

**Rex P. Shipp** proposes the following substitute bill:

**Natural Resources Modifications**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ronald M. Winterton**

House Sponsor: Carl R. Albrecht

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- defines terms;
- creates the Guide, Outfitter, and Spotter Fund;
- establishes when the use of a guide, outfitter, or spotter is unlawful;
- requires registration of a guide, outfitter, and spotter with the Division of Wildlife Resources (division);
- provides for division rulemaking related to guides, outfitters, and spotters;
- outlines prohibited activities and penalties for violations related to guides, outfitters, and spotters;
- removes a requirement for the Public Lands Policy Coordinating Office (PLPCO) to prepare and submit a constitutional defense plan;
- renames the executive director of PLPCO as the senior advisor on public lands;
- clarifies that the senior advisor of PLPCO and director of the Office of Energy Development:
  - are appointed by the governor with the advice and consent of the Senate; and
  - report to the executive director of the Department of Natural Resources, upon the executive director's request;
- repeals a committee required to inventory and map R.S. 2477 rights-of-way;
- repeals regulation related to hunting guide registration by the Division of Professional Licensing; and
- makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill provides a special effective date.

33 This bill provides a coordination clause.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **23A-1-101 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapter 8037 **23A-5-309 (Effective 07/01/25)**, as renumbered and amended by Laws of Utah 2023,  
38 Chapter 10339 **23A-12-301 (Effective 07/01/25)**, as renumbered and amended by Laws of Utah 2023,  
40 Chapter 10341 **23A-12-302 (Effective 07/01/25)**, as renumbered and amended by Laws of Utah 2023,  
42 Chapter 10343 **23A-12-303 (Effective 07/01/25)**, as renumbered and amended by Laws of Utah 2023,  
44 Chapter 10345 **63C-4a-403 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 8146 **63L-7-104 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 6847 **63L-7-105 (Effective 05/07/25)**, as enacted by Laws of Utah 2014, Chapter 32348 **63L-7-109 (Effective 05/07/25)**, as enacted by Laws of Utah 2014, Chapter 32349 **63L-11-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 1650 **63L-11-201 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 345  
51 and renumbered and amended by Laws of Utah 2021, Chapter 38252 **63L-11-202 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 3653 **63L-11-305 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 31354 **63L-11-402 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 16055 **63L-11-403 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2021,  
56 Chapter 38257 **67-22-2 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 52258 **79-1-103 (Effective 05/07/25)**, as enacted by Laws of Utah 2021, Chapter 28059 **79-2-204 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 8060 **79-6-401 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Third Special  
61 Session, Chapter 462 **79-6-407 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Third Special

63 Session, Chapter 4

64 ENACTS:

65 **23A-3-216 (Effective 07/01/25)**, Utah Code Annotated 1953

66 **23A-4-1201 (Effective 07/01/25)**, Utah Code Annotated 1953

67 **23A-4-1202 (Effective 07/01/25)**, Utah Code Annotated 1953

68 **23A-4-1203 (Effective 07/01/25)**, Utah Code Annotated 1953

69 **23A-4-1204 (Effective 07/01/25)**, Utah Code Annotated 1953

70 REPEALS:

71 **23A-11-204 (Effective 07/01/25)**, as renumbered and amended by Laws of Utah 2023,  
72 Chapter 103

73 **58-79-101 (Effective 07/01/25)**, as last amended by Laws of Utah 2020, Chapters 316,  
74 376

75 **58-79-102 (Effective 07/01/25)**, as last amended by Laws of Utah 2023, Chapter 34

76 **58-79-103 (Effective 07/01/25)**, as enacted by Laws of Utah 2023, Chapter 345

77 **58-79-301 (Effective 07/01/25)**, as last amended by Laws of Utah 2020, Chapters 316,  
78 376

79 **58-79-302 (Effective 07/01/25)**, as last amended by Laws of Utah 2020, Chapters 316,  
80 339 and 376

81 **58-79-303 (Effective 07/01/25)**, as last amended by Laws of Utah 2020, Chapters 316,  
82 376

83 **58-79-304 (Effective 07/01/25)**, as last amended by Laws of Utah 2020, Chapters 316,  
84 376

85 **58-79-401 (Effective 07/01/25)**, as last amended by Laws of Utah 2023, Chapter 345

86 **58-79-501 (Effective 07/01/25)**, as last amended by Laws of Utah 2020, Chapters 316,  
87 376

88 **58-79-502 (Effective 07/01/25)**, as last amended by Laws of Utah 2020, Chapters 316,  
89 376

90 **63A-16-507 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapters 162,  
91 382 and renumbered and amended by Laws of Utah 2021, Chapter 344

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

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

95 **23A-1-101 (Effective 07/01/25). Definitions.**

96 As used in this title:

- 97 (1) "Activity regulated under this title" means an act, attempted act, or activity prohibited or  
98 regulated under this title or the rules and proclamations promulgated under this title  
99 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.
- 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  
118 amphibians.
- 119 (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife that  
120 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  
124 this title, or a rule or proclamation of the Wildlife Board granting authority to engage in  
125 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  
127 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  
136 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,  
140 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  
142 special or temporary purpose, but with the intention of making a permanent home;  
143 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  
146 federal Endangered Species Act of 1973.
- 147 (17) "Executive director" means the executive director of the Department of Natural  
148 Resources.
- 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  
153 Castoridae families, except coyote and cougar.
- 154 (22) "Game" means wildlife normally pursued, caught, or taken by sporting means for  
155 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  
158 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  
161 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  
163 perennially or intermittently flows with a perceptible current in a channel formed  
164 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  
167 channel; and  
168 (ii) dredged natural flowing stream channel.
- 169 (c) "Natural flowing stream" does not include a human-made ditch, canal, pipeline, or  
170 other water delivery system that diverts and conveys water to an approved place of  
171 use pursuant to a certificated water right.
- 172 (27)(a) "Natural lake" means a perennial or intermittent body of water that collects on  
173 the surface of the earth exclusively through the forces of nature and without human  
174 assistance.
- 175 (b) "Natural lake" does not mean a lake where the surface water sources supplying the  
176 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  
179 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  
182 legally taken.
- 183 (32) "Outfitter" means the same as that term is defined in Section ~~[58-79-102]~~ 23A-4-1201.
- 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  
186 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,  
188 corporation, or an agent of the individual, association, partnership, government agency,  
189 or corporation.
- 190 (36) "Pollute water" means to introduce into waters within the state matter or thermal  
191 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  
197 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
- 206 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
- 209 Act.
- 210 (41) "Private wildlife farm" means an enclosed place where privately owned birds or
- 211 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.
- 217 (43)(a) "Protected aquatic wildlife" means aquatic wildlife except as provided in
- 218 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
- 232 collected and stored on the course of a natural flowing stream by impounding the

