HB0346S02 compared with HB0346S01

~~{deleted text}~~ shows text that was in HB0346S01 but was deleted in HB0346S02.

inserted text shows text that was not in HB0346S01 but was inserted into HB0346S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Casey Snider proposes the following substitute bill:

NATURAL RESOURCES ENTITIES AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

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

LONG TITLE

General Description:

This bill addresses the state entities that involve natural resources.

Highlighted Provisions:

This bill:

- creates a coordination council;
- moves the Office of Energy Development to within the Department of Natural Resources;
- divides the Division of Parks and Recreation into two divisions and transfers certain grants administered by the Utah Office of Outdoor Recreation to the new division;
- addresses the Outdoor Adventure Commission;
- addresses the Utah Office of Outdoor Recreation and its powers and duties;
- removes certain outdated provisions;

- includes a transition and study provision and repeal of the provision; and
- makes technical changes.

Money Appropriated in this Bill:

This bill provides appropriations necessary to merge the Office of Energy Development into the Department of Natural Resources and to divide the Division of Parks and Recreation into two divisions.

Other Special Clauses:

This bill provides a special effective date.

This bill provides coordination clauses.

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

9-9-408, as last amended by Laws of Utah 2019, Chapter 246

11-42a-102, as last amended by Laws of Utah 2020, Chapter 244

11-45-102, as last amended by Laws of Utah 2012, Chapter 37

32B-6-702, as last amended by Laws of Utah 2020, Chapter 219

41-1a-418, as last amended by Laws of Utah 2020, Chapters 120, 322, and 405

41-1a-422, as last amended by Laws of Utah 2020, Chapters 120, 322, 354, and 405

41-6a-1509, as last amended by Laws of Utah 2019, Chapter 421

41-22-2, as last amended by Laws of Utah 2018, Chapter 166

41-22-3, as last amended by Laws of Utah 2015, Chapter 412

41-22-5.1, as last amended by Laws of Utah 2008, Chapter 382

41-22-5.5, as last amended by Laws of Utah 2018, Chapter 166

41-22-8, as last amended by Laws of Utah 2018, Chapter 373

41-22-10, as last amended by Laws of Utah 2007, Chapter 299

41-22-10.7, as last amended by Laws of Utah 2015, Chapter 412

41-22-19.5, as last amended by Laws of Utah 2011, Chapter 303

41-22-30, as last amended by Laws of Utah 2017, Chapter 38

41-22-31, as last amended by Laws of Utah 2017, Chapter 38

41-22-33, as last amended by Laws of Utah 2017, Chapter 38

41-22-35, as last amended by Laws of Utah 2019, Chapter 44

54-4-41, as enacted by Laws of Utah 2020, Chapter 217

57-14-204, as renumbered and amended by Laws of Utah 2013, Chapter 212

59-5-102, as last amended by Laws of Utah 2019, First Special Session, Chapter 3

59-7-614, as last amended by Laws of Utah 2019, Chapter 247

59-7-614.7, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1

59-7-619, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1

59-10-1014, as last amended by Laws of Utah 2019, Chapter 247

59-10-1024, as last amended by Laws of Utah 2019, Chapter 247

59-10-1029, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1

59-10-1034, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1

59-10-1106, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1

59-12-104, as last amended by Laws of Utah 2020, Chapters 44, 91, 354, 412, and 438

59-13-201, as last amended by Laws of Utah 2017, Chapter 234

59-21-2, as last amended by Laws of Utah 2018, Chapter 28

59-28-103, as last amended by Laws of Utah 2019, Chapter 290

63A-4-104, as enacted by Laws of Utah 1998, Chapter 225

63B-3-301, as last amended by Laws of Utah 2019, Chapter 61

63B-4-301, as last amended by Laws of Utah 2013, Chapter 310

63B-5-201, as last amended by Laws of Utah 2018, Chapter 25

63B-6-501, as last amended by Laws of Utah 2008, Chapter 382

63B-6-502, as last amended by Laws of Utah 2008, Chapter 250

63B-7-102, as last amended by Laws of Utah 2014, Chapter 196

63B-10-302, as last amended by Laws of Utah 2008, Chapter 382

63C-21-201, as enacted by Laws of Utah 2020, Chapter 199

63C-21-202, as enacted by Laws of Utah 2020, Chapter 199

63H-2-102, as last amended by Laws of Utah 2014, Chapter 301

63H-2-202, as last amended by Laws of Utah 2016, Chapter 337

63H-4-102, as last amended by Laws of Utah 2020, Chapter 352

63H-4-110, as renumbered and amended by Laws of Utah 2011, Chapter 370

63H-5-110, as renumbered and amended by Laws of Utah 2011, Chapter 370

63I-1-263, as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230,

303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 360

63I-1-279, as enacted by Laws of Utah 2020, Chapter 154

63I-2-263, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 12

63J-1-601, as last amended by Laws of Utah 2018, Chapters 76 and 469

63J-1-602.1, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

63J-4-502, as last amended by Laws of Utah 2015, Chapter 451

63J-4-608, as last amended by Laws of Utah 2020, Chapter 354

63L-2-301, as last amended by Laws of Utah 2020, Chapter 168

63L-7-104, as enacted by Laws of Utah 2014, Chapter 323

63N-9-102, as last amended by Laws of Utah 2019, Chapter 506

~~{~~ ~~**63N-9-104**, as last amended by Laws of Utah 2016, Chapter 88~~

~~}~~ **63N-9-106**, as last amended by Laws of Utah 2019, Chapter 506

63N-9-202, as enacted by Laws of Utah 2016, Chapter 88

65A-3-1, as last amended by Laws of Utah 2018, Chapter 420

65A-10-2, as last amended by Laws of Utah 1994, Chapter 294

72-1-216, as enacted by Laws of Utah 2020, Chapter 104

72-4-302, as last amended by Laws of Utah 2019, Chapter 246

72-11-204, as last amended by Laws of Utah 2010, Chapter 286

73-3-30, as last amended by Laws of Utah 2020, Chapter 421

73-3-31, as last amended by Laws of Utah 2014, Chapter 420

73-10e-1, as last amended by Laws of Utah 2009, Chapter 344

73-18-2, as last amended by Laws of Utah 2015, Chapter 113

73-18-3.5, as enacted by Laws of Utah 1987, Chapter 99

73-18-4, as last amended by Laws of Utah 2011, Chapter 386

73-18-7, as last amended by Laws of Utah 2016, Chapter 303

73-18-8, as last amended by Laws of Utah 2016, Chapter 303

73-18-9, as last amended by Laws of Utah 2008, Chapter 94

73-18-11, as last amended by Laws of Utah 1986, Chapter 197

73-18-13, as last amended by Laws of Utah 2015, Chapter 412

73-18-13.5, as last amended by Laws of Utah 2011, Chapter 386

73-18-15, as last amended by Laws of Utah 2012, Chapter 411

73-18-15.2, as last amended by Laws of Utah 2016, Chapter 303

73-18-16, as last amended by Laws of Utah 2016, Chapter 303

73-18-17, as last amended by Laws of Utah 1987, Chapter 99

73-18-20, as last amended by Laws of Utah 2019, Chapter 75

73-18a-1, as last amended by Laws of Utah 1986, Chapter 197

73-18a-4, as last amended by Laws of Utah 2008, Chapter 382

73-18a-5, as last amended by Laws of Utah 2008, Chapter 382

73-18a-12, as last amended by Laws of Utah 2008, Chapter 382

73-18b-1, as last amended by Laws of Utah 2007, Chapter 136

73-18b-4, as last amended by Laws of Utah 1997, Chapter 276

73-18c-102, as last amended by Laws of Utah 2007, Chapter 113

73-18c-201, as last amended by Laws of Utah 2008, Chapter 382

76-6-206.2, as last amended by Laws of Utah 2009, Chapter 344

77-2-4.3, as enacted by Laws of Utah 2011, Chapter 386

78A-5-110, as last amended by Laws of Utah 2017, Chapters 144, 150, and 186

78A-7-120, as last amended by Laws of Utah 2020, Chapter 230

79-2-201, as last amended by Laws of Utah 2020, Chapters 190 and 309

79-4-101, as enacted by Laws of Utah 2009, Chapter 344

79-4-102, as enacted by Laws of Utah 2009, Chapter 344

79-4-201, as renumbered and amended by Laws of Utah 2009, Chapter 344

79-4-202, as renumbered and amended by Laws of Utah 2009, Chapter 344

79-4-203, as last amended by Laws of Utah 2015, Chapter 163

79-4-204, as renumbered and amended by Laws of Utah 2009, Chapter 344

79-4-301, as renumbered and amended by Laws of Utah 2009, Chapter 344

79-4-302, as last amended by Laws of Utah 2020, Chapters 352 and 373

79-4-401, as renumbered and amended by Laws of Utah 2009, Chapter 344

79-4-502, as renumbered and amended by Laws of Utah 2009, Chapter 344 and repealed and reenacted by Laws of Utah 2009, Chapter 347

79-5-102, as last amended by Laws of Utah 2019, Chapter 428

79-5-201, as renumbered and amended by Laws of Utah 2009, Chapter 344

79-5-501, as renumbered and amended by Laws of Utah 2009, Chapter 344

ENACTS:

63I-2-279, Utah Code Annotated 1953

79-1-103, Utah Code Annotated 1953

79-2-206, Utah Code Annotated 1953

79-7-101, Utah Code Annotated 1953

79-7-102, Utah Code Annotated 1953

79-7-201, Utah Code Annotated 1953

79-7-202, Utah Code Annotated 1953

79-7-203, Utah Code Annotated 1953

79-7-204, Utah Code Annotated 1953

79-7-205, Utah Code Annotated 1953

79-7-301, Utah Code Annotated 1953

79-7-401, Utah Code Annotated 1953

79-7-402, Utah Code Annotated 1953

79-8-101, Utah Code Annotated 1953

79-8-102, Utah Code Annotated 1953

79-8-103, Utah Code Annotated 1953

79-8-104, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

79-6-101, (Renumbered from 63M-4-101, as renumbered and amended by Laws of Utah 2008, Chapter 382)

79-6-102, (Renumbered from 63M-4-102, as last amended by Laws of Utah 2012, Chapter 37)

79-6-201, (Renumbered from 63M-4-201, as last amended by Laws of Utah 2013, Chapter 295)

79-6-202, (Renumbered from 63M-4-202, as renumbered and amended by Laws of Utah 2008, Chapter 382)

79-6-203, (Renumbered from 63M-4-203, as last amended by Laws of Utah 2015, Chapter 378)

79-6-301, (Renumbered from 63M-4-301, as last amended by Laws of Utah 2019,

Chapter 415)

79-6-302, (Renumbered from 63M-4-302, as last amended by Laws of Utah 2016, Chapter 13)

79-6-401, (Renumbered from 63M-4-401, as last amended by Laws of Utah 2019, Chapter 247)

79-6-402, (Renumbered from 63M-4-402, as enacted by Laws of Utah 2014, Chapter 294)

79-6-501, (Renumbered from 63M-4-501, as enacted by Laws of Utah 2012, Chapter 410)

79-6-502, (Renumbered from 63M-4-502, as enacted by Laws of Utah 2012, Chapter 410)

79-6-503, (Renumbered from 63M-4-503, as last amended by Laws of Utah 2018, Chapter 149)

79-6-504, (Renumbered from 63M-4-504, as enacted by Laws of Utah 2012, Chapter 410)

79-6-505, (Renumbered from 63M-4-505, as last amended by Laws of Utah 2016, Chapters 13 and 135)

79-6-601, (Renumbered from 63M-4-601, as enacted by Laws of Utah 2015, Chapter 356)

79-6-602, (Renumbered from 63M-4-602, as last amended by Laws of Utah 2019, Chapter 501)

79-6-603, (Renumbered from 63M-4-603, as last amended by Laws of Utah 2018, Chapter 149)

79-6-604, (Renumbered from 63M-4-604, as enacted by Laws of Utah 2015, Chapter 356)

79-6-605, (Renumbered from 63M-4-605, as last amended by Laws of Utah 2016, Chapter 13)

79-6-606, (Renumbered from 63M-4-606, as enacted by Laws of Utah 2016, Chapter 337)

79-6-701, (Renumbered from 63M-4-701, as last amended by Laws of Utah 2020, Chapter 412)

79-6-702, (Renumbered from 63M-4-702, as last amended by Laws of Utah 2020, Chapter 412)

79-6-801, (Renumbered from 63M-4-801, as enacted by Laws of Utah 2020, Chapter 430)

79-6-802, (Renumbered from 63M-4-802, as enacted by Laws of Utah 2020, Chapter 430)

79-6-803, (Renumbered from 63M-4-803, as enacted by Laws of Utah 2020, Chapter 430)

79-6-804, (Renumbered from 63M-4-804, as enacted by Laws of Utah 2020, Chapter 430)

79-6-805, (Renumbered from 63M-4-805, as enacted by Laws of Utah 2020, Chapter 430)

79-7-302, (Renumbered from 79-2-402, as last amended by Laws of Utah 2010, Chapter 218)

~~{79-8-201}~~**79-8-105**, (Renumbered from ~~{~~63N-9-201~~}~~63N-9-204, as ~~{enacted}~~last amended by Laws of Utah ~~{~~2016~~}~~2019, Chapter ~~{~~88~~}~~290)

~~{79-8-202}~~**79-8-106**, (Renumbered from ~~{~~63N-9-202~~}~~63N-9-205, as ~~{enacted}~~last amended by Laws of Utah ~~{~~2016~~}~~2019, Chapter ~~{~~88~~}~~290)

~~{79-8-203}~~**79-8-201**, (Renumbered from ~~{~~63N-9-203~~}~~63N-9-301, as ~~{last amended}~~enacted by Laws of Utah ~~{~~2017~~}~~2019, Chapter ~~{~~166~~}~~290)

~~{79-8-204}~~**79-8-202**, (Renumbered from ~~{~~63N-9-204~~}~~63N-9-302, as ~~{last amended}~~enacted by Laws of Utah 2019, Chapter 290)

~~{79-8-205}~~**79-8-203**, (Renumbered from ~~{~~63N-9-205~~}~~63N-9-303, as ~~{last amended}~~enacted by Laws of Utah 2019, Chapter 290)

79-8-301, (Renumbered from ~~{~~63N-9-301~~}~~63N-9-401, as enacted by Laws of Utah 2019, Chapter ~~{~~290~~}~~506)

79-8-302, (Renumbered from ~~{~~63N-9-302~~}~~63N-9-402, as enacted by Laws of Utah 2019, Chapter ~~{~~290~~}~~506)

79-8-303, (Renumbered from ~~{~~63N-9-303~~}~~63N-9-403, as enacted by Laws of Utah 2019, Chapter ~~{~~290~~}~~506)

~~{79-8-401}~~**79-8-304**, (Renumbered from ~~{~~63N-9-401~~}~~63N-9-404, as enacted by Laws

of Utah 2019, Chapter 506)

Utah Code Sections Affected by Coordination Clause:

~~{~~**79-8-402**~~}~~**9-9-112**, ~~{(Renumbered from 63N-9-402}~~Utah Code Annotated 1953

59-10-1034, as ~~{enacted}~~last amended by Laws of Utah ~~{2019, Chapter 506)~~

~~**79-8-403**, (Renumbered from 63N-9-403, as enacted by Laws of Utah 2019, Chapter 506)~~

~~**79-8-404}**~~2016, Third Special Session, Chapter 1

79-8-303, (Renumbered from ~~{63N-9-404}~~63N-9-403, as enacted by Laws of Utah 2019, Chapter 506)

Utah Code Sections Affected by Revisor Instructions:

79-2-206, Utah Code Annotated 1953

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

Section 1. Section **9-9-408** is amended to read:

9-9-408. Burial of ancient Native American remains in state parks.

(1) As used in this section:

(a) "Ancient Native American remains" means ancient human remains, as defined in Section 9-8-302, that are Native American remains, as defined in Section 9-9-402.

(b) "Antiquities Section" means the Antiquities Section of the Division of State History created in Section 9-8-304.

(2) (a) The division, the Antiquities Section, and the Division of State Parks [~~and Recreation~~] shall cooperate in a study of the feasibility of burying ancient Native American remains in state parks.

(b) The study shall include:

(i) the process and criteria for determining which state parks would have land sufficient and appropriate to reserve a portion of the land for the burial of ancient Native American remains;

(ii) the process for burying the ancient Native American remains on the lands within state parks, including the responsibilities of state agencies and the assurance of cultural sensitivity;

(iii) how to keep a record of the locations in which specific ancient Native American

remains are buried;

(iv) how to account for the costs of:

(A) burying the ancient Native American remains on lands found within state parks; and

(B) securing and maintaining burial sites in state parks; and

(v) any issues related to burying ancient Native American remains in state parks.

Section 2. Section **11-42a-102** is amended to read:

11-42a-102. Definitions.

(1) "Air quality standards" means that a vehicle's emissions are equal to or cleaner than the standards established in bin 4 Table S04-1, of 40 C.F.R. 86.1811-04(c)(6).

(2) (a) "Assessment" means the assessment that a local entity or the C-PACE district levies on private property under this chapter to cover the costs of an energy efficiency upgrade, a renewable energy system, or an electric vehicle charging infrastructure.

(b) "Assessment" does not constitute a property tax but shares the same priority lien as a property tax.

(3) "Assessment fund" means a special fund that a local entity establishes under Section 11-42a-206.

(4) "Benefitted property" means private property within an energy assessment area that directly benefits from improvements.

(5) "Bond" means an assessment bond and a refunding assessment bond.

(6) (a) "Commercial or industrial real property" means private real property used directly or indirectly or held for one of the following purposes or activities, regardless of whether the purpose or activity is for profit:

(i) commercial;

(ii) mining;

(iii) agricultural;

(iv) industrial;

(v) manufacturing;

(vi) trade;

(vii) professional;

(viii) a private or public club;

(ix) a lodge;

(x) a business; or

(xi) a similar purpose.

(b) "Commercial or industrial real property" includes:

(i) private real property that is used as or held for dwelling purposes and contains:

(A) more than four rental units; or

(B) one or more owner-occupied or rental condominium units affiliated with a hotel; and

(ii) real property owned by:

(A) the military installation development authority, created in Section 63H-1-201; or

(B) the Utah Inland Port Authority, created in Section 11-58-201.

(7) "Contract price" means:

(a) up to 100% of the cost of installing, acquiring, refinancing, or reimbursing for an improvement, as determined by the owner of the property benefitting from the improvement; or

(b) the amount payable to one or more contractors for the assessment, design, engineering, inspection, and construction of an improvement.

(8) "C-PACE" means commercial property assessed clean energy.

(9) "C-PACE district" means the statewide authority established in Section 11-42a-106 to implement the C-PACE Act in collaboration with governing bodies, under the direction of OED.

(10) "Electric vehicle charging infrastructure" means equipment that is:

(a) permanently affixed to commercial or industrial real property; and

(b) designed to deliver electric energy to a qualifying electric vehicle or a qualifying plug-in hybrid vehicle.

(11) "Energy assessment area" means an area:

(a) within the jurisdictional boundaries of a local entity that approves an energy assessment area or, if the C-PACE district or a state interlocal entity levies the assessment, the C-PACE district or the state interlocal entity;

(b) containing only the commercial or industrial real property of owners who have voluntarily consented to an assessment under this chapter for the purpose of financing the costs of improvements that benefit property within the energy assessment area; and

(c) in which the proposed benefitted properties in the area are:

(i) contiguous; or

(ii) located on one or more contiguous or adjacent tracts of land that would be contiguous or adjacent property but for an intervening right-of-way, including a sidewalk, street, road, fixed guideway, or waterway.

(12) "Energy assessment bond" means a bond:

(a) issued under Section 11-42a-401; and

(b) payable in part or in whole from assessments levied in an energy assessment area.

(13) "Energy assessment lien" means a lien on property within an energy assessment area that arises from the levy of an assessment in accordance with Section 11-42a-301.

(14) "Energy assessment ordinance" means an ordinance that a local entity adopts under Section 11-42a-201 that:

(a) designates an energy assessment area;

(b) levies an assessment on benefitted property within the energy assessment area; and

(c) if applicable, authorizes the issuance of energy assessment bonds.

(15) "Energy assessment resolution" means one or more resolutions adopted by a local entity under Section 11-42a-201 that:

(a) designates an energy assessment area;

(b) levies an assessment on benefitted property within the energy assessment area; and

(c) if applicable, authorizes the issuance of energy assessment bonds.

(16) "Energy efficiency upgrade" means an improvement that is:

(a) permanently affixed to commercial or industrial real property; and

(b) designed to reduce energy or water consumption, including:

(i) insulation in:

(A) a wall, roof, floor, or foundation; or

(B) a heating and cooling distribution system;

(ii) a window or door, including:

(A) a storm window or door;

(B) a multiglazed window or door;

(C) a heat-absorbing window or door;

(D) a heat-reflective glazed and coated window or door;

(E) additional window or door glazing;

(F) a window or door with reduced glass area; or

(G) other window or door modifications;

(iii) an automatic energy control system;

(iv) in a building or a central plant, a heating, ventilation, or air conditioning and distribution system;

(v) caulk or weatherstripping;

(vi) a light fixture that does not increase the overall illumination of a building, unless an increase is necessary to conform with the applicable building code;

(vii) an energy recovery system;

(viii) a daylighting system;

(ix) measures to reduce the consumption of water, through conservation or more efficient use of water, including installation of:

(A) low-flow toilets and showerheads;

(B) timer or timing systems for a hot water heater; or

(C) rain catchment systems;

(x) a modified, installed, or remodeled fixture that is approved as a utility cost-saving measure by the governing body or executive of a local entity;

(xi) measures or other improvements to effect seismic upgrades;

(xii) structures, measures, or other improvements to provide automated parking or parking that reduces land use;

(xiii) the extension of an existing natural gas distribution company line;

(xiv) an energy efficient elevator, escalator, or other vertical transport device;

(xv) any other improvement that the governing body or executive of a local entity approves as an energy efficiency upgrade; or

(xvi) any improvement that relates physically or functionally to any of the improvements listed in Subsections (16)(b)(i) through (xv).

(17) "Governing body" means:

(a) for a county, city, town, or metro township, the legislative body of the county, city, town, or metro township;

(b) for a local district, the board of trustees of the local district;

(c) for a special service district:

(i) if no administrative control board has been appointed under Section 17D-1-301, the legislative body of the county, city, town, or metro township that established the special service district; or

(ii) if an administrative control board has been appointed under Section 17D-1-301, the administrative control board of the special service district;

(d) for the military installation development authority created in Section 63H-1-201, the board, as that term is defined in Section 63H-1-102; and

(e) for the Utah Inland Port Authority, created in Section 11-58-201, the board, as defined in Section 11-58-102.

(18) "Improvement" means a publicly or privately owned energy efficiency upgrade, renewable energy system, or electric vehicle charging infrastructure that:

(a) a property owner has requested; or

(b) has been or is being installed on a property for the benefit of the property owner.

(19) "Incidental refunding costs" means any costs of issuing a refunding assessment bond and calling, retiring, or paying prior bonds, including:

(a) legal and accounting fees;

(b) charges of financial advisors, escrow agents, certified public accountant verification entities, and trustees;

(c) underwriting discount costs, printing costs, and the costs of giving notice;

(d) any premium necessary in the calling or retiring of prior bonds;

(e) fees to be paid to the local entity to issue the refunding assessment bond and to refund the outstanding prior bonds;

(f) any other costs that the governing body determines are necessary and proper to incur in connection with the issuance of a refunding assessment bond; and

(g) any interest on the prior bonds that is required to be paid in connection with the issuance of the refunding assessment bond.

(20) "Installment payment date" means the date on which an installment payment of an assessment is payable.

(21) "Jurisdictional boundaries" means:

(a) for the C-PACE district or any state interlocal entity, the boundaries of the state;

and

(b) for each local entity, the boundaries of the local entity.

(22) "Local district" means a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts.

(23) (a) "Local entity" means:

(i) a county, city, town, or metro township;

(ii) a special service district, a local district, or an interlocal entity as that term is defined in Section 11-13-103;

(iii) a state interlocal entity;

(iv) the military installation development authority, created in Section 63H-1-201;

(v) the Utah Inland Port Authority, created in Section 11-58-201; or

(vi) any political subdivision of the state.

(b) "Local entity" includes the C-PACE district solely in connection with:

(i) the designation of an energy assessment area;

(ii) the levying of an assessment; and

(iii) the assignment of an energy assessment lien to a third-party lender under Section 11-42a-302.

(24) "Local entity obligations" means energy assessment bonds and refunding assessment bonds that a local entity issues.

(25) "OED" means the Office of Energy Development created in Section [~~63M-4-401~~] 79-6-401.

(26) "OEM vehicle" means the same as that term is defined in Section 19-1-402.

(27) "Overhead costs" means the actual costs incurred or the estimated costs to be incurred in connection with an energy assessment area, including:

(a) appraisals, legal fees, filing fees, facilitation fees, and financial advisory charges;

(b) underwriting fees, placement fees, escrow fees, trustee fees, and paying agent fees;

(c) publishing and mailing costs;

(d) costs of levying an assessment;

(e) recording costs; and

(f) all other incidental costs.

(28) "Parameters resolution" means a resolution or ordinance that a local entity adopts

in accordance with Section 11-42a-201.

(29) "Prior bonds" means the energy assessment bonds refunded in part or in whole by a refunding assessment bond.

(30) "Prior energy assessment ordinance" means the ordinance levying the assessments from which the prior bonds are payable.

(31) "Prior energy assessment resolution" means the resolution levying the assessments from which the prior bonds are payable.

(32) "Property" includes real property and any interest in real property, including water rights and leasehold rights.

(33) "Public electrical utility" means a large-scale electric utility as that term is defined in Section 54-2-1.

(34) "Qualifying electric vehicle" means a vehicle that:

(a) meets air quality standards;

(b) is not fueled by natural gas;

(c) draws propulsion energy from a battery with at least 10 kilowatt hours of capacity; and

(d) is an OEM vehicle except that the vehicle is fueled by a fuel described in Subsection (34)(c).

(35) "Qualifying plug-in hybrid vehicle" means a vehicle that:

(a) meets air quality standards;

(b) is not fueled by natural gas or propane;

(c) has a battery capacity that meets or exceeds the battery capacity described in Subsection 30D(b)(3), Internal Revenue Code; and

(d) is fueled by a combination of electricity and:

(i) diesel fuel;

(ii) gasoline; or

(iii) a mixture of gasoline and ethanol.

(36) "Reduced payment obligation" means the full obligation of an owner of property within an energy assessment area to pay an assessment levied on the property after the local entity has reduced the assessment because of the issuance of a refunding assessment bond, in accordance with Section 11-42a-403.

(37) "Refunding assessment bond" means an assessment bond that a local entity issues under Section 11-42a-403 to refund, in part or in whole, energy assessment bonds.

(38) (a) "Renewable energy system" means a product, system, device, or interacting group of devices that is permanently affixed to commercial or industrial real property not located in the certified service area of a distribution electrical cooperative, as that term is defined in Section 54-2-1, and:

(i) produces energy from renewable resources, including:

(A) a photovoltaic system;

(B) a solar thermal system;

(C) a wind system;

(D) a geothermal system, including a generation system, a direct-use system, or a ground source heat pump system;

(E) a microhydro system;

(F) a biofuel system; or

(G) any other renewable source system that the governing body of the local entity approves;

(ii) stores energy, including:

(A) a battery storage system; or

(B) any other energy storing system that the governing body or chief executive officer of a local entity approves; or

(iii) any improvement that relates physically or functionally to any of the products, systems, or devices listed in Subsection (38)(a)(i) or (ii).

(b) "Renewable energy system" does not include a system described in Subsection (38)(a)(i) if the system provides energy to property outside the energy assessment area, unless the system:

(i) (A) existed before the creation of the energy assessment area; and

(B) beginning before January 1, 2017, provides energy to property outside of the area that became the energy assessment area; or

(ii) provides energy to property outside the energy assessment area under an agreement with a public electrical utility that is substantially similar to agreements for other renewable energy systems that are not funded under this chapter.

(39) "Special service district" means the same as that term is defined in Section 17D-1-102.

(40) "State interlocal entity" means:

(a) an interlocal entity created under Chapter 13, Interlocal Cooperation Act, by two or more counties, cities, towns, or metro townships that collectively represent at least a majority of the state's population; or

(b) an entity that another state authorized, before January 1, 2017, to issue bonds, notes, or other obligations or refunding obligations to finance or refinance projects in the state.

(41) "Third-party lender" means a trust company, savings bank, savings and loan association, bank, credit union, or any other entity that provides loans directly to property owners for improvements authorized under this chapter.

Section 3. Section **11-45-102** is amended to read:

11-45-102. Definitions.

As used in this [~~section~~] chapter:

(1) "Energy code" means the energy efficiency code adopted under Section 15A-1-204.

(2) (a) "Energy efficiency project" means:

(i) for an existing building, a retrofit to improve energy efficiency; or

(ii) for a new building, an enhancement to improve energy efficiency beyond the minimum required by the energy code.

(b) "Energy efficiency projects" include the following expenses:

(i) construction;

(ii) engineering;

(iii) energy audit; or

(iv) inspection.

(3) "Fund" means the Energy Efficiency Fund created in Part 2, Energy Efficiency Fund.

(4) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~] 79-6-401.

(5) "Political subdivision" means a county, city, town, or school district.

Section 4. Section **32B-6-702** is amended to read:

32B-6-702. Definitions.

As used in this part:

(1) "Commission-approved activity" means a leisure activity that:

(a) the commission approves by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(b) does not involve the use of a dangerous weapon.

(2) (a) "Recreational amenity" means:

(i) a billiard parlor;

(ii) a pool parlor;

(iii) a bowling facility;

(iv) a golf course;

(v) miniature golf;

(vi) a golf driving range;

(vii) a tennis club;

(viii) a sports facility that hosts professional sporting events and has a seating capacity equal to or greater than 6,500;

(ix) a concert venue that has a seating capacity equal to or greater than 6,500;

(x) one of the following if owned by a government agency:

(A) a convention center;

(B) a fair facility;

(C) an equestrian park;

(D) a theater; or

(E) a concert venue;

(xi) an amusement park:

(A) with one or more permanent amusement rides; and

(B) located on at least 50 acres;

(xii) a ski resort;

(xiii) a venue for live entertainment if the venue:

(A) is not regularly open for more than five hours on any day;

(B) is operated so that food is available whenever beer is sold, offered for sale, or furnished at the venue; and

(C) is operated so that no more than 15% of its total annual receipts are from the sale

of beer;

(xiv) concessions operated within the boundary of a park administered by the:

(A) Division of State Parks [~~and Recreation~~]; or

(B) National Parks Service;

(xv) a facility or venue that is a recreational amenity for a person licensed under this part before May 12, 2020;

(xvi) a venue for karaoke; or

(xvii) an enterprise developed around a commission-approved activity.

(b) "Recreational amenity" does not include an item described in Subsection (2)(a), if the item is tangential to an enterprise or activity that is not included in Subsection (2)(a).

Section 5. Section **41-1a-418** is amended to read:

41-1a-418. Authorized special group license plates.

(1) The division shall only issue special group license plates in accordance with this section through Section 41-1a-422 to a person who is specified under this section within the categories listed as follows:

(a) disability special group license plates issued in accordance with Section 41-1a-420;

(b) honor special group license plates, as in a war hero, which plates are issued for a:

(i) survivor of the Japanese attack on Pearl Harbor;

(ii) former prisoner of war;

(iii) recipient of a Purple Heart;

(iv) disabled veteran;

(v) recipient of a gold star award issued by the United States Secretary of Defense; or

(vi) recipient of a campaign or combat theater award determined by the Department of Veterans and Military Affairs;

(c) unique vehicle type special group license plates, as for historical, collectors value, or other unique vehicle type, which plates are issued for:

(i) a special interest vehicle;

(ii) a vintage vehicle;

(iii) a farm truck; or

(iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as defined in Section 59-13-102; or

(B) beginning on the effective date of rules made by the Department of Transportation authorized under Subsection 41-6a-702(5)(b) and until Subsection (4) applies, a vehicle powered by clean fuel that meets the standards established by the Department of Transportation in rules authorized under Subsection 41-6a-702(5)(b);

(d) recognition special group license plates, which plates are issued for:

(i) a current member of the Legislature;

(ii) a current member of the United States Congress;

(iii) a current member of the National Guard;

(iv) a licensed amateur radio operator;

(v) a currently employed, volunteer, or retired firefighter until June 30, 2009;

(vi) an emergency medical technician;

(vii) a current member of a search and rescue team;

(viii) a current honorary consulate designated by the United States Department of State;

(ix) an individual supporting commemoration and recognition of women's suffrage;

(x) an individual supporting a fraternal, initiatic order for those sharing moral and metaphysical ideals, and designed to teach ethical and philosophical matters of brotherly love, relief, and truth;

(xi) an individual supporting the Utah Wing of the Civil Air Patrol; or

(xii) an individual supporting the recognition and continuation of the work and life of Dr. Martin Luther King, Jr.; or

(e) support special group license plates, as for a contributor to an institution or cause, which plates are issued for a contributor to:

(i) an institution's scholastic scholarship fund;

(ii) the Division of Wildlife Resources;

(iii) the Department of Veterans and Military Affairs;

(iv) the Division of [~~Parks and~~] State Parks or the Division of Recreation;

(v) the Department of Agriculture and Food;

(vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;

(vii) the Boy Scouts of America;

(viii) spay and neuter programs through No More Homeless Pets in Utah;

(ix) the Boys and Girls Clubs of America;

(x) Utah public education;

(xi) programs that provide support to organizations that create affordable housing for those in severe need through the Division of Real Estate;

(xii) the Department of Public Safety;

(xiii) programs that support Zion National Park;

(xiv) beginning on July 1, 2009, programs that provide support to firefighter organizations;

(xv) programs that promote bicycle operation and safety awareness;

(xvi) programs that conduct or support cancer research;

(xvii) programs that create or support autism awareness;

(xviii) programs that create or support humanitarian service and educational and cultural exchanges;

(xix) until September 30, 2017, programs that conduct or support prostate cancer awareness, screening, detection, or prevention;

(xx) programs that support and promote adoptions;

(xxi) programs that support issues affecting women and children through an organization affiliated with a national professional men's basketball organization;

(xxii) programs that strengthen youth soccer, build communities, and promote environmental sustainability through an organization affiliated with a professional men's soccer organization;

(xxiii) programs that support children with heart disease;

(xxiv) programs that support the operation and maintenance of the Utah Law Enforcement Memorial;

(xxv) programs that provide assistance to children with cancer;

(xxvi) programs that promote leadership and career development through agricultural education;

(xxvii) the Utah State Historical Society;

(xxviii) programs to transport veterans to visit memorials honoring the service and sacrifices of veterans;

(xxix) programs that promote motorcycle safety awareness;

(xxx) organizations that promote clean air through partnership, education, and awareness; or

(xxxi) programs dedicated to strengthening the state's Latino community through education, mentoring, and leadership opportunities.

(2) (a) The division may not issue a new type of special group license plate or decal unless the division receives:

(i) (A) a private donation for the start-up fee established under Section 63J-1-504 for the production and administrative costs of providing the new special group license plates or decals; or

(B) a legislative appropriation for the start-up fee provided under Subsection (2)(a)(i)(A); and

(ii) beginning on January 1, 2012, and for the issuance of a support special group license plate authorized in Section 41-1a-422, at least 500 completed applications for the new type of support special group license plate or decal to be issued with all fees required under this part for the support special group license plate or decal issuance paid by each applicant.

(b) (i) Beginning on January 1, 2012, each participating organization shall collect and hold applications for support special group license plates or decals authorized in Section 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications.

(ii) Once a participating organization has received at least 500 applications, it shall submit the applications, along with the necessary fees, to the division for the division to begin working on the design and issuance of the new type of support special group license plate or decal to be issued.

(iii) Beginning on January 1, 2012, the division may not work on the issuance or design of a new support special group license plate or decal authorized in Section 41-1a-422 until the applications and fees required under this Subsection (2) have been received by the division.

(iv) The division shall begin issuance of a new support special group license plate or decal authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months after receiving the applications and fees required under this Subsection (2).

(c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle registration of a motor vehicle that has been issued a firefighter recognition special group license plate unless the applicant is a contributor as defined in Subsection

41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

(ii) A registered owner of a vehicle that has been issued a firefighter recognition special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle registration shall:

(A) be a contributor to the Firefighter Support Restricted Account as required under Subsection (2)(c)(i); or

(B) replace the firefighter recognition special group license plate with a new license plate.

