

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

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

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

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

570 **65A-10-1. Authority of division to manage sovereign lands.**

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

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

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

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

580 **65A-10-8. Great Salt Lake -- Management responsibilities of the division.**

581 The division has the following powers and duties:

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

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

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

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

589 (d) promote water quality management for the Great Salt Lake and the Great Salt

590 Lake's tributary streams;

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

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

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

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

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

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

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

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

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

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

607 (4) The division may publish scientific and technical information concerning the Great
608 Salt Lake.

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

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

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

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

617 (9) The division shall coordinate the activities of the various divisions within the

618 Department of Natural Resources with respect to the Great Salt Lake.

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

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

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

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

626 **65A-16-101. Definitions.**

627 As used in this chapter:

628 (1) "Commissioner" means the Great Salt Lake commissioner appointed under Section
629 73-32-201.

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

632 (a) private;

633 (b) nonprofit; and

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

635 [~~(2)~~] (3) "Council" means the Great Salt Lake Advisory Council created in Section
636 [~~73-30-201~~] 73-32-302.

637 [~~(3)~~] (4) "Division" means the Division of Forestry, Fire, and State Lands.

638 [~~(4)~~] (5) "Eligible applicant" means two or more conservation organizations that
639 submit a joint grant application to the division under Section 65A-16-201 and meet the criteria
640 listed in Subsection 65A-16-201(3)(a).

641 [~~(5)~~] (6) "Grant money" means money [~~the division awards~~] awarded to an eligible
642 applicant pursuant to this chapter.

643 [~~(6)~~] (7) "Grantee" means an eligible applicant that receives a grant authorized under
644 this chapter.

645 [~~(7)~~] (8) "Great Salt Lake watershed" means the area comprised of the Great Salt Lake,

646 the Bear River watershed, the Jordan River watershed, the Utah Lake watershed, the Weber
647 River watershed, and the West Desert watershed.

648 ~~[(8)]~~ (9) "Program" means the Great Salt Lake Watershed Enhancement Program
649 created under Section 65A-16-201.

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

651 **65A-16-202. Oversight.**

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

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

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

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

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

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

665 **65A-16-301. Water trust -- Powers and duties -- Advisory councils.**

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

667 (a) is organized:

668 (i) as a private nonprofit organization; or

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

670 (b) complies with this section.

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

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

673 (b) subject to Subsection (6):

674 (i) register with the lieutenant governor as a limited purpose entity pursuant to Section
675 [51-2a-201.5](#);

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

678 (A) satisfies Subsection [51-2a-201.5\(2\)](#);

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

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

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

683 (A) the division;

684 (B) the commissioner;

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

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

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

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

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

692 (A) the Division of Water Quality;

693 (B) the council; and

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

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

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

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

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

702 Salt Lake; and

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

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

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

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

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

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

715 (i) agriculture;

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

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

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

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

720 (vi) aquaculture;

721 (vii) mineral extraction;

722 (viii) a water conservancy district; and

723 (ix) wastewater treatment facilities.

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

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

728 **67-22-2. Compensation -- Other state officers.**

729 (1) As used in this section:

- 730 (a) "Appointed executive" means the:
- 731 (i) commissioner of the Department of Agriculture and Food;
- 732 (ii) commissioner of the Insurance Department;
- 733 (iii) commissioner of the Labor Commission;
- 734 (iv) director, Department of Alcoholic Beverage Services;
- 735 (v) commissioner of the Department of Financial Institutions;
- 736 (vi) executive director, Department of Commerce;
- 737 (vii) executive director, Commission on Criminal and Juvenile Justice;
- 738 (viii) adjutant general;
- 739 (ix) executive director, Department of Cultural and Community Engagement;
- 740 (x) executive director, Department of Corrections;
- 741 (xi) commissioner, Department of Public Safety;
- 742 (xii) executive director, Department of Natural Resources;
- 743 (xiii) executive director, Governor's Office of Planning and Budget;
- 744 (xiv) executive director, Department of Government Operations;
- 745 (xv) executive director, Department of Environmental Quality;
- 746 (xvi) executive director, Governor's Office of Economic Opportunity;
- 747 (xvii) executive director, Department of Workforce Services;
- 748 (xviii) executive director, Department of Health, Nonphysician;
- 749 (xix) executive director, Department of Human Services;
- 750 (xx) executive director, Department of Transportation;
- 751 (xxi) executive director, Department of Veterans and Military Affairs; [~~and~~]
- 752 (xxii) executive director, Public Lands Policy Coordinating Office, created in Section
- 753 [63L-11-201](#); and
- 754 [\(xxiii\) Great Salt Lake commissioner, appointed under Section 73-32-201.](#)
- 755 (b) "Board or commission executive" means:
- 756 (i) members, Board of Pardons and Parole;
- 757 (ii) chair, State Tax Commission;