- 233 stream through excavation or diking.
- 234 (b) "Reservoir constructed on a natural stream channel" does not mean an impoundment  
235 on a natural flowing stream where all surface water sources supplying the  
236 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  
239 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  
242 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  
245 purpose of providing fishing or recreational opportunity; and
- 246 (b) no fee is charged as a requirement to fish.
- 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  
252 human consumption.
- 253 (53) "Spotlighting" means throwing or casting the rays of a spotlight, headlight, or other  
254 artificial light on a highway or in a field, woodland, or forest while having in possession  
255 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  
257 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  
260 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  
263 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,
- 274 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
- 278 with the protected wildlife's beneficial use.
- 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
- 286 wildlife, including:
- 287 (a) an antler or horn;
- 288 (b) a hide;
- 289 (c) a bone; or
- 290 (d) meat.
- 291 Section 2. Section **23A-3-216** is enacted to read:
- 292 **23A-3-216 (Effective 07/01/25). Guide, Outfitter, and Spotter Fund.**
- 293 (1) There is created an expendable special revenue fund known as the "Guide, Outfitter, and
- 294 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
- 300 Chapter 4, Part 12, Guide, Outfitter, and Spotter.

301 Section 3. Section **23A-4-1201** is enacted to read:

302 **Part 12. Guide, Outfitter, and Spotter**

303 **23A-4-1201 (Effective 07/01/25). Definitions.**

304 As used in this part:

- 305 (1) "Compensation" means anything of economic value in excess of \$100 that is paid,  
306 loaned, granted, given, donated, or transferred to a guide, outfitter, or spotter for or in  
307 consideration of a service, material, or property.
- 308 (2) "Guide" means an individual who offers or provides guide services on public lands for  
309 compensation.
- 310 (3) "Guide services" means to guide, lead, or assist an individual in hunting protected  
311 wildlife.
- 312 (4)(a) "Hunting" means to locate, pursue, chase, catch, capture, trap, or kill protected  
313 wildlife.
- 314 (b) "Hunting" includes fishing.
- 315 (5) "Outfitter" means an individual who offers or provides outfitting or guide services for  
316 compensation to another individual for hunting protected wildlife on public lands.
- 317 (6)(a) "Outfitting services" means, for hunting protected wildlife on public lands,  
318 providing:
- 319 (i) transportation of people, equipment, supplies, protected wildlife to or from a  
320 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  
325 division employee, associate, volunteer, contractor, or agent under authority granted  
326 in this title.
- 327 (7)(a) "Public lands" means any lands owned by the United States, the state, or a  
328 political subdivision or independent entity of the state that are open to the public for  
329 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  
331 political subdivision or independent entity of the state that are included in a  
332 cooperative wildlife management unit under Subsection 23A-7-204(5) so long as the  
333 guiding and outfitting services furnished by the cooperative wildlife management  
334 unit are limited to hunting species of wildlife specifically authorized by the division

335 in the unit's management plan.

336 (8) "Retain" or "retained" means a written or oral agreement for the delivery of guide  
 337 services or outfitter services between a guide or outfitter and the recipient of those  
 338 services.

339 (9) "Spotter" means an individual compensated by a guide or outfitter to locate or monitor  
 340 the location of protected wildlife on public land.

341 Section 4. Section **23A-4-1202** is enacted to read:

342 **23A-4-1202 (Effective 07/01/25). Registration as guide, outfitter, or spotter --**

343 **Rulemaking.**

344 (1) Beginning July 1, 2025, to provide the services of a guide, outfitter, or spotter an  
 345 individual is required to annually obtain a certificate of registration with the division  
 346 under this part.

347 (2) The division shall issue to an individual who qualifies under this part a certificate to  
 348 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  
 353 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  
 356 Wildlife Board;

357 (ii) have the appropriate hunting or fishing license under this chapter to engage in the  
 358 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  
 361 or bear; or

362 (B) \$175 if the resident only provides guide services related to the hunting,  
 363 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  
 366 Wildlife Board;

367 (ii) have the appropriate hunting or fishing license under this chapter to engage in the  
 368 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
- 371               game or bear; or
- 372               (B) \$500 if the nonresident only provides guide services related to the hunting,
- 373               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
- 376           Wildlife Board;
- 377           (ii) have the appropriate hunting or fishing license under this chapter to engage in the
- 378           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
- 381               bear; or
- 382               (B) \$350 if the resident only provides services related to the hunting, including
- 383               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
- 386           Wildlife Board;
- 387           (ii) have the appropriate hunting or fishing license under this chapter to engage in the
- 388           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
- 391               or bear; or
- 392               (B) \$1,000 if the nonresident only provides services related to the hunting,
- 393               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
- 396           Wildlife Board;
- 397           (ii) have the appropriate hunting license under this chapter to engage in the activity
- 398           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
- 402           Wildlife Board;

403 (ii) have the appropriate hunting license under this chapter to engage in the activity  
 404 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  
 407 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  
 409 when the Legislature adopts the fee schedule in the general session immediately  
 410 following the adjustment.

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

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

415 (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 416 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.