(3) Beginning on July 1, 2011, if a support special group license plate or decal type authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500 license plates issued each year for a three consecutive year time period that begins on July 1, the division may not issue that type of support special group license plate or decal to a new applicant beginning on January 1 of the following calendar year after the three consecutive year time period for which that type of support special group license plate or decal has fewer than 500 license plates issued each year.

(4) Beginning on July 1, 2011, the division may not issue to an applicant a unique vehicle type license plate for a vehicle powered by clean fuel under Subsection (1)(c)(iv).

(5) (a) Beginning on October 1, 2017, the division may not issue a new prostate cancer support special group license plate.

(b) A registered owner of a vehicle that has been issued a prostate cancer support special group license plate before October 1, 2017, may renew the owner's motor vehicle registration, with the contribution allocated as described in Section 41-1a-422.

Section 6. Section **41-1a-422** is amended to read:

41-1a-422. Support special group license plates -- Contributor -- Voluntary contribution collection procedures.

(1) As used in this section:

(a) (i) Except as provided in Subsection (1)(a)(ii), "contributor" means a person who has donated or in whose name at least $25 has been donated to:

(A) a scholastic scholarship fund of a single named institution;

(B) the Department of Veterans and Military Affairs for veterans programs;

(C) the Division of Wildlife Resources for the Wildlife Resources Account created in

Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection, access, and management of wildlife habitat;

(D) the Department of Agriculture and Food for the benefit of conservation districts;

(E) the Division of [~~Parks and~~] Recreation for the benefit of snowmobile programs;

(F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with the donation evenly divided between the two;

(G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America council as specified by the contributor;

(H) No More Homeless Pets in Utah for distribution to organizations or individuals that provide spay and neuter programs that subsidize the sterilization of domestic animals;

(I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth development programs;

(J) the Utah Association of Public School Foundations to support public education;

(K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to assist people who have severe housing needs;

(L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118 to support the families of fallen Utah Highway Patrol troopers and other Department of Public Safety employees;

(M) the Division of State Parks [~~and Recreation~~] for distribution to organizations that provide support for Zion National Park;

(N) the Firefighter Support Restricted Account created in Section 53-7-109 to support firefighter organizations;

(O) the Share the Road Bicycle Support Restricted Account created in Section 72-2-127 to support bicycle operation and safety awareness programs;

(P) the Cancer Research Restricted Account created in Section 26-21a-302 to support cancer research programs;

(Q) Autism Awareness Restricted Account created in Section 53F-9-401 to support autism awareness programs;

(R) Humanitarian Service and Educational and Cultural Exchange Restricted Account created in Section 9-17-102 to support humanitarian service and educational and cultural programs;

(S) Upon renewal of a prostate cancer support special group license plate, to the Cancer Research Restricted Account created in Section 26-21a-302 to support cancer research programs;

(T) the Choose Life Adoption Support Restricted Account created in Section 62A-4a-608 to support programs that promote adoption;

(U) the National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account created in Section 62A-1-202;

(V) the Utah Law Enforcement Memorial Support Restricted Account created in Section 53-1-120;

(W) the Children with Cancer Support Restricted Account created in Section 26-21a-304 for programs that provide assistance to children with cancer;

(X) the National Professional Men's Soccer Team Support of Building Communities Restricted Account created in Section 9-19-102;

(Y) the Children with Heart Disease Support Restricted Account created in Section 26-58-102;

(Z) the Utah Intracurricular Student Organization Support for Agricultural Education and Leadership Restricted Account created in Section 4-42-102;

(AA) the Division of Wildlife Resources for the Support for State-Owned Shooting Ranges Restricted Account created in Section 23-14-13.5, for the creation of new, and operation and maintenance of existing, state-owned firearm shooting ranges;

(BB) the Utah State Historical Society to further the mission and purpose of the Utah State Historical Society;

(CC) the Motorcycle Safety Awareness Support Restricted Account created in Section 72-2-130; [~~or~~]

(DD) the Transportation of Veterans to Memorials Support Restricted Account created in Section 71-14-102;

(EE) clean air support causes, with half of the donation deposited into the Clean Air Support Restricted Account created in Section 19-1-109, and half of the donation deposited into the Clean Air Fund created in Section 59-10-1319; or

(FF) the Latino Community Support Restricted Account created in Section 13-1-16.

(ii) (A) For a veterans special group license plate described in Subsection

41-1a-421(1)(a)(v) or 41-1a-422(4), "contributor" means a person who has donated or in whose name at least a $25 donation at the time of application and $10 annual donation thereafter has been made.

(B) For a Utah Housing Opportunity special group license plate, "contributor" means a person who:

(I) has donated or in whose name at least $30 has been donated at the time of application and annually after the time of application; and

(II) is a member of a trade organization for real estate licensees that has more than 15,000 Utah members.

(C) For an Honoring Heroes special group license plate, "contributor" means a person who has donated or in whose name at least $35 has been donated at the time of application and annually thereafter.

(D) For a firefighter support special group license plate, "contributor" means a person who:

(I) has donated or in whose name at least $15 has been donated at the time of application and annually after the time of application; and

(II) is a currently employed, volunteer, or retired firefighter.

(E) For a cancer research special group license plate, "contributor" means a person who has donated or in whose name at least $35 has been donated at the time of application and annually after the time of application.

(F) For a Utah Law Enforcement Memorial Support special group license plate, "contributor" means a person who has donated or in whose name at least $35 has been donated at the time of application and annually thereafter.

(b) "Institution" means a state institution of higher education as defined under Section 53B-3-102 or a private institution of higher education in the state accredited by a regional or national accrediting agency recognized by the United States Department of Education.

(2) (a) An applicant for original or renewal collegiate special group license plates under Subsection (1)(a)(i) must be a contributor to the institution named in the application and present the original contribution verification form under Subsection (2)(b) or make a contribution to the division at the time of application under Subsection (3).

(b) An institution with a support special group license plate shall issue to a contributor

a verification form designed by the commission containing:

(i) the name of the contributor;

(ii) the institution to which a donation was made;

(iii) the date of the donation; and

(iv) an attestation that the donation was for a scholastic scholarship.

(c) The state auditor may audit each institution to verify that the money collected by the institutions from contributors is used for scholastic scholarships.

(d) After an applicant has been issued collegiate license plates or renewal decals, the commission shall charge the institution whose plate was issued, a fee determined in accordance with Section 63J-1-504 for management and administrative expenses incurred in issuing and renewing the collegiate license plates.

(e) If the contribution is made at the time of application, the contribution shall be collected, treated, and deposited as provided under Subsection (3).

(3) (a) An applicant for original or renewal support special group license plates under this section must be a contributor to the sponsoring organization associated with the license plate.

(b) This contribution shall be:

(i) unless collected by the named institution under Subsection (2), collected by the division;

(ii) considered a voluntary contribution for the funding of the activities specified under this section and not a motor vehicle registration fee;

(iii) deposited into the appropriate account less actual administrative costs associated with issuing the license plates; and

(iv) for a firefighter special group license plate, deposited into the appropriate account less:

(A) the costs of reordering firefighter special group license plate decals; and

(B) the costs of replacing recognition special group license plates with new license plates under Subsection 41-1a-1211(13).

(c) The donation described in Subsection (1)(a) must be made in the 12 months prior to registration or renewal of registration.

(d) The donation described in Subsection (1)(a) shall be a one-time donation made to

the division when issuing original:

(i) snowmobile license plates; or

(ii) conservation license plates.

(4) Veterans license plates shall display one of the symbols representing the Army, Navy, Air Force, Marines, Coast Guard, or American Legion.

Section 7. Section **41-6a-1509** is amended to read:

41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways -- Registration and licensing requirements -- Equipment requirements.

(1) (a) Except as provided in Subsection (1)(b), an individual may operate an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that meets the requirements of this section as a street-legal ATV on a street or highway.

(b) An individual may not operate an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle as a street-legal ATV on a highway if:

(i) the highway is an interstate system as defined in Section 72-1-102; or

(ii) the highway is in a county of the first class and both of the following criterion is met:

(A) the highway is near a grade separated portion of the highway; and

(B) the highway has a posted speed limit higher than 50 miles per hour.

(c) Nothing in this section authorizes the operation of a street-legal ATV in an area that is not open to motor vehicle use.

(2) A street-legal ATV shall comply with Section 59-2-405.2, Subsection 41-1a-205(1), Subsection 53-8-205(1)(b), and the same requirements as:

(a) a motorcycle for:

(i) traffic rules under Title 41, Chapter 6a, Traffic Code;

(ii) titling, odometer statement, vehicle identification, license plates, and registration, excluding registration fees, under Title 41, Chapter 1a, Motor Vehicle Act; and

(iii) the county motor vehicle emissions inspection and maintenance programs under Section 41-6a-1642;

(b) a motor vehicle for:

(i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and

(ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of

Motor Vehicle Owners and Operators Act; and

(c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business Regulation Act, unless otherwise specified in this section.

(3) (a) The owner of an all-terrain type I vehicle being operated as a street-legal ATV shall ensure that the vehicle is equipped with:

(i) one or more headlamps that meet the requirements of Section 41-6a-1603;

(ii) one or more tail lamps;

(iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;

(iv) one or more red reflectors on the rear;

(v) one or more stop lamps on the rear;

(vi) amber or red electric turn signals, one on each side of the front and rear;

(vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;

(viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;

(ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;

(x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;

(xi) a windshield, unless the operator wears eye protection while operating the vehicle;

(xii) a speedometer, illuminated for nighttime operation;

(xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers; and

(xiv) tires that:

(A) are not larger than the tires that the all-terrain vehicle manufacturer made available for the all-terrain vehicle model; and

(B) have at least 2/32 inches or greater tire tread.

(b) The owner of an all-terrain type II vehicle or all-terrain type III vehicle being operated as a street-legal all-terrain vehicle shall ensure that the vehicle is equipped with:

(i) two headlamps that meet the requirements of Section 41-6a-1603;

(ii) two tail lamps;

(iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;

(iv) one or more red reflectors on the rear;

(v) two stop lamps on the rear;

(vi) amber or red electric turn signals, one on each side of the front and rear;

(vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;

(viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;

(ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;

(x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;

(xi) a windshield, unless the operator wears eye protection while operating the vehicle;

(xii) a speedometer, illuminated for nighttime operation;

(xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers;

(xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle occupant;

(xv) a seat with a height between 20 and 40 inches when measured at the forward edge of the seat bottom; and

(xvi) tires that:

(A) do not exceed 44 inches in height; and

(B) have at least 2/32 inches or greater tire tread.

(c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle with wheel covers, mudguards, flaps, or splash aprons.

(4) (a) Subject to the requirements of Subsection (4)(b), an operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not exceed the lesser of:

(i) the posted speed limit; or

(ii) 50 miles per hour.

(b) An operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:

(i) operate the street-legal all-terrain vehicle on the extreme right hand side of the roadway; and

(ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the front and back of both sides of the vehicle.

(5) (a) A nonresident operator of an off-highway vehicle that is authorized to be operated on the highways of another state has the same rights and privileges as a street-legal ATV that is granted operating privileges on the highways of this state, subject to the restrictions under this section and rules made by the [~~Board of Parks and~~] Division of Recreation, after consulting the Outdoor Adventure Commission, if the other state offers reciprocal operating privileges to Utah residents.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [~~Board of Parks and~~] Division of Recreation, after consultation with the Outdoor Adventure Commission, shall establish eligibility requirements for reciprocal operating privileges for nonresident users granted under Subsection (5)(a).

(6) Nothing in this chapter restricts the owner of an off-highway vehicle from operating the off-highway vehicle in accordance with Section 41-22-10.5.

(7) A violation of this section is an infraction.

Section 8. Section **41-22-2** is amended to read:

41-22-2. Definitions.

As used in this chapter:

(1) "Advisory council" means the Off-highway Vehicle Advisory Council appointed by the [~~Board of Parks and~~] Division of Recreation.

(2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain.

(3) (a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width,

traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a rollover protection system, and designed for or capable of travel over unimproved terrain, and is:

(i) an electric-powered vehicle; or

(ii) a vehicle powered by an internal combustion engine and has an unladen dry weight of 2,500 pounds or less.

(b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed for recreational use, or farm tractors as defined under Section 41-1a-102.

(4) (a) "All-terrain type III vehicle" means any other motor vehicle, not defined in Subsection (2), (3), (12), or (22), designed for or capable of travel over unimproved terrain.

(b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed for recreational use, or farm tractors as defined under Section 41-1a-102.

[~~(5) "Board" means the Board of Parks and Recreation.~~]

(5) "Commission" means the Outdoor Adventure Commission.

(6) "Cross-country" means across natural terrain and off an existing highway, road, route, or trail.

(7) "Dealer" means a person engaged in the business of selling off-highway vehicles at wholesale or retail.

(8) "Division" means the Division of [~~Parks and~~] Recreation.

(9) "Low pressure tire" means any pneumatic tire six inches or more in width designed for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

(10) "Manufacturer" means a person engaged in the business of manufacturing off-highway vehicles.

(11) (a) "Motor vehicle" means every vehicle which is self-propelled.

(b) "Motor vehicle" includes an off-highway vehicle.

(12) "Motorcycle" means every motor vehicle having a saddle for the use of the operator and designed to travel on not more than two tires.

(13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,

all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is used by the owner or the owner's agent for agricultural operations.

(14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle.

(15) "Operate" means to control the movement of or otherwise use an off-highway vehicle.

(16) "Operator" means the person who is in actual physical control of an off-highway vehicle.

(17) "Organized user group" means an off-highway vehicle organization incorporated as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.

(18) "Owner" means a person, other than a person with a security interest, having a property interest or title to an off-highway vehicle and entitled to the use and possession of that vehicle.

(19) "Public land" means land owned or administered by any federal or state agency or any political subdivision of the state.

(20) "Register" means the act of assigning a registration number to an off-highway vehicle.

(21) "Roadway" is used as defined in Section 41-6a-102.

(22) "Snowmobile" means any motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

(23) "Street or highway" means the entire width between boundary lines of every way or place of whatever nature, when any part of it is open to the use of the public for vehicular travel.

(24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as defined in Section 41-6a-102.

Section 9. Section **41-22-3** is amended to read:

41-22-3. Registration of vehicles -- Application -- Issuance of sticker and card -- Proof of property tax payment -- Records.

(1) (a) Unless exempted under Section 41-22-9, a person may not operate or transport and an owner may not give another person permission to operate or transport any off-highway

vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle is registered under this chapter for the current year.

(b) Unless exempted under Section 41-22-9, a dealer may not sell an off-highway vehicle which can be used or transported on any public land, trail, street, or highway in this state, unless the off-highway vehicle is registered or is in the process of being registered under this chapter for the current year.

(2) The owner of an off-highway vehicle subject to registration under this chapter shall apply to the Motor Vehicle Division for registration on forms approved by the Motor Vehicle Division.

(3) Each application for registration of an off-highway vehicle shall be accompanied by:

(a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of sale showing ownership, make, model, horsepower or displacement, and serial number;

(b) the past registration card; or

(c) the fee for a duplicate.

(4) (a) Upon each annual registration, the Motor Vehicle Division shall issue a registration sticker and a registration card for each off-highway vehicle registered.

(b) The registration sticker shall:

(i) contain a unique number using numbers, letters, or combination of numbers and letters to identify the off-highway vehicle for which it is issued;

(ii) be affixed to the off-highway vehicle for which it is issued in a plainly visible position as prescribed by rule of the [~~board~~] division under Section 41-22-5.1; and

(iii) be maintained free of foreign materials and in a condition to be clearly legible.

(c) At all times, a registration card shall be kept with the off-highway vehicle and shall be available for inspection by a law enforcement officer.

(5) (a) Except as provided by Subsection (5)(c), an applicant for a registration card and registration sticker shall provide the Motor Vehicle Division a certificate, described under Subsection (5)(b), from the county assessor of the county in which the off-highway vehicle has situs for taxation.

(b) The certificate required under Subsection (5)(a) shall state one of the following:

(i) the property tax on the off-highway vehicle for the current year has been paid;

(ii) in the county assessor's opinion, the tax is a lien on real property sufficient to secure the payment of the tax; or

(iii) the off-highway vehicle is exempt by law from payment of property tax for the current year.

(c) An off-highway vehicle for which an off-highway implement of husbandry sticker has been issued in accordance with Section 41-22-5.5 is exempt from the requirement under this Subsection (5).

(6) (a) All records of the division made or kept under this section shall be classified by the Motor Vehicle Division in the same manner as motor vehicle records are classified under Section 41-1a-116.

(b) Division records are available for inspection in the same manner as motor vehicle records under Section 41-1a-116.

(7) A violation of this section is an infraction.

Section 10. Section **41-22-5.1** is amended to read:

41-22-5.1. Rules of division relating to display of registration stickers.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [~~board~~] division, after consultation with the commission, shall make rules for the display of a registration sticker on an off-highway vehicle in accordance with Section 41-22-3.

Section 11. Section **41-22-5.5** is amended to read:

41-22-5.5. Off-highway husbandry vehicles.

(1) (a) (i) The owner of an all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile used for agricultural purposes may apply to the Motor Vehicle Division for an off-highway implement of husbandry sticker.

(ii) Each application under Subsection (1)(a)(i) shall be accompanied by:

(A) evidence of ownership;

(B) a title or a manufacturer's certificate of origin; and

(C) a signed statement certifying that the off-highway vehicle is used for agricultural purposes.

(iii) The owner shall receive an off-highway implement of husbandry sticker upon production of:

(A) the documents required under this Subsection (1); and

(B) payment of an off-highway implement of husbandry sticker fee established by the [~~board~~] division, after consultation with the commission, not to exceed $10.

(b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or highways, it shall also be registered under Section 41-22-3.

(c) The off-highway implement of husbandry sticker shall be displayed in a manner prescribed by the [~~board~~] division and shall identify the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile as an off-highway implement of husbandry.

(2) The off-highway implement of husbandry sticker is valid only for the life of the ownership of the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile and is not transferable.

(3) The off-highway implement of husbandry sticker is valid for an all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile that is being operated adjacent to a roadway:

(a) when the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile is only being used to travel from one parcel of land owned, operated, permitted, or leased for agricultural purposes by the owner of the vehicle to another parcel of land owned, operated, permitted, or leased for agricultural purposes by the owner; and

(b) when this operation is necessary for the furtherance of agricultural purposes.

(4) If the operation of an off-highway implement of husbandry adjacent to a roadway is impractical, it may be operated on the roadway if the operator exercises due care towards conventional motor vehicle traffic.

(5) It is unlawful to operate an off-highway implement of husbandry along, across, or within the boundaries of an interstate freeway.

(6) A violation of this section is an infraction.

Section 12. Section **41-22-8** is amended to read:

41-22-8. Registration fees.

(1) The [~~board~~] division, after consultation with the commission, shall establish the fees which shall be paid in accordance with this chapter, subject to the following:

(a) (i) Except as provided in Subsection (1)(a)(ii) or (iii), the fee for each off-highway vehicle registration may not exceed $35.

(ii) The fee for each snowmobile registration may not exceed $26.

(iii) The fee for each street-legal all-terrain vehicle may not exceed $72.

(b) The fee for each duplicate registration card may not exceed $3.

(c) The fee for each duplicate registration sticker may not exceed $5.

(2) A fee may not be charged for an off-highway vehicle that is owned and operated by the United States Government, this state, or its political subdivisions.

(3) (a) In addition to the fees under this section, Section 41-22-33, and Section 41-22-34, the Motor Vehicle Division shall require a person to pay one dollar to register an off-highway vehicle under Section 41-22-3.

(b) The Motor Vehicle Division shall deposit the fees the Motor Vehicle Division collects under Subsection (3)(a) into the Spinal Cord and Brain Injury Rehabilitation Fund described in Section 26-54-102.

Section 13. Section **41-22-10** is amended to read:

41-22-10. Powers of division relating to off-highway vehicles.

(1) The [~~board~~] division may:

(a) appoint and seek recommendations from the Off-highway Vehicle Advisory Council representing the various off-highway vehicle, conservation, and other appropriate interests; and

(b) adopt a uniform marker and sign system for use by agents of appropriate federal, state, county, and city agencies in areas of off-highway vehicle use.

(2) The [~~board~~] division shall receive and distribute voluntary contributions collected under Section 41-1a-230.6 in accordance with Section 41-22-19.5.

Section 14. Section **41-22-10.7** is amended to read:

41-22-10.7. Vehicle equipment requirements -- Rulemaking -- Exceptions.

(1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped with:

(a) brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions;

(b) headlights and taillights when operated between sunset and sunrise;

(c) a noise control device and except for a snowmobile, a spark arrestor device; and

(d) when operated on sand dunes designated by the [~~board~~] division, a safety flag that

is:

(i) red or orange in color;

(ii) a minimum of six by 12 inches; and

(iii) attached to:

(A) the off-highway vehicle so that the safety flag is at least eight feet above the surface of level ground; or

(B) the protective headgear of a person operating a motorcycle so that the safety flag is at least 18 inches above the top of the person's head.

(2) A violation of Subsection (1) is an infraction.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [~~board~~] division may make rules, after consultation with the commission, which set standards for the equipment and which designate sand dunes where safety flags are required under Subsection (1).

(4) An off-highway implement of husbandry used only in agricultural operations and not operated on a highway, is exempt from the provisions of this section.

Section 15. Section **41-22-19.5** is amended to read:

41-22-19.5. Off-highway Access and Education Restricted Account -- Creation -- Funding -- Distribution of funds.

(1) There is created in the General Fund a restricted account known as the Off-highway Access and Education Restricted Account.

(2) The account shall be funded by:

(a) contributions deposited into the Off-highway Access and Education Restricted Account in accordance with Section 41-1a-230.6;

(b) private contributions; and

(c) donations or grants from public or private entities.

(3) The Legislature shall appropriate money in the account to the [~~board~~] division.

(4) (a) The state treasurer shall invest money in the account according to Title 51, Chapter 7, State Money Management Act.

(b) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.

(5) The [~~board~~] division may expend up to 10% of the money appropriated under

Subsection (3) to:

(a) administer account distributions in accordance with Subsections (6) through (9); and

(b) administer off-highway vehicle provisions under this chapter.

(6) The [~~board~~] division shall distribute the funds to a charitable organization that:

(a) qualifies as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

(b) has at least one full-time employee; and

(c) has as a primary part of [~~its~~] the charitable organization's mission to:

(i) protect access to public lands by motor vehicle and off-highway vehicle operators; and

(ii) educate the public about appropriate off-highway vehicle use.

(7) The [~~board~~] division may only consider proposals that are:

(a) proposed by a charitable organization under Subsection (6); and

(b) designed to:

(i) protect access to public lands by motor vehicle and off-highway vehicle operators; and

(ii) educate the public about appropriate off-highway vehicle use.

(8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [~~board~~] division, after consulting with the commission, shall make rules providing procedures for an organization to apply to receive funds under this section.

(9) The [~~board~~] division may not:

(a) require matching funds from a charitable organization as a condition of receiving funds; or

(b) prohibit the use of funds to cover litigation expenses incurred in protecting access to public lands by motor vehicle and off-highway vehicle operators.

Section 16. Section **41-22-30** is amended to read:

41-22-30. Supervision, safety certificate, or driver license required -- Penalty.

(1) As used in this section, "direct supervision" means oversight at a distance:

(a) of no more than 300 feet; and

(b) within which:

(i) visual contact is maintained; and

(ii) advice and assistance can be given and received.

(2) A person may not operate and an owner may not give that person permission to operate an off-highway vehicle on any public land, trail, street, or highway of this state unless the person:

(a) is under the direct supervision of an off-highway vehicle safety instructor during a scheduled safety training course approved by the [~~board~~] division pursuant to Section 41-22-32;

(b) (i) has in the person's possession the appropriate safety certificate issued or approved by the division; and

(ii) if under 18 years of age, is under the direct supervision of a person who is at least 18 years of age if operating on a public highway that is:

(A) open to motor vehicles; and

(B) not exclusively reserved for off-highway vehicle use; or

(c) has in the person's immediate possession a valid motor vehicle operator's license, as provided in Title 53, Chapter 3, Uniform Driver License Act.

(3) (a) A person convicted of a violation of this section is guilty of an infraction and shall be fined not more than $100 per offense.

(b) It is a defense to a charge under this section, if the person charged:

(i) produces in court a license or an appropriate safety certificate that was:

(A) valid at the time of the citation or arrest; and

(B) issued to the person operating the off-highway vehicle; and

(ii) can show that the direct supervision requirement under Subsection (2)(b) was not violated at the time of citation or arrest.

(4) The requirements of this section do not apply to an operator of an off-highway implement of husbandry.

Section 17. Section **41-22-31** is amended to read:

41-22-31. Division to set standards for safety program -- Safety certificates issued -- Cooperation with public and private entities -- State immunity from suit.

(1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [~~board~~] division shall make rules, after consultation with the commission, that establish

curriculum standards for a comprehensive off-highway vehicle safety education and training program and shall implement this program.

(b) The program shall be designed to develop and instill the knowledge, attitudes, habits, and skills necessary for the safe operation of an off-highway vehicle.

(c) Components of the program shall include the preparation and dissemination of off-highway vehicle information and safety advice to the public and the training of off-highway vehicle operators.

(d) Off-highway vehicle safety certificates shall be issued to those who successfully complete training or pass the knowledge and skills test established under the program.

(2) The division shall cooperate with appropriate private organizations and associations, private and public corporations, and local government units to implement the program established under this section.

(3) In addition to the governmental immunity granted in Title 63G, Chapter 7, Governmental Immunity Act of Utah, the state is immune from suit for any act, or failure to act, in any capacity relating to the off-highway vehicle safety education and training program. The state is also not responsible for any insufficiency or inadequacy in the quality of training provided by this program.

Section 18. Section **41-22-33** is amended to read:

41-22-33. Fees for safety and education program -- Penalty -- Unlawful acts.

(1) A fee set by the [~~board~~] division, after consultation with the commission, in accordance with Section 63J-1-504 shall be added to the registration fee required to register an off-highway vehicle under Section 41-22-8 to help fund the off-highway vehicle safety and education program.

(2) If the [~~board~~] division modifies the fee under Subsection (1), the modification shall take effect on the first day of the calendar quarter after 90 days from the day on which the [~~board~~] division provides the State Tax Commission:

(a) notice from the [~~board~~] division stating that the [~~board~~] division will modify the fee; and

(b) a copy of the fee modification.

Section 19. Section **41-22-35** is amended to read:

41-22-35. Off-highway vehicle user fee -- Decal -- Agents -- Penalty for fraudulent

issuance of decal -- Deposit and use of fee revenue.

(1) (a) Except as provided in Subsection (1)(b), any person owning or operating a nonresident off-highway vehicle who operates or gives another person permission to operate the nonresident off-highway vehicle on any public land, trail, street, or highway in this state shall:

(i) apply for an off-highway vehicle decal issued exclusively for an off-highway vehicle owned by a nonresident of the state;

(ii) pay an annual off-highway vehicle user fee; and

(iii) provide evidence that the owner is a nonresident.

(b) The provisions of Subsection (1)(a) do not apply to an off-highway vehicle if the off-highway vehicle is:

(i) used exclusively as an off-highway implement of husbandry;

(ii) used exclusively for the purposes of a scheduled competitive event sponsored by a public or private entity or another event sponsored by a governmental entity under rules made by the [~~board~~] division, after consultation with the commission;

(iii) owned and operated by a state government agency and the operation of the off-highway vehicle within the boundaries of the state is within the course and scope of the duties of the agency; or

(iv) used exclusively for the purpose of an off-highway vehicle manufacturer sponsored event within the state under rules made by the [~~board~~] division.

(2) The off-highway vehicle user fee is $30.

(3) Upon compliance with the provisions of Subsection (1)(a), the nonresident shall:

(a) receive a nonresident off-highway vehicle user decal indicating compliance with the provisions of Subsection (1)(a); and

(b) display the decal on the off-highway vehicle in accordance with rules made by the [~~board~~] division.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [~~board~~] division, after consultation with the commission, shall make rules establishing:

(a) procedures for:

(i) the payment of off-highway vehicle user fees; and

(ii) the display of a decal on an off-highway vehicle as required under Subsection

(3)(b);

(b) acceptable evidence indicating compliance with Subsection (1);

(c) eligibility for scheduled competitive events or other events under Subsection (1)(b)[~~(i)~~](ii); and

(d) eligibility for an off-highway vehicle manufacturer sponsored event under Subsection (1)(b)[~~(iii)~~](iv).

(5) (a) An off-highway vehicle user decal may be issued and the off-highway vehicle user fee may be collected by the division or agents of the division.

(b) An agent shall retain 10% of all off-highway vehicle user fees collected.

(c) The division may require agents to obtain a bond in a reasonable amount.

(d) On or before the tenth day of each month, each agent shall:

(i) report all sales to the division; and

(ii) submit all off-highway vehicle user fees collected less the remuneration provided in Subsection (5)(b).

(e) (i) If an agent fails to pay the amount due, the division may assess a penalty of 20% of the amount due.

(ii) Delinquent payments shall bear interest at the rate of 1% per month.

(iii) If the amount due is not paid because of bad faith or fraud, the division shall assess a penalty of 100% of the total amount due together with interest.

(f) All fees collected by an agent, except the remuneration provided in Subsection (5)(b), shall:

(i) be kept separate and apart from the private funds of the agent; and

(ii) belong to the state.

(g) An agent may not issue an off-highway vehicle user decal to any person unless the person furnishes evidence of compliance with the provisions of Subsection (1)(a).

(h) A violation of any provision of this Subsection (5) is a class B misdemeanor and may be cause for revocation of the agent authorization.

(6) Revenue generated by off-highway vehicle user fees shall be deposited in the Off-highway Vehicle Account created in Section 41-22-19.

Section 20. Section **54-4-41** is amended to read:

54-4-41. Recovery of investment in utility-owned vehicle charging infrastructure.

(1) As used in this section, "charging infrastructure program" means the program described in Subsection (2).

(2) The commission shall authorize a large-scale electric utility program that:

(a) allows for funding from large-scale electric utility customers for a maximum of $50,000,000 for all costs and expenses associated with:

(i) the deployment of utility-owned vehicle charging infrastructure; and

(ii) utility vehicle charging service provided by the large-scale electric utility;

(b) creates a new customer class, with a utility vehicle charging service rate structure that:

(i) is determined by the commission to be in the public interest;

(ii) is a transitional rate structure expected to allow the large-scale electric utility to recover, through charges to utility vehicle charging service customers, the large-scale electric utility's full cost of service for utility-owned vehicle charging infrastructure and utility vehicle charging service over a reasonable time frame determined by the commission; and

(iii) may allow different rates for large-scale electric utility customers to reflect contributions to investment; and

(c) includes a transportation plan that promotes:

(i) the deployment of utility-owned vehicle charging infrastructure in the public interest; and

(ii) the availability of utility vehicle charging service.

(3) Before submitting a proposed charging infrastructure program to the commission for commission approval under Subsection (2), a large-scale electric utility shall seek and consider input from:

(a) the Division of Public Utilities, established in Section 54-4a-1;

(b) the Office of Consumer Services, created in Section 54-10a-201;

(c) the Division of Air Quality, created in Section 19-1-105;

(d) the Department of Transportation, created in Section 72-1-201;

(e) the Governor's Office of Economic Development, created in Section 63N-1-201;

(f) the Office of Energy Development, created in Section [~~63M-4-401~~] 79-6-401;

(g) the board of the Utah Inland Port Authority, created in Section 11-58-201;

(h) representatives of the Point of the Mountain State Land Development Authority,

created in Section 11-59-201;

(i) third-party electric vehicle battery charging service operators; and

(j) any other person who files a request for notice with the commission.

(4) The commission shall find a charging infrastructure program to be in the public interest if the commission finds that the charging infrastructure program:

(a) increases the availability of electric vehicle battery charging service in the state;

(b) enables the significant deployment of infrastructure that supports electric vehicle battery charging service and utility-owned vehicle charging infrastructure in a manner reasonably expected to increase electric vehicle adoption;

(c) includes an evaluation of investments in the areas of the authority jurisdictional land, as defined in Section 11-58-102, and the point of the mountain state land, as defined in Section 11-59-102;

(d) enables competition, innovation, and customer choice in electric vehicle battery charging services, while promoting low-cost services for electric vehicle battery charging customers; and

(e) provides for ongoing coordination with the Department of Transportation, created in Section 72-1-201.

(5) The commission may, consistent with Subsection (2), approve an amendment to the charging infrastructure program if the large-scale electric utility demonstrates that the amendment:

(a) is prudent;

(b) will provide net benefits to customers; and

(c) is otherwise consistent with the requirements of Subsection (2).

(6) The commission shall authorize recovery of a large-scale electric utility's investment in utility-owned vehicle charging infrastructure through a balancing account or other ratemaking treatment that reflects:

(a) charging infrastructure program costs associated with prudent investment, including the large-scale electric utility's pre-tax average weighted cost of capital approved by the commission in the large-scale electric utility's most recent general rate proceeding, and associated revenue and prudently incurred expenses; and

(b) a carrying charge.

(7) A large-scale electric utility's investment in utility-owned vehicle charging infrastructure is prudently made if the large-scale electric utility demonstrates in a formal adjudicative proceeding before the commission that the investment can reasonably be anticipated to:

(a) result in one or more projects that are in the public interest of the large-scale electric utility's customers to reduce transportation sector emissions over a reasonable time period as determined by the commission;

(b) provide the large-scale electric utility's customers significant benefits that may include revenue from utility vehicle charging service that offsets the large-scale electric utility's costs and expenses; and

(c) facilitate any other measure that the commission determines:

(i) promotes deployment of utility-owned vehicle charging infrastructure and utility vehicle charging service; or

(ii) creates significant benefits in the long term for customers of the large-scale electric utility.

(8) A large-scale electric utility that establishes and implements a charging infrastructure program shall annually, on or before June 1, submit a written report to the Public Utilities, Energy, and Technology Interim Committee of the Legislature about the charging infrastructure program's activities during the previous calendar year, including information on:

(a) the charging infrastructure program's status, operation, funding, and benefits;

(b) the disposition of charging infrastructure program funds; and

(c) the charging infrastructure program's impact on rates.

Section 21. Section **57-14-204** is amended to read:

57-14-204. Liability not limited where willful or malicious conduct involved or admission fee charged.

(1) Nothing in this part limits any liability that otherwise exists for:

(a) willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity;

(b) deliberate, willful, or malicious injury to persons or property; or

(c) an injury suffered where the owner of land charges a person to enter or go on the land or use the land for any recreational purpose.

(2) For purposes of Subsection (1)(c), if the land is leased to the state or a subdivision of the state, any consideration received by the owner for the lease is not a charge within the meaning of this section.

(3) Any person who hunts upon a cooperative wildlife management unit, as authorized by Title 23, Chapter 23, Cooperative Wildlife Management Units, is not considered to have paid a fee within the meaning of this section.

(4) Owners of a dam or reservoir who allow recreational use of the dam or reservoir and its surrounding area and do not themselves charge a fee for that use, are considered not to have charged for that use within the meaning of Subsection (1)(c), even if the user pays a fee to the Division of State Parks [~~and~~] or the Division of Recreation for the use of the services and facilities at that dam or reservoir.

(5) The state or a subdivision of the state that owns property purchased for a railway corridor is considered not to have charged for use of the railway corridor within the meaning of Subsection (1)(c), even if the user pays a fee for travel on a privately owned rail car that crosses or travels over the railway corridor of the state or a subdivision of the state:

(a) allows recreational use of the railway corridor and its surrounding area; and

(b) does not charge a fee for that use.

Section 22. Section **59-5-102** is amended to read:

59-5-102. Definitions -- Severance tax -- Computation -- Rate -- Annual exemption -- Tax credits -- Tax rate reduction.

(1) As used in this section:

(a) "Division" means the Division of Oil, Gas, and Mining created in Section 40-6-15.

(b) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~] 79-6-401.

(c) "Royalty rate" means the percentage of the interests described in Subsection (2)(b)(i) as defined by a contract between the United States, the state, an Indian, or an Indian tribe and the oil or gas producer.

(d) "Taxable value" means the total value of the oil or gas minus:

(i) any royalties paid to, or the value of oil or gas taken in kind by, the interest holders described in Subsection (2)(b)(i); and

(ii) the total value of oil or gas exempt from severance tax under Subsection (2)(b)(ii).

(e) "Taxable volume" means:

(i) for oil, the total volume of barrels minus:

(A) for an interest described in Subsection (2)(b)(i), the product of the royalty rate and the total volume of barrels; and

(B) the number of barrels that are exempt under Subsection (2)(b)(ii); and

(ii) for natural gas, the total volume of MCFs minus:

(A) for an interest described in Subsection (2)(b)(i), the product of the royalty rate and the total volume of MCFs; and

(B) the number of MCFs that are exempt under Subsection (2)(b)(ii).