- 758 (iii) commissioners, State Tax Commission;
- 759 (iv) executive director, State Tax Commission;
- 760 (v) chair, Public Service Commission; and
- 761 (vi) commissioners, Public Service Commission.

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

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

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

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

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

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

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

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

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

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

783 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii)
784 or (iii), the Division of Human Resource Management shall set the maximum salary in the
785 salary range for each of those positions at 100% of the salary for district judges as established

786 in the annual appropriation act under Section [67-8-2](#).

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

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

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

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

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

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

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

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

808 (ii) health insurance;

809 (iii) dental insurance;

810 (iv) basic life insurance;

811 (v) unemployment compensation;

812 (vi) workers' compensation;

813 (vii) required employer contribution to Social Security;

- 814 (viii) long-term disability income insurance;
- 815 (ix) the same additional state-paid life insurance available to other noncareer service
- 816 employees;
- 817 (x) the same severance pay available to other noncareer service employees;
- 818 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as
- 819 follows:
- 820 (A) sick leave;
- 821 (B) converted sick leave if accrued prior to January 1, 2014;
- 822 (C) educational allowances;
- 823 (D) holidays; and
- 824 (E) annual leave except that annual leave shall be accrued at the maximum rate
- 825 provided to Schedule B state employees;
- 826 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
- 827 provided by law or rule upon resignation or retirement according to the same criteria and
- 828 procedures applied to Schedule B state employees;
- 829 (xiii) the option to purchase additional life insurance at group insurance rates according
- 830 to the same criteria and procedures applied to Schedule B state employees; and
- 831 (xiv) professional memberships if being a member of the professional organization is a
- 832 requirement of the position.
- 833 (b) Each department shall pay the cost of additional state-paid life insurance for its
- 834 executive director from its existing budget.
- 835 (6) The Legislature fixes the following additional benefits:
- 836 (a) for the executive director of the State Tax Commission a vehicle for official and
- 837 personal use;
- 838 (b) for the executive director of the Department of Transportation a vehicle for official
- 839 and personal use;
- 840 (c) for the executive director of the Department of Natural Resources a vehicle for
- 841 commute and official use;

- 842 (d) for the commissioner of Public Safety:
- 843 (i) an accidental death insurance policy if POST certified; and
- 844 (ii) a public safety vehicle for official and personal use;
- 845 (e) for the executive director of the Department of Corrections:
- 846 (i) an accidental death insurance policy if POST certified; and
- 847 (ii) a public safety vehicle for official and personal use;
- 848 (f) for the adjutant general a vehicle for official and personal use; and
- 849 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
- 850 official use.

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

852 **73-10-2. Board of Water Resources -- Members -- Appointment -- Terms --**
 853 **Vacancies.**

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

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

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

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

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

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

863 Summit;

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

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

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

867 Piute, and Wayne;

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

869 Uintah;

870 ~~[(g)]~~ (vii) Upper Colorado River District, comprising the counties of Carbon, Emery,
871 Grand, and San Juan; and

872 ~~[(h)]~~ (viii) Lower Colorado River District, comprising the counties of Beaver, Garfield,
873 Iron, Washington, and Kane~~[-];~~ and

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

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

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

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

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

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

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

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

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

891 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
892 63A-3-107.

893 (5) A member shall comply with the conflict of interest provisions described in Title
894 63G, Chapter 24, Part 3, Conflicts of Interest.

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

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

897 **Part 1. General Provisions**

898 **73-32-101. Definitions.**

899 As used in this chapter:

900 (1) "Account" means the Great Salt Lake Account created in Section 73-32-304.