420 Section 5. Section **23A-4-1203** is enacted to read:

421 **23A-4-1203 (Effective 07/01/25). Grounds for denial or revoking of registration**

422 **-- Prohibited activities.**

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

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

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

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

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

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

- 437           (ii) refuse to renew or shall revoke the registration of the registrant for services  
 438           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,  
 440       the division shall:
- 441           (i) refuse to issue a registration to the applicant for services requiring registration  
 442           under this part related to fishing; and
- 443           (ii) refuse to renew or shall revoke the registration of the registrant for services  
 444           requiring registration under this part related to fishing.
- 445       (3) An individual may not use the title "guide," "outfitter," or "spotter" or any other title or  
 446       designation to indicate that the individual is a guide, outfitter, or spotter or acting as a  
 447       guide, outfitter, or spotter unless the individual is registered as a guide, outfitter, or  
 448       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  
 451           third party's safety at risk, recognizing the inherent risks associated with hunting  
 452           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  
 454           guide, outfitter, or spotter;
- 455           (c) misrepresent services, outcomes, facilities, equipment, or fees to a client or  
 456           prospective client; or
- 457           (d) fail to provide the division with active and current contact information within 30  
 458           days of any change to the registrant's contact information that was provided to the  
 459           division during registration or the renewal of registration as a guide, outfitter, or  
 460           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  
 465       in accordance with Section 23A-5-301.

466       Section 6. Section **23A-4-1204** is enacted to read:

467       **23A-4-1204 (Effective 07/01/25). Operations of a guide, outfitter, and spotter --**

468       **Limits on retaining guide or outfitter -- Spotter.**

- 469       (1) Except as provided in Subsections (2) and (3), a person may not compensate an  
 470       individual to provide guide services, outfitting services, or spotting services in

- 471 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
- 473 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
- 476 or outfitting services;
- 477 (c) the person possesses the licenses and permits required to take protected wildlife;
- 478 (d) in total the number of individuals providing services requiring registration under this
- 479 part does not exceed:
- 480 (i) two individuals; or
- 481 (ii) three individuals, if a guide or outfitter is retained for purposes of taking a moose,
- 482 bison, bighorn sheep, or mountain goat;
- 483 (e) subject to Subsection (2)(d), the retained guide or outfitter uses no more than two
- 484 spotters; and
- 485 (f) the person who retains the guide or outfitter is not simultaneously using another
- 486 guide or outfitter to assist in taking the same species and sex of protected wildlife.
- 487 (3) A registered guide or registered outfitter in good standing may use a spotter if:
- 488 (a) the guide or outfitter is retained by the recipient of the guide services or outfitting
- 489 services to assist the recipient to take protected wildlife on public land; and
- 490 (b) the guide or outfitter does not use more than the number of spotters allowed under
- 491 Subsections (2)(d) and (e).
- 492 (4)(a) A person who knowingly retains an individual that is not registered under this part
- 493 as a guide or outfitter or who knowingly retains a spotter in violation of this section is
- 494 guilty of a class B misdemeanor, except that, notwithstanding Section 76-3-204, a
- 495 court may not sentence the person to imprisonment or probation.
- 496 (b) The division may suspend a person's privilege to hunt or fish under this title if the
- 497 person knowingly retains an individual that is not registered under this part as a guide
- 498 or outfitter or knowingly retains a spotter in violation of this section.
- 499 Section 7. Section **23A-5-309** is amended to read:
- 500 **23A-5-309 (Effective 07/01/25). Taking, transporting, selling, or purchasing**
- 501 **protected wildlife illegal except as authorized -- Criminal penalty.**
- 502 (1) Except as provided in this title or a rule, proclamation, or order of the Wildlife Board, a
- 503 person may not:
- 504 (a) take protected wildlife or wildlife parts;

- 505 (b) collect, import, possess, transport, propagate, store, donate, transfer, or export  
506 protected wildlife or wildlife parts;
- 507 (c) take, possess, sell, purchase, barter, donate, or trade protected wildlife or wildlife  
508 parts without having previously procured the necessary licenses, permits, tags,  
509 federal stamps, certificates of registration, authorizations, and receipts required in this  
510 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  
512 part of any of these not specifically authorized in this title or a rule, proclamation, or  
513 order of the Wildlife Board;
- 514 (e) possess while in pursuit of protected wildlife a weapon, ammunition, implement,  
515 tool, device, or any part of any of these not specifically authorized in this title or a  
516 rule, proclamation, or order of the Wildlife Board;
- 517 (f) take protected wildlife using a method, means, process, or practice not specifically  
518 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  
520 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,  
522 proclamation, or order of the Wildlife Board;
- 523 (i) take protected wildlife in an area closed to hunting, trapping, or fishing by rule,  
524 proclamation, or order of the Wildlife Board, or by executive order of the director  
525 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  
528 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  
535 which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;
- 536 (r) possess or use bait or other attractant to take protected wildlife which is prohibited in  
537 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



- 539 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
- 541 eggs;
- 542 (u) use protected wildlife for commercial purposes or financial gain as prohibited by
- 543 Section 23A-5-304;
- 544 (v) enter, establish, or hold a contest or tournament involving the taking of protected
- 545 wildlife;
- 546 (w) operate or participate in a commercial hunting area as described in Section
- 547 23A-12-202; [or]
- 548 (x) operate or participate in a cooperative wildlife management unit as defined in
- 549 Section 23A-7-101[-] ; or
- 550 (y)(i) operate or participate in guide, outfitter, or spotter services or activities in
- 551 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,
- 553 Guide, Outfitter, and Spotter.
- 554 (2) Possession of protected wildlife without a valid license, permit, tag, certificate of
- 555 registration, bill of sale, or invoice is prima facie evidence that the protected wildlife
- 556 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).
- 560 Section 8. Section **23A-12-301** is amended to read:
- 561 **23A-12-301 (Effective 07/01/25). Definitions.**
- 562 (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
- 564 managed by the division that is:
- 565 (i) primarily used for the conservation, production, or recreational harvest of ducks,
- 566 mergansers, geese, brant, swans, and other waterfowl; and
- 567 (ii) designated as a waterfowl management area by the Wildlife Board in accordance
- 568 with Section 23A-12-303.
- 569 (b) "Waterfowl management area" includes the Willard Spur Waterfowl Management
- 570 Area and the Harold Crane Waterfowl Management Area described in Section
- 571 23A-6-403.
- 572 Section 9. Section **23A-12-302** is amended to read:

573           **23A-12-302 (Effective 07/01/25). Prohibited activities.**

- 574           (1) A commercial [~~hunting~~] guide or outfitter may not use a waterfowl management area  
575           for any of the following, unless the commercial[ ~~hunting~~] guide or outfitter has an  
576           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~~]  
579           guide services or outfitter services.
- 580           (2) An individual may not construct a permanent blind or other permanent structure that is  
581           used for hunting within the boundaries of a waterfowl management area.