(f) "Total value" means the value, as determined by Section 59-5-103.1, of all oil or gas that is:

(i) produced; and

(ii) (A) saved;

(B) sold; or

(C) transported from the field where the oil or gas was produced.

(g) "Total volume" means:

(i) for oil, the number of barrels:

(A) produced; and

(B) (I) saved;

(II) sold; or

(III) transported from the field where the oil was produced; and

(ii) for natural gas, the number of MCFs:

(A) produced; and

(B) (I) saved;

(II) sold; or

(III) transported from the field where the natural gas was produced.

(h) "Value of oil or gas taken in kind" means the volume of oil or gas taken in kind multiplied by the market price for oil or gas at the location where the oil or gas was produced on the date the oil or gas was taken in kind.

(2) (a) Except as provided in Subsection (2)(b), a person owning an interest in oil or gas produced from a well in the state, including a working interest, royalty interest, payment

out of production, or any other interest, or in the proceeds of the production of oil or gas, shall pay to the state a severance tax on the owner's interest in the taxable value of the oil or gas:

(i) produced; and

(ii) (A) saved;

(B) sold; or

(C) transported from the field where the substance was produced.

(b) The severance tax imposed by Subsection (2)(a) does not apply to:

(i) an interest of:

(A) the United States in oil or gas or in the proceeds of the production of oil or gas;

(B) the state or a political subdivision of the state in oil or gas or in the proceeds of the production of oil or gas; and

(C) an Indian or Indian tribe as defined in Section 9-9-101 in oil or gas or in the proceeds of the production of oil or gas produced from land under the jurisdiction of the United States; and

(ii) the value of:

(A) oil or gas produced from stripper wells, unless the exemption prevents the severance tax from being treated as a deduction for federal tax purposes;

(B) oil or gas produced in the first 12 months of production for wildcat wells started after January 1, 1990; and

(C) oil or gas produced in the first six months of production for development wells started after January 1, 1990.

(3) (a) The severance tax on oil shall be calculated as follows:

(i) dividing the taxable value by the taxable volume;

(ii) (A) multiplying the rate described in Subsection (4)(a)(i) by the portion of the figure calculated in Subsection (3)(a)(i) that is subject to the rate described in Subsection (4)(a)(i); and

(B) multiplying the rate described in Subsection (4)(a)(ii) by the portion of the figure calculated in Subsection (3)(a)(i) that is subject to the rate described in Subsection (4)(a)(ii);

(iii) adding together the figures calculated in Subsections (3)(a)(ii)(A) and (B); and

(iv) multiplying the figure calculated in Subsection (3)(a)(iii) by the taxable volume.

(b) The severance tax on natural gas shall be calculated as follows:

(i) dividing the taxable value by the taxable volume;

(ii) (A) multiplying the rate described in Subsection (4)(b)(i) by the portion of the figure calculated in Subsection (3)(b)(i) that is subject to the rate described in Subsection (4)(b)(i); and

(B) multiplying the rate described in Subsection (4)(b)(ii) by the portion of the figure calculated in Subsection (3)(b)(i) that is subject to the rate described in Subsection (4)(b)(ii);

(iii) adding together the figures calculated in Subsections (3)(b)(ii)(A) and (B); and

(iv) multiplying the figure calculated in Subsection (3)(b)(iii) by the taxable volume.

(c) The severance tax on natural gas liquids shall be calculated by multiplying the taxable value of the natural gas liquids by the severance tax rate in Subsection (4)(c).

(4) Subject to Subsection (9):

(a) the severance tax rate for oil is as follows:

(i) 3% of the taxable value of the oil up to and including the first $13 per barrel for oil; and

(ii) 5% of the taxable value of the oil from $13.01 and above per barrel for oil;

(b) the severance tax rate for natural gas is as follows:

(i) 3% of the taxable value of the natural gas up to and including the first $1.50 per MCF for gas; and

(ii) 5% of the taxable value of the natural gas from $1.51 and above per MCF for gas; and

(c) the severance tax rate for natural gas liquids is 4% of the taxable value of the natural gas liquids.

(5) If oil or gas is shipped outside the state:

(a) the shipment constitutes a sale; and

(b) the oil or gas is subject to the tax imposed by this section.

(6) (a) Except as provided in Subsection (6)(b), if the oil or gas is stockpiled, the tax is not imposed until the oil or gas is:

(i) sold;

(ii) transported; or

(iii) delivered.

(b) If oil or gas is stockpiled for more than two years, the oil or gas is subject to the tax

imposed by this section.

(7) (a) Subject to other provisions of this Subsection (7), a taxpayer that pays for all or part of the expenses of a recompletion or workover may claim a nonrefundable tax credit equal to the amount stated on a tax credit certificate that the office issues to the taxpayer.

(b) The maximum tax credit per taxpayer per well in a calendar year is the lesser of:

(i) 20% of the taxpayer's payment of expenses of a well recompletion or workover during the calendar year; and

(ii) $30,000.

(c) A taxpayer may carry forward a tax credit allowed under this Subsection (7) for the next three calendar years if the tax credit exceeds the taxpayer's tax liability under this part for the calendar year in which the taxpayer claims the tax credit.

(d) (i) To claim a tax credit under this Subsection (7), a taxpayer shall follow the procedures and requirements of this Subsection (7)(d).

(ii) The taxpayer shall prepare a summary of the taxpayer's expenses of a well recompletion or workover during the calendar year that the well recompletion or workover is completed.

(iii) An independent certified public accountant shall:

(A) review the summary from the taxpayer; and

(B) provide a report on the accuracy and validity of the amount of expenses of a well recompletion or workover that the taxpayer included in the summary, in accordance with the agreed upon procedures.

(iv) The taxpayer shall submit the taxpayer's summary and the independent certified public accountant's report to the division to verify that the expenses certified by the independent certified public accountant are well recompletion or workover expenses.

(v) The division shall return to the taxpayer:

(A) the taxpayer's summary;

(B) the report by the independent certified public accountant; and

(C) a report by the division that includes the amount of approved well recompletion or workover expenses.

(vi) The taxpayer shall apply to the office for a tax credit certificate to receive a written certification, on a form approved by the commission, that includes:

(A) the amount of the taxpayer's payments of expenses of a well recompletion or workover during the calendar year; and

(B) the amount of the taxpayer's tax credit.

(vii) A taxpayer that receives a tax credit certificate shall retain the tax credit certificate for the same time period that a person is required to keep books and records under Section 59-1-1406.

(e) The office shall submit to the commission an electronic list that includes:

(i) the name and identifying information of each taxpayer to which the office issues a tax credit certificate; and

(ii) for each taxpayer, the amount of the tax credit listed on the tax credit certificate.

(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

(i) the office may make rules to govern the application process for receiving a tax credit certificate under this Subsection (7); and

(ii) the division shall make rules to establish the agreed upon procedures described in Subsection (7)(d)(iii).

(8) (a) Subject to the other provisions of this Subsection (8), a taxpayer may claim a tax credit against a severance tax owing on natural gas under this section if:

(i) the taxpayer is required to pay a severance tax on natural gas under this section;

(ii) the taxpayer owns or operates a plant in the state that converts natural gas to hydrogen fuel; and

(iii) all of the natural gas for which the taxpayer owes a severance tax under this section is used for the production in the state of hydrogen fuel for use in zero emission motor vehicles.

(b) The taxpayer may claim a tax credit equal to the lesser of:

(i) the amount of tax that the taxpayer owes under this section; and

(ii) $5,000,000.

(c) (i) To claim a tax credit under this Subsection (8), a taxpayer shall follow the procedures and requirements of this Subsection (8)(c).

(ii) The taxpayer shall request that the division verify that the taxpayer owns or operates a plant in this state:

(A) that converts natural gas to hydrogen fuel; and

(B) at which all natural gas is converted to hydrogen fuel for use in zero emission motor vehicles.

(d) The division shall submit to the commission an electronic list that includes the name and identifying information of each taxpayer for which the division completed the verification described in Subsection (8)(c).

(9) A 50% reduction in the tax rate is imposed upon the incremental production achieved from an enhanced recovery project.

(10) The taxes imposed by this section are:

(a) in addition to all other taxes provided by law; and

(b) delinquent, unless otherwise deferred, on June 1 following the calendar year when the oil or gas is:

(i) produced; and

(ii) (A) saved;

(B) sold; or

(C) transported from the field.

(11) With respect to the tax imposed by this section on each owner of an interest in the production of oil or gas or in the proceeds of the production of oil or gas in the state, each owner is liable for the tax in proportion to the owner's interest in the production or in the proceeds of the production.

(12) The tax imposed by this section shall be reported and paid by each producer that takes oil or gas in kind pursuant to an agreement on behalf of the producer and on behalf of each owner entitled to participate in the oil or gas sold by the producer or transported by the producer from the field where the oil or gas is produced.

(13) Each producer shall deduct the tax imposed by this section from the amounts due to other owners for the production or the proceeds of the production.

Section 23. Section **59-7-614** is amended to read:

59-7-614. Renewable energy systems tax credits -- Definitions -- Certification -- Rulemaking authority.

(1) As used in this section:

(a) (i) "Active solar system" means a system of equipment that is capable of:

(A) collecting and converting incident solar radiation into thermal, mechanical, or

electrical energy; and

(B) transferring a form of energy described in Subsection (1)(a)(i)(A) by a separate apparatus to storage or to the point of use.

(ii) "Active solar system" includes water heating, space heating or cooling, and electrical or mechanical energy generation.

(b) "Biomass system" means a system of apparatus and equipment for use in:

(i) converting material into biomass energy, as defined in Section 59-12-102; and

(ii) transporting the biomass energy by separate apparatus to the point of use or storage.

(c) "Commercial energy system" means a system that is:

(i) (A) an active solar system;

(B) a biomass system;

(C) a direct use geothermal system;

(D) a geothermal electricity system;

(E) a geothermal heat pump system;

(F) a hydroenergy system;

(G) a passive solar system; or

(H) a wind system;

(ii) located in the state; and

(iii) used:

(A) to supply energy to a commercial unit; or

(B) as a commercial enterprise.

(d) "Commercial enterprise" means an entity, the purpose of which is to produce electrical, mechanical, or thermal energy for sale from a commercial energy system.

(e) (i) "Commercial unit" means a building or structure that an entity uses to transact business.

(ii) Notwithstanding Subsection (1)(e)(i):

(A) with respect to an active solar system used for agricultural water pumping or a wind system, each individual energy generating device is considered to be a commercial unit; or

(B) if an energy system is the building or structure that an entity uses to transact business, a commercial unit is the complete energy system itself.

(f) "Direct use geothermal system" means a system of apparatus and equipment that enables the direct use of geothermal energy to meet energy needs, including heating a building, an industrial process, and aquaculture.

(g) "Geothermal electricity" means energy that is:

(i) contained in heat that continuously flows outward from the earth; and

(ii) used as a sole source of energy to produce electricity.

(h) "Geothermal energy" means energy generated by heat that is contained in the earth.

(i) "Geothermal heat pump system" means a system of apparatus and equipment that:

(i) enables the use of thermal properties contained in the earth at temperatures well below 100 degrees Fahrenheit; and

(ii) helps meet heating and cooling needs of a structure.

(j) "Hydroenergy system" means a system of apparatus and equipment that is capable of:

(i) intercepting and converting kinetic water energy into electrical or mechanical energy; and

(ii) transferring this form of energy by separate apparatus to the point of use or storage.

(k) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~] 79-6-401.

(l) (i) "Passive solar system" means a direct thermal system that utilizes the structure of a building and its operable components to provide for collection, storage, and distribution of heating or cooling during the appropriate times of the year by utilizing the climate resources available at the site.

(ii) "Passive solar system" includes those portions and components of a building that are expressly designed and required for the collection, storage, and distribution of solar energy.

(m) "Photovoltaic system" means an active solar system that generates electricity from sunlight.

(n) (i) "Principal recovery portion" means the portion of a lease payment that constitutes the cost a person incurs in acquiring a commercial energy system.

(ii) "Principal recovery portion" does not include:

(A) an interest charge; or

(B) a maintenance expense.

(o) "Residential energy system" means the following used to supply energy to or for a residential unit:

(i) an active solar system;

(ii) a biomass system;

(iii) a direct use geothermal system;

(iv) a geothermal heat pump system;

(v) a hydroenergy system;

(vi) a passive solar system; or

(vii) a wind system.

(p) (i) "Residential unit" means a house, condominium, apartment, or similar dwelling unit that:

(A) is located in the state; and

(B) serves as a dwelling for a person, group of persons, or a family.

(ii) "Residential unit" does not include property subject to a fee under:

(A) Section 59-2-405;

(B) Section 59-2-405.1;

(C) Section 59-2-405.2;

(D) Section 59-2-405.3; or

(E) Section 72-10-110.5.

(q) "Wind system" means a system of apparatus and equipment that is capable of:

(i) intercepting and converting wind energy into mechanical or electrical energy; and

(ii) transferring these forms of energy by a separate apparatus to the point of use, sale, or storage.

(2) A taxpayer may claim an energy system tax credit as provided in this section against a tax due under this chapter for a taxable year.

(3) (a) Subject to the other provisions of this Subsection (3), a taxpayer may claim a nonrefundable tax credit under this Subsection (3) with respect to a residential unit the taxpayer owns or uses if:

(i) the taxpayer:

(A) purchases and completes a residential energy system to supply all or part of the energy required for the residential unit; or

(B) participates in the financing of a residential energy system to supply all or part of the energy required for the residential unit;

(ii) the residential energy system is completed and placed in service on or after January 1, 2007; and

(iii) the taxpayer obtains a written certification from the office in accordance with Subsection (7).

(b) (i) Subject to Subsections (3)(b)(ii) through (iv) and, as applicable, Subsection (3)(c) or (d), the tax credit is equal to 25% of the reasonable costs of each residential energy system installed with respect to each residential unit the taxpayer owns or uses.

(ii) A tax credit under this Subsection (3) may include installation costs.

(iii) A taxpayer may claim a tax credit under this Subsection (3) for the taxable year in which the residential energy system is completed and placed in service.

(iv) If the amount of a tax credit under this Subsection (3) exceeds a taxpayer's tax liability under this chapter for a taxable year, the amount of the tax credit exceeding the liability may be carried forward for a period that does not exceed the next four taxable years.

(c) The total amount of tax credit a taxpayer may claim under this Subsection (3) for a residential energy system, other than a photovoltaic system, may not exceed $2,000 per residential unit.

(d) The total amount of tax credit a taxpayer may claim under this Subsection (3) for a photovoltaic system may not exceed:

(i) for a system installed on or after January 1, 2018, but on or before December 31, 2020, $1,600;

(ii) for a system installed on or after January 1, 2021, but on or before December 31, 2021, $1,200;

(iii) for a system installed on or after January 1, 2022, but on or before December 31, 2022, $800;

(iv) for a system installed on or after January 1, 2023, but on or before December 31, 2023, $400; and

(v) for a system installed on or after January 1, 2024, $0.

(e) If a taxpayer sells a residential unit to another person before the taxpayer claims the tax credit under this Subsection (3):

(i) the taxpayer may assign the tax credit to the other person; and

(ii) (A) if the other person files a return under this chapter, the other person may claim the tax credit under this section as if the other person had met the requirements of this section to claim the tax credit; or

(B) if the other person files a return under Chapter 10, Individual Income Tax Act, the other person may claim the tax credit under Section 59-10-1014 as if the other person had met the requirements of Section 59-10-1014 to claim the tax credit.

(4) (a) Subject to the other provisions of this Subsection (4), a taxpayer may claim a refundable tax credit under this Subsection (4) with respect to a commercial energy system if:

(i) the commercial energy system does not use:

(A) wind, geothermal electricity, solar, or biomass equipment capable of producing a total of 660 or more kilowatts of electricity; or

(B) solar equipment capable of producing 2,000 or more kilowatts of electricity;

(ii) the taxpayer purchases or participates in the financing of the commercial energy system;

(iii) (A) the commercial energy system supplies all or part of the energy required by commercial units owned or used by the taxpayer; or

(B) the taxpayer sells all or part of the energy produced by the commercial energy system as a commercial enterprise;

(iv) the commercial energy system is completed and placed in service on or after January 1, 2007; and

(v) the taxpayer obtains a written certification from the office in accordance with Subsection (7).

(b) (i) Subject to Subsections (4)(b)(ii) through (v), the tax credit is equal to 10% of the reasonable costs of the commercial energy system.

(ii) A tax credit under this Subsection (4) may include installation costs.

(iii) A taxpayer may claim a tax credit under this Subsection (4) for the taxable year in which the commercial energy system is completed and placed in service.

(iv) A tax credit under this Subsection (4) may not be carried forward or carried back.

(v) The total amount of tax credit a taxpayer may claim under this Subsection (4) may not exceed $50,000 per commercial unit.

(c) (i) Subject to Subsections (4)(c)(ii) and (iii), a taxpayer that is a lessee of a commercial energy system installed on a commercial unit may claim a tax credit under this Subsection (4) if the taxpayer confirms that the lessor irrevocably elects not to claim the tax credit.

(ii) A taxpayer described in Subsection (4)(c)(i) may claim as a tax credit under this Subsection (4) only the principal recovery portion of the lease payments.

(iii) A taxpayer described in Subsection (4)(c)(i) may claim a tax credit under this Subsection (4) for a period that does not exceed seven taxable years after the date the lease begins, as stated in the lease agreement.

(5) (a) Subject to the other provisions of this Subsection (5), a taxpayer may claim a refundable tax credit under this Subsection (5) with respect to a commercial energy system if:

(i) the commercial energy system uses wind, geothermal electricity, or biomass equipment capable of producing a total of 660 or more kilowatts of electricity;

(ii) (A) the commercial energy system supplies all or part of the energy required by commercial units owned or used by the taxpayer; or

(B) the taxpayer sells all or part of the energy produced by the commercial energy system as a commercial enterprise;

(iii) the commercial energy system is completed and placed in service on or after January 1, 2007; and

(iv) the taxpayer obtains a written certification from the office in accordance with Subsection (7).

(b) (i) Subject to Subsections (5)(b)(ii) and (iii), a tax credit under this Subsection (5) is equal to the product of:

(A) 0.35 cents; and

(B) the kilowatt hours of electricity produced and used or sold during the taxable year.

(ii) A tax credit under this Subsection (5) may be claimed for production occurring during a period of 48 months beginning with the month in which the commercial energy system is placed in commercial service.

(iii) A tax credit under this Subsection (5) may not be carried forward or carried back.

(c) A taxpayer that is a lessee of a commercial energy system installed on a commercial unit may claim a tax credit under this Subsection (5) if the taxpayer confirms that the lessor

irrevocably elects not to claim the tax credit.

(6) (a) Subject to the other provisions of this Subsection (6), a taxpayer may claim a refundable tax credit as provided in this Subsection (6) if:

(i) the taxpayer owns a commercial energy system that uses solar equipment capable of producing a total of 660 or more kilowatts of electricity;

(ii) (A) the commercial energy system supplies all or part of the energy required by commercial units owned or used by the taxpayer; or

(B) the taxpayer sells all or part of the energy produced by the commercial energy system as a commercial enterprise;

(iii) the taxpayer does not claim a tax credit under Subsection (4);

(iv) the commercial energy system is completed and placed in service on or after January 1, 2015; and

(v) the taxpayer obtains a written certification from the office in accordance with Subsection (7).

(b) (i) Subject to Subsections (6)(b)(ii) and (iii), a tax credit under this Subsection (6) is equal to the product of:

(A) 0.35 cents; and

(B) the kilowatt hours of electricity produced and used or sold during the taxable year.

(ii) A tax credit under this Subsection (6) may be claimed for production occurring during a period of 48 months beginning with the month in which the commercial energy system is placed in commercial service.

(iii) A tax credit under this Subsection (6) may not be carried forward or carried back.

(c) A taxpayer that is a lessee of a commercial energy system installed on a commercial unit may claim a tax credit under this Subsection (6) if the taxpayer confirms that the lessor irrevocably elects not to claim the tax credit.

(7) (a) Before a taxpayer may claim a tax credit under this section, the taxpayer shall obtain a written certification from the office.

(b) The office shall issue a taxpayer a written certification if the office determines that:

(i) the taxpayer meets the requirements of this section to receive a tax credit; and

(ii) the residential energy system or commercial energy system with respect to which the taxpayer seeks to claim a tax credit:

(A) has been completely installed;

(B) is a viable system for saving or producing energy from renewable resources; and

(C) is safe, reliable, efficient, and technically feasible to ensure that the residential energy system or commercial energy system uses the state's renewable and nonrenewable energy resources in an appropriate and economic manner.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules:

(i) for determining whether a residential energy system or commercial energy system meets the requirements of Subsection (7)(b)(ii); and

(ii) for purposes of a tax credit under Subsection (3) or (4), establishing the reasonable costs of a residential energy system or a commercial energy system, as an amount per unit of energy production.

(d) A taxpayer that obtains a written certification from the office shall retain the certification for the same time period a person is required to keep books and records under Section 59-1-1406.

(e) The office shall submit to the commission an electronic list that includes:

(i) the name and identifying information of each taxpayer to which the office issues a written certification; and

(ii) for each taxpayer:

(A) the amount of the tax credit listed on the written certification; and

(B) the date the renewable energy system was installed.

(8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules to address the certification of a tax credit under this section.

(9) A tax credit under this section is in addition to any tax credits provided under the laws or rules and regulations of the United States.

Section 24. Section **59-7-614.7** is amended to read:

59-7-614.7. Nonrefundable alternative energy development tax credit.

(1) As used in this section:

(a) "Alternative energy entity" means the same as that term is defined in Section [~~63M-4-502~~] 79-6-502.

(b) "Alternative energy project" means the same as that term is defined in Section

[~~63M-4-502~~] 79-6-502.

(c) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~] 79-6-401.

(2) Subject to the other provisions of this section, an alternative energy entity may claim a nonrefundable tax credit for alternative energy development as provided in this section.

(3) The tax credit under this section is the amount listed as the tax credit amount on a tax credit certificate that the office issues under [~~Title 63M, Chapter 4,~~] Title 79, Chapter 6, Part 5, Alternative Energy Development Tax Credit Act, to the alternative energy entity for the taxable year.

(4) An alternative energy entity may carry forward a tax credit under this section for a period that does not exceed the next seven taxable years if:

(a) the alternative energy entity is allowed to claim a tax credit under this section for a taxable year; and

(b) the amount of the tax credit exceeds the alternative energy entity's tax liability under this chapter for that taxable year.

(5) (a) In accordance with Section 59-7-159, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.

(b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5), the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst by electronic means:

(A) the amount of tax credit that the office grants to each alternative energy entity for each taxable year;

(B) the new state revenues generated by each alternative energy project;

(C) the information contained in the office's latest report under Section [~~63M-4-505~~] 79-6-505; and

(D) any other information that the Office of the Legislative Fiscal Analyst requests.

(ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

(B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a

tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection (5)(b)(i) in the aggregate for all alternative energy entities that receive the tax credit under this section.

(c) As part of the study required by this Subsection (5), the Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection (5)(b).

(d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:

(i) the cost of the tax credit to the state;

(ii) the purpose and effectiveness of the tax credit; and

(iii) the extent to which the state benefits from the tax credit.

Section 25. Section **59-7-619** is amended to read:

59-7-619. Nonrefundable high cost infrastructure development tax credit.

(1) As used in this section:

(a) "High cost infrastructure project" means the same as that term is defined in Section [~~63M-4-602~~] 79-6-602.

(b) "Infrastructure cost-burdened entity" means the same as that term is defined in Section [~~63M-4-602~~] 79-6-602.

(c) "Infrastructure-related revenue" means the same as that term is defined in Section [~~63M-4-602~~] 79-6-602.

(d) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~] 79-6-401.

(2) Subject to the other provisions of this section, a corporation that is an infrastructure cost-burdened entity may claim a nonrefundable tax credit for development of a high cost infrastructure project as provided in this section.

(3) The tax credit under this section is the amount listed as the tax credit amount on a tax credit certificate that the office issues under [~~Title 63M, Chapter 4,~~] Title 79, Chapter 6, Part 6, High Cost Infrastructure Development Tax Credit Act, to the infrastructure cost-burdened entity for the taxable year.

(4) An infrastructure cost-burdened entity may carry forward a tax credit under this

section for a period that does not exceed the next seven taxable years if:

(a) the infrastructure cost-burdened entity is allowed to claim a tax credit under this section for a taxable year; and

(b) the amount of the tax credit exceeds the infrastructure cost-burdened entity's tax liability under this chapter for that taxable year.

(5) (a) In accordance with Section 59-7-159, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.

(b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5), the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst:

(A) the amount of tax credit that the office grants to each infrastructure cost-burdened entity for each taxable year;

(B) the infrastructure-related revenue generated by each high cost infrastructure project;

(C) the information contained in the office's latest report under Section [~~63M-4-505~~] 79-6-605; and

(D) any other information that the Office of the Legislative Fiscal Analyst requests.

(ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

(B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection (5)(b)(i) in the aggregate for all infrastructure cost-burdened entities that receive the tax credit under this section.

(c) As part of the study required by this Subsection (5), the Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection (5)(b).

(d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:

(i) the cost of the tax credit to the state;

(ii) the purpose and effectiveness of the tax credit; and

(iii) the extent to which the state benefits from the tax credit.

Section 26. Section **59-10-1014** is amended to read:

59-10-1014. Nonrefundable renewable energy systems tax credits -- Definitions -- Certification -- Rulemaking authority.

(1) As used in this section:

(a) (i) "Active solar system" means a system of equipment that is capable of:

(A) collecting and converting incident solar radiation into thermal, mechanical, or electrical energy; and

(B) transferring a form of energy described in Subsection (1)(a)(i)(A) by a separate apparatus to storage or to the point of use.

(ii) "Active solar system" includes water heating, space heating or cooling, and electrical or mechanical energy generation.

(b) "Biomass system" means a system of apparatus and equipment for use in:

(i) converting material into biomass energy, as defined in Section 59-12-102; and

(ii) transporting the biomass energy by separate apparatus to the point of use or storage.

(c) "Direct use geothermal system" means a system of apparatus and equipment that enables the direct use of geothermal energy to meet energy needs, including heating a building, an industrial process, and aquaculture.

(d) "Geothermal electricity" means energy that is:

(i) contained in heat that continuously flows outward from the earth; and

(ii) used as a sole source of energy to produce electricity.

(e) "Geothermal energy" means energy generated by heat that is contained in the earth.

(f) "Geothermal heat pump system" means a system of apparatus and equipment that:

(i) enables the use of thermal properties contained in the earth at temperatures well below 100 degrees Fahrenheit; and

(ii) helps meet heating and cooling needs of a structure.

(g) "Hydroenergy system" means a system of apparatus and equipment that is capable of:

(i) intercepting and converting kinetic water energy into electrical or mechanical

energy; and

(ii) transferring this form of energy by separate apparatus to the point of use or storage.

(h) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~] 79-6-401.

(i) (i) "Passive solar system" means a direct thermal system that utilizes the structure of a building and its operable components to provide for collection, storage, and distribution of heating or cooling during the appropriate times of the year by utilizing the climate resources available at the site.

(ii) "Passive solar system" includes those portions and components of a building that are expressly designed and required for the collection, storage, and distribution of solar energy.

(j) "Photovoltaic system" means an active solar system that generates electricity from sunlight.

(k) (i) "Principal recovery portion" means the portion of a lease payment that constitutes the cost a person incurs in acquiring a residential energy system.

(ii) "Principal recovery portion" does not include:

(A) an interest charge; or

(B) a maintenance expense.

(l) "Residential energy system" means the following used to supply energy to or for a residential unit:

(i) an active solar system;

(ii) a biomass system;

(iii) a direct use geothermal system;

(iv) a geothermal heat pump system;

(v) a hydroenergy system;

(vi) a passive solar system; or

(vii) a wind system.

(m) (i) "Residential unit" means a house, condominium, apartment, or similar dwelling unit that:

(A) is located in the state; and

(B) serves as a dwelling for a person, group of persons, or a family.

(ii) "Residential unit" does not include property subject to a fee under:

(A) Section 59-2-405;

(B) Section 59-2-405.1;

(C) Section 59-2-405.2;

(D) Section 59-2-405.3; or

(E) Section 72-10-110.5.

(n) "Wind system" means a system of apparatus and equipment that is capable of:

(i) intercepting and converting wind energy into mechanical or electrical energy; and

(ii) transferring these forms of energy by a separate apparatus to the point of use or storage.

(2) A claimant, estate, or trust may claim an energy system tax credit as provided in this section against a tax due under this chapter for a taxable year.

(3) For a taxable year beginning on or after January 1, 2007, a claimant, estate, or trust may claim a nonrefundable tax credit under this section with respect to a residential unit the claimant, estate, or trust owns or uses if:

(a) the claimant, estate, or trust:

(i) purchases and completes a residential energy system to supply all or part of the energy required for the residential unit; or

(ii) participates in the financing of a residential energy system to supply all or part of the energy required for the residential unit;

(b) the residential energy system is installed on or after January 1, 2007; and

(c) the claimant, estate, or trust obtains a written certification from the office in accordance with Subsection (5).

(4) (a) For a residential energy system, other than a photovoltaic system, the tax credit described in this section is equal to the lesser of:

(i) 25% of the reasonable costs, including installation costs, of each residential energy system installed with respect to each residential unit the claimant, estate, or trust owns or uses; and

(ii) $2,000.

(b) Subject to Subsection (5)(d), for a residential energy system that is a photovoltaic system, the tax credit described in this section is equal to the lesser of:

(i) 25% of the reasonable costs, including installation costs, of each system installed

with respect to each residential unit the claimant, estate, or trust owns or uses; or

(ii) (A) for a system installed on or after January 1, 2007, but on or before December 31, 2017, $2,000;

(B) for a system installed on or after January 1, 2018, but on or before December 31, 2020, $1,600;

(C) for a system installed on or after January 1, 2021, but on or before December 31, 2021, $1,200;

(D) for a system installed on or after January 1, 2022, but on or before December 31, 2022, $800;

(E) for a system installed on or after January 1, 2023, but on or before December 31, 2023, $400; and

(F) for a system installed on or after January 1, 2024, $0.

(c) (i) The office shall determine the amount of the tax credit that a claimant, estate, or trust may claim and list that amount on the written certification that the office issues under Subsection (5).

(ii) The claimant, estate, or trust may claim the tax credit in the amount listed on the written certification that the office issues under Subsection (5).

(d) A claimant, estate, or trust may claim a tax credit under Subsection (3) for the taxable year in which the residential energy system is installed.

(e) If the amount of a tax credit listed on the written certification exceeds a claimant's, estate's, or trust's tax liability under this chapter for a taxable year, the claimant, estate, or trust may carry forward the amount of the tax credit exceeding the liability for a period that does not exceed the next four taxable years.

(f) A claimant, estate, or trust may claim a tax credit with respect to additional residential energy systems or parts of residential energy systems for a subsequent taxable year if the total amount of tax credit the claimant, estate, or trust claims does not exceed $2,000 per residential unit.

(g) (i) Subject to Subsections (4)(g)(ii) and (iii), a claimant, estate, or trust that leases a residential energy system installed on a residential unit may claim a tax credit under Subsection (3) if the claimant, estate, or trust confirms that the lessor irrevocably elects not to claim the tax credit.

(ii) A claimant, estate, or trust described in Subsection (4)(g)(i) that leases a residential energy system may claim as a tax credit under Subsection (3) only the principal recovery portion of the lease payments.

(iii) A claimant, estate, or trust described in Subsection (4)(g)(i) that leases a residential energy system may claim a tax credit under Subsection (3) for a period that does not exceed seven taxable years after the date the lease begins, as stated in the lease agreement.

(h) If a claimant, estate, or trust sells a residential unit to another person before the claimant, estate, or trust claims the tax credit under Subsection (3):

(i) the claimant, estate, or trust may assign the tax credit to the other person; and

(ii) (A) if the other person files a return under Chapter 7, Corporate Franchise and Income Taxes, the other person may claim the tax credit as if the other person had met the requirements of Section 59-7-614 to claim the tax credit; or

(B) if the other person files a return under this chapter, the other person may claim the tax credit under this section as if the other person had met the requirements of this section to claim the tax credit.

(5) (a) Before a claimant, estate, or trust may claim a tax credit under this section, the claimant, estate, or trust shall obtain a written certification from the office.

(b) The office shall issue a claimant, estate, or trust a written certification if the office determines that:

(i) the claimant, estate, or trust meets the requirements of this section to receive a tax credit; and

(ii) the office determines that the residential energy system with respect to which the claimant, estate, or trust seeks to claim a tax credit:

(A) has been completely installed;

(B) is a viable system for saving or producing energy from renewable resources; and

(C) is safe, reliable, efficient, and technically feasible to ensure that the residential energy system uses the state's renewable and nonrenewable energy resources in an appropriate and economic manner.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules:

(i) for determining whether a residential energy system meets the requirements of

Subsection (5)(b)(ii); and

(ii) for purposes of determining the amount of a tax credit that a claimant, estate, or trust may receive under Subsection (4), establishing the reasonable costs of a residential energy system, as an amount per unit of energy production.

(d) A claimant, estate, or trust that obtains a written certification from the office shall retain the certification for the same time period a person is required to keep books and records under Section 59-1-1406.

(e) The office shall submit to the commission an electronic list that includes:

(i) the name and identifying information of each claimant, estate, or trust to which the office issues a written certification; and

(ii) for each claimant, estate, or trust:

(A) the amount of the tax credit listed on the written certification; and

(B) the date the renewable energy system was installed.

(6) A tax credit under this section is in addition to any tax credits provided under the laws or rules and regulations of the United States.

(7) A purchaser of one or more solar units that claims a tax credit under Section 59-10-1024 for the purchase of the one or more solar units may not claim a tax credit under this section for that purchase.

Section 27. Section **59-10-1024** is amended to read:

59-10-1024. Nonrefundable tax credit for qualifying solar projects.

(1) As used in this section:

(a) "Active solar system" means the same as that term is defined in Section 59-10-1014.

(b) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~] 79-6-401.

(c) "Purchaser" means a claimant, estate, or trust that purchases one or more solar units from a qualifying political subdivision.

(d) "Qualifying political subdivision" means:

(i) a city or town in this state;

(ii) an interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act; or

(iii) a special service district created under Title 17D, Chapter 1, Special Service District Act.

(e) "Qualifying solar project" means the portion of an active solar system:

(i) that a qualifying political subdivision:

(A) constructs;

(B) controls; or

(C) owns;

(ii) with respect to which the qualifying political subdivision sells one or more solar units; and

(iii) that generates electrical output that is furnished:

(A) to one or more residential units; or

(B) for the benefit of one or more residential units.

(f) "Residential unit" means the same as that term is defined in Section 59-10-1014.

(g) "Solar unit" means a portion of the electrical output:

(i) of a qualifying solar project;

(ii) that a qualifying political subdivision sells to a purchaser; and

(iii) the purchase of which requires that the purchaser agree to bear a proportionate share of the expense of the qualifying solar project:

(A) in accordance with a written agreement between the purchaser and the qualifying political subdivision;

(B) in exchange for a credit on the purchaser's electrical bill; and

(C) as determined by a formula established by the qualifying political subdivision.

(2) (a) Subject to Subsections (2)(b) and (3), a purchaser may claim a nonrefundable tax credit equal to the amount stated on a tax credit certificate issued by the office.

(b) The maximum tax credit per taxpayer per taxable year is the lesser of:

(i) 25% of the amount that the purchaser pays to purchase one or more solar units during the taxable year; and

(ii) $2,000.

(3) (a) To claim a tax credit under this section, a purchaser shall receive a tax credit certificate from the office.

(b) The purchaser shall submit, with the purchaser's application for a tax credit

certificate, proof of the purchaser's purchase of one or more solar units.

(c) If the office determines that the purchaser purchased one or more solar units during the taxable year, the office shall:

(i) determine the amount of the purchaser's tax credit; and

(ii) issue, on a form approved by the commission, a tax credit certificate to the purchaser that states the amount of the purchaser's tax credit.

(d) If the office determines that a claimant, estate, or trust requesting a tax credit certificate is not eligible for a tax credit certificate under this section but may be eligible for a tax credit certificate under Section 59-10-1014, the office shall treat the claimant, estate, or trust as applying for a written certification in accordance with Section 59-10-1014.

(e) A purchaser who receives a tax credit certificate shall retain the tax credit certificate for the same time period that a person is required to keep books and records under Section 59-1-1406.