901 (2) "Commissioner" means the Great Salt Lake commissioner appointed under Section
902 73-32-201.

903 (3) "Council" means the Great Salt Lake Advisory Council created in Section
904 73-32-302.

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

906 (5) "Office" means the Office of the Great Salt Lake Commissioner created in Section
907 73-32-301.

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

910 (7) "Strategic plan" means the plan prepared by the commissioner under Sections
911 73-32-202 and 73-32-204.

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

913 **Part 2. Commissioner**

914 **73-32-201. Great Salt Lake commissioner appointment.**

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

917 (b) Before the governor appoints the commissioner under this section, the governor
918 shall consult with the speaker of the House of Representatives and the president of the Senate
919 concerning the selection of potential candidates for the position of commissioner.

920 (2) The commissioner shall serve a term of six years and may be appointed to more
921 than one term, but shall be subject to removal at the pleasure of the governor.

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

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

925 **73-32-202. Duties and authorizations of the commissioner.**

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

954 supports the strategic plan for the Great Salt Lake;
955 (d) facilitate and coordinate the exchange of information, comments, and
956 recommendations on Great Salt Lake policies between and among:
957 (i) state agencies;
958 (ii) political subdivisions;
959 (iii) institutions of higher education that conduct research relevant to the Great Salt
960 Lake;
961 (iv) nonprofit entities; and
962 (v) private business;
963 (e) communicate with the Great Salt Lake Watershed Council created under Chapter
964 10g, Part 3, Watershed Councils Act; and
965 (f) perform other duties that the commissioner considers necessary or expedient to
966 carry out the purposes of this chapter.
967 (3) In fulfilling the duties under this chapter, the commissioner shall consult and
968 coordinate, as necessary, with:
969 (a) the department;
970 (b) the Department of Agriculture and Food;
971 (c) the Department of Environmental Quality;
972 (d) other applicable state agencies;
973 (e) political subdivisions of the state;
974 (f) federal agencies;
975 (g) elected officials; and
976 (h) local tribal officials.
977 Section 14. Section **73-32-203** is enacted to read:
978 **73-32-203. Relationship to other state agencies.**
979 (1) A state agency shall cooperate with the commissioner, including providing
980 information to the commissioner, to the extent not prohibited by federal or state law, at the
981 commissioner's request.

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

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

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

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

991 (ii) the Department of Environmental Quality refuses to act or refrain from action
992 because the Department of Environmental Quality believes it would jeopardize a delegation
993 agreement entered into by the Department of Environmental Quality with the United States
994 Environmental Protection Agency.

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

996 (i) the governor;

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

998 (iii) the president of the Senate.

999 (c) The Department of Environmental Quality may inform the governor, the speaker of
1000 the House of Representatives, and the president of the Senate of the need for the Department of
1001 Environmental Quality to take the action or refrain from the action described in Subsection
1002 (4)(a).

1003 (d) The governor may review the information provided under this Subsection (4) and
1004 take action to resolve the issue raised by the commissioner under Subsection (4)(b).

1005 (e) If the conditions of Subsection (4)(a) are not met, the Department of Environmental
1006 Quality shall comply with Subsection (2).

1007 Section 15. Section **73-32-204** is enacted to read:

1008 **73-32-204. Strategic plan.**

1009 (1) (a) In accordance with this section, the commissioner shall prepare a strategic plan

1010 and obtain the approval of the governor of that strategic plan.

1011 (b) A strategic plan prepared by the commissioner may not be implemented until the
1012 governor approves the strategic plan, except as provided in Subsection (5).

1013 (2) The commissioner shall base the strategic plan on a holistic approach that balances
1014 the diverse interests related to the health of the Great Salt Lake, and includes provisions
1015 concerning:

1016 (a) coordination of efforts related to the Great Salt Lake;

1017 (b) a sustainable water supply for the Great Salt Lake, while balancing competing
1018 needs;

1019 (c) human health and quality of life;

1020 (d) a healthy ecosystem;

1021 (e) economic development;

1022 (f) water conservation, including municipal and industrial uses and agricultural uses;

1023 (g) water and land use planning;

1024 (h) regional water sharing; and

1025 (i) other provisions that the commissioner determines would be for the benefit of the
1026 Great Salt Lake.