582           Section 10. Section **23A-12-303** is amended to read:

583           **23A-12-303 (Effective 07/01/25). Rulemaking -- Notice.**

- 584           (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
585           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  
588           with this part; and  
589           (c) to create an annual permit process by which commercial [~~hunting~~] guides and  
590           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;  
593           and  
594           (b) require a permit holder to comply with safety standards established by the Wildlife  
595           Board.
- 596           (3) The division shall provide an annual report to the Natural Resources, Agriculture, and  
597           Environment Interim Committee regarding any rules made or changed in accordance  
598           with this part.
- 599           (4) The Wildlife Board shall publish a map of the boundaries of each waterfowl  
600           management area.
- 601           (5) Nothing in this part modifies or limits:  
602           (a) Section 23A-6-403, or the discretion of the division to manage waterfowl  
603           management areas for other beneficial purposes, including for the benefit of the  
604           public, shorebirds, waterfowl, and other protected wildlife; or  
605           (b) the authority of the division, the director, or the Wildlife Board under Chapter 6,  
606           Lands and Waters for Wildlife Purposes.

607 Section 11. Section **63C-4a-403** is amended to read:

608 **63C-4a-403 (Effective 05/07/25). Due process and adjudication for closure of a**  
609 **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  
611 class B and class D road map or a county travel plan is presumed to be a public road  
612 open for public use unless the road has been closed through an appropriate action of  
613 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  
615 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  
619 county travel plan, including an R.S. 2477 claim, the federal government has the  
620 burden of proof to show that the disputed road is not a public road and warrants  
621 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  
624 county;

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

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

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

633 (i) the governor or the governor's designee and a representative of the Utah  
634 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  
636 Utah Association of Counties shall present their recommendations to the council  
637 for a final decision about the strategy or expenditure in question; and

638 (iii) the county may pursue a strategy or make an expenditure contrary to the final  
639 decision of the council only if the county does not claim resources provided to  
640 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
- 643 plan committee and which expenditure types may be made without the R.S. 2477
- 644 plan committee approval;
- 645 (b) provisions requiring that financial statements be provided to members of the R.S.
- 646 2477 plan committee and members of the council, and the frequency with which
- 647 those financial statements must be provided;
- 648 (c) provisions identifying those decisions or types of decisions that may be made by the
- 649 R.S. 2477 plan committee and those decisions or types of decisions that must be
- 650 referred to the council for decision; and
- 651 (d) procedures to assert claims and respond to attempted closures as described in
- 652 Subsection (1).
- 653 ~~[(4)(a) The Public Lands Policy Coordinating Office, in consultation with the~~
- 654 ~~committee, the Office of the Attorney General and the School and Institutional Trust~~
- 655 ~~Lands, shall prepare and submit a constitutional defense plan to the council for the~~
- 656 ~~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
- 662 under this section;
- 663 (b) approve an update to a plan under this section at least annually, or more often, if
- 664 necessary; and
- 665 (c) ~~[jointly, with]~~ ensure that the Public Lands Policy Coordinating Office~~[:]~~ :
- 666 (i) 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
- 668 Committee [by] on or before July 1 of each calendar year~~[, after providing the R.S.~~
- 669 ~~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
- 671 section, with any updates to the plan, to:
- 672 (A) the commission~~[-, which may be by mail]; and~~
- 673 ~~[(iii)]~~ (B) the president of the Senate and the speaker of the House of
- 674 Representatives~~[-, which may be by mail].~~

- 675 Section 12. Section **63L-7-104** is amended to read:
- 676 **63L-7-104 (Effective 05/07/25). Identification of a potential wilderness area.**
- 677 (1)(a) Subject to Subsection (1)(b), the [~~director~~] senior advisor of PLPCO, within one  
678 year of the acquisition date, shall identify within a parcel of acquired land any  
679 conservation areas.
- 680 (b) Before identifying a parcel of land as a conservation area, the [~~director~~] senior advisor  
681 of PLPCO shall:
- 682 (i) inform the School and Institutional Trust Lands Administration that a parcel is  
683 being considered for designation as a conservation area; and
- 684 (ii) provide the School and Institutional Trust Lands Administration with the  
685 opportunity to trade out land owned by the School and Institutional Trust Lands  
686 Administration for the parcel in question subject to reaching an exchange  
687 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  
690 governor, the Senate, and the House of Representatives;
- 691 (b) maintain, and make available to the public, records pertaining to identified  
692 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  
697 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  
700 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;
- 705 (c) a regional office of the Division of Forestry, Fire, and State Lands for any record that  
706 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

709 Section 63L-7-105.

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

714 Section 13. Section **63L-7-105** is amended to read:

715 **63L-7-105 (Effective 05/07/25). Report to the governor -- Governor's report to**  
716 **the Legislature -- Designation of a protected wilderness area -- Modification of a**  
717 **protected wilderness area -- Rulemaking authority.**

718 (1) Within five years of the acquisition date of a parcel of land, the [~~director~~] senior advisor  
719 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  
722 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  
725 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  
727 area; and  
728 (c) at least 30 days before the date of the hearing described in Subsection (2)(b), invite  
729 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  
732 the day on which the hearing is held.

733 (3) Any opinions submitted to the [~~director~~] senior advisor of PLPCO shall be included with  
734 any recommendations to the governor under Subsection (2) and the Legislature under  
735 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  
738 wilderness areas; and  
739 (b) advise the speaker of the House of Representatives and the president of the Senate of  
740 the governor's recommendation.

741 (5) An area shall be designated as a protected wilderness area upon a concurrent resolution  
742 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  
 746 be:  
 747 (a) recommended by the ~~[director]~~ senior advisor of PLPCO after public notice of, and  
 748 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.

751 Section 14. Section **63L-7-109** is amended to read:

752 **63L-7-109 (Effective 05/07/25). Annual reports.**

- 753 (1) The ~~[director]~~ senior advisor of PLPCO shall report to the governor, for transmission to  
 754 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  
 759 action to the Natural Resources, Agriculture, and Environment Interim Committee by  
 760 November 30 of each year.