(f) The office shall submit to the commission an electronic list that includes:

(i) the name and identifying information of each purchaser to whom the office issued a certificate; and

(ii) for each claimant, estate, or trust:

(A) the amount of the tax credit listed on the written certification; and

(B) the date or dates the claimant, estate, or trust purchased one or more solar units.

(4) A purchaser may carry forward a tax credit under this section for a period that does not exceed the next four taxable years if:

(a) the purchaser is allowed to claim a tax credit under this section for a taxable year; and

(b) the amount of the tax credit exceeds the purchaser's tax liability under this chapter for that taxable year.

(5) Subject to Section 59-10-1014, a tax credit under this section is in addition to any other tax credit allowed by this chapter.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules to govern the application process for receiving a tax credit certificate.

Section 28. Section **59-10-1029** is amended to read:

59-10-1029. Nonrefundable alternative energy development tax credit.

(1) As used in this section:

(a) "Alternative energy entity" means the same as that term is defined in Section [~~63M-4-502~~] 79-6-502.

(b) "Alternative energy project" means the same as that term is defined in Section [~~63M-4-502~~] 79-6-502.

(c) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~] 79-6-401.

(2) Subject to the other provisions of this section, an alternative energy entity may claim a nonrefundable tax credit for alternative energy development as provided in this section.

(3) The tax credit under this section is the amount listed as the tax credit amount on a tax credit certificate that the office issues under [~~Title 63M, Chapter 4,~~] Title 79, Chapter 6, Part 5, Alternative Energy Development Tax Credit Act, to the alternative energy entity for the taxable year.

(4) An alternative energy entity may carry forward a tax credit under this section for a period that does not exceed the next seven taxable years if:

(a) the alternative energy entity is allowed to claim a tax credit under this section for a taxable year; and

(b) the amount of the tax credit exceeds the alternative energy entity's tax liability under this chapter for that taxable year.

(5) (a) In accordance with Section 59-10-137, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.

(b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5), the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst by electronic means:

(A) the amount of tax credit that the office grants to each alternative energy entity for each taxable year;

(B) the new state revenues generated by each alternative energy project;

(C) the information contained in the office's latest report under Section [~~63M-4-505~~] 79-6-505; and

(D) any other information that the Office of the Legislative Fiscal Analyst requests.

(ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

(B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection (5)(b)(i) in the aggregate for all alternative energy entities that receive the tax credit under this section.

(c) As part of the study required by this Subsection (5), the Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection (5)(b).

(d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:

(i) the cost of the tax credit to the state;

(ii) the purpose and effectiveness of the tax credit; and

(iii) the extent to which the state benefits from the tax credit.

Section 29. Section **59-10-1034** is amended to read:

59-10-1034. Nonrefundable high cost infrastructure development tax credit.

(1) As used in this section:

(a) "High cost infrastructure project" means the same as that term is defined in Section [~~63M-4-602~~] 79-6-602.

(b) "Infrastructure cost-burdened entity" means the same as that term is defined in Section [~~63M-4-602~~] 79-6-602.

(c) "Infrastructure-related revenue" means the same as that term is defined in Section [~~63M-4-602~~] 79-6-602.

(d) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~] 79-6-401.

(2) Subject to the other provisions of this section, a claimant, estate, or trust that is an infrastructure cost-burdened entity may claim a nonrefundable tax credit for development of a high cost infrastructure project as provided in this section.

(3) The tax credit under this section is the amount listed as the tax credit amount on a

tax credit certificate that the office issues under [~~Title 63M, Chapter 4,~~] Title 79, Chapter 6, Part 6, High Cost Infrastructure Development Tax Credit Act, to the infrastructure cost-burdened entity for the taxable year.

(4) An infrastructure cost-burdened entity may carry forward a tax credit under this section for a period that does not exceed the next seven taxable years if:

(a) the infrastructure cost-burdened entity is allowed to claim a tax credit under this section for a taxable year; and

(b) the amount of the tax credit exceeds the infrastructure cost-burdened entity's tax liability under this chapter for that taxable year.

(5) (a) In accordance with Section 59-10-137, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.

(b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5), the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst:

(A) the amount of tax credit that the office grants to each infrastructure cost-burdened entity for each taxable year;

(B) the infrastructure-related revenue generated by each high cost infrastructure project;

(C) the information contained in the office's latest report under Section [~~63M-4-505~~] 79-6-605; and

(D) any other information that the Office of the Legislative Fiscal Analyst requests.

(ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

(B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection (5)(b)(i) in the aggregate for all infrastructure cost-burdened entities that receive the tax credit under this section.

(c) As part of the study required by this Subsection (5), the Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and

analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection (5)(b).

(d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:

(i) the cost of the tax credit to the state;

(ii) the purpose and effectiveness of the tax credit; and

(iii) the extent to which the state benefits from the tax credit.

Section 30. Section **59-10-1106** is amended to read:

59-10-1106. Refundable renewable energy systems tax credits -- Definitions -- Certification -- Rulemaking authority.

(1) As used in this section:

(a) "Active solar system" means the same as that term is defined in Section 59-10-1014.

(b) "Biomass system" means the same as that term is defined in Section 59-10-1014.

(c) "Commercial energy system" means the same as that term is defined in Section 59-7-614.

(d) "Commercial enterprise" means the same as that term is defined in Section 59-7-614.

(e) (i) "Commercial unit" means the same as that term is defined in Section 59-7-614.

(ii) Notwithstanding Subsection (1)(e)(i):

(A) with respect to an active solar system used for agricultural water pumping or a wind system, each individual energy generating device is considered to be a commercial unit; or

(B) if an energy system is the building or structure that a claimant, estate, or trust uses to transact business, a commercial unit is the complete energy system itself.

(f) "Direct use geothermal system" means the same as that term is defined in Section 59-10-1014.

(g) "Geothermal electricity" means the same as that term is defined in Section 59-10-1014.

(h) "Geothermal energy" means the same as that term is defined in Section 59-10-1014.

(i) "Geothermal heat pump system" means the same as that term is defined in Section

59-10-1014.

(j) "Hydroenergy system" means the same as that term is defined in Section 59-10-1014.

(k) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~] 79-6-401.

(l) "Passive solar system" means the same as that term is defined in Section 59-10-1014.

(m) "Principal recovery portion" means the same as that term is defined in Section 59-10-1014.

(n) "Wind system" means the same as that term is defined in Section 59-10-1014.

(2) A claimant, estate, or trust may claim an energy system tax credit as provided in this section against a tax due under this chapter for a taxable year.

(3) (a) Subject to the other provisions of this Subsection (3), a claimant, estate, or trust may claim a refundable tax credit under this Subsection (3) with respect to a commercial energy system if:

(i) the commercial energy system does not use:

(A) wind, geothermal electricity, solar, or biomass equipment capable of producing a total of 660 or more kilowatts of electricity; or

(B) solar equipment capable of producing 2,000 or more kilowatts of electricity;

(ii) the claimant, estate, or trust purchases or participates in the financing of the commercial energy system;

(iii) (A) the commercial energy system supplies all or part of the energy required by commercial units owned or used by the claimant, estate, or trust; or

(B) the claimant, estate, or trust sells all or part of the energy produced by the commercial energy system as a commercial enterprise;

(iv) the commercial energy system is completed and placed in service on or after January 1, 2007; and

(v) the claimant, estate, or trust obtains a written certification from the office in accordance with Subsection (6).

(b) (i) Subject to Subsections (3)(b)(ii) through (v), the tax credit is equal to 10% of the reasonable costs of the commercial energy system.

(ii) A tax credit under this Subsection (3) may include installation costs.

(iii) A claimant, estate, or trust may claim a tax credit under this Subsection (3) for the taxable year in which the commercial energy system is completed and placed in service.

(iv) A tax credit under this Subsection (3) may not be carried forward or carried back.

(v) The total amount of tax credit a claimant, estate, or trust may claim under this Subsection (3) may not exceed $50,000 per commercial unit.

(c) (i) Subject to Subsections (3)(c)(ii) and (iii), a claimant, estate, or trust that is a lessee of a commercial energy system installed on a commercial unit may claim a tax credit under this Subsection (3) if the claimant, estate, or trust confirms that the lessor irrevocably elects not to claim the tax credit.

(ii) A claimant, estate, or trust described in Subsection (3)(c)(i) may claim as a tax credit under this Subsection (3) only the principal recovery portion of the lease payments.

(iii) A claimant, estate, or trust described in Subsection (3)(c)(i) may claim a tax credit under this Subsection (3) for a period that does not exceed seven taxable years after the date the lease begins, as stated in the lease agreement.

(4) (a) Subject to the other provisions of this Subsection (4), a claimant, estate, or trust may claim a refundable tax credit under this Subsection (4) with respect to a commercial energy system if:

(i) the commercial energy system uses wind, geothermal electricity, or biomass equipment capable of producing a total of 660 or more kilowatts of electricity;

(ii) (A) the commercial energy system supplies all or part of the energy required by commercial units owned or used by the claimant, estate, or trust; or

(B) the claimant, estate, or trust sells all or part of the energy produced by the commercial energy system as a commercial enterprise;

(iii) the commercial energy system is completed and placed in service on or after January 1, 2007; and

(iv) the claimant, estate, or trust obtains a written certification from the office in accordance with Subsection (6).

(b) (i) Subject to Subsections (4)(b)(ii) and (iii), a tax credit under this Subsection (4) is equal to the product of:

(A) 0.35 cents; and

(B) the kilowatt hours of electricity produced and used or sold during the taxable year.

(ii) A tax credit under this Subsection (4) may be claimed for production occurring during a period of 48 months beginning with the month in which the commercial energy system is placed in commercial service.

(iii) A tax credit under this Subsection (4) may not be carried forward or back.

(c) A claimant, estate, or trust that is a lessee of a commercial energy system installed on a commercial unit may claim a tax credit under this Subsection (4) if the claimant, estate, or trust confirms that the lessor irrevocably elects not to claim the tax credit.

(5) (a) Subject to the other provisions of this Subsection (5), a claimant, estate, or trust may claim a refundable tax credit as provided in this Subsection (5) if:

(i) the claimant, estate, or trust owns a commercial energy system that uses solar equipment capable of producing a total of 660 or more kilowatts of electricity;

(ii) (A) the commercial energy system supplies all or part of the energy required by commercial units owned or used by the claimant, estate, or trust; or

(B) the claimant, estate, or trust sells all or part of the energy produced by the commercial energy system as a commercial enterprise;

(iii) the claimant, estate, or trust does not claim a tax credit under Subsection (3);

(iv) the commercial energy system is completed and placed in service on or after January 1, 2015; and

(v) the claimant, estate, or trust obtains a written certification from the office in accordance with Subsection (6).

(b) (i) Subject to Subsections (5)(b)(ii) and (iii), a tax credit under this Subsection (5) is equal to the product of:

(A) 0.35 cents; and

(B) the kilowatt hours of electricity produced and used or sold during the taxable year.

(ii) A tax credit under this Subsection (5) may be claimed for production occurring during a period of 48 months beginning with the month in which the commercial energy system is placed in commercial service.

(iii) A tax credit under this Subsection (5) may not be carried forward or carried back.

(c) A claimant, estate, or trust that is a lessee of a commercial energy system installed on a commercial unit may claim a tax credit under this Subsection (5) if the claimant, estate, or

trust confirms that the lessor irrevocably elects not to claim the tax credit.

(6) (a) Before a claimant, estate, or trust may claim a tax credit under this section, the claimant, estate, or trust shall obtain a written certification from the office.

(b) The office shall issue a claimant, estate, or trust a written certification if the office determines that:

(i) the claimant, estate, or trust meets the requirements of this section to receive a tax credit; and

(ii) the office determines that the commercial energy system with respect to which the claimant, estate, or trust seeks to claim a tax credit:

(A) has been completely installed;

(B) is a viable system for saving or producing energy from renewable resources; and

(C) is safe, reliable, efficient, and technically feasible to ensure that the commercial energy system uses the state's renewable and nonrenewable resources in an appropriate and economic manner.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules:

(i) for determining whether a commercial energy system meets the requirements of Subsection (6)(b)(ii); and

(ii) for purposes of a tax credit under Subsection (3), establishing the reasonable costs of a commercial energy system, as an amount per unit of energy production.

(d) A claimant, estate, or trust that obtains a written certification from the office shall retain the certification for the same time period a person is required to keep books and records under Section 59-1-1406.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules to address the certification of a tax credit under this section.

(8) A tax credit under this section is in addition to any tax credits provided under the laws or rules and regulations of the United States.

(9) A purchaser of one or more solar units that claims a tax credit under Section 59-10-1024 for the purchase of the one or more solar units may not claim a tax credit under this section for that purchase.

Section 31. Section **59-12-104** is amended to read:

59-12-104. Exemptions.

Exemptions from the taxes imposed by this chapter are as follows:

(1) sales of aviation fuel, motor fuel, and special fuel subject to a Utah state excise tax under Chapter 13, Motor and Special Fuel Tax Act;

(2) subject to Section 59-12-104.6, sales to the state, its institutions, and its political subdivisions; however, this exemption does not apply to sales of:

(a) construction materials except:

(i) construction materials purchased by or on behalf of institutions of the public education system as defined in Utah Constitution, Article X, Section 2, provided the construction materials are clearly identified and segregated and installed or converted to real property which is owned by institutions of the public education system; and

(ii) construction materials purchased by the state, its institutions, or its political subdivisions which are installed or converted to real property by employees of the state, its institutions, or its political subdivisions; or

(b) tangible personal property in connection with the construction, operation, maintenance, repair, or replacement of a project, as defined in Section 11-13-103, or facilities providing additional project capacity, as defined in Section 11-13-103;

(3) (a) sales of an item described in Subsection (3)(b) from a vending machine if:

(i) the proceeds of each sale do not exceed $1; and

(ii) the seller or operator of the vending machine reports an amount equal to 150% of the cost of the item described in Subsection (3)(b) as goods consumed; and

(b) Subsection (3)(a) applies to:

(i) food and food ingredients; or

(ii) prepared food;

(4) (a) sales of the following to a commercial airline carrier for in-flight consumption:

(i) alcoholic beverages;

(ii) food and food ingredients; or

(iii) prepared food;

(b) sales of tangible personal property or a product transferred electronically:

(i) to a passenger;

(ii) by a commercial airline carrier; and

(iii) during a flight for in-flight consumption or in-flight use by the passenger; or

(c) services related to Subsection (4)(a) or (b);

(5) (a) (i) beginning on July 1, 2008, and ending on September 30, 2008, sales of parts and equipment:

(A) (I) by an establishment described in NAICS Code 336411 or 336412 of the 2002 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget; and

(II) for:

(Aa) installation in an aircraft, including services relating to the installation of parts or equipment in the aircraft;

(Bb) renovation of an aircraft; or

(Cc) repair of an aircraft; or

(B) for installation in an aircraft operated by a common carrier in interstate or foreign commerce; or

(ii) beginning on October 1, 2008, sales of parts and equipment for installation in an aircraft operated by a common carrier in interstate or foreign commerce; and

(b) notwithstanding the time period of Subsection 59-1-1410(8) for filing for a refund, a person may claim the exemption allowed by Subsection (5)(a)(i)(B) for a sale by filing for a refund:

(i) if the sale is made on or after July 1, 2008, but on or before September 30, 2008;

(ii) as if Subsection (5)(a)(i)(B) were in effect on the day on which the sale is made;

(iii) if the person did not claim the exemption allowed by Subsection (5)(a)(i)(B) for the sale prior to filing for the refund;

(iv) for sales and use taxes paid under this chapter on the sale;

(v) in accordance with Section 59-1-1410; and

(vi) subject to any extension allowed for filing for a refund under Section 59-1-1410, if the person files for the refund on or before September 30, 2011;

(6) sales of commercials, motion picture films, prerecorded audio program tapes or records, and prerecorded video tapes by a producer, distributor, or studio to a motion picture exhibitor, distributor, or commercial television or radio broadcaster;

(7) (a) except as provided in Subsection (85) and subject to Subsection (7)(b), sales of

cleaning or washing of tangible personal property if the cleaning or washing of the tangible personal property is not assisted cleaning or washing of tangible personal property;

(b) if a seller that sells at the same business location assisted cleaning or washing of tangible personal property and cleaning or washing of tangible personal property that is not assisted cleaning or washing of tangible personal property, the exemption described in Subsection (7)(a) applies if the seller separately accounts for the sales of the assisted cleaning or washing of the tangible personal property; and

(c) for purposes of Subsection (7)(b) and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules:

(i) governing the circumstances under which sales are at the same business location; and

(ii) establishing the procedures and requirements for a seller to separately account for sales of assisted cleaning or washing of tangible personal property;

(8) sales made to or by religious or charitable institutions in the conduct of their regular religious or charitable functions and activities, if the requirements of Section 59-12-104.1 are fulfilled;

(9) sales of a vehicle of a type required to be registered under the motor vehicle laws of this state if the vehicle is:

(a) not registered in this state; and

(b) (i) not used in this state; or

(ii) used in this state:

(A) if the vehicle is not used to conduct business, for a time period that does not exceed the longer of:

(I) 30 days in any calendar year; or

(II) the time period necessary to transport the vehicle to the borders of this state; or

(B) if the vehicle is used to conduct business, for the time period necessary to transport the vehicle to the borders of this state;

(10) (a) amounts paid for an item described in Subsection (10)(b) if:

(i) the item is intended for human use; and

(ii) (A) a prescription was issued for the item; or

(B) the item was purchased by a hospital or other medical facility; and

(b) (i) Subsection (10)(a) applies to:

(A) a drug;

(B) a syringe; or

(C) a stoma supply; and

(ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the terms:

(A) "syringe"; or

(B) "stoma supply";

(11) purchases or leases exempt under Section 19-12-201;

(12) (a) sales of an item described in Subsection (12)(c) served by:

(i) the following if the item described in Subsection (12)(c) is not available to the general public:

(A) a church; or

(B) a charitable institution; or

(ii) an institution of higher education if:

(A) the item described in Subsection (12)(c) is not available to the general public; or

(B) the item described in Subsection (12)(c) is prepaid as part of a student meal plan offered by the institution of higher education; or

(b) sales of an item described in Subsection (12)(c) provided for a patient by:

(i) a medical facility; or

(ii) a nursing facility; and

(c) Subsections (12)(a) and (b) apply to:

(i) food and food ingredients;

(ii) prepared food; or

(iii) alcoholic beverages;

(13) (a) except as provided in Subsection (13)(b), the sale of tangible personal property or a product transferred electronically by a person:

(i) regardless of the number of transactions involving the sale of that tangible personal property or product transferred electronically by that person; and

(ii) not regularly engaged in the business of selling that type of tangible personal property or product transferred electronically;

(b) this Subsection (13) does not apply if:

(i) the sale is one of a series of sales of a character to indicate that the person is regularly engaged in the business of selling that type of tangible personal property or product transferred electronically;

(ii) the person holds that person out as regularly engaged in the business of selling that type of tangible personal property or product transferred electronically;

(iii) the person sells an item of tangible personal property or product transferred electronically that the person purchased as a sale that is exempt under Subsection (25); or

(iv) the sale is of a vehicle or vessel required to be titled or registered under the laws of this state in which case the tax is based upon:

(A) the bill of sale or other written evidence of value of the vehicle or vessel being sold; or

(B) in the absence of a bill of sale or other written evidence of value, the fair market value of the vehicle or vessel being sold at the time of the sale as determined by the commission; and

(c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules establishing the circumstances under which:

(i) a person is regularly engaged in the business of selling a type of tangible personal property or product transferred electronically;

(ii) a sale of tangible personal property or a product transferred electronically is one of a series of sales of a character to indicate that a person is regularly engaged in the business of selling that type of tangible personal property or product transferred electronically; or

(iii) a person holds that person out as regularly engaged in the business of selling a type of tangible personal property or product transferred electronically;

(14) amounts paid or charged for a purchase or lease of machinery, equipment, normal operating repair or replacement parts, or materials, except for office equipment or office supplies, by:

(a) a manufacturing facility that:

(i) is located in the state; and

(ii) uses or consumes the machinery, equipment, normal operating repair or replacement parts, or materials:

(A) in the manufacturing process to manufacture an item sold as tangible personal property, as the commission may define that phrase in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

(B) for a scrap recycler, to process an item sold as tangible personal property, as the commission may define that phrase in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(b) an establishment, as the commission defines that term in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

(i) is described in NAICS Subsector 212, Mining (except Oil and Gas), or NAICS Code 213113, Support Activities for Coal Mining, 213114, Support Activities for Metal Mining, or 213115, Support Activities for Nonmetallic Minerals (except Fuels) Mining, of the 2002 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget;

(ii) is located in the state; and

(iii) uses or consumes the machinery, equipment, normal operating repair or replacement parts, or materials in:

(A) the production process to produce an item sold as tangible personal property, as the commission may define that phrase in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(B) research and development, as the commission may define that phrase in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(C) transporting, storing, or managing tailings, overburden, or similar waste materials produced from mining;

(D) developing or maintaining a road, tunnel, excavation, or similar feature used in mining; or

(E) preventing, controlling, or reducing dust or other pollutants from mining; or

(c) an establishment, as the commission defines that term in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

(i) is described in NAICS Code 518112, Web Search Portals, of the 2002 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget;

(ii) is located in the state; and

(iii) uses or consumes the machinery, equipment, normal operating repair or replacement parts, or materials in the operation of the web search portal;

(15) (a) sales of the following if the requirements of Subsection (15)(b) are met:

(i) tooling;

(ii) special tooling;

(iii) support equipment;

(iv) special test equipment; or

(v) parts used in the repairs or renovations of tooling or equipment described in Subsections (15)(a)(i) through (iv); and

(b) sales of tooling, equipment, or parts described in Subsection (15)(a) are exempt if:

(i) the tooling, equipment, or parts are used or consumed exclusively in the performance of any aerospace or electronics industry contract with the United States government or any subcontract under that contract; and

(ii) under the terms of the contract or subcontract described in Subsection (15)(b)(i), title to the tooling, equipment, or parts is vested in the United States government as evidenced by:

(A) a government identification tag placed on the tooling, equipment, or parts; or

(B) listing on a government-approved property record if placing a government identification tag on the tooling, equipment, or parts is impractical;

(16) sales of newspapers or newspaper subscriptions;

(17) (a) except as provided in Subsection (17)(b), tangible personal property or a product transferred electronically traded in as full or part payment of the purchase price, except that for purposes of calculating sales or use tax upon vehicles not sold by a vehicle dealer, trade-ins are limited to other vehicles only, and the tax is based upon:

(i) the bill of sale or other written evidence of value of the vehicle being sold and the vehicle being traded in; or

(ii) in the absence of a bill of sale or other written evidence of value, the then existing fair market value of the vehicle being sold and the vehicle being traded in, as determined by the commission; and

(b) Subsection (17)(a) does not apply to the following items of tangible personal

property or products transferred electronically traded in as full or part payment of the purchase price:

(i) money;

(ii) electricity;

(iii) water;

(iv) gas; or

(v) steam;

(18) (a) (i) except as provided in Subsection (18)(b), sales of tangible personal property or a product transferred electronically used or consumed primarily and directly in farming operations, regardless of whether the tangible personal property or product transferred electronically:

(A) becomes part of real estate; or

(B) is installed by a:

(I) farmer;

(II) contractor; or

(III) subcontractor; or

(ii) sales of parts used in the repairs or renovations of tangible personal property or a product transferred electronically if the tangible personal property or product transferred electronically is exempt under Subsection (18)(a)(i); and

(b) amounts paid or charged for the following are subject to the taxes imposed by this chapter:

(i) (A) subject to Subsection (18)(b)(i)(B), machinery, equipment, materials, or supplies if used in a manner that is incidental to farming; and

(B) tangible personal property that is considered to be used in a manner that is incidental to farming includes:

(I) hand tools; or

(II) maintenance and janitorial equipment and supplies;

(ii) (A) subject to Subsection (18)(b)(ii)(B), tangible personal property or a product transferred electronically if the tangible personal property or product transferred electronically is used in an activity other than farming; and

(B) tangible personal property or a product transferred electronically that is considered

to be used in an activity other than farming includes:

(I) office equipment and supplies; or

(II) equipment and supplies used in:

(Aa) the sale or distribution of farm products;

(Bb) research; or

(Cc) transportation; or

(iii) a vehicle required to be registered by the laws of this state during the period ending two years after the date of the vehicle's purchase;

(19) sales of hay;

(20) exclusive sale during the harvest season of seasonal crops, seedling plants, or garden, farm, or other agricultural produce if the seasonal crops are, seedling plants are, or garden, farm, or other agricultural produce is sold by:

(a) the producer of the seasonal crops, seedling plants, or garden, farm, or other agricultural produce;

(b) an employee of the producer described in Subsection (20)(a); or

(c) a member of the immediate family of the producer described in Subsection (20)(a);

(21) purchases made using a coupon as defined in 7 U.S.C. Sec. 2012 that is issued under the Food Stamp Program, 7 U.S.C. Sec. 2011 et seq.;

(22) sales of nonreturnable containers, nonreturnable labels, nonreturnable bags, nonreturnable shipping cases, and nonreturnable casings to a manufacturer, processor, wholesaler, or retailer for use in packaging tangible personal property to be sold by that manufacturer, processor, wholesaler, or retailer;

(23) a product stored in the state for resale;

(24) (a) purchases of a product if:

(i) the product is:

(A) purchased outside of this state;

(B) brought into this state:

(I) at any time after the purchase described in Subsection (24)(a)(i)(A); and

(II) by a nonresident person who is not living or working in this state at the time of the purchase;

(C) used for the personal use or enjoyment of the nonresident person described in

Subsection (24)(a)(i)(B)(II) while that nonresident person is within the state; and

(D) not used in conducting business in this state; and

(ii) for:

(A) a product other than a boat described in Subsection (24)(a)(ii)(B), the first use of the product for a purpose for which the product is designed occurs outside of this state;

(B) a boat, the boat is registered outside of this state; or

(C) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is registered outside of this state;

(b) the exemption provided for in Subsection (24)(a) does not apply to:

(i) a lease or rental of a product; or

(ii) a sale of a vehicle exempt under Subsection (33); and

(c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for purposes of Subsection (24)(a), the commission may by rule define what constitutes the following:

(i) conducting business in this state if that phrase has the same meaning in this Subsection (24) as in Subsection (63);

(ii) the first use of a product if that phrase has the same meaning in this Subsection (24) as in Subsection (63); or

(iii) a purpose for which a product is designed if that phrase has the same meaning in this Subsection (24) as in Subsection (63);

(25) a product purchased for resale in the regular course of business, either in its original form or as an ingredient or component part of a manufactured or compounded product;

(26) a product upon which a sales or use tax was paid to some other state, or one of its subdivisions, except that the state shall be paid any difference between the tax paid and the tax imposed by this part and Part 2, Local Sales and Use Tax Act, and no adjustment is allowed if the tax paid was greater than the tax imposed by this part and Part 2, Local Sales and Use Tax Act;

(27) any sale of a service described in Subsections 59-12-103(1)(b), (c), and (d) to a person for use in compounding a service taxable under the subsections;

(28) purchases made in accordance with the special supplemental nutrition program for women, infants, and children established in 42 U.S.C. Sec. 1786;

(29) sales or leases of rolls, rollers, refractory brick, electric motors, or other replacement parts used in the furnaces, mills, or ovens of a steel mill described in SIC Code 3312 of the 1987 Standard Industrial Classification Manual of the federal Executive Office of the President, Office of Management and Budget;

(30) sales of a boat of a type required to be registered under Title 73, Chapter 18, State Boating Act, a boat trailer, or an outboard motor if the boat, boat trailer, or outboard motor is:

(a) not registered in this state; and

(b) (i) not used in this state; or

(ii) used in this state:

(A) if the boat, boat trailer, or outboard motor is not used to conduct business, for a time period that does not exceed the longer of:

(I) 30 days in any calendar year; or

(II) the time period necessary to transport the boat, boat trailer, or outboard motor to the borders of this state; or

(B) if the boat, boat trailer, or outboard motor is used to conduct business, for the time period necessary to transport the boat, boat trailer, or outboard motor to the borders of this state;

(31) sales of aircraft manufactured in Utah;

(32) amounts paid for the purchase of telecommunications service for purposes of providing telecommunications service;

(33) sales, leases, or uses of the following:

(a) a vehicle by an authorized carrier; or

(b) tangible personal property that is installed on a vehicle:

(i) sold or leased to or used by an authorized carrier; and

(ii) before the vehicle is placed in service for the first time;

(34) (a) 45% of the sales price of any new manufactured home; and

(b) 100% of the sales price of any used manufactured home;

(35) sales relating to schools and fundraising sales;

(36) sales or rentals of durable medical equipment if:

(a) a person presents a prescription for the durable medical equipment; and

(b) the durable medical equipment is used for home use only;

(37) (a) sales to a ski resort of electricity to operate a passenger ropeway as defined in Section 72-11-102; and

(b) the commission shall by rule determine the method for calculating sales exempt under Subsection (37)(a) that are not separately metered and accounted for in utility billings;

(38) sales to a ski resort of:

(a) snowmaking equipment;

(b) ski slope grooming equipment;

(c) passenger ropeways as defined in Section 72-11-102; or

(d) parts used in the repairs or renovations of equipment or passenger ropeways described in Subsections (38)(a) through (c);

(39) subject to Subsection 59-12-103(2)(j), sales of natural gas, electricity, heat, coal, fuel oil, or other fuels for industrial use;

(40) (a) subject to Subsection (40)(b), sales or rentals of the right to use or operate for amusement, entertainment, or recreation an unassisted amusement device as defined in Section 59-12-102;

(b) if a seller that sells or rents at the same business location the right to use or operate for amusement, entertainment, or recreation one or more unassisted amusement devices and one or more assisted amusement devices, the exemption described in Subsection (40)(a) applies if the seller separately accounts for the sales or rentals of the right to use or operate for amusement, entertainment, or recreation for the assisted amusement devices; and

(c) for purposes of Subsection (40)(b) and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules:

(i) governing the circumstances under which sales are at the same business location; and

(ii) establishing the procedures and requirements for a seller to separately account for the sales or rentals of the right to use or operate for amusement, entertainment, or recreation for assisted amusement devices;

(41) (a) sales of photocopies by:

(i) a governmental entity; or

(ii) an entity within the state system of public education, including:

(A) a school; or

(B) the State Board of Education; or

(b) sales of publications by a governmental entity;

(42) amounts paid for admission to an athletic event at an institution of higher education that is subject to the provisions of Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.;

(43) (a) sales made to or by:

(i) an area agency on aging; or

(ii) a senior citizen center owned by a county, city, or town; or

(b) sales made by a senior citizen center that contracts with an area agency on aging;

(44) sales or leases of semiconductor fabricating, processing, research, or development materials regardless of whether the semiconductor fabricating, processing, research, or development materials:

(a) actually come into contact with a semiconductor; or

(b) ultimately become incorporated into real property;

(45) an amount paid by or charged to a purchaser for accommodations and services described in Subsection 59-12-103(1)(i) to the extent the amount is exempt under Section 59-12-104.2;

(46) beginning on September 1, 2001, the lease or use of a vehicle issued a temporary sports event registration certificate in accordance with Section 41-3-306 for the event period specified on the temporary sports event registration certificate;

(47) (a) sales or uses of electricity, if the sales or uses are made under a retail tariff adopted by the Public Service Commission only for purchase of electricity produced from a new alternative energy source built after January 1, 2016, as designated in the tariff by the Public Service Commission; and

(b) for a residential use customer only, the exemption under Subsection (47)(a) applies only to the portion of the tariff rate a customer pays under the tariff described in Subsection (47)(a) that exceeds the tariff rate under the tariff described in Subsection (47)(a) that the customer would have paid absent the tariff;

(48) sales or rentals of mobility enhancing equipment if a person presents a prescription for the mobility enhancing equipment;

(49) sales of water in a:

(a) pipe;

(b) conduit;

(c) ditch; or

(d) reservoir;

(50) sales of currency or coins that constitute legal tender of a state, the United States, or a foreign nation;

(51) (a) sales of an item described in Subsection (51)(b) if the item:

(i) does not constitute legal tender of a state, the United States, or a foreign nation; and

(ii) has a gold, silver, or platinum content of 50% or more; and

(b) Subsection (51)(a) applies to a gold, silver, or platinum:

(i) ingot;

(ii) bar;

(iii) medallion; or

(iv) decorative coin;

(52) amounts paid on a sale-leaseback transaction;

(53) sales of a prosthetic device:

(a) for use on or in a human; and

(b) (i) for which a prescription is required; or

(ii) if the prosthetic device is purchased by a hospital or other medical facility;

(54) (a) except as provided in Subsection (54)(b), purchases, leases, or rentals of machinery or equipment by an establishment described in Subsection (54)(c) if the machinery or equipment is primarily used in the production or postproduction of the following media for commercial distribution:

(i) a motion picture;

(ii) a television program;

(iii) a movie made for television;

(iv) a music video;

(v) a commercial;

(vi) a documentary; or

(vii) a medium similar to Subsections (54)(a)(i) through (vi) as determined by the commission by administrative rule made in accordance with Subsection (54)(d); or

(b) purchases, leases, or rentals of machinery or equipment by an establishment described in Subsection (54)(c) that is used for the production or postproduction of the following are subject to the taxes imposed by this chapter:

(i) a live musical performance;

(ii) a live news program; or

(iii) a live sporting event;

(c) the following establishments listed in the 1997 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget, apply to Subsections (54)(a) and (b):

(i) NAICS Code 512110; or

(ii) NAICS Code 51219; and

(d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule:

(i) prescribe what constitutes a medium similar to Subsections (54)(a)(i) through (vi); or

(ii) define:

(A) "commercial distribution";

(B) "live musical performance";

(C) "live news program"; or

(D) "live sporting event";

(55) (a) leases of seven or more years or purchases made on or after July 1, 2004, but on or before June 30, 2027, of tangible personal property that:

(i) is leased or purchased for or by a facility that:

(A) is an alternative energy electricity production facility;

(B) is located in the state; and

(C) (I) becomes operational on or after July 1, 2004; or

(II) has its generation capacity increased by one or more megawatts on or after July 1, 2004, as a result of the use of the tangible personal property;

(ii) has an economic life of five or more years; and

(iii) is used to make the facility or the increase in capacity of the facility described in Subsection (55)(a)(i) operational up to the point of interconnection with an existing

transmission grid including:

(A) a wind turbine;

(B) generating equipment;

(C) a control and monitoring system;

(D) a power line;

(E) substation equipment;

(F) lighting;

(G) fencing;

(H) pipes; or

(I) other equipment used for locating a power line or pole; and

(b) this Subsection (55) does not apply to:

(i) tangible personal property used in construction of:

(A) a new alternative energy electricity production facility; or

(B) the increase in the capacity of an alternative energy electricity production facility;

(ii) contracted services required for construction and routine maintenance activities; and

(iii) unless the tangible personal property is used or acquired for an increase in capacity of the facility described in Subsection (55)(a)(i)(C)(II), tangible personal property used or acquired after:

(A) the alternative energy electricity production facility described in Subsection (55)(a)(i) is operational as described in Subsection (55)(a)(iii); or

(B) the increased capacity described in Subsection (55)(a)(i) is operational as described in Subsection (55)(a)(iii);

(56) (a) leases of seven or more years or purchases made on or after July 1, 2004, but on or before June 30, 2027, of tangible personal property that:

(i) is leased or purchased for or by a facility that:

(A) is a waste energy production facility;

(B) is located in the state; and

(C) (I) becomes operational on or after July 1, 2004; or

(II) has its generation capacity increased by one or more megawatts on or after July 1, 2004, as a result of the use of the tangible personal property;

(ii) has an economic life of five or more years; and

(iii) is used to make the facility or the increase in capacity of the facility described in Subsection (56)(a)(i) operational up to the point of interconnection with an existing transmission grid including:

(A) generating equipment;

(B) a control and monitoring system;

(C) a power line;

(D) substation equipment;

(E) lighting;

(F) fencing;

(G) pipes; or

(H) other equipment used for locating a power line or pole; and

(b) this Subsection (56) does not apply to:

(i) tangible personal property used in construction of:

(A) a new waste energy facility; or

(B) the increase in the capacity of a waste energy facility;

(ii) contracted services required for construction and routine maintenance activities; and

(iii) unless the tangible personal property is used or acquired for an increase in capacity described in Subsection (56)(a)(i)(C)(II), tangible personal property used or acquired after:

(A) the waste energy facility described in Subsection (56)(a)(i) is operational as described in Subsection (56)(a)(iii); or

(B) the increased capacity described in Subsection (56)(a)(i) is operational as described in Subsection (56)(a)(iii);