1027 (3) (a) The commissioner shall obtain the approval of the governor of an initial
1028 strategic plan by no later than December 31, 2023.

1029 (b) On or before November 30, 2023, the commissioner shall submit an initial strategic
1030 plan to the governor, speaker of the House of Representatives, and the president of the Senate.

1031 (c) The governor shall approve the strategic plan by no later than December 31, 2023,
1032 if the governor determines that the initial strategic plan satisfies this chapter.

1033 (d) By no later than January 15, 2024, the commissioner shall provide the following a
1034 copy of the initial strategic plan approved by the governor under Subsection (3)(c):

1035 (i) the Natural Resources, Agriculture, and Environment Interim Committee;

1036 (ii) the department;

1037 (iii) the Department of Environmental Quality; and

1038 (iv) the Department of Agriculture and Food.

1039 (4) The governor may approve a strategic plan only after consulting with the speaker of
1040 the House of Representatives and the president of the Senate.

1041 (5) Once a strategic plan is approved by the governor, the commissioner may make
1042 substantive changes to the strategic plan without the approval of the governor, except that the
1043 commissioner shall:

1044 (a) inform the governor, the speaker of the House of Representatives, and the president
1045 of the Senate of a substantive change to the strategic plan; and

1046 (b) submit the strategic plan every five years for the approval of the governor in a
1047 process that is consistent with Subsection (3).

1048 (6) The commissioner may work with the Division of Forestry, Fire, and State Lands in
1049 coordinating the comprehensive management plan created under Section [65A-10-8](#) with the
1050 strategic plan.

1051 Section 16. Section **73-32-301** is enacted to read:

1052 **Part 3. Administration**

1053 **73-32-301. Office of the Great Salt Lake Commissioner.**

1054 (1) There is created the Office of the Great Salt Lake Commissioner.

1055 (2) The office shall:

1056 (a) provide staff support to the commissioner; and

1057 (b) operate under the supervision of the commissioner.

1058 (3) The department shall provide office space, furnishings, and supplies to the
1059 commissioner, the office, and support staff for the office.

1060 Section 17. Section **73-32-302**, which is renumbered from Section 73-30-201 is
1061 renumbered and amended to read:

1062 ~~[73-30-201].~~ **73-32-302. Advisory council created -- Staffing -- Per diem**
1063 **and travel expenses.**

1064 (1) There is created an advisory council known as the "Great Salt Lake Advisory
1065 Council" consisting of 11 members listed in Subsection (2).

1066 (2) (a) The governor shall appoint the following members, with the advice and consent
1067 of the Senate:

1068 (i) one representative of industry representing the extractive industry;

1069 (ii) one representative of industry representing aquaculture;

1070 (iii) one representative of conservation interests;

1071 (iv) one representative of a migratory bird protection area as defined in Section

1072 [23-28-102](#);

1073 (v) one representative who is an elected official from municipal government, or the
1074 elected official's designee;

1075 (vi) five representatives who are elected officials from county government, or the
1076 elected official's designee, one each representing:

1077 (A) Box Elder County;

1078 (B) Davis County;

1079 (C) Salt Lake County;

1080 (D) Tooele County; and

1081 (E) Weber County; and

1082 (vii) one representative of a publicly owned treatment works.

1083 (3) (a) Except as required by Subsection (3)(b), each member shall serve a four-year
1084 term.

1085 (b) Notwithstanding Subsection (3)(a), at the time of appointment or reappointment,
1086 the governor shall adjust the length of terms of voting members to ensure that the terms of
1087 council members are staggered so that approximately half of the council is appointed every two
1088 years.

1089 (c) When a vacancy occurs in the membership for any reason, the governor shall
1090 appoint a replacement for the unexpired term with the advice and consent of the Senate.

1091 (d) A member shall hold office until the member's successor is appointed and qualified.

1092 (4) The council shall determine:

1093 (a) the time and place of meetings; and

1094 (b) any other procedural matter not specified in this chapter.

1095 (5) (a) Attendance of six members at a meeting of the council constitutes a quorum.

1096 (b) A vote of the majority of the members present at a meeting when a quorum is
1097 present constitutes an action of the council.