761 Section 15. Section **63L-11-102** is amended to read:

762 **63L-11-102 (Effective 05/07/25). Definitions.**

763 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  
 766 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  
 768 63L-11-201.  
 769 (4) "Political subdivision" means:  
 770 (a) a county, municipality, special district, special service district, school district, or  
 771 interlocal entity, as defined in Section 11-13-103; or  
 772 (b) an administrative subunit of an entity listed in Subsection (4)(a).  
 773 (5) "Senior advisor" means the senior advisor of the office appointed under Section  
 774 63L-11-201.

775 Section 16. Section **63L-11-201** is amended to read:

776 **63L-11-201 (Effective 05/07/25). Public Lands Policy Coordinating Office --**

777 **Senior advisor -- Appointment -- Qualifications -- Compensation.**

778 (1)(a) There is created the Public Lands Policy Coordinating Office within the  
779 Department of Natural Resources~~[the Public Lands Policy Coordinating Office to be~~  
780 ~~administered by an executive director]~~.

781 (b) The senior advisor on public lands is the executive and administrative head of the  
782 Public Lands Policy Coordinating Office.

783 (2)(a) The ~~[executive director shall be appointed by the governor]~~ governor shall appoint  
784 the senior advisor with the advice and consent of the Senate~~[and shall serve at the~~  
785 ~~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  
789 director may require.

790 (3) The ~~[executive director]~~ senior advisor shall have demonstrated the necessary  
791 administrative and professional ability through education and experience to efficiently  
792 and effectively manage the office's affairs.

793 (4)(a) The ~~[executive director]~~ senior advisor and employees of the office shall receive  
794 compensation as provided in Title 63A, Chapter 17, Utah State Personnel  
795 Management Act.

796 (b) The office space for the ~~[executive director]~~ senior advisor and employees of the  
797 office shall be in a building where the Department of Natural Resources is located.  
798 Section 17. Section **63L-11-202** is amended to read:

799 **63L-11-202 (Effective 05/07/25). Powers and duties of the office and senior**  
800 **advisor.**

801 (1) The office shall:

802 (a) make a report to the Constitutional Defense Council created under Section  
803 63C-4a-202 concerning R.S. 2477 rights and other public lands issues under Title  
804 63C, Chapter 4a, Constitutional and Federalism Defense Act;

805 (b) provide staff assistance to the Constitutional Defense Council created under Section  
806 63C-4a-202 for meetings of the council;

807 ~~[(e)(i) prepare and submit a constitutional defense plan under Section 63C-4a-403;~~  
808 ~~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,  
 812 Agriculture, and Environment Interim Committee on or before July 1 of each  
 813 calendar year; and
- 814 (ii) provide a hard copy or electronic copy of the plan, with any updates to the plan,  
 815 to:
- 816 (A) the Natural Resources, Agriculture, and Environment Interim Committee no  
 817 later than seven days before the day of the presentation described in Subsection  
 818 (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  
 823 subdivisions, and agencies of the federal government for involvement in the  
 824 development of public lands policies;
- 825 (ii) producing research, documents, maps, studies, analysis, or other information that  
 826 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  
 828 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  
 834 and in conjunction with political subdivisions;
- 835 (e) facilitate and coordinate the exchange of information, comments, and  
 836 recommendations on public lands policies between and among:
- 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  
 842 53C-1-201; and
- 843 [~~(vi) the committee created under Section 63A-16-507 to award grants to counties to~~  
 844 ~~inventory and map R.S. 2477 rights-of-way, associated structures, and other~~

- 845 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,  
848 Chapter 8a, Part 4, Historic Sites;
- 849 (g) consistent with other statutory duties, encourage agencies to responsibly preserve  
850 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  
853 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  
856 Committee jointly with the Constitutional Defense Council;
- 857 (j) make grants of up to 16% of the office's total annual appropriations from the  
858 Constitutional Defense Restricted Account to a county or statewide association of  
859 counties to be used by the county or association of counties for public lands matters if  
860 the executive director, with the advice of the Constitutional Defense Council,  
861 determines that the action provides a state benefit;
- 862 (k) conduct the public lands transfer study and economic analysis required by Section  
863 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)  
866 before submitting a comment to a federal agency, if the governor would be subject to  
867 Subsection 63C-4a-203(8) in submitting the comment.
- 868 (3) The office may enter into an agreement with another state agency to provide  
869 information and services related to:
- 870 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification  
871 Act;
- 872 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and Classification  
873 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.

883 Section 18. Section **63L-11-305** is amended to read:

884 **63L-11-305 (Effective 05/07/25). 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  
887 federal land disposal law.
- 888 (b) "Federal land disposal law" means the Recreation and Public Purposes Act, 43  
889 U.S.C. Sec. 869 et seq.
- 890 (c) "Government entity" means any state or local government entity allowed to submit a  
891 land application under the federal land disposal law.
- 892 (d) "Land application" means an application under the federal land disposal law  
893 requesting the secretary to sell or lease federal land.
- 894 (e) "Land application process" means the actions involved in the process of submitting  
895 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  
901 will result in the secretary selling or leasing federal land as requested in the land  
902 application;
- 903 (b) work to educate government entities concerning:
  - 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  
907 to formulate and submit a land application and to pursue a decision on the land  
908 application;
- 909 (d) advise and consult with a government entity that requests assistance from the office  
910 to identify and quantify the amount of any funds needed to provide the public use  
911 described in a land application;
- 912 (e) adopt a list of factors to be considered in determining the degree to which a land

- 913 application or potential land application is in the public interest;
- 914 (f) recommend a prioritization of land applications or potential land applications in the  
 915 state according to the extent to which the land applications are in the public interest,  
 916 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  
 919 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  
 925 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)  
 928 (g):
- 929 (i) at a meeting of the Natural Resources, Agriculture, and Environment Interim  
 930 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  
 934 the [~~executive director~~] senior advisor considers appropriate or as requested by the  
 935 Executive Appropriations Committee, on the need for legislative appropriations to  
 936 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  
 939 application; and
- 940 (b) enter into an agreement with the secretary related to the office assisting in processing  
 941 a land application.
- 942 Section 19. Section **63L-11-402** is amended to read:
- 943 **63L-11-402 (Effective 05/07/25). Membership -- Terms -- Chair -- Expenses.**
- 944 (1) The Resource Development Coordinating Committee consists of the following 26  
 945 members:
- 946 (a) the state science advisor;