(57) (a) leases of five or more years or purchases made on or after July 1, 2004, but on or before June 30, 2027, of tangible personal property that:

(i) is leased or purchased for or by a facility that:

(A) is located in the state;

(B) produces fuel from alternative energy, including:

(I) methanol; or

(II) ethanol; and

(C) (I) becomes operational on or after July 1, 2004; or

(II) has its capacity to produce fuel increase by 25% or more on or after July 1, 2004, as a result of the installation of the tangible personal property;

(ii) has an economic life of five or more years; and

(iii) is installed on the facility described in Subsection (57)(a)(i);

(b) this Subsection (57) does not apply to:

(i) tangible personal property used in construction of:

(A) a new facility described in Subsection (57)(a)(i); or

(B) the increase in capacity of the facility described in Subsection (57)(a)(i); or

(ii) contracted services required for construction and routine maintenance activities; and

(iii) unless the tangible personal property is used or acquired for an increase in capacity described in Subsection (57)(a)(i)(C)(II), tangible personal property used or acquired after:

(A) the facility described in Subsection (57)(a)(i) is operational; or

(B) the increased capacity described in Subsection (57)(a)(i) is operational;

(58) (a) subject to Subsection (58)(b) or (c), sales of tangible personal property or a product transferred electronically to a person within this state if that tangible personal property or product transferred electronically is subsequently shipped outside the state and incorporated pursuant to contract into and becomes a part of real property located outside of this state;

(b) the exemption under Subsection (58)(a) is not allowed to the extent that the other state or political entity to which the tangible personal property is shipped imposes a sales, use, gross receipts, or other similar transaction excise tax on the transaction against which the other state or political entity allows a credit for sales and use taxes imposed by this chapter; and

(c) notwithstanding the time period of Subsection 59-1-1410(8) for filing for a refund, a person may claim the exemption allowed by this Subsection (58) for a sale by filing for a refund:

(i) if the sale is made on or after July 1, 2004, but on or before June 30, 2008;

(ii) as if this Subsection (58) as in effect on July 1, 2008, were in effect on the day on which the sale is made;

(iii) if the person did not claim the exemption allowed by this Subsection (58) for the sale prior to filing for the refund;

(iv) for sales and use taxes paid under this chapter on the sale;

(v) in accordance with Section 59-1-1410; and

(vi) subject to any extension allowed for filing for a refund under Section 59-1-1410, if the person files for the refund on or before June 30, 2011;

(59) purchases:

(a) of one or more of the following items in printed or electronic format:

(i) a list containing information that includes one or more:

(A) names; or

(B) addresses; or

(ii) a database containing information that includes one or more:

(A) names; or

(B) addresses; and

(b) used to send direct mail;

(60) redemptions or repurchases of a product by a person if that product was:

(a) delivered to a pawnbroker as part of a pawn transaction; and

(b) redeemed or repurchased within the time period established in a written agreement between the person and the pawnbroker for redeeming or repurchasing the product;

(61) (a) purchases or leases of an item described in Subsection (61)(b) if the item:

(i) is purchased or leased by, or on behalf of, a telecommunications service provider; and

(ii) has a useful economic life of one or more years; and

(b) the following apply to Subsection (61)(a):

(i) telecommunications enabling or facilitating equipment, machinery, or software;

(ii) telecommunications equipment, machinery, or software required for 911 service;

(iii) telecommunications maintenance or repair equipment, machinery, or software;

(iv) telecommunications switching or routing equipment, machinery, or software; or

(v) telecommunications transmission equipment, machinery, or software;

(62) (a) beginning on July 1, 2006, and ending on June 30, 2027, purchases of tangible personal property or a product transferred electronically that are used in the research and development of alternative energy technology; and

(b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

commission may, for purposes of Subsection (62)(a), make rules defining what constitutes purchases of tangible personal property or a product transferred electronically that are used in the research and development of alternative energy technology;

(63) (a) purchases of tangible personal property or a product transferred electronically if:

(i) the tangible personal property or product transferred electronically is:

(A) purchased outside of this state;

(B) brought into this state at any time after the purchase described in Subsection (63)(a)(i)(A); and

(C) used in conducting business in this state; and

(ii) for:

(A) tangible personal property or a product transferred electronically other than the tangible personal property described in Subsection (63)(a)(ii)(B), the first use of the property for a purpose for which the property is designed occurs outside of this state; or

(B) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is registered outside of this state and not required to be registered in this state under Section 41-1a-202 or 73-18-9 based on residency;

(b) the exemption provided for in Subsection (63)(a) does not apply to:

(i) a lease or rental of tangible personal property or a product transferred electronically; or

(ii) a sale of a vehicle exempt under Subsection (33); and

(c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for purposes of Subsection (63)(a), the commission may by rule define what constitutes the following:

(i) conducting business in this state if that phrase has the same meaning in this Subsection (63) as in Subsection (24);

(ii) the first use of tangible personal property or a product transferred electronically if that phrase has the same meaning in this Subsection (63) as in Subsection (24); or

(iii) a purpose for which tangible personal property or a product transferred electronically is designed if that phrase has the same meaning in this Subsection (63) as in Subsection (24);

(64) sales of disposable home medical equipment or supplies if:

(a) a person presents a prescription for the disposable home medical equipment or supplies;

(b) the disposable home medical equipment or supplies are used exclusively by the person to whom the prescription described in Subsection (64)(a) is issued; and

(c) the disposable home medical equipment and supplies are listed as eligible for payment under:

(i) Title XVIII, federal Social Security Act; or

(ii) the state plan for medical assistance under Title XIX, federal Social Security Act;

(65) sales:

(a) to a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District Act; or

(b) of tangible personal property to a subcontractor of a public transit district, if the tangible personal property is:

(i) clearly identified; and

(ii) installed or converted to real property owned by the public transit district;

(66) sales of construction materials:

(a) purchased on or after July 1, 2010;

(b) purchased by, on behalf of, or for the benefit of an international airport:

(i) located within a county of the first class; and

(ii) that has a United States customs office on its premises; and

(c) if the construction materials are:

(i) clearly identified;

(ii) segregated; and

(iii) installed or converted to real property:

(A) owned or operated by the international airport described in Subsection (66)(b); and

(B) located at the international airport described in Subsection (66)(b);

(67) sales of construction materials:

(a) purchased on or after July 1, 2008;

(b) purchased by, on behalf of, or for the benefit of a new airport:

(i) located within a county of the second class; and

(ii) that is owned or operated by a city in which an airline as defined in Section 59-2-102 is headquartered; and

(c) if the construction materials are:

(i) clearly identified;

(ii) segregated; and

(iii) installed or converted to real property:

(A) owned or operated by the new airport described in Subsection (67)(b);

(B) located at the new airport described in Subsection (67)(b); and

(C) as part of the construction of the new airport described in Subsection (67)(b);

(68) sales of fuel to a common carrier that is a railroad for use in a locomotive engine;

(69) purchases and sales described in Section 63H-4-111;

(70) (a) sales of tangible personal property to an aircraft maintenance, repair, and overhaul provider for use in the maintenance, repair, overhaul, or refurbishment in this state of a fixed wing turbine powered aircraft if that fixed wing turbine powered aircraft's registration lists a state or country other than this state as the location of registry of the fixed wing turbine powered aircraft; or

(b) sales of tangible personal property by an aircraft maintenance, repair, and overhaul provider in connection with the maintenance, repair, overhaul, or refurbishment in this state of a fixed wing turbine powered aircraft if that fixed wing turbine powered aircraft's registration lists a state or country other than this state as the location of registry of the fixed wing turbine powered aircraft;

(71) subject to Section 59-12-104.4, sales of a textbook for a higher education course:

(a) to a person admitted to an institution of higher education; and

(b) by a seller, other than a bookstore owned by an institution of higher education, if 51% or more of that seller's sales revenue for the previous calendar quarter are sales of a textbook for a higher education course;

(72) a license fee or tax a municipality imposes in accordance with Subsection 10-1-203(5) on a purchaser from a business for which the municipality provides an enhanced level of municipal services;

(73) amounts paid or charged for construction materials used in the construction of a new or expanding life science research and development facility in the state, if the construction

materials are:

(a) clearly identified;

(b) segregated; and

(c) installed or converted to real property;

(74) amounts paid or charged for:

(a) a purchase or lease of machinery and equipment that:

(i) are used in performing qualified research:

(A) as defined in Section 41(d), Internal Revenue Code; and

(B) in the state; and

(ii) have an economic life of three or more years; and

(b) normal operating repair or replacement parts:

(i) for the machinery and equipment described in Subsection (74)(a); and

(ii) that have an economic life of three or more years;

(75) a sale or lease of tangible personal property used in the preparation of prepared food if:

(a) for a sale:

(i) the ownership of the seller and the ownership of the purchaser are identical; and

(ii) the seller or the purchaser paid a tax under this chapter on the purchase of that tangible personal property prior to making the sale; or

(b) for a lease:

(i) the ownership of the lessor and the ownership of the lessee are identical; and

(ii) the lessor or the lessee paid a tax under this chapter on the purchase of that tangible personal property prior to making the lease;

(76) (a) purchases of machinery or equipment if:

(i) the purchaser is an establishment described in NAICS Subsector 713, Amusement, Gambling, and Recreation Industries, of the 2012 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget;

(ii) the machinery or equipment:

(A) has an economic life of three or more years; and

(B) is used by one or more persons who pay admission or user fees described in Subsection 59-12-103(1)(f) to the purchaser of the machinery and equipment; and

(iii) 51% or more of the purchaser's sales revenue for the previous calendar quarter is:

(A) amounts paid or charged as admission or user fees described in Subsection 59-12-103(1)(f); and

(B) subject to taxation under this chapter; and

(b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules for verifying that 51% of a purchaser's sales revenue for the previous calendar quarter is:

(i) amounts paid or charged as admission or user fees described in Subsection 59-12-103(1)(f); and

(ii) subject to taxation under this chapter;

(77) purchases of a short-term lodging consumable by a business that provides accommodations and services described in Subsection 59-12-103(1)(i);

(78) amounts paid or charged to access a database:

(a) if the primary purpose for accessing the database is to view or retrieve information from the database; and

(b) not including amounts paid or charged for a:

(i) digital audio work;

(ii) digital audio-visual work; or

(iii) digital book;

(79) amounts paid or charged for a purchase or lease made by an electronic financial payment service, of:

(a) machinery and equipment that:

(i) are used in the operation of the electronic financial payment service; and

(ii) have an economic life of three or more years; and

(b) normal operating repair or replacement parts that:

(i) are used in the operation of the electronic financial payment service; and

(ii) have an economic life of three or more years;

(80) beginning on April 1, 2013, sales of a fuel cell as defined in Section 54-15-102;

(81) amounts paid or charged for a purchase or lease of tangible personal property or a product transferred electronically if the tangible personal property or product transferred electronically:

(a) is stored, used, or consumed in the state; and

(b) is temporarily brought into the state from another state:

(i) during a disaster period as defined in Section 53-2a-1202;

(ii) by an out-of-state business as defined in Section 53-2a-1202;

(iii) for a declared state disaster or emergency as defined in Section 53-2a-1202; and

(iv) for disaster- or emergency-related work as defined in Section 53-2a-1202;

(82) sales of goods and services at a morale, welfare, and recreation facility, as defined in Section 39-9-102, made pursuant to Title 39, Chapter 9, State Morale, Welfare, and Recreation Program;

(83) amounts paid or charged for a purchase or lease of molten magnesium;

(84) amounts paid or charged for a purchase or lease made by a qualifying data center or an occupant of a qualifying data center of machinery, equipment, or normal operating repair or replacement parts, if the machinery, equipment, or normal operating repair or replacement parts:

(a) are used in:

(i) the operation of the qualifying data center; or

(ii) the occupant's operations in the qualifying data center; and

(b) have an economic life of one or more years;

(85) sales of cleaning or washing of a vehicle, except for cleaning or washing of a vehicle that includes cleaning or washing of the interior of the vehicle;

(86) amounts paid or charged for a purchase or lease of machinery, equipment, normal operating repair or replacement parts, catalysts, chemicals, reagents, solutions, or supplies used or consumed:

(a) by a refiner who owns, leases, operates, controls, or supervises a refinery as defined in Section [~~63M-4-701~~] 79-6-701 located in the state;

(b) if the machinery, equipment, normal operating repair or replacement parts, catalysts, chemicals, reagents, solutions, or supplies are used or consumed in:

(i) the production process to produce gasoline or diesel fuel, or at which blendstock is added to gasoline or diesel fuel;

(ii) research and development;

(iii) transporting, storing, or managing raw materials, work in process, finished

products, and waste materials produced from refining gasoline or diesel fuel, or adding blendstock to gasoline or diesel fuel;

(iv) developing or maintaining a road, tunnel, excavation, or similar feature used in refining; or

(v) preventing, controlling, or reducing pollutants from refining; and

(c) beginning on July 1, 2021, if the person holds a valid refiner tax exemption certification as defined in Section [~~63M-4-701~~] 79-6-701;

(87) amounts paid to or charged by a proprietor for accommodations and services, as defined in Section 63H-1-205, if the proprietor is subject to the MIDA accommodations tax imposed under Section 63H-1-205;

(88) amounts paid or charged for a purchase or lease of machinery, equipment, normal operating repair or replacement parts, or materials, except for office equipment or office supplies, by an establishment, as the commission defines that term in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

(a) is described in NAICS Code 621511, Medical Laboratories, of the 2017 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget;

(b) is located in this state; and

(c) uses the machinery, equipment, normal operating repair or replacement parts, or materials in the operation of the establishment; and

(89) amounts paid or charged for an item exempt under Section 59-12-104.10.

Section 32. Section **59-13-201** is amended to read:

59-13-201. Rate -- Tax basis -- Exemptions -- Revenue deposited into the Transportation Fund -- Restricted account for boating uses -- Refunds -- Reduction of tax in limited circumstances.

(1) (a) Subject to the provisions of this section and except as provided in Subsection (1)(e), a tax is imposed at the rate of 16.5% of the statewide average rack price of a gallon of motor fuel per gallon upon all motor fuel that is sold, used, or received for sale or used in this state.

(b) (i) Until December 31, 2018, and subject to the requirements under Subsection (1)(c), the statewide average rack price of a gallon of motor fuel under Subsection (1)(a) shall

be determined by calculating the previous fiscal year statewide average rack price of a gallon of regular unleaded motor fuel, excluding federal and state excise taxes, for the 12 months ending on the previous June 30 as published by an oil pricing service.

(ii) Beginning on January 1, 2019, and subject to the requirements under Subsection (1)(c), the statewide average rack price of a gallon of motor fuel under Subsection (1)(a) shall be determined by calculating the previous three fiscal years statewide average rack price of a gallon of regular unleaded motor fuel, excluding federal and state excise taxes, for the 36 months ending on the previous June 30 as published by an oil pricing service.

(c) (i) Subject to the requirement in Subsection (1)(c)(ii), the statewide average rack price of a gallon of motor fuel determined under Subsection (1)(b) may not be less than $1.78 per gallon.

(ii) Beginning on January 1, 2019, the commission shall, on January 1, annually adjust the minimum statewide average rack price of a gallon of motor fuel described in Subsection (1)(c)(i) by taking the minimum statewide average rack price of a gallon of motor fuel for the previous calendar year and adding an amount equal to the greater of:

(A) an amount calculated by multiplying the minimum statewide average rack price of a gallon of motor fuel for the previous calendar year by the actual percent change during the previous fiscal year in the Consumer Price Index; and

(B) 0.

(iii) The statewide average rack price of a gallon of motor fuel determined by the commission under Subsection (1)(b) may not exceed $2.43 per gallon.

(iv) The minimum statewide average rack price of a gallon of motor fuel described and adjusted under Subsections (1)(c)(i) and (ii) may not exceed the maximum statewide average rack price of a gallon of motor fuel under Subsection (1)(c)(iii).

(d) (i) The commission shall annually:

(A) determine the statewide average rack price of a gallon of motor fuel in accordance with Subsections (1)(b) and (c);

(B) adjust the fuel tax rate imposed under Subsection (1)(a), rounded to the nearest one-tenth of a cent, based on the determination under Subsection (1)(b);

(C) publish the adjusted fuel tax as a cents per gallon rate; and

(D) post or otherwise make public the adjusted fuel tax rate as determined in

Subsection (1)(d)(i)(B) no later than 60 days prior to the annual effective date under Subsection (1)(d)(ii).

(ii) The tax rate imposed under this Subsection (1) and adjusted as required under Subsection (1)(d)(i) shall take effect on January 1 of each year.

(e) In lieu of the tax imposed under Subsection (1)(a) and subject to the provisions of this section, a tax is imposed at the rate of 3/19 of the rate imposed under Subsection (1)(a), rounded up to the nearest penny, upon all motor fuels that meet the definition of clean fuel in Section 59-13-102 and are sold, used, or received for sale or use in this state.

(2) Any increase or decrease in tax rate applies to motor fuel that is imported to the state or sold at refineries in the state on or after the effective date of the rate change.

(3) (a) No motor fuel tax is imposed upon:

(i) motor fuel that is brought into and sold in this state in original packages as purely interstate commerce sales;

(ii) motor fuel that is exported from this state if proof of actual exportation on forms prescribed by the commission is made within 180 days after exportation;

(iii) motor fuel or components of motor fuel that is sold and used in this state and distilled from coal, oil shale, rock asphalt, bituminous sand, or solid hydrocarbons located in this state; or

(iv) motor fuel that is sold to the United States government, this state, or the political subdivisions of this state.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules governing the procedures for administering the tax exemption provided under Subsection (3)(a)(iv).

(4) The commission may either collect no tax on motor fuel exported from the state or, upon application, refund the tax paid.

(5) (a) All revenue received by the commission under this part shall be deposited daily with the state treasurer and credited to the Transportation Fund.

(b) An appropriation from the Transportation Fund shall be made to the commission to cover expenses incurred in the administration and enforcement of this part and the collection of the motor fuel tax.

(6) (a) The commission shall determine what amount of motor fuel tax revenue is

received from the sale or use of motor fuel used in motorboats registered under the provisions of the State Boating Act, and this amount shall be deposited in a restricted revenue account in the General Fund of the state.

(b) The funds from this account shall be used for the construction, improvement, operation, and maintenance of state-owned boating facilities and for the payment of the costs and expenses of the Division of [~~Parks and~~] Recreation in administering and enforcing the State Boating Act.

(7) (a) The United States government or any of its instrumentalities, this state, or a political subdivision of this state that has purchased motor fuel from a licensed distributor or from a retail dealer of motor fuel and has paid the tax on the motor fuel as provided in this section is entitled to a refund of the tax and may file with the commission for a quarterly refund.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules governing the application and refund provided for in Subsection (7)(a).

(8) (a) The commission shall refund annually into the Off-Highway Vehicle Account in the General Fund an amount equal to .5% of the motor fuel tax revenues collected under this section.

(b) This amount shall be used as provided in Section 41-22-19.

(9) (a) Beginning on April 1, 2001, a tax imposed under this section on motor fuel that is sold, used, or received for sale or use in this state is reduced to the extent provided in Subsection (9)(b) if:

(i) a tax imposed on the basis of the sale, use, or receipt for sale or use of the motor fuel is paid to the Navajo Nation;

(ii) the tax described in Subsection (9)(a)(i) is imposed without regard to whether or not the person required to pay the tax is an enrolled member of the Navajo Nation; and

(iii) the commission and the Navajo Nation execute and maintain an agreement as provided in this Subsection (9) for the administration of the reduction of tax.

(b) (i) If but for Subsection (9)(a) the motor fuel is subject to a tax imposed by this section:

(A) the state shall be paid the difference described in Subsection (9)(b)(ii) if that

difference is greater than $0; and

(B) a person may not require the state to provide a refund, a credit, or similar tax relief if the difference described in Subsection (9)(b)(ii) is less than or equal to $0.

(ii) The difference described in Subsection (9)(b)(i) is equal to the difference between:

(A) the amount of tax imposed on the motor fuel by this section; less

(B) the tax imposed and collected by the Navajo Nation on the motor fuel.

(c) For purposes of Subsections (9)(a) and (b), the tax paid to the Navajo Nation under a tax imposed by the Navajo Nation on the basis of the sale, use, or receipt for sale or use of motor fuel does not include any interest or penalties a taxpayer may be required to pay to the Navajo Nation.

(d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules governing the procedures for administering the reduction of tax provided under this Subsection (9).

(e) The agreement required under Subsection (9)(a):

(i) may not:

(A) authorize the state to impose a tax in addition to a tax imposed under this chapter;

(B) provide a reduction of taxes greater than or different from the reduction described in this Subsection (9); or

(C) affect the power of the state to establish rates of taxation;

(ii) shall:

(A) be in writing;

(B) be signed by:

(I) the chair of the commission or the chair's designee; and

(II) a person designated by the Navajo Nation that may bind the Navajo Nation;

(C) be conditioned on obtaining any approval required by federal law;

(D) state the effective date of the agreement; and

(E) state any accommodation the Navajo Nation makes related to the construction and maintenance of state highways and other infrastructure within the Utah portion of the Navajo Nation; and

(iii) may:

(A) notwithstanding Section 59-1-403, authorize the commission to disclose to the

Navajo Nation information that is:

(I) contained in a document filed with the commission; and

(II) related to the tax imposed under this section;

(B) provide for maintaining records by the commission or the Navajo Nation; or

(C) provide for inspections or audits of distributors, carriers, or retailers located or doing business within the Utah portion of the Navajo Nation.

(f) (i) If, on or after April 1, 2001, the Navajo Nation changes the tax rate of a tax imposed on motor fuel, any change in the reduction of taxes under this Subsection (9) as a result of the change in the tax rate is not effective until the first day of the calendar quarter after a 60-day period beginning on the date the commission receives notice:

(A) from the Navajo Nation; and

(B) meeting the requirements of Subsection (9)(f)(ii).

(ii) The notice described in Subsection (9)(f)(i) shall state:

(A) that the Navajo Nation has changed or will change the tax rate of a tax imposed on motor fuel;

(B) the effective date of the rate change of the tax described in Subsection (9)(f)(ii)(A); and

(C) the new rate of the tax described in Subsection (9)(f)(ii)(A).

(g) If the agreement required by Subsection (9)(a) terminates, a reduction of tax is not permitted under this Subsection (9) beginning on the first day of the calendar quarter after a 30-day period beginning on the day the agreement terminates.

(h) If there is a conflict between this Subsection (9) and the agreement required by Subsection (9)(a), this Subsection (9) governs.

Section 33. Section **59-21-2** is amended to read:

59-21-2. Mineral Bonus Account created -- Contents -- Use of Mineral Bonus Account money -- Mineral Lease Account created -- Contents -- Appropriation of money from Mineral Lease Account.

(1) (a) There is created a restricted account within the General Fund known as the "Mineral Bonus Account."

(b) The Mineral Bonus Account consists of federal mineral lease bonus payments deposited pursuant to Subsection 59-21-1(3).

(c) The Legislature shall make appropriations from the Mineral Bonus Account in accordance with Section 35 of the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 191.

(d) The state treasurer shall:

(i) invest the money in the Mineral Bonus Account by following the procedures and requirements of Title 51, Chapter 7, State Money Management Act; and

(ii) deposit all interest or other earnings derived from the account into the Mineral Bonus Account.

(e) The Division of Finance shall, beginning on July 1, 2017, annually deposit 30% of mineral lease bonus payments deposited under Subsection (1)(b) from the previous fiscal year into the Wildland Fire Suppression Fund created in Section 65A-8-204, up to $2,000,000 but not to exceed 20% of the amount expended in the previous fiscal year from the Wildland Fire Suppression Fund.

(2) (a) There is created a restricted account within the General Fund known as the "Mineral Lease Account."

(b) The Mineral Lease Account consists of federal mineral lease money deposited pursuant to Subsection 59-21-1(1).

(c) The Legislature shall make appropriations from the Mineral Lease Account as provided in Subsection 59-21-1(1) and this Subsection (2).

(d) (i) Except as provided in Subsections (2)(d)(ii) and (iii), the Legislature shall annually appropriate 32.5% of all deposits made to the Mineral Lease Account to the Permanent Community Impact Fund established by Section 35A-8-303.

(ii) For fiscal year 2016-17 only and from the amount required to be deposited under Subsection (2)(d)(i), the Legislature shall appropriate $26,000,000 of the deposits made to the Mineral Lease Account to the Impacted Communities Transportation Development Restricted Account established by Section 72-2-128.

(iii) For fiscal year 2017-18 only and from the amount required to be deposited under Subsection (2)(d)(i), the Legislature shall appropriate $27,000,000 of the deposits made to the Mineral Lease Account to the Impacted Communities Transportation Development Restricted Account established by Section 72-2-128.

(e) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral Lease Account to the State Board of Education, to be used for education research and

experimentation in the use of staff and facilities designed to improve the quality of education in Utah.

(f) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral Lease Account to the Utah Geological Survey, to be used for activities carried on by the survey having as a purpose the development and exploitation of natural resources in the state.

(g) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral Lease Account to the Water Research Laboratory at Utah State University, to be used for activities carried on by the laboratory having as a purpose the development and exploitation of water resources in the state.

(h) (i) The Legislature shall annually appropriate to the Division of Finance 40% of all deposits made to the Mineral Lease Account to be distributed as provided in Subsection (2)(h)(ii) to:

(A) counties;

(B) special service districts established:

(I) by counties;

(II) under Title 17D, Chapter 1, Special Service District Act; and

(III) for the purpose of constructing, repairing, or maintaining roads; or

(C) special service districts established:

(I) by counties;

(II) under Title 17D, Chapter 1, Special Service District Act; and

(III) for other purposes authorized by statute.

(ii) The Division of Finance shall allocate the funds specified in Subsection (2)(h)(i):

(A) in amounts proportionate to the amount of mineral lease money generated by each county; and

(B) to a county or special service district established by a county under Title 17D, Chapter 1, Special Service District Act, as determined by the county legislative body.

(i) (i) The Legislature shall annually appropriate 5% of all deposits made to the Mineral Lease Account to the Department of Workforce Services to be distributed to:

(A) special service districts established:

(I) by counties;

(II) under Title 17D, Chapter 1, Special Service District Act; and

(III) for the purpose of constructing, repairing, or maintaining roads; or

(B) special service districts established:

(I) by counties;

(II) under Title 17D, Chapter 1, Special Service District Act; and

(III) for other purposes authorized by statute.

(ii) The Department of Workforce Services may distribute the amounts described in Subsection (2)(i)(i) only to special service districts established under Title 17D, Chapter 1, Special Service District Act, by counties:

(A) of the third, fourth, fifth, or sixth class;

(B) in which 4.5% or less of the mineral lease money within the state is generated; and

(C) that are significantly socially or economically impacted as provided in Subsection (2)(i)(iii) by the development of minerals under the Mineral Lands Leasing Act, 30 U.S.C. Sec. 181 et seq.

(iii) The significant social or economic impact required under Subsection (2)(i)(ii)(C) shall be as a result of:

(A) the transportation within the county of hydrocarbons, including solid hydrocarbons as defined in Section 59-5-101;

(B) the employment of persons residing within the county in hydrocarbon extraction, including the extraction of solid hydrocarbons as defined in Section 59-5-101; or

(C) a combination of Subsections (2)(i)(iii)(A) and (B).

(iv) For purposes of distributing the appropriations under this Subsection (2)(i) to special service districts established by counties under Title 17D, Chapter 1, Special Service District Act, the Department of Workforce Services shall:

(A) (I) allocate 50% of the appropriations equally among the counties meeting the requirements of Subsections (2)(i)(ii) and (iii); and

(II) allocate 50% of the appropriations based on the ratio that the population of each county meeting the requirements of Subsections (2)(i)(ii) and (iii) bears to the total population of all of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii); and

(B) after making the allocations described in Subsection (2)(i)(iv)(A), distribute the allocated revenues to special service districts established by the counties under Title 17D,

Chapter 1, Special Service District Act, as determined by the executive director of the Department of Workforce Services after consulting with the county legislative bodies of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii).

(v) The executive director of the Department of Workforce Services:

(A) shall determine whether a county meets the requirements of Subsections (2)(i)(ii) and (iii);

(B) shall distribute the appropriations under Subsection (2)(i)(i) to special service districts established by counties under Title 17D, Chapter 1, Special Service District Act, that meet the requirements of Subsections (2)(i)(ii) and (iii); and

(C) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, may make rules:

(I) providing a procedure for making the distributions under this Subsection (2)(i) to special service districts; and

(II) defining the term "population" for purposes of Subsection (2)(i)(iv).

(j) (i) The Legislature shall annually make the following appropriations from the Mineral Lease Account:

(A) an amount equal to 52 cents multiplied by the number of acres of school or institutional trust lands, lands owned by the Division of State Parks [~~and~~] or the Division of Recreation, and lands owned by the Division of Wildlife Resources that are not under an in lieu of taxes contract, to each county in which those lands are located;

(B) to each county in which school or institutional trust lands are transferred to the federal government after December 31, 1992, an amount equal to the number of transferred acres in the county multiplied by a payment per acre equal to the difference between 52 cents per acre and the per acre payment made to that county in the most recent payment under the federal payment in lieu of taxes program, 31 U.S.C. Sec. 6901 et seq., unless the federal payment was equal to or exceeded the 52 cents per acre, in which case a payment under this Subsection (2)(j)(i)(B) may not be made for the transferred lands;

(C) to each county in which federal lands, which are entitlement lands under the federal in lieu of taxes program, are transferred to the school or institutional trust, an amount equal to the number of transferred acres in the county multiplied by a payment per acre equal to the difference between the most recent per acre payment made under the federal payment in lieu of

taxes program and 52 cents per acre, unless the federal payment was equal to or less than 52 cents per acre, in which case a payment under this Subsection (2)(j)(i)(C) may not be made for the transferred land; and

(D) to a county of the fifth or sixth class, an amount equal to the product of:

(I) $1,000; and

(II) the number of residences described in Subsection (2)(j)(iv) that are located within the county.

(ii) A county receiving money under Subsection (2)(j)(i) may, as determined by the county legislative body, distribute the money or a portion of the money to:

(A) special service districts established by the county under Title 17D, Chapter 1, Special Service District Act;

(B) school districts; or

(C) public institutions of higher education.

(iii) (A) Beginning in fiscal year 1994-95 and in each year after fiscal year 1994-95, the Division of Finance shall increase or decrease the amounts per acre provided for in Subsections (2)(j)(i)(A) through (C) by the average annual change in the Consumer Price Index for all urban consumers published by the Department of Labor.

(B) For fiscal years beginning on or after fiscal year 2001-02, the Division of Finance shall increase or decrease the amount described in Subsection (2)(j)(i)(D)(I) by the average annual change in the Consumer Price Index for all urban consumers published by the Department of Labor.

(iv) Residences for purposes of Subsection (2)(j)(i)(D)(II) are residences that are:

(A) owned by:

(I) the Division of State Parks [~~and~~] or the Division of Recreation; or

(II) the Division of Wildlife Resources;

(B) located on lands that are owned by:

(I) the Division of State Parks [~~and~~] or the Division of Recreation; or

(II) the Division of Wildlife Resources; and

(C) are not subject to taxation under:

(I) Chapter 2, Property Tax Act; or

(II) Chapter 4, Privilege Tax.

(k) The Legislature shall annually appropriate to the Permanent Community Impact Fund all deposits remaining in the Mineral Lease Account after making the appropriations provided for in Subsections (2)(d) through (j).

(3) (a) Each agency, board, institution of higher education, and political subdivision receiving money under this chapter shall provide the Legislature, through the Office of the Legislative Fiscal Analyst, with a complete accounting of the use of that money on an annual basis.

(b) The accounting required under Subsection (3)(a) shall:

(i) include actual expenditures for the prior fiscal year, budgeted expenditures for the current fiscal year, and planned expenditures for the following fiscal year; and

(ii) be reviewed by the Business, Economic Development, and Labor Appropriations Subcommittee as part of its normal budgetary process under Title 63J, Chapter 1, Budgetary Procedures Act.

Section 34. Section **59-28-103** is amended to read:

59-28-103. Imposition -- Rate -- Revenue distribution.

(1) Subject to the other provisions of this chapter, the state shall impose a tax on the transactions described in Subsection 59-12-103(1)(i) at a rate of .32%.

(2) The tax imposed under this chapter is in addition to any other taxes imposed on the transactions described in Subsection 59-12-103(1)(i).

(3) (a) (i) Subject to Subsection (3)(a)(ii), the commission shall deposit 6% of the revenue the state collects from the tax under this chapter into the Hospitality and Tourism Management Education Account created in Section 53F-9-501 to fund the Hospitality and Tourism Management Career and Technical Education Pilot Program created in Section 53E-3-515.

(ii) The commission may not deposit more than $300,000 into the Hospitality and Tourism Management Education Account under Subsection (3)(a)(i) in a fiscal year.

(b) Except for the amount deposited into the Hospitality and Tourism Management Education Account under Subsection (3)(a) and the administrative charge retained under Subsection 59-28-104(4), the commission shall deposit any revenue the state collects from the tax under this chapter into the Outdoor Recreation Infrastructure Account created in Section [~~63N-9-205~~] ~~{~~79-8-205~~}~~79-8-106 to fund the Outdoor Recreational Infrastructure Grant

Program created in Section ~~{[}~~63N-9-202~~{]} 79-8-202}~~ and the Recreation Restoration Infrastructure Grant Program created in Section [~~63N-9-302~~] ~~{79-8-302}~~79-8-202.

Section 35. Section **63A-4-104** is amended to read:

63A-4-104. Course-of-construction insurance for facilities constructed by This is the Place Foundation.

The risk manager may provide course-of-construction insurance for facilities constructed by This is the Place Foundation at This is the Place State Park and bill the Division of State Parks [~~and Recreation~~] for the cost of the insurance.

Section 36. Section **63B-3-301** is amended to read:

63B-3-301. Legislative intent -- Additional projects.

(1) It is the intent of the Legislature that, for any lease purchase agreement that the Legislature may authorize the Division of Facilities Construction and Management to enter into during its 1994 Annual General Session, the State Building Ownership Authority, at the reasonable rates and amounts it may determine, and with technical assistance from the state treasurer, the director of the Division of Finance, and the executive director of the Governor's Office of Management and Budget, may seek out the most cost effective and prudent lease purchase plans available to the state and may, pursuant to Chapter 1, Part 3, State Building Ownership Authority Act, certificate out interests in, or obligations of the authority pertaining to:

(a) the lease purchase obligation; or

(b) lease rental payments under the lease purchase obligation.

(2) It is the intent of the Legislature that the Department of Transportation dispose of surplus real properties and use the proceeds from those properties to acquire or construct through the Division of Facilities Construction and Management a new District Two Complex.

(3) It is the intent of the Legislature that the State Building Board allocate funds from the Capital Improvement appropriation and donations to cover costs associated with the upgrade of the Governor's Residence that go beyond the restoration costs which can be covered by insurance proceeds.

(4) (a) It is the intent of the Legislature to authorize the State Building Ownership Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in which

participation interests may be created, to provide up to $10,600,000 for the construction of a Natural Resources Building in Salt Lake City, together with additional amounts necessary to:

(i) pay costs of issuance;

(ii) pay capitalized interest; and

(iii) fund any debt service reserve requirements.

(b) It is the intent of the Legislature that the authority seek out the most cost effective and prudent lease purchase plan available with technical assistance from the state treasurer, the director of the Division of Finance, and the executive director of the Governor's Office of Management and Budget.

(c) It is the intent of the Legislature that the operating budget for the Department of Natural Resources not be increased to fund these lease payments.

(5) (a) It is the intent of the Legislature to authorize the State Building Ownership Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to $8,300,000 for the acquisition of the office buildings currently occupied by the Department of Environmental Quality and approximately 19 acres of additional vacant land at the Airport East Business Park in Salt Lake City, together with additional amounts necessary to:

(i) pay costs of issuance;

(ii) pay capitalized interest; and

(iii) fund any debt service reserve requirements.

(b) It is the intent of the Legislature that the authority seek out the most cost effective and prudent lease purchase plan available with technical assistance from the state treasurer, the director of the Division of Finance, and the executive director of the Governor's Office of Management and Budget.

(6) (a) It is the intent of the Legislature to authorize the State Building Ownership Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to $9,000,000 for the acquisition or construction of up to two field offices for the Department of Human Services in the southwestern portion of Salt Lake County, together with additional amounts necessary to:

(i) pay costs of issuance;

(ii) pay capitalized interest; and

(iii) fund any debt service reserve requirements.

(b) It is the intent of the Legislature that the authority seek out the most cost effective and prudent lease purchase plan available with technical assistance from the state treasurer, the director of the Division of Finance, and the executive director of the Governor's Office of Management and Budget.