1098 (6) A member may not receive compensation or benefits for the member's service, but
1099 may receive per diem and travel expenses in accordance with:

1100 (a) Section 63A-3-106;

1101 (b) Section 63A-3-107; and

1102 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1103 63A-3-107.

1104 (7) The [~~Department of Natural Resources~~] office, the department, and the Department
1105 of Environmental Quality shall coordinate and provide necessary staff assistance to the council.

1106 Section 18. Section 73-32-303, which is renumbered from Section 73-30-202 is
1107 renumbered and amended to read:

1108 ~~[73-30-202].~~ **73-32-303. Duties of the council.**

1109 (1) (a) The council shall advise the persons listed in Subsection (1)(b) on the
1110 sustainable use, protection, and development of the Great Salt Lake in terms of balancing:

1111 (i) sustainable use;

1112 (ii) environmental health; and

1113 (iii) reasonable access for existing and future development.

1114 (b) The council shall advise, as provided in Subsection (1)(a):

1115 (i) the governor;

1116 (ii) the Department of Natural Resources; [~~and~~]

1117 (iii) the Department of Environmental Quality[~~;~~]; and

1118 (iv) the commissioner.

1119 (2) The council shall assist the Division of Forestry, Fire, and State Lands in [~~its~~] the
1120 Division of Forestry, Fire, and State Land's responsibilities for the Great Salt Lake described in
1121 Section 65A-10-8.

- 1122 (3) The council:
- 1123 (a) may recommend appointments to the Great Salt Lake technical team created by the
- 1124 Division of Forestry, Fire, and State Lands; and
- 1125 (b) shall receive and ~~utilize~~ use technical support from the Great Salt Lake technical
- 1126 team.
- 1127 (4) The council shall assist the ~~[Department of Natural Resources]~~ department, the
- 1128 Department of Environmental Quality, and their applicable boards in accomplishing their
- 1129 responsibilities for the Great Salt Lake.
- 1130 (5) The council shall report annually to the Natural Resources, Agriculture, and
- 1131 Environmental Quality Appropriations Subcommittee on the council's activities.

1132 Section 19. Section **73-32-304**, which is renumbered from Section 65A-5-1.5 is

1133 renumbered and amended to read:

1134 ~~[65A-5-1.5].~~ **73-32-304. Great Salt Lake Account.**

1135 (1) As used in this section ~~[(a) "Account" means the Great Salt Lake Account created~~

1136 ~~in this section. (b) "Mining", "mining" means the process of producing, extracting, leaching,~~

1137 ~~evaporating, or otherwise removing a mineral from a natural deposit of the mineral.~~

1138 (2) (a) There is created within the General Fund a restricted account known as the

1139 "Great Salt Lake Account" consisting of:

- 1140 (i) revenues deposited into the account under Subsection (3);
- 1141 (ii) appropriations from the Legislature; and
- 1142 (iii) interest and other earnings described in Subsection (2)(b).

1143 (b) The Office of the Treasurer shall deposit interest and other earnings derived from

1144 investment of money in the account into the account.

1145 (3) The ~~[division]~~ Division of Forestry, Fire, and State Lands shall deposit into the

1146 account the royalty income received by the state from mining that occurs on or after July 1,

1147 2022, of a mineral from the sovereign lands of the Great Salt Lake if during the fiscal year

1148 beginning July 1, 2020, the state did not receive royalty income from the mining of that same

1149 mineral from the sovereign lands of the Great Salt Lake.

1150 (4) Upon appropriation by the Legislature, money in the account may be used to:

1151 (a) manage the water levels of the Great Salt Lake; and

1152 (b) fund the activities of the commissioner and office under this chapter.

1153 Section 20. Section **79-2-201** is amended to read:

1154 **79-2-201. Department of Natural Resources created.**

1155 (1) There is created the Department of Natural Resources.