- 947 (b) a representative from the Department of Agriculture and Food appointed by the  
948 commissioner of the Department of Agriculture and Food;
- 949 (c) a representative from the Department of Cultural and Community Engagement  
950 appointed by the executive director of the Department of Cultural and Community  
951 Engagement;
- 952 (d) a representative from the Department of Environmental Quality appointed by the  
953 executive director of the Department of Environmental Quality;
- 954 (e) a representative from the Department of Natural Resources appointed by the  
955 executive director of the Department of Natural Resources;
- 956 (f) a representative from the Department of Transportation appointed by the executive  
957 director of the Department of Transportation;
- 958 (g) a representative from the Governor's Office of Economic Opportunity appointed by  
959 the director of the Governor's Office of Economic Opportunity;
- 960 (h) a representative from the Housing and Community Development Division appointed  
961 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  
963 Utah Historical Society;
- 964 (j) a representative from the Division of Air Quality appointed by the director of the  
965 Division of Air Quality;
- 966 (k) a representative from the Division of Drinking Water appointed by the director of the  
967 Division of Drinking Water;
- 968 (l) a representative from the Division of Environmental Response and Remediation  
969 appointed by the director of the Division of Environmental Response and  
970 Remediation;
- 971 (m) a representative from the Division of Waste Management and Radiation Control  
972 appointed by the director of the Division of Waste Management and Radiation  
973 Control;
- 974 (n) a representative from the Division of Water Quality appointed by the director of the  
975 Division of Water Quality;
- 976 (o) a representative from the Division of Oil, Gas, and Mining appointed by the director  
977 of the Division of Oil, Gas, and Mining;
- 978 (p) a representative from the Division of Parks appointed by the director of the Division  
979 of Parks;
- 980 (q) a representative from the Division of Outdoor Recreation appointed by the director

- 981 of the Division of Outdoor Recreation;
- 982 (r) a representative from the Division of Forestry, Fire, and State Lands appointed by the
- 983 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
- 985 Utah Geological Survey;
- 986 (t) a representative from the Division of Water Resources appointed by the director of
- 987 the Division of Water Resources;
- 988 (u) a representative from the Division of Water Rights appointed by the director of the
- 989 Division of Water Rights;
- 990 (v) a representative from the Division of Wildlife Resources appointed by the director of
- 991 the Division of Wildlife Resources;
- 992 (w) a representative from the School and Institutional Trust Lands Administration
- 993 appointed by the director of the School and Institutional Trust Lands Administration;
- 994 (x) a representative from the Division of Facilities Construction and Management
- 995 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
- 997 director of the Division of Emergency Management; and
- 998 (z) a representative from the Division of Conservation, created under Section 4-46-401,
- 999 appointed by the director of the Division of Conservation.
- 1000 (2)(a) As particular issues require, the coordinating committee may, by majority vote of
- 1001 the members present, appoint additional temporary members to serve as ex officio
- 1002 voting members.
- 1003 (b) Those ex officio members may discuss and vote on the issue or issues for which they
- 1004 were appointed.
- 1005 (3) A chair shall be selected by a vote of 14 committee members with the concurrence of
- 1006 the ~~[executive director]~~ senior advisor.
- 1007 (4) A member may not receive compensation or benefits for the member's service, but may
- 1008 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
- 1011 63A-3-107.
- 1012 Section 20. Section **63L-11-403** is amended to read:
- 1013 **63L-11-403 (Effective 05/07/25). Senior advisor responsibilities.**
- 1014 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
- 1017 implement this part; and
- 1018 (3) inform political subdivision representatives, in advance, of all coordinating committee
- 1019 meetings.

1020 Section 21. Section **67-22-2** is amended to read:

1021 **67-22-2 (Effective 05/07/25). 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;
- 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,
- 1045 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
- 1056 command as determined by the Division of Human Resource Management.
- 1057 (2)(a) The director of the Division of Human Resource Management shall:
- 1058 (i) before October 31 of each year, recommend to the governor a compensation plan
- 1059 for the appointed executives and the board or commission executives; and
- 1060 (ii) base those recommendations on market salary studies conducted by the Division
- 1061 of Human Resource Management.
- 1062 (b)(i) The Division of Human Resource Management shall determine the salary range
- 1063 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
- 1066 the minimum salary for the appointed executives' salary range; and
- 1067 (C) designating 105% of the highest maximum salary range from those deputies'
- 1068 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
- 1070 may not consider that deputy's salary range in designating the salary range for
- 1071 appointed executives.
- 1072 (c)(i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for
- 1073 board or commission executives, the Division of Human Resource Management
- 1074 shall set the maximum salary in the salary range for each of those positions at
- 1075 90% of the salary for district judges as established in the annual appropriation act
- 1076 under Section 67-8-2.
- 1077 (ii) In establishing the salary ranges for an individual described in Subsection
- 1078 (1)(b)(ii) or (iii), the Division of Human Resource Management shall set the
- 1079 maximum salary in the salary range for each of those positions at 100% of the
- 1080 salary for district judges as established in the annual appropriation act under
- 1081 Section 67-8-2.
- 1082 (3)(a)(i) Except as provided in Subsection (3)(a)(ii) or Subsection (3)(d), the