(7) (a) It is the intent of the Legislature to authorize the State Building Ownership Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to issue or execute obligations or enter into or arrange for lease purchase agreements in which participation interests may be created, to provide up to $5,000,000 for the acquisition or construction of up to 13 stores for the Department of Alcoholic Beverage Control, together with additional amounts necessary to:

(i) pay costs of issuance;

(ii) pay capitalized interest; and

(iii) fund any debt service reserve requirements.

(b) It is the intent of the Legislature that the authority seek out the most cost effective and prudent lease purchase plan available with technical assistance from the state treasurer, the director of the Division of Finance, and the executive director of the Governor's Office of Management and Budget.

(c) It is the intent of the Legislature that the operating budget for the Department of Alcoholic Beverage Control not be increased to fund these lease payments.

(8) (a) It is the intent of the Legislature to authorize the State Building Ownership Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to $6,800,000 for the construction of a Prerelease and Parole Center for the Department of Corrections, containing a minimum of 300 beds, together with additional amounts necessary to:

(i) pay costs of issuance;

(ii) pay capitalized interest; and

(iii) fund any debt service reserve requirements.

(b) It is the intent of the Legislature that the authority seek out the most cost effective and prudent lease purchase plan available with technical assistance from the state treasurer, the director of the Division of Finance, and the executive director of the Governor's Office of Management and Budget.

(9) If S.B. 275, 1994 General Session, which authorizes funding for a Courts Complex in Salt Lake City, becomes law, it is the intent of the Legislature that:

(a) the Legislative Management Committee, the Interim Appropriation Subcommittees for General Government and Capital Facilities and Executive Offices, Courts, and Corrections, the Office of the Legislative Fiscal Analyst, the Governor's Office of Management and Budget, and the State Building Board participate in a review of the proposed facility design for the Courts Complex no later than December 1994; and

(b) although this review will not affect the funding authorization issued by the 1994 Legislature, it is expected that Division of Facilities Construction and Management will give proper attention to concerns raised in these reviews and make appropriate design changes pursuant to the review.

(10) It is the intent of the Legislature that:

(a) the Division of Facilities Construction and Management, in cooperation with the Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services, develop a flexible use prototype facility for the Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services;

(b) the development process use existing prototype proposals unless it can be quantifiably demonstrated that the proposals cannot be used;

(c) the facility is designed so that with minor modifications, it can accommodate detention, observation and assessment, transition, and secure programs as needed at specific geographical locations;

(d) (i) funding as provided in the fiscal year 1995 bond authorization for the Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services is used to design and construct one facility and design the other;

(ii) the Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services shall:

(A) determine the location for the facility for which design and construction are fully

funded; and

(B) in conjunction with the Division of Facilities Construction and Management, determine the best methodology for design and construction of the fully funded facility;

(e) the Division of Facilities Construction and Management submit the prototype as soon as possible to the Infrastructure and General Government Appropriations Subcommittee and Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee for review;

(f) the Division of Facilities Construction and Management issue a Request for Proposal for one of the facilities, with that facility designed and constructed entirely by the winning firm;

(g) the other facility be designed and constructed under the existing Division of Facilities Construction and Management process;

(h) that both facilities follow the program needs and specifications as identified by Division of Facilities Construction and Management and the Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services in the prototype; and

(i) the fully funded facility should be ready for occupancy by September 1, 1995.

(11) It is the intent of the Legislature that the fiscal year 1995 funding for the State Fair Park Master Study be used by the Division of Facilities Construction and Management to develop a master plan for the State Fair Park that:

(a) identifies capital facilities needs, capital improvement needs, building configuration, and other long term needs and uses of the State Fair Park and its buildings; and

(b) establishes priorities for development, estimated costs, and projected timetables.

(12) It is the intent of the Legislature that:

(a) the Division of Facilities Construction and Management, in cooperation with the Division of State Parks [~~and Recreation~~], formerly known as the Division of Parks and Recreation, and surrounding counties, develop a master plan and general program for the phased development of Antelope Island;

(b) the master plan:

(i) establish priorities for development;

(ii) include estimated costs and projected time tables; and

(iii) include recommendations for funding methods and the allocation of

responsibilities between the parties; and

(c) the results of the effort be reported to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee and Infrastructure and General Government Appropriations Subcommittee.

(13) It is the intent of the Legislature to authorize the University of Utah to use:

(a) bond reserves to plan, design, and construct the Kingsbury Hall renovation under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

(b) donated and other nonappropriated funds to plan, design, and construct the Biology Research Building under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(14) It is the intent of the Legislature to authorize Utah State University to use:

(a) federal and other funds to plan, design, and construct the Bee Lab under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director;

(b) donated and other nonappropriated funds to plan, design, and construct an Athletic Facility addition and renovation under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director;

(c) donated and other nonappropriated funds to plan, design, and construct a renovation to the Nutrition and Food Science Building under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

(d) federal and private funds to plan, design, and construct the Millville Research Facility under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(15) It is the intent of the Legislature to authorize Salt Lake Community College to use:

(a) institutional funds to plan, design, and construct a remodel to the Auto Trades Office and Learning Center under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director;

(b) institutional funds to plan, design, and construct the relocation and expansion of a

temporary maintenance compound under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

(c) institutional funds to plan, design, and construct the Alder Amphitheater under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(16) It is the intent of the Legislature to authorize Southern Utah University to use:

(a) federal funds to plan, design, and construct a Community Services Building under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

(b) donated and other nonappropriated funds to plan, design, and construct a stadium expansion under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(17) It is the intent of the Legislature to authorize the Department of Corrections to use donated funds to plan, design, and construct a Prison Chapel at the Central Utah Correctional Facility in Gunnison under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(18) If the Utah National Guard does not relocate in the Signetics Building, it is the intent of the Legislature to authorize the Guard to use federal funds and funds from Provo City to plan and design an Armory in Provo, Utah, under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(19) It is the intent of the Legislature that the Utah Department of Transportation use $250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

(20) It is the intent of the Legislature that the Ogden-Weber Applied Technology Center use the money appropriated for fiscal year 1995 to design the Metal Trades Building and purchase equipment for use in that building that could be used in metal trades or other programs in other Applied Technology Centers.

(21) It is the intent of the Legislature that the Bridgerland Applied Technology Center and the Ogden-Weber Applied Technology Center projects as designed in fiscal year 1995 be

considered as the highest priority projects for construction funding in fiscal year 1996.

(22) It is the intent of the Legislature that:

(a) the Division of Facilities Construction and Management complete physical space utilization standards by June 30, 1995, for the use of technology education activities;

(b) these standards are to be developed with and approved by the State Board of Education, the Board of Regents, and the Utah State Building Board;

(c) these physical standards be used as the basis for:

(i) determining utilization of any technology space based on number of stations capable and occupied for any given hour of operation; and

(ii) requests for any new space or remodeling;

(d) the fiscal year 1995 projects at the Bridgerland Applied Technology Center and the Ogden-Weber Applied Technology Center are exempt from this process; and

(e) the design of the Davis Applied Technology Center take into account the utilization formulas established by the Division of Facilities Construction and Management.

(23) It is the intent of the Legislature that Utah Valley State College may use the money from the bond allocated to the remodel of the Signetics building to relocate its technical education programs at other designated sites or facilities under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(24) It is the intent of the Legislature that the money provided for the fiscal year 1995 project for the Bridgerland Applied Technology Center be used to design and construct the space associated with Utah State University and design the technology center portion of the project.

(25) It is the intent of the Legislature that the governor provide periodic reports on the expenditure of the funds provided for electronic technology, equipment, and hardware to the Infrastructure and General Government Appropriations Subcommittee, and the Legislative Management Committee.

Section 37. Section **63B-4-301** is amended to read:

63B-4-301. Bonds for golf course at Wasatch Mountain State Park.

(1) The State Building Ownership Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into

or arrange for a lease purchase agreement in which participation interests may be created, to provide up to $2,500,000 for a new nine-hole golf course at Wasatch Mountain State Park for the Division of State Parks [~~and Recreation~~], formerly known as the Division of Parks and Recreation, together with additional amounts necessary to:

(a) pay costs of issuance;

(b) pay capitalized interest; and

(c) fund any debt service reserve requirements.

(2) (a) The State Building Ownership Authority shall work cooperatively with the Division of State Parks [~~and Recreation~~], formerly known as the Division of Parks and Recreation, to seek out the most cost effective and prudent lease purchase plan available.

(b) The state treasurer, the director of the Division of Finance, and the executive director of the Governor's Office of Management and Budget shall provide technical assistance to accomplish the purpose specified in Subsection (2)(a).

Section 38. Section **63B-5-201** is amended to read:

63B-5-201. Legislative intent statements.

(1) If the United States Department of Defense has not provided matching funds to construct the National Guard Armory in Orem by December 31, 1997, the Division of Facilities Construction and Management shall transfer any funds received from issuance of a General Obligation Bond for benefit of the Orem Armory to the Provo Armory for capital improvements.

(2) It is the intent of the Legislature that the University of Utah use institutional funds to plan, design, and construct:

(a) the Health Science East parking structure under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director;

(b) the Health Science Office Building under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

(c) the new Student Housing/Olympic Athletes Village under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(3) It is the intent of the Legislature that Utah State University use institutional funds to plan, design, and construct a multipurpose facility under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(4) It is the intent of the Legislature that the Utah Geologic Survey use agency internal funding to plan, design, and construct a sample library facility under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(5) (a) If legislation introduced in the 1996 General Session to fund the Wasatch State Park Club House does not pass, the State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to $1,500,000 for the remodel and expansion of the clubhouse at Wasatch Mountain State Park for the Division of State Parks [~~and Recreation~~], formerly known as the Division of Parks and Recreation, together with additional amounts necessary to:

(i) pay costs of issuance;

(ii) pay capitalized interest; and

(iii) fund any debt service reserve requirements.

(b) The State Building Ownership Authority shall work cooperatively with the Division of State Parks [~~and Recreation~~], formerly known as the Division of Parks and Recreation, to seek out the most cost effective and prudent lease purchase plan available.

(6) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to $835,300 for the construction of a liquor store in the Snyderville area, together with additional amounts necessary to:

(i) pay costs of issuance;

(ii) pay capitalized interest; and

(iii) fund any debt service reserve requirements.

(b) The State Building Ownership Authority shall work cooperatively with the

Department of Alcoholic Beverage Control to seek out the most cost effective and prudent lease purchase plan available.

(7) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to $15,000,000 for the construction of the Huntsman Cancer Institute, together with additional amounts necessary to:

(i) pay costs of issuance;

(ii) pay capitalized interest; and

(iii) fund any debt service reserve requirements.

(b) The State Building Ownership Authority shall work cooperatively with the University of Utah to seek out the most cost effective and prudent lease purchase plan available.

(c) It is the intent of the Legislature that the University of Utah lease land to the State Building Ownership Authority for the construction of the Huntsman Cancer Institute facility.

(8) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to $857,600 for the construction of an addition to the Human Services facility in Vernal, Utah together with additional amounts necessary to:

(i) pay costs of issuance;

(ii) pay capitalized interest; and

(iii) fund any debt service reserve requirements.

(b) The State Building Ownership Authority shall work cooperatively with the Department of Human Services to seek out the most cost effective and prudent lease purchase plan available.

(9) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to $3,470,200 for the construction of the Student Services Center, at Utah State University Eastern, together with additional amounts necessary to:

(i) pay costs of issuance;

(ii) pay capitalized interest; and

(iii) fund any debt service reserve requirements.

(b) The State Building Ownership Authority shall work cooperatively with Utah State University Eastern to seek out the most cost effective and prudent lease purchase plan available.

(10) (a) Notwithstanding anything to the contrary in Title 53B, Chapter 21, Revenue Bonds, which prohibits the issuance of revenue bonds payable from legislative appropriations, the State Board of Regents, on behalf of Dixie College, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Dixie College to borrow money on the credit of the income and revenues, including legislative appropriations, of Dixie College, to finance the acquisition of the Dixie Center.

(b) (i) The bonds or other evidences of indebtedness authorized by this section shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions and in amounts that the board, by resolution, determines are reasonable and necessary and may not exceed $6,000,000 together with additional amounts necessary to:

(A) pay cost of issuance;

(B) pay capitalized interest; and

(C) fund any debt service reserve requirements.

(ii) To the extent that future legislative appropriations will be required to provide for payment of debt service in full, the board shall ensure that the revenue bonds are issued containing a clause that provides for payment from future legislative appropriations that are legally available for that purpose.

(11) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to $10,479,000 for the construction of a facility for the Courts - Davis County Regional Expansion, together with additional amounts necessary to:

(i) pay costs of issuance;

(ii) pay capitalized interest; and

(iii) fund any debt service reserve requirements.

(b) The State Building Ownership Authority shall work cooperatively with the Administrative Office of the Courts to seek out the most cost effective and prudent lease purchase plan available.

(12) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to $4,200,000 for the purchase and remodel of the Washington County Courthouse, together with additional amounts necessary to:

(i) pay costs of issuance;

(ii) pay capitalized interest; and

(iii) fund any debt service reserve requirements.

(b) The State Building Ownership Authority shall work cooperatively with the Administrative Office of the Courts to seek out the most cost effective and prudent lease purchase plan available.

(13) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to $14,299,700 for the construction of a facility for the State Library and the Division of Services for the Blind and Visually Impaired, together with additional amounts necessary to:

(i) pay costs of issuance;

(ii) pay capitalized interest; and

(iii) fund any debt service reserve requirements.

(b) The State Building Ownership Authority shall work cooperatively with the State Board of Education and the Governor's Office of Economic Development to seek out the most cost effective and prudent lease purchase plan available.

Section 39. Section **63B-6-501** is amended to read:

63B-6-501. Revenue bond authorizations.

(1) (a) It is the intent of the Legislature that:

(i) the State Board of Regents, on behalf of the University of Utah, issue, sell, and deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow

money on the credit and income and revenues of the University of Utah, other than appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping a renovation and expansion of the Robert L. Rice Stadium; and

(ii) Olympic funds, University funds, and activity revenues be used as the primary revenue sources for repayment of any obligation created under the authority of this Subsection (1).

(b) The bonds or other evidences of indebtedness authorized may provide up to $50,000,000 together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.

(2) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations or enter into or arrange for a lease purchase agreement in which participation interests may be created to provide up to $350,000 for the remodeling and completion of the Wasatch Mountain State Park Clubhouse for the Division of State Parks [~~and Recreation~~], formerly known as the Division of Parks and Recreation, together with additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.

(b) The State Building Ownership Authority shall work cooperatively with the Division of State Parks [~~and Recreation~~], formerly known as the division of Parks and Recreation, to seek out the most cost effective and prudent lease purchase plan available.

(c) It is the intent of the Legislature that park revenues be used as the primary revenue sources for repayment of any obligation created under authority of this Subsection (2).

(3) It is the intent of the Legislature that:

(a) the State Building Ownership Authority, under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to $6,000,000 for the construction, or acquisition, or both, of liquor stores, together with additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service requirements; and

(b) liquor control funds be used as the primary revenue source for the repayment of any obligation created under authority of this Subsection (3).

Section 40. Section **63B-6-502** is amended to read:

63B-6-502. Other capital facility authorizations and intent language.

(1) It is the intent of the Legislature that the University of Utah use institutional funds to plan, design, and construct:

(a) the Health Science Lab Building under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

(b) the gymnastics facility under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(2) It is the intent of the Legislature that Southern Utah University use institutional funds to plan, design, and construct a science center addition under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(3) It is the intent of the Legislature that Utah Valley State College use institutional funds to plan, design, and construct a student center addition under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(4) (a) It is the intent of the Legislature that the Division of Facilities Construction and Management lease property at the Draper Prison to an entity for the purpose of constructing recycling and transfer facilities to employ inmates if the following conditions are satisfactorily met:

(i) the entity assures continuous employment of state inmates;

(ii) the lease with the entity provides an appropriate return to the state;

(iii) the lease has an initial term of not to exceed 20 years;

(iv) the lease protects the state from all liability;

(v) the entity guarantees that no adverse environmental impact will occur;

(vi) the state retains the right to:

(A) monitor the types of wastes that are processed; and

(B) prohibit the processing of types of wastes that are considered to be a risk to the state or surrounding property uses;

(vii) the lease provides for adequate security arrangements;

(viii) the entity assumes responsibility for any taxes or fees associated with the facility; and

(ix) the entity assumes responsibility for bringing utilities to the site and any state expenditures for roads, etc. are considered in establishing the return to the state.

(b) Except as provided in Subsections (4)(c) and (d), the facility may be constructed without direct supervision by the Division of Facilities Construction and Management.

(c) Notwithstanding Subsection (4)(b), the Division of Facilities Construction and Management shall:

(i) review the design, plans, and specifications of the project; and

(ii) approve them if they are appropriate.

(d) Notwithstanding Subsection (4)(b), the Division of Facilities Construction and Management may:

(i) require that the project be submitted to the local building official for plan review and inspection; and

(ii) inspect the project.

(5) It is the intent of the Legislature that:

(a) the $221,497.86 authorized for the Capitol Hill Day Care Center in Subsection (4) of Laws of Utah 1992, Chapter 304, Section 56, be used for general capital improvements; and

(b) the Building Board should, in allocating the $221,497.86, if appropriate under the Board's normal allocation and prioritization process, give preference to projects for the Division of State Parks [~~and Recreation~~], formerly known as the Division of Parks and Recreation.

Section 41. Section **63B-7-102** is amended to read:

63B-7-102. Maximum amount -- Projects authorized.

(1) The total amount of bonds issued under this part may not exceed $33,600,000.

(2) (a) Proceeds from the issuance of bonds shall be provided to the division to provide funds to pay all or part of the cost of acquiring and constructing the projects listed in this Subsection (2).

(b) These costs may include the cost of acquiring land, interests in land, easements and rights-of-way, improving sites, and acquiring, constructing, equipping, and furnishing facilities and all structures, roads, parking facilities, utilities, and improvements necessary, incidental, or

convenient to the facilities, interest estimated to accrue on these bonds during the period to be covered by construction of the projects plus a period of six months after the end of the construction period, and all related engineering, architectural, and legal fees.

(c) For the division, proceeds shall be provided for the following:

PROJECT DESCRIPTION	AMOUNT FUNDED	ESTIMATED OPERATIONS AND MAINTENANCE
Southern Utah University Land Purchase	$4,600,000	$0
Salt Lake Community College High Tech Center - Jordan Campus	$3,980,700	$507,900
Children's Special Health Care Needs Clinic	$755,400	$247,600
Youth Corrections - 2 @ 32 beds (Vernal / Logan)	$419,500	$276,000
Corrections - Gunnison 288 bed and Lagoon Expansion	$8,425,600	$0
University of Utah - Cowles Building	$445,500	$101,700
Utah Valley State College - Technical Building	$1,166,300	$391,000
Sevier Valley Applied Technology Center - Shop Expansion	$3,014,300	$443,300
Division of State Parks [~~and Recreation~~], formerly known as the Division of Parks and Recreation, Statewide Restrooms	$1,000,000	$22,700
Murray Highway Patrol Office	$2,300,000	$81,000
Department of Workforce Services - Davis County Employment Center	$2,780,000	$128,100
State Hospital - Rampton II	$1,600,000	$462,000
Courts - 4th District Land - Provo	$1,368,000	$0
Dixie College - Land	$1,000,000	$0

TOTAL CAPITAL AND ECONOMIC DEVELOPMENT	$32,855,300

(d) For purposes of this section, operations and maintenance costs:

(i) are estimates only;

(ii) may include any operations and maintenance costs already funded in existing agency budgets; and

(iii) are not commitments by this Legislature or future Legislatures to fund those operations and maintenance costs.

(3) (a) The amounts funded as listed in Subsection (2) are estimates only and do not constitute a limitation on the amount that may be expended for any project.

(b) The board may revise these estimates and redistribute the amount estimated for a project among the projects authorized.

(c) The commission, by resolution and in consultation with the board, may delete one or more projects from this list if the inclusion of that project or those projects in the list could be construed to violate state law or federal law or regulation.

(4) (a) The division may enter into agreements related to these projects before the receipt of proceeds of bonds issued under this chapter.

(b) The division shall make those expenditures from unexpended and unencumbered building funds already appropriated to the Capital Projects Fund.

(c) The division shall reimburse the Capital Projects Fund upon receipt of the proceeds of bonds issued under this chapter.

(d) The commission may, by resolution, make any statement of intent relating to that reimbursement that is necessary or desirable to comply with federal tax law.

(5) (a) For those projects for which only partial funding is provided in Subsection (2), it is the intent of the Legislature that the balance necessary to complete the projects be addressed by future Legislatures, either through appropriations or through the issuance or sale of bonds.

(b) For those phased projects, the division may enter into contracts for amounts not to exceed the anticipated full project funding but may not allow work to be performed on those contracts in excess of the funding already authorized by the Legislature.

(c) Those contracts shall contain a provision for termination of the contract for the

convenience of the state.

(d) It is also the intent of the Legislature that this authorization to the division does not bind future Legislatures to fund projects initiated from this authorization.

Section 42. Section **63B-10-302** is amended to read:

63B-10-302. Other revenue bond authorizations.

(1) It is the intent of the Legislature that the State Building Ownership Authority, under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations to provide up to $12,000,000 for the construction of a 36-hole golf course at Soldier Hollow in the Wasatch Mountain State Park, including necessary facilities such as a clubhouse, restroom facilities, and maintenance facilities, together with additional amounts necessary to:

(a) pay costs of issuance;

(b) pay capitalized interest; and

(c) fund any debt service reserve requirements.

(2) The State Building Ownership Authority shall work cooperatively with the Division of State Parks [~~and Recreation~~], formerly known as the Division of Parks and Recreation, in the design and construction of the golf course at Soldier Hollow.

Section 43. Section **63C-21-201** is amended to read:

63C-21-201. Outdoor Adventure Commission created.

(1) There is created the Outdoor Adventure Commission consisting of the following [~~14~~] 15 members:

(a) one member of the Senate, appointed by the president of the Senate;

(b) one member of the House of Representatives, appointed by the speaker of the House of Representatives;

(c) the director of the Utah Office of Outdoor Recreation, or the director's designee;

(d) the managing director of the Utah Office of Tourism, or the managing director's designee;

(e) the director of the Division of [~~Parks and~~] Recreation, or the director's designee;

(f) the director of the School and Institutional Trust Lands Administration, or the director's designee;

(g) the coordinator of the Off-Highway Vehicle and Recreational Trails Program

within the Division of [~~Parks and~~] Recreation;

(h) a representative of the agriculture industry appointed jointly by the president of the Senate and the speaker of the House of Representatives;

(i) a representative of the natural resources development industry appointed jointly by the president of the Senate and the speaker of the House of Representatives;

(j) one representative of the Utah League of Cities and Towns appointed by the Utah League of Cities and Towns;

(k) one representative of the Utah Association of Counties appointed by the Utah Association of Counties;

(l) one individual appointed jointly by the Utah League of Cities and Towns and the Utah Association of Counties;

(m) a representative of conservation interests appointed jointly by the president of the Senate and the speaker of the House of Representatives; [~~and~~]

(n) a representative of the outdoor recreation industry appointed jointly by the president of the Senate and the speaker of the House of Representatives[~~.~~]; and

[~~(2) (a) The senator appointed under Subsection (1)(a) is a cochair of the commission.~~]

[~~(b) The representative appointed under Subsection (1)(b) is a cochair of the commission.~~]

(o) the coordinator of the boating program within the Division of Recreation.

(2) The commission shall annually select one of its members to be the chair of the commission.

(3) (a) If a vacancy occurs in the membership of the commission appointed under Subsection (1)(a) or (b), or Subsections (1)(h) through (n), the member shall be replaced in the same manner in which the original appointment was made.

(b) A member appointed under Subsections (1)(h) through (n) [~~serves~~] shall serve a term of four years and until the member's successor is appointed and qualified.

(c) Notwithstanding the requirements of Subsection (3)(b), for members appointed under Subsections (1)(h) through (n), the division shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission members appointed under Subsections (1)(h) through (n) are appointed every two years.

(d) An individual may be appointed to more than one term.

(4) (a) Eight commission members constitutes a quorum.

(b) The action of a majority of a quorum constitutes an action of the commission.

(5) (a) The salary and expenses of a commission member who is a legislator shall be paid in accordance with Section 36-2-2, Legislative Joint Rules, Title 5, Chapter 2, Lodging, Meal, and Transportation Expenses, and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

(b) A commission member who is not a legislator may not receive compensation or benefits for the member's service on the commission, but may receive per diem and reimbursement for travel expenses incurred as a commission member at the rates established by the Division of Finance under:

(i) Sections 63A-3-106 and 63A-3-107; and

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

(6) The Department of Transportation shall serve as a technical advisor to the commission.

(7) The [~~Office of Legislative Research and General Counsel and the Office of the Legislative Fiscal Analyst~~] Division of Recreation, created in Section 79-7-201, shall provide staff support to the commission.

Section 44. Section **63C-21-202** is amended to read:

63C-21-202. Strategic plan -- Commission powers and duties -- Consultant -- Reports.

(1) (a) The commission shall gather information on recreation assets from state and local agencies and other sources and develop a strategic plan aimed at meeting the future needs of outdoor recreation within the state [~~in order~~] to enhance the quality of life of Utah residents. Asset lists received from state and local agencies shall include:

(i) common data points, to be established by the Office of Outdoor Recreation that can be uniformly compared with other recreation assets within the state, such as asset type, size, unique characteristics, vegetation, land ownership, and similar items;

(ii) any specific needs, challenges, or limitations on recreation use of the assets; and

(iii) a ranking of potential enhancements to the assets related to recreation use.

(b) The strategic plan shall address:

(i) outdoor recreation as a major contributor to residents' quality of life;

(ii) the needs and impacts of residents who engage in outdoor recreation;

(iii) the impact on local communities related to outdoor recreation, including the costs associated with emergency services and infrastructure;

(iv) outdoor recreation as a means to retain and attract an exceptional workforce to provide for a sustainable economy;

(v) impacts to the environment, wildlife, and natural resources and measures to preserve the natural beauty of the state as more people engage in outdoor recreation;

(vi) identify opportunities for sustainable revenue sources to provide for maintenance and future needs;

(vii) the interface with public lands that are federally managed and private lands; and

(viii) other items determined by the commission.

(2) The commission shall:

(a) engage one or more consultants to:

(i) manage the strategic planning process in accordance with Subsection (3); and

(ii) conduct analytical work in accordance with Subsection (3);

(b) guide the analytical work of a consultant described in Subsection (2)(a) and review the results of the work;

(c) coordinate with a consultant described in Subsection (2)(a) to engage in a process and create a strategic plan;

(d) conduct regional meetings to gather stakeholder input during the strategic planning process;

(e) seek input from federal entities including the United States Department of the Interior, the United States Department of Agriculture, and Utah's congressional delegation; and

(f) produce a final report including a strategic plan and any recommendations.

(3) The commission, by contract with a consultant engaged under Subsection (2)(a), shall direct the consultant to:

(a) conduct an inventory of existing outdoor recreation resources, programs, and information;

(b) conduct an analysis of what is needed to develop and implement an effective

outdoor recreation strategy aimed at enhancing the quality of life of Utah residents;

(c) collect and analyze data related to the future projected conditions of the outdoor recreation resources, programs, and information, including the affordability and financing of outdoor recreation;

(d) develop alternatives to the projection described in Subsection (3)(c) by modeling potential changes to the outdoor recreation industry and economic growth;

(e) in coordination with the commission, engage in extensive local stakeholder involvement to better understand the needs of, concerns of, and opportunities for different communities and outdoor recreation user types;

(f) recommend accountability or performance measures to assess the effectiveness of the outdoor recreation system;

(g) based on the data described in this Subsection (3), make comparisons between outdoor recreation in Utah and outdoor recreation in other states or countries;

(h) in coordination with the commission, conduct the regional meetings described in Subsection (2)(d) to share information and seek input from a range of stakeholders;

(i) recommend changes to the governance system for outdoor recreation that would facilitate implementation of the strategic plan;

(j) engage in any other data collection or analysis requested by the commission; and

(k) produce for the commission:

(i) a draft report of findings, observations, and strategic priorities, including:

(A) a statewide vision and strategy for outdoor recreation;

(B) a strategy for how to meaningfully engage stakeholders throughout the state;

(C) funding needs related to outdoor recreation; and

(D) recommendations for the steps the state should take to implement a statewide vision and strategy for outdoor recreation; and

(ii) a final report, incorporating feedback from the commission on the draft report described in Subsection (3)(k)(i), regarding the future of the outdoor recreation in the state.

(4) The commission shall consult with the Division of Recreation as provided by statute.

Section 45. Section **63H-2-102** is amended to read:

63H-2-102. Definitions.

As used in this chapter:

(1) "Agency" is as defined in Section 17C-1-102.

(2) "Assessment area" is as defined in Section 11-42-102.

(3) "Assessment bonds" is as defined in Section 11-42-102.

(4) "Authority" means the Utah Energy Infrastructure Authority created in Section 63H-2-201.

(5) "Authority bond" means a bond issued by the authority in accordance with Part 4, Bonding.

(6) "Board" means the board created under Section 63H-2-202.

(7) "Community" means the county, city, or town in which is located a qualifying energy delivery project financed by an authority bond.

(8) "Electric interlocal entity" has the same meaning as defined in Section 11-13-103.

(9) "Energy advisor" means the [~~governor's~~] energy advisor appointed under Section [~~63M-4-201~~] 79-6-201.

(10) "Energy delivery project" means a project that is designed to:

(a) increase the capacity for the delivery of energy to a user of energy inside or outside the state; or

(b) increase the capability of an existing energy delivery system or related facility to deliver energy to a user of energy inside or outside the state.

(11) "Independent state agency" is as defined in Section 63E-1-102.

(12) "Project area" is as defined in Section 17C-1-102.

(13) "Public entity" means:

(a) the United States or an agency of the United States;

(b) the state or an agency of the state;

(c) a political subdivision of the state or an agency of a political subdivision of the state;

(d) another state or an agency of that state; or

(e) a political subdivision of another state or an agency of that political subdivision.

(14) "Qualifying energy delivery project" means a project approved by the board in accordance with Part 3, Qualifying Energy Delivery Projects.

(15) "Record" means information that is:

(a) inscribed on a tangible medium; or

(b) (i) stored in an electronic or other medium; and

(ii) retrievable in perceivable form.

(16) "Tax increment bond" is as defined in Section 11-27-2.

Section 46. Section **63H-2-202** is amended to read:

63H-2-202. Authority board.

(1) There is created the Utah Energy Infrastructure Authority Board that consists of nine members[~~, appointed by the governor~~] as follows:

(a) members appointed by the governor:

(i) the energy advisor or the [~~executive~~] director of the Office of Energy Development, who shall serve as chair of the board;

[~~(b)~~] (ii) one member from the Governor's Office of Economic Development;

[~~(c)~~] (iii) one member from a public utility or electric interlocal entity that operates electric transmission facilities within the state;

[~~(d)~~] (iv) two members representing the economic development interests of rural communities as follows:

[~~(i)~~] (A) one member currently serving as county commissioner of a county of the third, fourth, fifth, or sixth class, as described in Section 17-50-501; and

[~~(ii)~~] (B) one member of a rural community with work experience in the energy industry;

[~~(e)~~] (v) two members of the general public with relevant industry or community experience; and

[~~(f) the director of the School and Institutional Trust Lands Administration created in Section 53C-1-201; and~~]

[~~(g)~~] (vi) one member of the general public who has experience with public finance and bonding[~~.~~]; and

(b) the director of the School and Institutional Trust Lands Administration created in Section 53C-1-201.

(2) (a) The term of [~~a~~] an appointed board member is four years.

(b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are

staggered so that approximately half of the board is appointed every two years.

(c) The governor may remove a member of the board for cause.

(d) The governor shall fill a vacancy in the board in the same manner under this section as the appointment of the member whose vacancy is being filled.

(e) An individual appointed to fill a vacancy shall serve the remaining unexpired term of the member whose vacancy the individual is filling.

(f) A board member shall serve until a successor is appointed and qualified.

(3) (a) Five members of the board constitute a quorum for conducting board business.

(b) A majority vote of the quorum present is required for an action to be taken by the board.

(4) (a) Except as provided in Subsections (4)(b) and (4)(c), the board shall meet once each month, on a day determined by the board, to review an application referred to the board by the Office of Energy Development under [~~Title 63M, Chapter 4~~] Title 79, Chapter 6, Part 6, High Cost Infrastructure Development Tax Credit Act.

(b) Subject to Subsection (4)(c), the board may cancel the board's meeting for a given month if there are no applications described in Subsection (4)(a) pending board approval.

(c) The board shall meet no less frequently than once each quarter, on a day determined by the board.

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

(a) Section 63A-3-106;

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

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

Section 47. Section **63H-4-102** is amended to read:

63H-4-102. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and expenses.

(1) There is created an independent state agency and a body politic and corporate known as the "Heber Valley Historic Railroad Authority."

(2) The authority is composed of eight members as follows:

(a) one member of the county legislative body of Wasatch County;

(b) the mayor of Heber City;

(c) the mayor of Midway;

(d) the executive director of the Department of Transportation or the executive director's designee;

(e) the [~~executive~~] director of the Division of State Parks [~~and Recreation~~], or the [~~executive~~] director's designee; and

(f) three public members appointed by the governor with the advice and consent of the Senate, being private citizens of the state, as follows:

(i) two people representing the tourism industry, one each from Wasatch and Utah counties; and

(ii) one person representing the public at large.

(3) All members shall be residents of the state.

(4) (a) Except as required by Subsection (4)(b), the three public members are appointed for four-year terms beginning July 1, 2010.

(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of authority members are staggered so that approximately half of the authority is appointed every two years.

(5) Any of the three public members may be removed from office by the governor or for cause by an affirmative vote of any four members of the authority.

(6) When a vacancy occurs in the membership for any reason, the replacement is appointed for the unexpired term by the governor with advice and consent of the Senate for the unexpired term.

(7) Each public member shall hold office for the term of appointment and until a successor has been appointed and qualified.

(8) A public member is eligible for reappointment, but may not serve more than two full consecutive terms.

(9) The governor shall appoint the chair of the authority from among its members.

(10) The members shall elect from among their number a vice chair and other officers they may determine.

(11) The powers of the authority are vested in its members.

(12) (a) Four members constitute a quorum for transaction of authority business.

(b) An affirmative vote of at least four members is necessary for any action taken by the authority.

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

(a) Section 63A-3-106;

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

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

Section 48. Section **63H-4-110** is amended to read:

63H-4-110. Lease of rails from Department of Transportation and Division of State Parks.

The Department of Transportation and the Division of State Parks [~~and Recreation~~] shall jointly lease the rails, bed, right-of-way, and related property for not more than $1 per year to the authority.

Section 49. Section **63H-5-110** is amended to read:

63H-5-110. Lease of rails or equipment from Department of Transportation and Division of State Parks.

The Department of Transportation and the Division of State Parks [~~and Recreation~~] may jointly lease the rails, bed, right-of-way, and related property for the operation of a scenic and historic railroad in and around Weber and Box Elder Counties, for not more than $1 per year to the authority.

Section 50. Section **63I-1-263** is amended to read:

63I-1-263. Repeal dates, Titles 63A to 63N.

(1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

(a) Subsection 63A-1-201(1) is repealed;

(b) Subsection 63A-1-202(2)(c), the language "using criteria established by the board" is repealed;

(c) Section 63A-1-203 is repealed;

(d) Subsections 63A-1-204(1) and (2), the language "After consultation with the board, and" is repealed; and

(e) Subsection 63A-1-204(1)(b), the language "using the standards provided in Subsection 63A-1-203(3)(c)" is repealed.

(2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital improvement funding, is repealed July 1, 2024.

(3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

(4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review Committee, are repealed July 1, 2023.

(5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.

(6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.

(7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1, 2024.

(8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is repealed July 1, 2021.

(9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed July 1, 2023.

[~~(10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1, 2025.~~]

[~~(11)~~] (10) Title 63F, Chapter 2, Data Security Management Council, is repealed July 1, 2025.

[~~(12)~~] (11) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities Advisory Board, is repealed July 1, 2026.

[~~(13)~~] (12) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2025.

[~~(14)~~] (13) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2024.

[~~(15)~~] (14) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

[~~(16)~~] (15) Subsection 63J-1-602.1[~~(14)~~](15), Nurse Home Visiting Restricted Account

is repealed July 1, 2026.

[~~(17)~~] (16) (a) Subsection 63J-1-602.1(58), relating to the Utah Statewide Radio System Restricted Account, is repealed July 1, 2022.