1156 (2) The department comprises the following:

1157 (a) Board of Water Resources, created in Section 73-10-1.5;

1158 (b) Board of Oil, Gas, and Mining, created in Section 40-6-4;

1159 (c) Board of State Parks, created in Section 79-4-301;

1160 (d) Office of Energy Development, created in Section 79-6-401;

1161 (e) Wildlife Board, created in Section 23-14-2;

1162 (f) Board of the Utah Geological Survey, created in Section 79-3-301;

1163 (g) Water Development Coordinating Council, created in Section 73-10c-3;

1164 (h) Division of Water Rights, created in Section 73-2-1.1;

1165 (i) Division of Water Resources, created in Section 73-10-18;

1166 (j) Division of Forestry, Fire, and State Lands, created in Section 65A-1-4;

1167 (k) Division of Oil, Gas, and Mining, created in Section 40-6-15;

1168 (l) Division of State Parks, created in Section 79-4-201;

1169 (m) Division of Outdoor Recreation, created in Section 79-7-201;

1170 (n) Division of Wildlife Resources, created in Section 23-14-1;

1171 (o) Utah Geological Survey, created in Section 79-3-201;

1172 (p) Heritage Trees Advisory Committee, created in Section 65A-8-306;

1173 (q) Utah Outdoor Recreation Infrastructure Advisory Committee, created in Section

1174 79-7-206;

1175 (r) (i) an advisory council that includes in the advisory council's duties advising on

1176 state boating policy, authorized by Section 73-18-3.5; or

1177 (ii) an advisory council that includes in the advisory council's duties advising on

- 1178 off-highway vehicle use, authorized by Section [41-22-10](#);
- 1179 (s) Wildlife Board Nominating Committee, created in Section [23-14-2.5](#);
- 1180 (t) Wildlife Regional Advisory Councils, created in Section [23-14-2.6](#);
- 1181 (u) Utah Watersheds Council, created in Section [73-10g-304](#);
- 1182 (v) Utah Natural Resources Legacy Fund Board, created in Section [23-31-202](#); and
- 1183 (w) Public Lands Policy Coordinating Office created in Section [63L-11-201](#).

1184 (3) The department shall provide office space, furnishings, and supplies to the Great

1185 Salt Lake commissioner appointed under Section [73-32-201](#), the Office of the Great Salt Lake

1186 Commissioner created in Section [73-32-301](#), and support staff for the Office of the Great Salt

1187 Lake Commissioner.

1188 Section 21. Section **79-2-205** is amended to read:

1189 **79-2-205. Procedures -- Adjudicative proceedings.**

1190 Except as provided by Sections [40-10-13](#), [63G-4-102](#), and [73-2-25](#), a division, board,

1191 council, or committee referred to in [~~Section [79-2-201](#)~~] Subsection [79-2-201](#)(2) shall comply

1192 with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act,

1193 in an adjudicative proceeding.

1194 Section 22. **Repealer.**

1195 This bill repeals:

1196 Section [73-30-101](#), **Title.**

1197 Section [73-30-102](#), **Definition.**

1198 Section 23. **Appropriations.**

1199 The following sums of money are appropriated for the fiscal year beginning July 1,

1200 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for

1201 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures

1202 Act, the Legislature appropriates the following sums of money from the funds or accounts

1203 indicated for the use and support of the government of the state of Utah.

1204 ITEM 1

1205 To General Fund Restricted - Great Salt Lake Account

H.B. 491**Enrolled Copy**

1206	<u>From General Fund</u>	<u>2,500,000</u>
1207	<u>From General Fund, One-time</u>	<u>10,000,000</u>
1208	<u>Schedule of Programs:</u>	
1209	<u>Great Salt Lake Account</u>	<u>12,500,000</u>
1210	<u>ITEM 2</u>	
1211	<u>To Office of the Great Salt Lake Commissioner - Great Salt Lake Commissioner</u>	
1212	<u>From General Fund Restricted - Great Salt Lake Account</u>	<u>1,500,000</u>
1213	<u>From General Fund Restricted - Great Salt Lake Account, One-time</u>	<u>1,000,000</u>
1214	<u>Schedule of Programs:</u>	
1215	<u>Administration</u>	<u>2,500,000</u>
1216	<u>The Legislature intends that the Division of Finance not allocate the \$1,000,000</u>	
1217	<u>one-time appropriation from the Great Salt Lake Account to the Office of the Great Salt Lake</u>	
1218	<u>Commissioner until the strategic plan described by Section 73-32-204, enacted by this bill, may</u>	
1219	<u>be implemented in accordance with Section 73-32-204.</u>	
1220	Section 24. Effective date.	
1221	<u>This bill takes effect on July 1, 2023.</u>	