- 1083 governor shall establish a specific salary for each appointed executive within the  
1084 range established under Subsection (2)(b).
- 1085 (ii) If the executive director of the Department of Health and Human Services is a  
1086 physician, the governor shall establish a salary within the highest physician salary  
1087 range established by the Division of Human Resource Management.
- 1088 (iii) The governor may provide salary increases for appointed executives within the  
1089 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  
1091 exempt positions.
- 1092 (c) The governor may develop standards and criteria for reviewing the appointed  
1093 executives.
- 1094 (d) If under Section 73-10g-602 the governor appoints an individual who is serving in an  
1095 appointed executive branch position to be the Utah water agent, the governor shall  
1096 adjust the salary of the Utah water agent to account for salary received for the  
1097 appointed executive branch position.
- 1098 (4) Salaries for other Schedule A employees, as defined in Section 63A-17-301, that are not  
1099 provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial  
1100 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  
1102 commission executives as follows:
- 1103 (i) the option of participating in a state retirement system established by Title 49,  
1104 Utah State Retirement and Insurance Benefit Act, or in a deferred compensation  
1105 plan administered by the State Retirement Office in accordance with the Internal  
1106 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  
1115 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  
1118 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  
1124 provided to Schedule B state employees;
- 1125 (xii) the option to convert accumulated sick leave to cash or insurance benefits as  
1126 provided by law or rule upon resignation or retirement according to the same  
1127 criteria and procedures applied to Schedule B state employees;
- 1128 (xiii) the option to purchase additional life insurance at group insurance rates  
1129 according to the same criteria and procedures applied to Schedule B state  
1130 employees; and
- 1131 (xiv) professional memberships if being a member of the professional organization is  
1132 a requirement of the position.
- 1133 (b) Each department shall pay the cost of additional state-paid life insurance for its  
1134 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  
1137 personal use;
- 1138 (b) for the executive director of the Department of Transportation a vehicle for official  
1139 and personal use;
- 1140 (c) for the executive director of the Department of Natural Resources a vehicle for  
1141 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  
1150 official use; and

1151 (h) for the executive director of the Department of Veterans and Military Affairs a  
 1152 vehicle for commute and official use.

1153 Section 22. Section **79-1-103** is amended to read:

1154 **79-1-103 (Effective 05/07/25). 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;

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  
 1165 regulation and services of the five entities.

1166 Section 23. Section **79-2-204** is amended to read:

1167 **79-2-204 (Effective 05/07/25). Division directors -- Appointment -- Removal --**  
 1168 **Jurisdiction of executive director.**

1169 (1)(a) The chief administrative officer of a division within the department is a director  
 1170 appointed by the executive director with the concurrence of the board having policy  
 1171 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  
 1174 office of:

1175 (i) the state engineer~~[, notwithstanding anything to the contrary contained in this~~  
 1176 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  
 1178 Subsection 79-6-401(2); and

1179 (iii) the senior advisor of the Public Lands Policy Coordinating Office created in  
 1180 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  
 1182 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

- 1185 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
- 1188 powers of a natural resources officer and law enforcement officer, with the
- 1189 exception of the power to serve civil process.

1190 Section 24. Section **79-6-401** is amended to read:

1191 **79-6-401 (Effective 05/07/25). Office of Energy Development -- Creation --**

1192 **Director -- Purpose -- Rulemaking regarding confidential information -- Fees --**

1193 **Transition for employees.**

- 1194 (1) There is created an Office of Energy Development within the Department of Natural
- 1195 Resources to be administered by a director.
- 1196 (2)(a) The ~~[executive director]~~ governor shall appoint the director ~~[and the director shall~~
- 1197 ~~serve at the pleasure of the executive director]~~ with the advice and consent of the
- 1198 Senate.
- 1199 (b) The director shall:
- 1200 (i) have demonstrated the necessary administrative and professional ability through
- 1201 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
- 1204 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
- 1207 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
- 1212 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
- 1215 mineral development;
- 1216 (f) in coordination with the Department of Environmental Quality and other relevant
- 1217 state agencies:
- 1218 (i) develop effective policy strategies to advocate for and protect the state's interests

- 1219 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
- 1222 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
- 1226 delays regarding energy and environmental permitting; and
- 1227 (g) fund the development of detailed and accurate forecasts of the state's long-term
- 1228 energy supply and demand, including a baseline projection of expected supply and
- 1229 demand and analysis of potential alternative scenarios.
- 1230 (4) By following the procedures and requirements of Title 63J, Chapter 5, Federal Funds
- 1231 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
- 1235 funded state energy programs.
- 1236 (5) The office shall perform the duties required by Sections 11-42a-106, 59-5-102,
- 1237 59-7-614.7, 59-10-1029, Part 5, Alternative Energy Development Tax Credit Act, and
- 1238 Part 6, High Cost Infrastructure Development Tax Credit Act.
- 1239 (6)(a) For purposes of administering this section, the office may make rules, by
- 1240 following Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to maintain as
- 1241 confidential, and not as a public record, information that the office receives from any
- 1242 source.
- 1243 (b) The office shall maintain information the office receives from any source at the level
- 1244 of confidentiality assigned by the source.
- 1245 (7) The office may charge application, filing, and processing fees in amounts determined by
- 1246 the office in accordance with Section 63J-1-504 as dedicated credits for performing
- 1247 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
- 1250 April 30, 2024, the employee shall have the same salary and benefit options an
- 1251 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

- 1253 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
- 1255 policy, including:
- 1256 (i) technological and infrastructure innovation needed to meet future energy demand
- 1257 including:
- 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
- 1263 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
- 1266 shale, and oil sands;
- 1267 (B) renewable energy resources, including geothermal, solar, hydrogen, wind,
- 1268 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
- 1273 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
- 1280 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,
- 1286 pipelines, and other infrastructure needs;

- 1287 (D) optimize investments to meet energy needs at the least cost and least risk  
1288 while meeting the policy outlined in this section;
- 1289 (E) address state needs and investments through a prospective 30-year period,  
1290 divided into five-year working plans; and
- 1291 (F) update the plan at least every two years.
- 1292 (c) The office shall report annually to the Public Utilities, Energy, and Technology  
1293 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  
1297 plan.
- 1298 (10) The director shall:
- 1299 (a) annually review and propose updates to the state's energy policy, as contained in  
1300 Section 79-6-301;
- 1301 (b) promote as the governor considers necessary:
- 1302 (i) the development of cost-effective energy resources both renewable and  
1303 nonrenewable; and
- 1304 (ii) educational programs, including programs supporting conservation and energy  
1305 efficiency measures;
- 1306 (c) coordinate across state agencies to assure consistency with state energy policy,  
1307 including:
- 1308 (i) working with the State Energy Program to promote access to federal assistance for  
1309 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  
1311 carrying out the governor's energy emergency powers under Title 53, Chapter 2a,  
1312 Part 10, Energy Emergency Powers of the Governor Act;
- 1313 (iii) participating in the annual review of the energy emergency plan and the  
1314 maintenance of the energy emergency plan and a current list of contact persons  
1315 required by Section 53-2a-902; and
- 1316 (iv) identifying and proposing measures necessary to facilitate low-income  
1317 consumers' access to energy services;
- 1318 (d) coordinate with the Division of Emergency Management ongoing activities designed  
1319 to test an energy emergency plan to ensure coordination and information sharing  
1320 among state agencies and political subdivisions in the state, public utilities and other