(b) When repealing Subsection 63J-1-602.1(58), the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

[~~(18)~~] (17) Subsection 63J-1-602.2[~~(4)~~](5), referring to dedicated credits to the Utah Marriage Commission, is repealed July 1, 2023.

[~~(19)~~] (18) Subsection 63J-1-602.2[~~(5)~~](6), referring to the Trip Reduction Program, is repealed July 1, 2022.

[~~(20)~~] (19) Subsection 63J-1-602.2(25), related to the Utah Seismic Safety Commission, is repealed January 1, 2025.

[~~(21)~~] (20) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is repealed July 1, 2027.

[~~(22)~~] (21) Subsection 63J-4-608(3), which creates the Federal Land Application Advisory Committee, is repealed on July 1, 2021.

[~~(23)~~] (22) In relation to the Utah Substance Use and Mental Health Advisory Council, on January 1, 2023:

(a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are repealed;

(b) Section 63M-7-305, the language that states "council" is replaced with "commission";

(c) Subsection 63M-7-305(1) is repealed and replaced with:

"(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

(d) Subsection 63M-7-305(2) is repealed and replaced with:

"(2) The commission shall:

(a) provide ongoing oversight of the implementation, functions, and evaluation of the Drug-Related Offenses Reform Act; and

(b) coordinate the implementation of Section 77-18-1.1 and related provisions in Subsections 77-18-1(5)(b)(iii) and (iv).".

[~~(24)~~] (23) The Crime Victim Reparations and Assistance Board, created in Section

63M-7-504, is repealed July 1, 2027.

[~~(25)~~] (24) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July 1, 2022.

[~~(26)~~] (25) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.

[~~(27)~~] (26) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is repealed January 1, 2023.

[~~(28)~~] (27) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating Council, is repealed July 1, 2024.

[~~(29)~~] (28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

[~~(30)~~] (29) Section 63N-2-512 is repealed July 1, 2021.

[~~(31)~~] (30) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed January 1, 2021.

(b) Section 59-9-107 regarding tax credits against premium taxes is repealed for calendar years beginning on or after January 1, 2021.

(c) Notwithstanding Subsection [~~(31)~~] (30)(b), an entity may carry forward a tax credit in accordance with Section 59-9-107 if:

(i) the person is entitled to a tax credit under Section 59-9-107 on or before December 31, 2020; and

(ii) the qualified equity investment that is the basis of the tax credit is certified under Section 63N-2-603 on or before December 31, 2023.

[~~(32)~~] (31) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1, 2023.

[~~(33)~~] (32) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed July 1, 2023.

[~~(34)~~] (33) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1, 2025.

[~~(35)~~] (34) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program, is repealed January 1, 2023.~~{.}~~

[~~(36)~~] (~~{34,}~~35) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1, 2023.

Section 51. Section **63I-1-279** is amended to read:

63I-1-279. Repeal dates, Title 79.

(1) Subsection 79-2-201(2)[~~(m)~~](r), related to the Heritage Trees Advisory Committee, is repealed July 1, 2026.

(2) Subsection 79-2-201(2)[~~(o)~~](s), related to the Recreational Trails Advisory Council, is repealed July 1, 2027.

(3) Subsection 79-2-201(2)[~~(p)~~](t), related to the Boating Advisory Council, is repealed July 1, 2024.

(4) Subsection 79-2-201(2)[~~(q)~~](u), related to the Wildlife Board Nominating Committee, is repealed July 1, 2023.

(5) Subsection 79-2-201(2)[~~(r)~~](v), related to regional advisory councils for the Wildlife Board, is repealed July 1, 2023.

(6) Title 79, Chapter 5, Part 2, Advisory Council, which creates the Recreational Trails Advisory Council, is repealed July 1, 2027.

~~{ (7) Title 79, Chapter 8, Part 2, Outdoor Recreational Infrastructure Grant Program, is repealed January 1, 2023.~~

~~}~~ Section 52. Section **63I-2-263** is amended to read:

63I-2-263. Repeal dates, Title 63A to Title 63N.

(1) On July 1, 2020:

(a) Subsection 63A-1-203(5)(a)(i) is repealed; and

(b) in Subsection 63A-1-203(5)(a)(ii), the language that states "appointed on or after May 8, 2018," is repealed.

(2) Section 63A-3-111 is repealed June 30, 2021.

(3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is repealed July 1, 2021.

(4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology Commission is repealed July 1, 2023.

(5) The following sections regarding the World War II Memorial Commission are repealed on July 1, 2022:

(a) Section 63G-1-801;

(b) Section 63G-1-802;

(c) Section 63G-1-803; and

(d) Section 63G-1-804.

(6) Subsections 63G-6a-802(1)(d) and 63G-6a-802(3)(b)(iii), regarding a procurement relating to a vice presidential debate, are repealed January 1, 2021.

(7) In relation to the State Fair Park Committee, on January 1, 2021:

(a) Section 63H-6-104.5 is repealed; and

(b) Subsections 63H-6-104(8) and (9) are repealed.

(8) Section 63H-7a-303 is repealed July 1, 2024.

(9) Subsection 63J-1-206(3)(c), relating to coronavirus, is repealed July 1, 2021.

(10) In relation to the Employability to Careers Program Board, on July 1, 2022:

(a) Subsection 63J-1-602.1[~~(57)~~](59) is repealed;

(b) Subsection 63J-4-301(1)(h), related to the review of data and metrics, is repealed; and

(c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.

[~~(11) Title 63M, Chapter 4, Part 8, Voluntary Home Energy Information Pilot Program Act, is repealed January 1, 2022.~~]

[~~(12)~~] (11) Sections 63M-7-213 and 63M-7-213.5 are repealed on January 1, 2023.

[~~(13)~~] (12) Subsection 63N-12-508(3) is repealed December 31, 2021.

[~~(14)~~] (13) Title 63N, Chapter 13, Part 3, Facilitating Public-Private Partnerships Act, is repealed January 1, 2024.

[~~(15)~~] (14) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is repealed December 31, 2021.

Section 53. Section **63I-2-279** is enacted to read:

63I-2-279. Repeal dates, Title 79.

(1) Section 79-2-206 is repealed July 1, 2022.

(2) Title 79, Chapter 6, Part 8, Voluntary Home Energy Information Pilot Program Act, is repealed January 1, 2022.

Section 54. Section **63J-1-601** is amended to read:

63J-1-601. End of fiscal year -- Unexpended balances -- Funds not to be closed out -- Pending claims -- Transfer of amounts from item of appropriation -- Nonlapsing accounts and funds -- Institutions of higher education to report unexpended balances.

(1) As used in this section:

(a) "Education grant subrecipient" means a nonfederal entity that:

(i) receives a subaward from the State Board of Education to carry out at least part of a federal or state grant program; and

(ii) does not include an individual who is a beneficiary of the federal or state grant program.

(b) "Transaction control number" means the unique numerical identifier established by the Department of Health to track each medical claim and indicates the date on which the claim is entered.

(2) On or before August 31 of each fiscal year, the director of the Division of Finance shall close out to the proper fund or account all remaining unexpended and unencumbered balances of appropriations made by the Legislature, except:

(a) those funds classified under Title 51, Chapter 5, Funds Consolidation Act, as:

(i) enterprise funds;

(ii) internal service funds;

(iii) trust and agency funds;

(iv) capital projects funds;

(v) discrete component unit funds;

(vi) debt service funds; and

(vii) permanent funds;

(b) those appropriations from a fund or account or appropriations to a program that are designated as nonlapsing under Section 63J-1-602.1 or 63J-1-602.2;

(c) expendable special revenue funds, unless specifically directed to close out the fund in the fund's enabling legislation;

(d) acquisition and development funds appropriated to the Division of State Parks [~~and Recreation~~] or the Division of Recreation;

(e) funds encumbered to pay purchase orders issued prior to May 1 for capital equipment if delivery is expected before June 30; and

(f) unexpended and unencumbered balances of appropriations that meet the requirements of Section 63J-1-603.

(3) (a) Liabilities and related expenses for goods and services received on or before

June 30 shall be recognized as expenses due and payable from appropriations made prior to June 30.

(b) The liability and related expense shall be recognized within time periods established by the Division of Finance but shall be recognized not later than August 31.

(c) Liabilities and expenses not so recognized may be paid from regular departmental appropriations for the subsequent fiscal year, if these claims do not exceed unexpended and unencumbered balances of appropriations for the years in which the obligation was incurred.

(d) No amounts may be transferred from an item of appropriation of any department, institution, or agency into the Capital Projects Fund or any other fund without the prior express approval of the Legislature.

(4) (a) For purposes of this chapter, a claim processed under the authority of Title 26, Chapter 18, Medical Assistance Act:

(i) is not a liability or an expense to the state for budgetary purposes, unless the Division of Health Care Financing receives the claim within the time periods established by the Division of Finance under Subsection (3)(b); and

(ii) is not subject to Subsection (3)(c).

(b) The transaction control number that the Division of Health Care Financing records on each claim invoice is the date of receipt.

(5) (a) For purposes of this chapter, a claim processed in accordance with Title 35A, Chapter 13, Utah State Office of Rehabilitation Act:

(i) is not a liability or an expense to the state for budgetary purposes, unless the Utah State Office of Rehabilitation receives the claim within the time periods established by the Division of Finance under Subsection (3)(b); and

(ii) is not subject to Subsection (3)(c).

(b) (i) The Utah State Office of Rehabilitation shall mark each claim invoice with the date on which the Utah State Office of Rehabilitation receives the claim invoice.

(ii) The date described in Subsection (5)(b)(i) is the date of receipt for purposes of this section.

(6) (a) For purposes of this chapter, a reimbursement request received from an education grant subrecipient:

(i) is not a liability or expense to the state for budgetary purposes, unless the State

Board of Education receives the claim within the time periods described in Subsection (3)(b); and

(ii) is not subject to Subsection (3)(c).

(b) The transaction control number that the State Board of Education records on a claim invoice is the date of receipt.

(7) Any balance from an appropriation to a state institution of higher education that remains unexpended at the end of the fiscal year shall be reported to the Division of Finance by the September 1 following the close of the fiscal year.

Section 55. Section **63J-1-602.1** is amended to read:

63J-1-602.1. List of nonlapsing appropriations from accounts and funds.

Appropriations made from the following accounts or funds are nonlapsing:

(1) The Utah Intracurricular Student Organization Support for Agricultural Education and Leadership Restricted Account created in Section 4-42-102.

(2) The Native American Repatriation Restricted Account created in Section 9-9-407.

(3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in Section 9-18-102.

(4) The National Professional Men's Soccer Team Support of Building Communities Restricted Account created in Section 9-19-102.

(5) Funds collected for directing and administering the C-PACE district created in Section 11-42a-106.

(6) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.

(7) The "Latino Community Support Restricted Account" created in Section 13-1-16.

(8) The Clean Air Support Restricted Account created in Section 19-1-109.

(9) The "Support for State-Owned Shooting Ranges Restricted Account" created in Section 23-14-13.5.

(10) Award money under the State Asset Forfeiture Grant Program, as provided under Section 24-4-117.

(11) Funds collected from the program fund for local health department expenses incurred in responding to a local health emergency under Section 26-1-38.

(12) The Children with Cancer Support Restricted Account created in Section

26-21a-304.

(13) State funds for matching federal funds in the Children's Health Insurance Program as provided in Section 26-40-108.

(14) The Children with Heart Disease Support Restricted Account created in Section 26-58-102.

(15) The Nurse Home Visiting Restricted Account created in Section 26-63-601.

(16) The Technology Development Restricted Account created in Section 31A-3-104.

(17) The Criminal Background Check Restricted Account created in Section 31A-3-105.

(18) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that section free revenue.

(19) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.

(20) The Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.

(21) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.

(22) The Underage Drinking Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.

(23) The School Readiness Restricted Account created in Section 35A-15-203.

(24) Money received by the Utah State Office of Rehabilitation for the sale of certain products or services, as provided in Section 35A-13-202.

(25) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.

(26) The Oil and Gas Conservation Account created in Section 40-6-14.5.

(27) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the Motor Vehicle Division.

(28) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110 to the State Tax Commission.

(29) The Utah Law Enforcement Memorial Support Restricted Account created in Section 53-1-120.

(30) The State Disaster Recovery Restricted Account to the Division of Emergency

Management, as provided in Section 53-2a-603.

(31) The Department of Public Safety Restricted Account to the Department of Public Safety, as provided in Section 53-3-106.

(32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.

(33) The DNA Specimen Restricted Account created in Section 53-10-407.

(34) The Canine Body Armor Restricted Account created in Section 53-16-201.

(35) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

(36) The Higher Education Capital Projects Fund created in Section 53B-22-202.

(37) A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

(38) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).

(39) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-3a-105.

(40) Certain fines collected by the Division of Occupational and Professional Licensing for violation of unlawful or unprofessional conduct that are used for education and enforcement purposes, as provided in Section 58-17b-505.

(41) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-22-104.

(42) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-55-106.

(43) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-56-3.5.

(44) Certain fines collected by the Division of Occupational and Professional Licensing for use in education and enforcement of the Security Personnel Licensing Act, as provided in Section 58-63-103.

(45) The Relative Value Study Restricted Account created in Section 59-9-105.

(46) The Cigarette Tax Restricted Account created in Section 59-14-204.

(47) Funds paid to the Division of Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.

(48) Funds paid to the Division of Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.

(49) Certain funds donated to the Department of Human Services, as provided in Section 62A-1-111.

(50) The National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account created in Section 62A-1-202.

(51) Certain funds donated to the Division of Child and Family Services, as provided in Section 62A-4a-110.

(52) The Choose Life Adoption Support Restricted Account created in Section 62A-4a-608.

(53) Funds collected by the Office of Administrative Rules for publishing, as provided in Section 63G-3-402.

(54) The Immigration Act Restricted Account created in Section 63G-12-103.

(55) Money received by the military installation development authority, as provided in Section 63H-1-504.

(56) The Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.

(57) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.

(58) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.

(59) The Employability to Careers Program Restricted Account created in Section 63J-4-703.

(60) The Motion Picture Incentive Account created in Section 63N-8-103.

(61) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as provided under Section 63N-10-301.

(62) Funds collected by the housing of state probationary inmates or state parole inmates, as provided in Subsection 64-13e-104(2).

(63) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and State Lands, as provided in Section 65A-8-103.

(64) The Transportation of Veterans to Memorials Support Restricted Account created

in Section 71-14-102.

(65) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.

(66) Certain funds received by the Office of the State Engineer for well drilling fines or bonds, as provided in Section 73-3-25.

(67) The Water Resources Conservation and Development Fund, as provided in Section 73-23-2.

(68) Funds donated or paid to a juvenile court by private sources, as provided in Subsection 78A-6-203(1)(c).

(69) Fees for certificate of admission created under Section 78A-9-102.

(70) Funds collected for adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

(71) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

(72) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park, [~~Jordan River State Park,~~] and Green River State Park, as provided under Section 79-4-403.

(73) Certain funds received by the Division of State Parks [~~and Recreation~~] from the sale or disposal of buffalo, as provided under Section 79-4-1001.

(74) The Drinking While Pregnant Prevention Media and Education Campaign Restricted Account created in Section 32B-2-308.

Section 56. Section **63J-4-502** is amended to read:

63J-4-502. Membership -- Terms -- Chair -- Expenses.

(1) The Resource Development Coordinating Committee shall consist of the following [~~24~~] 25 members:

(a) the state science advisor;

(b) a representative from the Department of Agriculture and Food appointed by the executive director;

(c) a representative from the Department of Heritage and Arts appointed by the executive director;

(d) a representative from the Department of Environmental Quality appointed by the

executive director;

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

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

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

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

(i) a representative from the Division of State History appointed by the director;

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

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

(l) a representative from the Division of Environmental Response and Remediation appointed by the director;

(m) a representative from the Division of Waste Management and Radiation Control appointed by the director;

(n) a representative from the Division of Water Quality appointed by the director;

(o) a representative from the Division of Oil, Gas, and Mining appointed by the director;

(p) a representative from the Division of State Parks [~~and Recreation~~] appointed by the director;

(q) a representative from the Division of Recreation appointed by the director;

[~~(q)~~] (r) a representative from the Division of Forestry, Fire, and State Lands appointed by the director;

[~~(r)~~] (s) a representative from the Utah Geological Survey appointed by the director;

[~~(s)~~] (t) a representative from the Division of Water Resources appointed by the director;

[~~(t)~~] (u) a representative from the Division of Water Rights appointed by the director;

[~~(u)~~] (v) a representative from the Division of Wildlife Resources appointed by the director;

[~~(v)~~] (w) a representative from the School and Institutional Trust Lands Administration

appointed by the director;

[~~(w)~~] (x) a representative from the Division of Facilities Construction and Management appointed by the director; and

[~~(x)~~] (y) a representative from the Division of Emergency Management appointed by the director.

(2) (a) As particular issues require, the committee may, by majority vote of the members present, and with the concurrence of the state planning coordinator, appoint additional temporary members to serve as ex officio voting members.

(b) Those ex officio members may discuss and vote on the issue or issues for which they were appointed.

(3) A chair shall be selected by a majority vote of committee members with the concurrence of the state planning coordinator.

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

(a) Section 63A-3-106;

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

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

Section 57. Section **63J-4-608** is amended to read:

63J-4-608. Facilitating the acquisition of federal land -- Advisory committee.

(1) As used in this section:

(a) "Advisory committee" means the committee established under Subsection (3).

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

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

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

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

(f) "Land application process" means all actions involved in the process of submitting

and obtaining a final decision on a land application.

(g) "Secretary" means the Secretary of the Interior of the United States.

(2) The coordinator and the office shall:

(a) develop expertise:

(i) in the land application process; and

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

(b) work to educate government entities concerning:

(i) the availability of federal land pursuant to the federal land disposal law; and

(ii) the land application process;

(c) advise and consult with a government entity that requests assistance from the coordinator or the office to formulate and submit a land application and to pursue a decision on the land application;

(d) advise and consult with a government entity that requests assistance from the coordinator or the office to identify and quantify the amount of any funds needed to provide the public use described in a land application;

(e) with the advice and recommendations of the advisory committee:

(i) adopt a list of factors to be considered in determining the degree to which a land application or potential land application is in the public interest; and

(ii) recommend a prioritization of all land applications or potential land applications in the state according to the extent to which the land applications are in the public interest, based on the factors adopted under Subsection [~~(2)(f)(i)~~] (2)(e)(i);

(f) prepare and submit a written report of land applications:

(i) to the Natural Resources, Agriculture, and Environment Interim Committee and the Federalism Commission;

(ii) (A) annually no later than August 31; and

(B) at other times, if and as requested by the committee or commission; and

(iii) (A) on the activities of the coordinator and the office under this section;

(B) on the land applications and potential land applications in the state; and

(C) on the decisions of the secretary on land applications submitted by government entities in the state and the quantity of land acquired under the land applications;

(g) present a summary of information contained in the report described in Subsection (3)(f):

(i) at a meeting of the Natural Resources, Agriculture, and Environment Interim Committee and at a meeting of the Federalism Commission;

(ii) annually no later than August 31; and

(iii) at other times, if and as requested by the committee or commission; and

(h) report to the Executive Appropriations Committee of the Legislature, as frequently as the coordinator considers appropriate or as requested by the committee, on the need for legislative appropriations to provide funds for the public purposes described in land applications.

(3) (a) There is created a committee comprised of:

(i) an individual designated by the chairs of the Federalism Commission;

(ii) an individual designated by the director of the Division of Facilities Construction and Management;

(iii) a representative of the Antiquities Section, created in Section 9-8-304, designated by the director of the Division of State History;

(iv) a representative of municipalities designated by the Utah League of Cities and Towns;

(v) a representative of counties designated by the Utah Association of Counties;

(vi) an individual designated by the Governor's Office of Economic Development; and

(vii) an individual designated by the director of the Division of State Parks [~~and Recreation~~], created in Section 79-4-201.

(b) The seven members of the advisory committee under Subsection (3)(a) may, by majority vote, appoint up to four additional volunteer members of the advisory committee.

(c) The advisory committee shall advise and provide recommendations to the coordinator and the office on:

(i) factors the coordinator and office should consider in determining the degree to which a land application or potential land application is in the public interest; and

(ii) the prioritization of land applications or potential land applications in the state according to the extent to which the land applications are in the public interest, based on the factors adopted under Subsection [~~(2)(f)(i)~~] (2)(e)(i).

(d) A member of the advisory committee may not receive compensation, benefits, or expense reimbursement for the member's service on the advisory committee.

(e) The advisory committee may:

(i) select a chair from among the advisory committee members; and

(ii) meet as often as necessary to perform the advisory committee's duties under this section.

(f) The coordinator shall facilitate the convening of the first meeting of the advisory committee.

Section 58. Section **63L-2-301** is amended to read:

63L-2-301. Promoting or lobbying for a federal designation within the state.

(1) As used in this section:

(a) "Federal designation" means the designation of a:

(i) national monument;

(ii) national conservation area;

(iii) wilderness area or wilderness study area;

(iv) area of critical environmental concern;

(v) research natural area; or

(vi) national recreation area.

(b) (i) "Governmental entity" means:

(A) a state-funded institution of higher education or public education;

(B) a political subdivision of the state;

(C) an office, agency, board, bureau, committee, department, advisory board, or commission that the government funds or establishes to carry out the public's business, regardless of whether the office, agency board, bureau, committee, department, advisory board, or commission is composed entirely of public officials or employees;

(D) an interlocal entity as defined in Section 11-13-103 or a joint or cooperative undertaking as defined in Section 11-13-103;

(E) a governmental nonprofit corporation as defined in Section 11-13a-102; or

(F) an association as defined in Section 53G-7-1101.

(ii) "Governmental entity" does not mean:

(A) the School and Institutional Trust Lands Administration created in Section

53C-1-201;

(B) the School and Institutional Trust Lands Board of Trustees created in Section 53C-1-202;

(C) the Office of the Governor;

(D) the Governor's Office of Management and Budget created in Section 63J-4-201;

(E) the Public Lands Policy Coordinating Office created in Section 63J-4-602;

(F) the Office of Energy Development created in Section [~~63M-4-401; or~~] 79-6-401; or

(G) the Governor's Office of Economic Development created in Section 63N-1-201, including the Office of Tourism and the Utah Office of Outdoor Recreation created in Section 63N-9-104.

(2) (a) A governmental entity, or a person a governmental entity employs and designates as a representative, may investigate the possibility of a federal designation within the state.

(b) A governmental entity that intends to advocate for a federal designation within the state shall:

(i) notify the chairs of the following committees before the introduction of federal legislation:

(A) the Natural Resources, Agriculture, and Environment Interim Committee, if constituted, and the Federalism Commission; or

(B) if the notice is given during a General Session, the House and Senate Natural Resources, Agriculture, and Environment Standing Committees; and

(ii) upon request of the chairs, meet with the relevant committee to review the proposal.

(3) This section does not apply to a political subdivision supporting a federal designation if the federal designation:

(a) applies to 5,000 acres or less; and

(b) has an economical or historical benefit to the political subdivision.

Section 59. Section **63L-7-104** is amended to read:

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

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

(b) Before identifying a parcel of land as a conservation area, the director of PLPCO

shall:

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

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

(2) The director of PLPCO shall:

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

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

(i) maps;

(ii) legal descriptions;

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

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

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

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

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

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

(a) the PLPCO office;

(b) the main office of DNR;

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

(d) the Division of State Parks [~~and~~] or the Division of Recreation.

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

(5) A conservation area identified under Subsection (1) shall be managed by DNR, in coordination with the county government having jurisdiction over the area, without the

conservation area being designated as a protected wilderness area unless otherwise provided by the Legislature.

Section 60. Section **63N-9-102** is amended to read:

63N-9-102. Definitions.

As used in this chapter:

~~{~~(1) "Accessible to the general public," in relation to the awarding of an infrastructure grant, means:~~}~~

~~{~~(a) the public may use the infrastructure in accordance with federal and state regulations; and~~}~~

~~{~~(b) no community or group retains exclusive rights to access the infrastructure.~~}~~

[~~(2) "Children," in relation to the awarding of a UCORE grant, means individuals who are six years of age or older, and 18 years of age or younger.~~]

~~{~~(2) "Advisory committee" means the Utah Outdoor Recreation Grant Advisory Committee created in Section 79-8-105.

(3)~~{~~ ~~(1)~~~~}~~ "Director" means the director of the [~~outdoor recreation office~~] Utah Office of Outdoor Recreation.

~~{~~(4)~~{~~ ~~(2)~~~~}~~ "Executive director" means the executive director of GOED.

~~{~~(5) "Infrastructure grant" means an outdoor recreational infrastructure grant described in Section 63N-9-202.~~}~~

~~{~~(6)~~{~~ ~~(3)~~~~}~~ "Outdoor recreation office" means the Utah Office of Outdoor Recreation created in Section 63N-9-104.

~~{~~(7) (a) "Recreational infrastructure project" means an undertaking to build or improve the approved facilities and installations needed for the public to access and enjoy the state's outdoors.~~}~~

~~{~~(b) "Recreational infrastructure project" may include the:~~}~~

~~{~~(i) establishment, construction, or renovation of a trail, trail infrastructure, or trail facilities;~~}~~

~~{~~(ii) construction of a project for water-related outdoor recreational activities;~~}~~

~~{~~(iii) development of a project for wildlife watching opportunities, including bird watching;~~}~~

~~{~~(iv) development of a project that provides winter recreation amenities;~~}~~

~~{[}~~(v) construction or improvement of a community park that has amenities for outdoor recreation; and~~{]}~~

~~{[}~~(vi) construction or improvement of a naturalistic and accessible playground.~~{]}~~

[~~(8) "UCORE grant" means a children's outdoor recreation and education grant described in Section 63N-9-402.~~]

[~~(9)~~] (8) (a) "Underserved or underprivileged community" means a group of people, including a municipality, county, or American Indian tribe, that is economically disadvantaged.~~{]}~~

~~{[}~~(b) "Underserved or underprivileged community" includes an economically disadvantaged community where~~{.]}~~

~~}~~[: ~~(i)~~] in relation to awarding an infrastructure grant, the people of the community have limited access to or have demonstrated a low level of use of recreational infrastructure[; ~~and~~].

[~~(ii) in relation to awarding a UCORE grant, the children of the community, including children with disabilities, have limited access to outdoor recreation or education programs.~~]

Section 61. Section ~~{63N-9-104}~~63N-9-106 is amended to read:

~~**{63N-9-104. Creation of outdoor recreation office and appointment of director -- Responsibilities of outdoor recreation office.**~~

~~**(1) There is created within the Governor's Office of Economic Development the Utah Office of Outdoor Recreation.**~~

~~**(2) (a) The executive director shall appoint a director of the outdoor recreation office.**~~

~~**(b) The director shall report to the executive director and may appoint staff.**~~

~~**(3) The outdoor recreation office shall:**~~

~~**(a) coordinate outdoor recreation policy, management, and promotion:**~~

~~**(i) among state and federal agencies and local government entities in the state; and**~~

~~**(ii) with the Public Lands Policy Coordinating Office created in Section 63J-4-602, if public land is involved;**~~

~~**(b) promote economic development in the state by:**~~

~~**(i) coordinating with outdoor recreation stakeholders;**~~

~~(ii) improving recreational opportunities; and~~

~~(iii) recruiting outdoor recreation business;~~

~~(c) recommend to the governor and Legislature policies and initiatives to enhance recreational amenities and experiences in the state and help implement those policies and initiatives;~~

~~(d) develop data regarding the impacts of outdoor recreation in the state; and~~

~~(e) promote the health and social benefits of outdoor recreation, especially to young people.~~

~~(4) By following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, the outdoor recreation office may:~~

~~(a) seek federal grants or loans;~~

~~(b) seek to participate in federal programs; and~~

~~(c) in accordance with applicable federal program guidelines, administer federally funded outdoor recreation programs.~~

~~(5) For purposes of administering this part, the outdoor recreation office may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~

~~Section 62. Section 63N-9-106 is amended to read:~~

~~}~~**63N-9-106. Annual report.**

The executive director shall include in the annual written report described in Section 63N-1-301 a report from the director on the activities of the outdoor recreation office~~{~~[~~}~~, including a description and the amount of any awarded infrastructure grants [~~and any awarded UCORE grants~~].

Section 62. Section **63N-9-202** is amended to read:

63N-9-202. Creation and purpose of infrastructure grant program.

(1) There is created the Outdoor Recreational Infrastructure Grant Program administered by the outdoor recreation office.

(2) The outdoor recreation office may seek to accomplish the following objectives in administering the infrastructure grant program:

(a) build, maintain, and promote recreational infrastructure to provide greater access to low-cost outdoor recreation for the state's citizens;

(b) encourage residents and nonresidents of the state to take advantage of the beauty of Utah's outdoors;

(c) encourage individuals and businesses to relocate to the state;

(d) promote outdoor exercise; and

(e) provide outdoor recreational opportunities to an underserved or underprivileged community in the state.

(3) The advisory committee shall advise and make recommendations to the outdoor recreation office regarding infrastructure grants.

Section 63. Section **65A-3-1** is amended to read:

65A-3-1. Trespassing on state lands -- Penalties.

(1) As used in this section:

(a) "Anchored" means the same as that term is defined in Section 73-18-2.

(b) "Beached" means the same as that term is defined in Section 73-18-2.

(c) "Motorboat" means the same as that term is defined in Section 73-18-2.

(d) "Vessel" means the same as that term is defined in Section 73-18-2.

(2) A person is guilty of a class B misdemeanor and liable for the civil damages prescribed in Subsection (4) if, without written authorization from the division, the person:

(a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand, soil, vegetation, or improvement on state lands;

(b) grazes livestock on state lands;

(c) uses, occupies, or constructs improvements or structures on state lands;

(d) uses or occupies state lands for more than 30 days after the cancellation or expiration of written authorization;

(e) knowingly and willfully uses state lands for commercial gain;

(f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological, or paleontological resource on state lands;

(g) starts or maintains a fire on state lands except in a posted and designated area;

(h) camps on state lands, except in posted or designated areas;

(i) camps on state lands for longer than 15 consecutive days at the same location or within one mile of the same location;

(j) camps on state lands for 15 consecutive days, and then returns to camp at the same

location before 15 consecutive days have elapsed after the day on which the person left that location;

(k) leaves an anchored or beached vessel unattended for longer than 48 hours on state lands;

(l) anchors or beaches a vessel on state lands at the same location for longer than 72 hours or within two miles of the same location for longer than 72 hours;

(m) anchors or beaches a vessel on state lands at the same location for 72 hours, and then returns to anchor or beach the vessel at the same location or within two miles of the same location before 72 hours have elapsed after the day on which the person left that location;

(n) posts a sign claiming state land as private property;

(o) prohibits, prevents, or obstructs public entry to state land where public entry is authorized by the division; or

(p) parks or operates a motor vehicle on the bed of a navigable lake or river except in those areas:

(i) supervised by the Division of State Parks [~~and Recreation~~], the Division of Recreation, or another state or local enforcement entity; and

(ii) which are posted as open to vehicle use.

(3) A person is guilty of a class C misdemeanor and liable for civil damages described in Subsection (4) if, on state lands surrounding Bear Lake and without written authorization of the division, the person:

(a) parks or operates a motor vehicle in an area on the exposed lake bed that is specifically posted by the division as closed for usage;

(b) camps, except in an area that is posted and designated as open to camping;

(c) exceeds a speed limit of 10 miles per hour while operating a motor vehicle;

(d) drives recklessly while operating a motor vehicle;

(e) parks or operates a motor vehicle within an area between the water's edge and 100 feet of the water's edge except as necessary to:

(i) launch or retrieve a motorboat, if the person is permitted to launch or retrieve a motorboat;

(ii) transport an individual with limited mobility; or

(iii) deposit or retrieve equipment to a beach site;

(f) travels in a motor vehicle parallel to the water's edge:

(i) in areas designated by the division as closed;

(ii) a distance greater than 500 yards; or

(iii) for purposes other than travel to or from a beach site;

(g) parks or operates a motor vehicle between the hours of 10 p.m. and 7 a.m.; or

(h) starts a campfire or uses fireworks.

(4) A person who commits any act described in Subsection (2) or (3) is liable for damages in the amount of:

(a) three times the value of the mineral or other resource removed, destroyed, or extracted;

(b) three times the value of damage committed; or

(c) three times the consideration which would have been charged by the division for use of the land during the period of trespass.

(5) In addition to the damages described in Subsection (4), a person found guilty of a misdemeanor under Subsection (2) or (3) is subject to the penalties provided in Section 76-3-204.

(6) Money collected under this section shall be deposited in the fund in which similar revenues from that land would be deposited.

Section 64. Section **65A-10-2** is amended to read:

65A-10-2. Recreational use of sovereign lands.

(1) The division, with the approval of the executive director of the Department of Natural Resources and the governor, may set aside for public or recreational use any part of the lands claimed by the state as the beds of lakes or streams.

(2) Management of those lands may be delegated to the Division of State Parks [~~and~~], the Division of Recreation, the Division of Wildlife Resources, or any other state agency.

Section 65. Section **72-1-216** is amended to read:

72-1-216. Statewide electric vehicle charging network plan -- Report.

(1) (a) The department, in consultation with relevant entities in the private sector, shall develop a statewide electric vehicle charging network plan.

(b) To develop the statewide electric vehicle charging network plan, the department shall consult with political subdivisions and other relevant state agencies, divisions, and

entities, including:

(i) the Department of Environmental Quality created in Section 19-1-104;

(ii) the Division of Facilities Construction and Management created in Section 63A-5b-301;

(iii) the Office of Energy Development created in Section [~~63M-4-401; and~~] 79-6-401; and

(iv) the Department of Natural Resources created in Section 79-2-201.

(2) The statewide electric vehicle charging network plan shall provide implementation strategies to ensure that electric vehicle charging stations are available:

(a) at strategic locations as determined by the department by June 30, 2021;

(b) at incremental distances no greater than every 50 miles along the state's interstate highway system by December 31, 2025; and

(c) along other major highways within the state as the department finds appropriate.

(3) The department shall provide a report before November 30, 2020, to the Transportation Interim Committee to outline the statewide electric vehicle charging network plan.

Section 66. Section **72-4-302** is amended to read:

72-4-302. Utah State Scenic Byway Committee -- Creation -- Membership -- Meetings -- Expenses.

(1) There is created the Utah State Scenic Byway Committee.

(2) (a) The committee shall consist of the following 13 members:

(i) a representative from each of the following entities appointed by the governor:

(A) the Governor's Office of Economic Development;

(B) the Utah Department of Transportation;

(C) the Department of Heritage and Arts;

(D) the Division of State Parks [~~and Recreation~~];

(E) the Federal Highway Administration;

(F) the National Park Service;

(G) the National Forest Service; and

(H) the Bureau of Land Management;

(ii) one local government tourism representative appointed by the governor;

(iii) a representative from the private business sector appointed by the governor; and

(iv) three local elected officials from a county, city, or town within the state appointed by the governor.

(b) Except as provided in Subsection (2)(c), the members appointed in this Subsection (2) shall be appointed for a four-year term of office.

(c) The governor shall, at the time of appointment or reappointment for appointments made under Subsection (2)(a)(i), (ii), (iii), or (iv) adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(3) (a) The representative from the Governor's Office of Economic Development shall chair the committee.

(b) The members appointed under Subsections (2)(a)(i)(E) through (H) serve as nonvoting, ex officio members of the committee.

(4) The Governor's Office of Economic Development and the department shall provide staff support to the committee.

(5) (a) The chair may call a meeting of the committee only with the concurrence of the department.

(b) A majority of the voting members of the committee constitute a quorum.

(c) Action by a majority vote of a quorum of the committee constitutes action by the committee.

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

(a) Section 63A-3-106;

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

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

Section 67. Section **72-11-204** is amended to read:

72-11-204. Vacancies -- Expenses -- Reimbursement -- Use of facilities of Department of Transportation -- Functions, powers, duties, rights, and responsibilities.

(1) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

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

(a) Section 63A-3-106;

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

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

(3) Reimbursement shall be made from fees collected by the committee for services rendered by it.

(4) The Department of Transportation shall supply the committee with office accommodation, space, equipment, and secretarial assistance the executive director considers adequate for the committee.

(5) In addition to the functions, powers, duties, rights, and responsibilities granted to it under this chapter, the committee shall assume and have all of the functions, powers, duties, rights, and responsibilities of the [~~Board of Parks and~~] Division of Recreation [~~created in Section 79-4-301~~] in relation to passenger ropeway systems pursuant to that chapter.

Section 68. Section **73-3-30** is amended to read:

73-3-30. Change application for an instream flow.