- 1321 energy suppliers, and other relevant public sector persons as required by Sections  
1322 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  
1326 projects; and
- 1327 (iii) the development of multistate energy transmission and transportation  
1328 infrastructure;
- 1329 (f) coordinate energy-related regulatory processes within the state;
- 1330 (g) compile, and make available to the public, information about federal, state, and local  
1331 approval requirements for energy-related projects;
- 1332 (h) act as the state's advocate before federal and local authorities for energy-related  
1333 infrastructure projects or coordinate with the appropriate state agency; and
- 1334 (i) help promote the Division of Facilities Construction and Management's measures to  
1335 improve energy efficiency in state buildings.
- 1336 (11) The director has standing to testify on behalf of the governor at the Public Service  
1337 Commission created in Section 54-1-1.
- 1338 (12) The office shall include best practices in developing actionable goals and  
1339 recommendations as part of preparing and updating every two years the strategic energy  
1340 plan required under Subsection (9).
- 1341 (13) The office shall maintain and regularly update a public website that provides an  
1342 accessible dashboard of relevant metrics and reports and makes available the data used  
1343 to create the strategic energy plan.
- 1344 Section 25. Section **79-6-407** is amended to read:
- 1345 **79-6-407 (Effective 05/07/25). Decommissioned Asset Disposition Authority.**
- 1346 (1) As used in this section:
- 1347 (a) "Asset intended for decommissioning" means an electrical generation facility owned  
1348 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  
1350 section.
- 1351 (c) "Fair market value" means the value of an electrical generation facility considering  
1352 both the assets and liabilities of the facility, including the value of water rights  
1353 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



1355 decommissioning that the authority determines to be in the overall best interest of the  
1356 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

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)(a) The authority shall be composed of:

1368 (i) the [~~executive~~]director of the office;

1369 (ii) two members appointed by the governor;

1370 (iii) two members appointed by the president of the Senate; and

1371 (iv) two members appointed by the speaker of the House of Representatives.

1372 (b) The office shall provide staff and support to the authority.

1373 (4) The authority shall:

1374 (a) provide recommendations to the governor and Legislature regarding the state  
1375 exercising an option to purchase an asset intended for decommissioning;

1376 (b) if the state exercises an option to purchase the asset intended for decommissioning  
1377 under Section 11-13-318:

1378 (i) enter into contracts and agreements related to the decommissioned asset;

1379 (ii) govern the disposition of assets intended for decommissioning as outlined in  
1380 Subsection (6); and

1381 (iii) take any other action necessary for governance of a decommissioned asset  
1382 purchased by the state;

1383 (c) contract with independent professionals that have expertise in emissions modeling,  
1384 air quality impact assessments, regulatory compliance, and any other discipline  
1385 necessary for the preparation and submission of a complete alternative air permit  
1386 application, including:

1387 (i) conducting emissions modeling, air quality impact assessments, and gathering any  
1388 other information necessary for inclusion in a complete alternative air permit

- 1389 application;
- 1390 (ii) preparing the full application with all necessary information included, as would
- 1391 be required for an application submitted by the owner of the electrical generation
- 1392 facility; and
- 1393 (iii) submitting the full permit application to the Division of Air Quality; and
- 1394 (d) submit a complete alternative air permit application to the division on or before
- 1395 December 31, 2024, unless the authority determines that it is not feasible to submit a
- 1396 complete application on or before that date.
- 1397 (5) If the authority determines under Subsection (4)(d) that it is not feasible to submit a
- 1398 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
- 1400 December 15, 2024, explaining the reasons for the delay and providing an estimated
- 1401 time line for submitting the complete application; and
- 1402 (b) submit the complete application to the division as soon as practicable after December
- 1403 31, 2024.
- 1404 (6) If the state exercises an option to purchase or otherwise take control of the asset
- 1405 intended for decommissioning under Section 11-13-318, the authority may, no sooner
- 1406 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
- 1409 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
- 1412 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
- 1415 highest and best purchase offer; and
- 1416 (e) take any other action necessary to govern the disposition of the decommissioned
- 1417 asset in accordance with this section.
- 1418 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1419 authority shall make rules that establish:
- 1420 (a) procedures and associated timelines for potential purchasers to submit binding
- 1421 purchase offers for a decommissioned asset;
- 1422 (b) objective criteria and a process to evaluate all purchase offers submitted for a

1423 decommissioned asset and determine which purchase offer is the highest and best  
 1424 offer; and

1425 (c) a process for the authority to approve the sale of a decommissioned asset to the  
 1426 purchaser that has submitted the highest and best purchase offer.

1427 Section 26. **Repealer.**

1428 This bill repeals:

1429 Section **23A-11-204, Limitation on compensating people to locate big game animals.**

1430 Section **58-79-101, Title.**

1431 Section **58-79-102, Definitions.**

1432 Section **58-79-103, Hunting guide and outfitter rules.**

1433 Section **58-79-301, Registration required.**

1434 Section **58-79-302, Qualifications for registration.**

1435 Section **58-79-303, Term of registration -- Expiration -- Renewal.**

1436 Section **58-79-304, Exemptions from registration.**

1437 Section **58-79-401, Grounds for denial of registration -- Disciplinary proceedings.**

1438 Section **58-79-501, Unlawful conduct.**

1439 Section **58-79-502, Unprofessional conduct.**

1440 Section **63A-16-507, Committee to award grants to counties for inventory and mapping  
 1441 of R.S. 2477 rights-of-way -- Use of grants -- Request for proposals.**

1442 Section 27. **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:

1445 (a) 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);

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

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

1461 Section 28. **Coordinating S.B. 149 with other 2025 General Session legislation.**

1462 The Legislature intends that, on May 7, 2025, all references to the term "executive

1463 director" or "director" of the Public Lands Policy Coordinating Office change to "senior

1464 advisor" in any new language added to the Utah Code by legislation that passes in the 2025

1465 General Session and becomes law.