(1) As used in this section:

(a) "Division" means the Division of Wildlife Resources, created in Section 23-14-1, or the Division of State Parks [~~and Recreation~~], created in Section 79-4-201.

(b) "Fishing group" means an organization that:

(i) is exempt from taxation under Section 501(c)(3), Internal Revenue Code; and

(ii) promotes fishing opportunities in the state.

(2) (a) A division may file a change application, as provided by Section 73-3-3, for the purpose of providing water for an instream flow, within a specified section of a natural or altered stream channel, necessary within the state for:

(i) the propagation of fish;

(ii) public recreation; or

(iii) the reasonable preservation or enhancement of the natural stream environment.

(b) A division may file a change application on:

(i) a perfected water right:

(A) presently owned by the division;

(B) purchased by the division for the purpose of providing water for an instream flow, through funding provided for that purpose by legislative appropriation; or

(C) acquired by lease, agreement, gift, exchange, or contribution; or

(ii) an appurtenant water right acquired with the acquisition of real property by the division.

(c) A division may:

(i) purchase a water right for the purposes provided in Subsection (2)(a) only with funds specifically appropriated by the Legislature for water rights purchases; or

(ii) accept a donated water right without legislative approval.

(d) A division may not acquire water rights by eminent domain for an instream flow or for any other purpose.

(3) (a) A fishing group may file a fixed time change application on a perfected, consumptive water right for the purpose of providing water for an instream flow, within a specified section of a natural or altered stream channel, to protect or restore habitat for three native trout:

(i) the Bonneville cutthroat;

(ii) the Colorado River cutthroat; or

(iii) the Yellowstone cutthroat.

(b) Before filing an application authorized by Subsection (3)(a) to change a shareholder's proportionate share of water, the water company shall submit the decision to approve or deny the change request required by Subsection 73-3-3.5(3) to a vote of the shareholders:

(i) in a manner outlined in the water company's articles of incorporation or bylaws;

(ii) at an annual or regular meeting described in Section 16-6a-701; or

(iii) at a special meeting convened under Section 16-6a-702.

(c) The specified section of the natural or altered stream channel for the instream flow may not be further upstream than the water right's original point of diversion nor extend further downstream than the next physical point of diversion made by another person.

(d) The fishing group shall receive the Division of Wildlife Resources' director's approval of the proposed change before filing the fixed time change application with the state

engineer.

(e) The director of the Division of Wildlife Resources may approve a proposed change if:

(i) the specified section of the stream channel is historic or current habitat for a species listed in Subsections (3)(a)(i) through (iii);

(ii) the proposed purpose of use is consistent with an existing state management or recovery plan for that species; and

(iii) the fishing group has:

(A) entered into a programmatic Candidate Conservation Agreement with Assurances with the United States Fish and Wildlife Service, as authorized by 16 U.S.C. Secs. 1531(a)(5) and 1536(a)(1), that gives the water right holder the option to receive an enhancement of survival permit, as authorized by 16 U.S.C. Sec. 1539(a)(1)(A), or a certificate of inclusion, for a fixed time change application that benefits a candidate species of trout; or

(B) until a programmatic Candidate Conservation Agreement with Assurances described in Subsection (3)(e)(iii)(A) becomes valid and enforceable, entered into a contract with the water right holder agreeing to defend and indemnify the water right holder for liability under Section 1538(a) of the Endangered Species Act, 16 U.S.C. Secs. 1531 through 1544, for an action taken by the water right holder under the terms of the water right holder's agreement with the fishing group for a fixed time change application.

(f) The director may deny a proposed change if the proposed change would not be in the public's interest.

(g) (i) In considering a fixed time change application, the state engineer shall follow the same procedures as provided in this title for an application to appropriate water.

(ii) The rights and the duties of a fixed time change applicant are the same as provided in this title for an applicant to appropriate water.

(h) A fishing group may refile a fixed time change application by filing a written request with the state engineer no later than 60 days before the application expires.

(i) (i) The water right for which the state engineer has approved a fixed time change application will automatically revert to the point of diversion and place and purpose of use that existed before the approved fixed time change application when the fixed time change application expires or is terminated.

(ii) The applicant shall give written notice to the state engineer and the lessor, if applicable, if the applicant wishes to terminate a fixed time change application before the fixed time change application expires.

(4) In addition to the requirements of Section 73-3-3, an application authorized by this section shall:

(a) set forth the legal description of the points on the stream channel between which the instream flow will be provided by the change application; and

(b) include appropriate studies, reports, or other information required by the state engineer demonstrating the necessity for the instream flow in the specified section of the stream and the projected benefits to the public resulting from the change.

(5) (a) For a permanent change application or a fixed time change application filed according to this section, 60 days before the date on which proof of change for an instream flow is due, the state engineer shall notify the applicant by mail or by any form of communication through which receipt is verifiable of the date when proof of change is due.

(b) Before the date when proof of change is due, the applicant must either:

(i) file a verified statement with the state engineer that the instream flow uses have been perfected, setting forth:

(A) the legal description of the points on the stream channel between which the instream flow is provided;

(B) detailed measurements of the flow of water in second-feet changed;

(C) the period of use; and

(D) any additional information required by the state engineer; or

(ii) apply for a further extension of time as provided for in Section 73-3-12.

(c) (i) Upon acceptance of the verified statement required under Subsection (5)(b)(i), the state engineer shall issue a certificate of change for instream flow use in accordance with Section 73-3-17.

(ii) The certificate expires at the same time the fixed time change application expires.

(6) A person may not appropriate unappropriated water under Section 73-3-2 for the purpose of providing an instream flow.

(7) Water used in accordance with this section is considered to be beneficially used, as required by Section 73-3-1.

(8) A physical structure or physical diversion from the stream is not required to implement a change for instream flow use.

(9) This section does not allow enlargement of the water right that the applicant seeks to change.

(10) A change application authorized by this section may not impair a vested water right, including a water right used to generate hydroelectric power.

(11) The state engineer or the water commissioner shall distribute water under an approved or a certificated instream flow change application according to the change application's priority date relative to the other water rights located within the stream section specified in the change application for instream flow.

(12) An approved fixed time change application does not create a right of access across private property or allow any infringement of a private property right.

Section 69. Section **73-3-31** is amended to read:

73-3-31. Water right for watering livestock on public land.

(1) As used in this section:

(a) "Acquire" means to gain the right to use water through obtaining:

(i) an approved application to appropriate water; or

(ii) a perfected water right.

(b) "Allotment" means a designated area of public land available for livestock grazing.

(c) "Animal unit month (AUM)" is the amount of forage needed to sustain one cow and her calf, one horse, or five sheep and goats for one month.

(d) (i) "Beneficial user" means the person that has the right to use the grazing permit.

(ii) "Beneficial user" does not mean the public land agency issuing the grazing permit.

(e) "Grazing permit" means a document authorizing livestock to graze on an allotment.

(f) "Livestock" means a domestic animal raised or kept for profit or personal use.

(g) "Livestock watering right" means a right for:

(i) livestock to consume water:

(A) directly from the water source located on public land; or

(B) from an impoundment located on public land into which the water is diverted; and

(ii) associated uses of water related to the raising and care of livestock on public land.

(h) (i) "Public land" means land owned or managed by the United States or the state.

(ii) "Public land" does not mean land owned by:

(A) the Division of Wildlife Resources;

(B) the School and Institutional Trust Lands Administration; or

(C) the Division of State Parks [~~and Recreation~~] or the Division of Recreation.

(i) "Public land agency" means the agency that owns or manages the public land.

(2) A public land agency may not:

(a) condition the issuance, renewal, amendment, or extension of any permit, approval, license, allotment, easement, right-of-way, or other land use occupancy agreement regarding livestock on the transfer of any water right directly to the public land agency;

(b) require any water user to apply for, or acquire a water right in the name of, the public land agency as a condition for the issuance, renewal, amendment, or extension of any permit, approval, license, allotment, easement, right-of-way, or other land use occupancy agreement regarding livestock; or

(c) acquire a livestock watering right if the public land agency is not a beneficial user.

(3) The state engineer may not approve a change application under Section 73-3-3 for a livestock watering right without the consent of the beneficial user.

(4) A beneficial user may file a nonuse application under Section 73-1-4 on a livestock watering right or a portion of a livestock watering right that the beneficial user puts to beneficial use.

(5) A livestock watering right is appurtenant to the allotment on which the livestock is watered.

(6) (a) (i) A beneficial user or a public land agency may file a request with the state engineer for a livestock water use certificate.

(ii) The state engineer shall:

(A) provide the livestock water use certificate application form on the Internet; and

(B) allow electronic submission of the livestock water use certificate application.

(b) The state engineer shall grant a livestock water use certificate to a beneficial user if the beneficial user:

(i) demonstrates that the beneficial user has a right to use a grazing permit for the allotment to which the livestock watering right is appurtenant; and

(ii) pays the fee set in accordance with Section 73-2-14.

(c) A livestock water use certificate is valid as long as the livestock watering right is:

(i) held by a beneficial user who has the right to use the grazing permit and graze livestock on the allotment;

(ii) put to beneficial use within a seven-year time period; or

(iii) subject to a nonuse application approved under Section 73-1-4.

(7) A beneficial user may access or improve an allotment as necessary for the beneficial user to beneficially use, develop, and maintain the beneficial user's water right appurtenant to the allotment.

(8) If a federal land management agency reduces livestock grazing AUMs on federal grazing allotments, and the reduction results in the partial forfeiture of an appropriated water right, the amount of water in question for nonuse as a livestock water right shall be held in trust by the state engineer until such water may be appropriated for livestock watering, consistent with this act and state law.

(9) Nothing in this section affects a livestock watering right or a livestock water use certificate held by a public land agency on May 13, 2014.

Section 70. Section **73-10e-1** is amended to read:

73-10e-1. Creation of Water Development and Flood Mitigation Reserve Account -- Appropriation.

(1) There is created within the General Fund a restricted account known as the "Water Development and Flood Mitigation Reserve Account."

(2) There is appropriated for fiscal year 1984-85 $55,000,000 from the General Fund and $6,000,000 from certificates of participation to the Water Development and Flood Mitigation Reserve Account. This appropriation may not lapse and shall carry over to fiscal year 1985-86.

(3) There is appropriated for fiscal year 1985-86 $35,000,000 from the General Fund to the Water Development and Flood Mitigation Reserve Account.

(4) There is appropriated for fiscal year 1984-85 $4,050,000 from the Water Development and Flood Mitigation Reserve Account to the Division of Water Resources to use for all of the following:

(a) $2,000,000 for final engineering studies for west desert pumping;

(b) $500,000 for implementation of the State Water Plan, including, but not limited to,

engineering studies on Bear River upstream diversion and storage projects and Hatch Town Reservoir;

(c) (i) $750,000 to prepare final design reports and cost estimates for the following:

(A) Option A - No. Davis WWTP, West Kaysville, Centerville, Bard, West Bountiful, So. Davis No. WWTP, Phillips, Woods Cross, Jordan River WWTP, and the Salt Lake International Airport; and

(B) Option B - Antelope Island roadway dikes.

(ii) It is the intent of the Legislature to choose between Options A and B after the final design reports are completed. The final design reports for Option B shall be completed by consultants other than those who prepared the original report. The reports for both Options A and B shall clearly indicate the following for each alternative:

(A) estimated construction costs;

(B) estimated costs of operation and maintenance;

(C) estimated time necessary for completion;

(D) benefits with respect to flood control, tourism, recreation, long-term second use, and new access to Antelope Island and marsh lands; and

(E) impact on roads and esthetic land features during construction.

(d) $250,000 to prepare final design reports for the following projects: Corrine-WWTP, Plain City-WWTP, Perry-WWTP, and Little Mtn.-WWTP;

(e) $500,000 to construct the South Shore project; and

(f) $50,000 to reevaluate inter-island diking between South Shore, Antelope Island, Fremont Island, and Promontory Point.

(5) There is appropriated for fiscal year 1984-85 $16,300,000 from the Water Development and Flood Mitigation Reserve Account to the Community Development/Disaster Relief Board for the following:

(a) $4,000,000 to use as a match on diking projects built by the Army Corps of Engineers; and

(b) (i) $12,300,000 to provide grants to appropriate governmental entities to increase the carrying capacity of the Jordan River. The grants shall be made without requiring matching funds from any other governmental entity and shall only be made if an agreement is entered into by the affected governmental entities resolving disputed issues of responsibility. It is the

intent of the Legislature to consider the distribution of the 1/8% sales and use tax increase as the contribution from the affected governmental entities.

(ii) Any portion of the $12,300,000 appropriated under Subsection (5)(b)(i) which is not used for the purposes described in that subsection shall be transferred to the Division of State Parks [~~and Recreation~~] for the purposes described in Section 79-4-802. After this money is transferred to the Division of State Parks [~~and Recreation~~], the money is nonlapsing. The money may not be used for any project specified by the Division of State Parks [~~and Recreation~~] until the political subdivision having jurisdiction over the appropriate area contributes 50% of the costs of the project to the state. This contribution may be in the form of money, property, or services, or any combination of these, which can be used for the specified project.

(6) Interest accrued on the money appropriated into the Water Development and Flood Mitigation Reserve Account shall be deposited into the Water Resources Conservation and Development Fund as the interest accrues.

(7) All money not appropriated from the Water Development and Flood Mitigation Reserve Account by September 1, 1985, shall be deposited into the Water Resources Conservation and Development Fund.

Section 71. Section **73-18-2** is amended to read:

73-18-2. Definitions.

As used in this chapter:

(1) "Anchored" means a vessel that is temporarily attached to the bed or shoreline of a waterbody by any method and the hull of the vessel is not touching the bed or shoreline.

(2) "Beached" means that a vessel's hull is resting on the bed or shoreline of a waterbody.

[~~(3) "Board" means the Board of Parks and Recreation.~~]

[~~(4)~~] (3) "Boat livery" means a person that holds a vessel for renting or leasing.

[~~(5)~~] (4) "Carrying passengers for hire" means to transport persons on vessels or to lead persons on vessels for consideration.

(5) "Commission" means the Outdoor Adventure Commission.

(6) "Consideration" means something of value given or done in exchange for something given or done by another.

(7) "Dealer" means any person who is licensed by the appropriate authority to engage in and who is engaged in the business of buying and selling vessels or of manufacturing them for sale.

(8) "Derelict vessel":

(a) means a vessel that is left, stored, or abandoned upon the waters of this state in a wrecked, junked, or substantially dismantled condition; and

(b) includes:

(i) a vessel left at a Utah port or marina without consent of the agency or other entity administering the port or marine area; and

(ii) a vessel left docked or grounded upon a property without the property owner's consent.

(9) "Division" means the Division of [~~Parks and~~] Recreation.

(10) "Moored" means long term, on the water vessel storage in an area designated and properly marked by the division or other applicable managing agency.

(11) "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

(12) "Operate" means to navigate, control, or otherwise use a vessel.

(13) "Operator" means the person who is in control of a vessel while it is in use.

(14) "Outfitting company" means any person who, for consideration:

(a) provides equipment to transport persons on all waters of this state; and

(b) supervises a person who:

(i) operates a vessel to transport passengers; or

(ii) leads a person on a vessel.

(15) (a) "Owner" means a person, other than a lien holder, holding a proprietary interest in or the title to a vessel.

(b) "Owner" includes a person entitled to the use or possession of a vessel subject to an interest by another person, reserved or created by agreement and securing payment or performance of an obligation.

(c) "Owner" does not include a lessee under a lease not intended as security.

(16) "Personal watercraft" means a motorboat that is:

(a) less than 16 feet in length;

(b) propelled by a water jet pump; and

(c) designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than sitting or standing inside the vessel.

(17) "Racing shell" means a long, narrow watercraft:

(a) outfitted with long oars and sliding seats; and

(b) specifically designed for racing or exercise.

(18) "Sailboat" means any vessel having one or more sails and propelled by wind.

(19) "Vessel" means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(20) "Wakeless speed" means an operating speed at which the vessel does not create or make a wake or white water trailing the vessel. This speed is not in excess of five miles per hour.

(21) "Waters of this state" means any waters within the territorial limits of this state.

Section 72. Section **73-18-3.5** is amended to read:

73-18-3.5. Advisory council.

The [~~board~~] division, after consultation with the commission, may appoint an advisory council representing various boating interests to seek recommendations on state boating policies.

Section 73. Section **73-18-4** is amended to read:

73-18-4. Division may promulgate rules and set fees.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [~~board~~] division, after consultation with the commission, shall promulgate rules:

(a) creating a uniform waterway marking system which shall be obeyed by all vessel operators;

(b) regulating the placement of waterway markers and other permanent or anchored objects on the waters of this state;

(c) zoning certain waters of this state for the purpose of prohibiting the operation of vessels or motors for safety and health purposes only;

(d) regulating vessel operators who carry passengers for hire, boat liveries, and outfitting companies; and

(e) regulating anchored, beached, moored, or abandoned vessels to minimize health,

safety, and environmental concerns.

(2) (a) The [~~board~~] division, after consultation with the commission, may set fees in accordance with Section 63J-1-504 for:

(i) licensing vessel operators who carry passengers for hire; and

(ii) registering:

(A) outfitting companies; and

(B) boat liveries.

(b) The license and registration fees imposed pursuant to Subsection (2)(a) shall be deposited into the Boating Account created in Section 73-18-22.

Section 74. Section **73-18-7** is amended to read:

73-18-7. Registration requirements -- Exemptions -- Fee -- Agents -- Records -- Period of registration and renewal -- Expiration -- Notice of transfer of interest or change of address -- Duplicate registration card -- Invalid registration -- Powers of division.

(1) (a) Except as provided by Section 73-18-9, the owner of each motorboat and sailboat on the waters of this state shall register it with the division as provided in this chapter.

(b) A person may not place, give permission for the placement of, operate, or give permission for the operation of a motorboat or sailboat on the waters of this state, unless the motorboat or sailboat is registered as provided in this chapter.

(2) (a) The owner of a motorboat or sailboat required to be registered shall file an application for registration with the division on forms approved by the division.

(b) The owner of the motorboat or sailboat shall sign the application and pay the fee set by the [~~board~~] division, after consultation with the commission, in accordance with Section 63J-1-504.

(c) Before receiving a registration card and registration decals, the applicant shall provide the division with a certificate from the county assessor of the county in which the motorboat or sailboat has situs for taxation, stating that:

(i) the property tax on the motorboat or sailboat for the current year has been paid;

(ii) in the county assessor's opinion, the property tax is a lien on real property sufficient to secure the payment of the property tax; or

(iii) the motorboat or sailboat is exempt by law from payment of property tax for the current year.

(d) If the [~~board~~] division modifies the fee under Subsection (2)(b), the modification shall take effect on the first day of the calendar quarter after 90 days from the day on which the [~~board~~] division provides the State Tax Commission:

(i) notice from the [~~board~~] division stating that the [~~board~~] division will modify the fee; and

(ii) a copy of the fee modification.

(3) (a) Upon receipt of the application in the approved form, the division shall record the receipt and issue to the applicant registration decals and a registration card that state the number assigned to the motorboat or sailboat and the name and address of the owner.

(b) The registration card shall be available for inspection on the motorboat or sailboat for which it was issued, whenever that motorboat or sailboat is in operation.

(4) The assigned number shall:

(a) be painted or permanently attached to each side of the forward half of the motorboat or sailboat;

(b) consist of plain vertical block characters not less than three inches in height;

(c) contrast with the color of the background and be distinctly visible and legible;

(d) have spaces or hyphens equal to the width of a letter between the letter and numeral groupings; and

(e) read from left to right.

(5) A motorboat or sailboat with a valid marine document issued by the United States Coast Guard is exempt from the number display requirements of Subsection (4).

(6) The nonresident owner of any motorboat or sailboat already covered by a valid number that has been assigned to it according to federal law or a federally approved numbering system of the owner's resident state is exempt from registration while operating the motorboat or sailboat on the waters of this state unless the owner is operating in excess of the reciprocity period provided for in Subsection 73-18-9(1).

(7) (a) If the ownership of a motorboat or sailboat changes, the new owner shall file a new application form and fee with the division, and the division shall issue a new registration card and registration decals in the same manner as provided for in Subsections (2) and (3).

(b) The division shall reassign the current number assigned to the motorboat or sailboat to the new owner to display on the motorboat or sailboat.

(8) If the United States Coast Guard has in force an overall system of identification numbering for motorboats or sailboats within the United States, the numbering system employed under this chapter by the [~~board~~] division shall conform with that system.

(9) (a) The division may authorize any person to act as its agent for the registration of motorboats and sailboats.

(b) A number assigned, a registration card, and registration decals issued by an agent of the division in conformity with this chapter and rules of the [~~board~~] division are valid.

(10) (a) The Motor Vehicle Division shall classify all records of the division made or kept according to this section in the same manner that motor vehicle records are classified under Section 41-1a-116.

(b) Division records are available for inspection in the same manner as motor vehicle records pursuant to Section 41-1a-116.

(11) (a) (i) Each registration, registration card, and decal issued under this chapter shall continue in effect for 12 months, beginning with the first day of the calendar month of registration.

(ii) A registration may be renewed by the owner in the same manner provided for in the initial application.

(iii) The division shall reassign the current number assigned to the motorboat or sailboat when the registration is renewed.

(b) Each registration, registration card, and registration decal expires the last day of the month in the year following the calendar month of registration.

(c) If the last day of the registration period falls on a day in which the appropriate state or county offices are not open for business, the registration of the motorboat or sailboat is extended to 12 midnight of the next business day.

(d) The division may receive applications for registration renewal and issue new registration cards at any time before the expiration of the registration, subject to the availability of renewal materials.

(e) The new registration shall retain the same expiration month as recorded on the original registration even if the registration has expired.

(f) The year of registration shall be changed to reflect the renewed registration period.

(g) If the registration renewal application is an application generated by the division

through its automated system, the owner is not required to surrender the last registration card or duplicate.

(12) (a) An owner shall notify the division of:

(i) the transfer of all or any part of the owner's interest, other than creation of a security interest, in a motorboat or sailboat registered in this state under Subsections (2) and (3); and

(ii) the destruction or abandonment of the owner's motorboat or sailboat.

(b) Notification must take place within 15 days of the transfer, destruction, or abandonment.

(c) (i) The transfer, destruction, or abandonment of a motorboat or sailboat terminates its registration.

(ii) Notwithstanding Subsection (12)(c)(i), a transfer of a part interest that does not affect the owner's right to operate a motorboat or sailboat does not terminate the registration.

(13) (a) A registered owner shall notify the division within 15 days if the owner's address changes from the address appearing on the registration card and shall, as a part of this notification, furnish the division with the owner's new address.

(b) The [~~board~~] division may provide in [~~its~~] the division's rules for:

(i) the surrender of the registration card bearing the former address; and

(ii) (A) the replacement of the card with a new registration card bearing the new address; or

(B) the alteration of an existing registration card to show the owner's new address.

(14) (a) If a registration card is lost or stolen, the division may collect a fee of $4 for the issuance of a duplicate card.

(b) If a registration decal is lost or stolen, the division may collect a fee of $3 for the issuance of a duplicate decal.

(15) A number other than the number assigned to a motorboat or sailboat or a number for a motorboat or sailboat granted reciprocity under this chapter may not be painted, attached, or otherwise displayed on either side of the bow of a motorboat or sailboat.

(16) A motorboat or sailboat registration and number are invalid if obtained by knowingly falsifying an application for registration.

(17) The [~~board~~] division may designate the suffix to assigned numbers, and by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative

Rulemaking Act, make rules for:

(a) the display of registration decals;

(b) the issuance and display of dealer numbers and registrations; and

(c) the issuance and display of temporary registrations.

(18) A violation of this section is an infraction.

Section 75. Section **73-18-8** is amended to read:

73-18-8. Safety equipment required to be on board vessels -- Penalties.

(1) (a) Except as provided in Subsection (1)(c), each vessel shall have, for each person on board, one wearable personal flotation device that is approved for the type of use by the commandant of the United States Coast Guard.

(b) Each personal flotation device shall be:

(i) in serviceable condition;

(ii) legally marked with the United States Coast Guard approval number; and

(iii) of an appropriate size for the person for whom it is intended.

(c) (i) Sailboards and racing shells are exempt from the provisions of Subsections (1)(a) and (e).

(ii) The [~~board~~] division, after consultation with the commission, may exempt certain types of vessels from the provisions of Subsection (1)(a) under certain conditions or upon certain waters.

(d) The [~~board~~] division may require by rule, after consultation with the commission, for personal flotation devices to be worn:

(i) while a person is on board a certain type of vessel;

(ii) by a person under a certain age; or

(iii) on certain waters of the state.

(e) For vessels 16 feet or more in length, there shall also be on board one throwable personal flotation device which is approved for this use by the commandant of the United States Coast Guard.

(2) The operator of a vessel operated between sunset and sunrise shall display lighted navigation lights approved by the division.

(3) If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in any enclosure for any purpose, the vessel shall be equipped with an efficient natural or

mechanical ventilation system that is capable of removing resulting gases before and during the time the vessel is occupied by any person.

(4) Each vessel shall have fire extinguishing equipment on board.

(5) Any inboard gasoline engine shall be equipped with a carburetor backfire flame control device.

(6) The [~~board~~] division may:

(a) require additional safety equipment by rule made in consultation with the commission; and

(b) adopt rules conforming with the requirements of this section which govern specifications for and the use of safety equipment.

(7) A person may not operate or give permission for the operation of a vessel that is not equipped as required by this section or rules promulgated under this section.

(8) A violation of this section is an infraction.

Section 76. Section **73-18-9** is amended to read:

73-18-9. Exemptions from registration.

Registration under this chapter is not required for any of the following:

(1) a motorboat or sailboat that:

(a) is already covered by a valid registration issued by its nonresident owner's resident state; and

(b) has not been within this state in excess of 60 days for the calendar year;

(2) a motorboat or sailboat from a country other than the United States temporarily using the waters of this state;

(3) a motorboat or sailboat whose owner is the United States, a state or subdivision thereof;

(4) a ship's lifeboat; or

(5) a motorboat or sailboat belonging to a class of vessels which is exempted from registration by the [~~board~~] division after the [~~board~~] division finds:

(a) that the registration of motorboats or sailboats of this class will not materially aid in their identification; and

(b) that the United States Coast Guard has a numbering system applicable to the class of motorboats or sailboats to which the motorboat or sailboat in question belongs, and the

motorboat or sailboat would also be exempt from numbering if it were subject to federal law.

Section 77. Section **73-18-11** is amended to read:

73-18-11. Regulation of muffling devices.

The [~~board~~] division, after consultation with the commission, shall adopt rules for the regulating of muffling devices on all vessels.

Section 78. Section **73-18-13** is amended to read:

73-18-13. Duties of operator involved in accident -- Notification and reporting procedures -- Use of accident reports -- Giving false information as misdemeanor.

(1) As used in this section, "agent" has the same meaning as provided in Section 41-6a-404.

(2) (a) It is the duty of the operator of a vessel involved in an accident, if the operator can do so without seriously endangering the operator's own vessel, crew, or passengers, to render aid to those affected by the accident as may be practicable.

(b) The operator shall also give the operator's name, address, and identification of the operator's vessel in writing to:

(i) any person injured; or

(ii) the owner of any property damaged in the accident.

(c) A violation of this Subsection (2) is a class B misdemeanor.

(3) (a) The [~~board~~] division, after consultation with the commission, shall adopt rules governing the notification and reporting procedure for vessels involved in accidents.

(b) The rules shall be consistent with federal requirements.

(4) (a) Except as provided in Subsection (4)(b), all accident reports:

(i) are protected and shall be for the confidential use of the division or other state, local, or federal agencies having use for the records for official governmental statistical, investigative, and accident prevention purposes; and

(ii) may be disclosed only in a statistical form that protects the privacy of any person involved in the accident.

(b) The division shall disclose a written accident report and its accompanying data to:

(i) a person involved in the accident, excluding a witness to the accident;

(ii) a person suffering loss or injury in the accident;

(iii) an agent, parent, or legal guardian of a person described in Subsections (4)(b)(i)

and (ii);

(iv) a member of the press or broadcast news media;

(v) a state, local, or federal agency that uses the records for official governmental, investigative, or accident prevention purposes;

(vi) law enforcement personnel when acting in their official governmental capacity; and

(vii) a licensed private investigator.

(c) Information provided to a member of the press or broadcast news media under Subsection (4)(b)(iv) may only include:

(i) the name, age, sex, and city of residence of each person involved in the accident;

(ii) the make and model year of each vehicle involved in the accident;

(iii) whether or not each person involved in the accident was covered by a vehicle insurance policy;

(iv) the location of the accident; and

(v) a description of the accident that excludes personal identifying information not listed in Subsection (4)(c)(i).

(5) (a) Except as provided in Subsection (5)(c), an accident report may not be used as evidence in any civil or criminal trial, arising out of an accident.

(b) Upon demand of any person who has, or claims to have, made the report, or upon demand of any court, the division shall furnish a certificate showing that a specified accident report has or has not been made to the division solely to prove a compliance or a failure to comply with the requirement that a report be made to the division.

(c) Accident reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of Subsection (6).

(6) Any person who gives false information, knowingly or having reason to believe it is false, in an oral or written report as required in this chapter, is guilty of a class B misdemeanor.

Section 79. Section **73-18-13.5** is amended to read:

73-18-13.5. Motorboat accidents -- Investigation and report of operator security -- Agency action if no security -- Surrender of registration materials.

(1) Upon request of a peace officer investigating an accident involving a motorboat as defined in Section 73-18c-102, the operator of the motorboat shall provide evidence of the

owner's or operator's security required under Section 73-18c-301.

(2) The peace officer shall record on a form approved by the division:

(a) the information provided by the operator;

(b) whether the operator provided insufficient or no information; and

(c) whether the peace officer finds reasonable cause to believe that any information given is not correct.

(3) The peace officer shall deposit all completed forms with the peace officer's agency, which shall forward the forms to the division no later than 10 days after receipt.

(4) (a) The division shall revoke the registration of a motorboat as defined in Section 73-18c-102 involved in an accident unless the owner or operator can demonstrate to the division compliance with the owner's or operator's security requirement of Section 73-18c-301 at the time of the accident.

(b) Any registration revoked shall be renewed in accordance with Section 73-18-7.

(5) A person may appeal a revocation issued under Subsection (4) in accordance with procedures established by the [~~board~~] division, after consultation with the commission, by rule that are consistent with Title 63G, Chapter 4, Administrative Procedures Act.

(6) (a) Any person whose registration is revoked under Subsection (4) shall return the registration card and decals for the motorboat to the division.

(b) If the person fails to return the registration materials as required, they shall be confiscated under Section 73-18-13.6.

(7) The [~~board~~] division may, after consultation with the commission, make rules for the enforcement of this section.

(8) In this section, "evidence of owner's or operator's security" includes any one of the following:

(a) the operator's:

(i) insurance policy;

(ii) binder notice;

(iii) renewal notice; or

(iv) card issued by an insurance company as evidence of insurance;

(b) a copy of a surety bond, certified by the surety, which conforms to Section 73-18c-102;

(c) a certificate of the state treasurer issued under Section 73-18c-305; or

(d) a certificate of self-funded coverage issued under Section 73-18c-306.

Section 80. Section **73-18-15** is amended to read:

73-18-15. Division to adopt rules concerning water skiing and aquaplane riding and use of other devices towed behind a vessel.

The [~~board~~] division, after consultation with the commission, shall adopt rules for the regulation and safety of water skiing and aquaplane riding, and the use of other devices that are towed behind a vessel pursuant to this section and in accordance with Section 73-18-16.

Section 81. Section **73-18-15.2** is amended to read:

73-18-15.2. Minimum age of operators -- Boating safety course for youth to operate personal watercraft.

(1) (a) A person under 16 years of age may not operate a motorboat on the waters of this state unless the person is under the on-board and direct supervision of a person who is at least 18 years of age.

(b) A person under 16 years of age may operate a sailboat, if the person is under the direct supervision of a person who is at least 18 years of age.

(2) A person who is at least 12 years of age or older but under 16 years of age may operate a personal watercraft provided he:

(a) is under the direct supervision of a person who is at least 18 years of age;

(b) completes a boating safety course approved by the division; and

(c) has in his possession a boating safety certificate issued by the boating safety course provider.

(3) A person who is at least 16 years of age but under 18 years of age may operate a personal watercraft, if the person:

(a) completes a boating safety course approved by the division; and

(b) has in his possession a boating safety certificate issued by the boating safety course provider.

(4) A person required to attend a boating safety course under Subsection (3)(a) need not be accompanied by a parent or legal guardian while completing a boating safety course.

(5) A person may not give permission to another person to operate a vessel in violation of this section.

(6) As used in this section, "direct supervision" means oversight at a distance within which visual contact is maintained.

(7) (a) The division may collect fees set by the [~~board~~] division in accordance with Section 63J-1-504 from each person who takes the division's boating safety course to help defray the cost of the boating safety course.

(b) Money collected from the fees collected under Subsection (7)(a) shall be deposited in the Boating Account.

(8) A violation of this section is an infraction.

Section 82. Section **73-18-16** is amended to read:

73-18-16. Regattas, races, exhibitions -- Rules.

(1) The division may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments, or exhibitions on any waters of this state.

(2) The [~~board~~] division, after consultation with the commission, may adopt rules concerning the safety of vessels and persons, either as observers or participants, that do not conflict with the provisions of Subsections (3) and (4).

(3) A person may elect, at the person's own risk, to wear a non-Coast Guard approved personal floatation device if the person is on an American Water Ski Association regulation tournament slalom course and is:

(a) engaged in barefoot water skiing;

(b) water skiing in an American Water Ski Association regulation competition;

(c) a performer participating in a professional exhibition or other tournament; or

(d) practicing for an event described in Subsection (3)(b) or (c).

(4) If a person is water skiing in an American Water Ski Association regulation tournament slalom course, an observer and flag are not required if the vessel is:

(a) equipped with a wide angle mirror with a viewing surface of at least 48 square inches; and

(b) operated by a person who is at least 18 years of age.

(5) A violation of this section is an infraction.

Section 83. Section **73-18-17** is amended to read:

73-18-17. Scope of application of chapter -- Identical local ordinances authorized -- Application for special local rules.

(1) This chapter, and other applicable laws of this state govern the operation, equipment, and numbering of vessels whenever any vessel is operated on the waters of this state, or when any activity regulated by this chapter takes place on the waters of this state. Nothing in this chapter prevents the adoption of any ordinance or local law relating to operation and equipment of vessels, the provisions of which are identical to the provisions of this chapter, amendments to this chapter, and rules promulgated under this chapter. Ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to provisions of this chapter, amendments to this chapter, and rules promulgated under this chapter.

(2) Any political subdivision of this state may, at any time, but only after public notice, formally apply to the [~~board~~] division for special rules concerning the operation of vessels on any waters within its territorial limits. The political subdivision shall set forth in the application the reasons which make special rules necessary or appropriate.

Section 84. Section **73-18-20** is amended to read:

73-18-20. Enforcement of chapter -- Authority to stop and board vessels -- Disregarding law enforcement signal to stop as misdemeanor -- Procedure for arrest.

(1) A law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, may enforce this chapter, the rules made under this chapter, and the maintenance inspection program for vessels carrying passengers for hire implemented under this chapter.

(2) A law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, has the authority to stop and board a vessel subject to this chapter, whether the vessel is on water or land. If that law enforcement officer determines the vessel is overloaded, unseaworthy, or the safety equipment required by this chapter or rules of the [~~board~~] division is not on the vessel, that law enforcement officer may prohibit the launching of the vessel or stop the vessel from operating.

(3) An operator who, having received a visual or audible signal from a law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to bring the operator's vessel to a stop, operates the vessel in willful or wanton disregard of the signal so as to interfere with or endanger the operation of a vessel or endanger an individual, or who attempts to flee or elude the law enforcement officer whether by vessel or otherwise is

guilty of a class A misdemeanor.

(4) Whenever an individual is arrested for a violation of this chapter or a rule made under this chapter, the procedure for arrest is the same as described in Sections 77-7-23 and 77-7-24.

Section 85. Section **73-18a-1** is amended to read:

73-18a-1. Definitions.

As used in this chapter:

[~~(1) "Board" means the Board of Parks and Recreation.~~]

(1) "Commission" means the Outdoor Adventure Commission.

(2) "Division" means the Division of [~~Parks and~~] Recreation.

(3) "Human body waste" means excrement, feces, or other waste material discharged from the human body.

(4) "Litter" means any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, or similar refuse discarded as no longer useful.

(5) "Marine toilet" means any toilet or other receptacle permanently installed on or within any vessel for the purpose of receiving human body waste. This term does not include portable toilets which may be removed from a vessel in order to empty its contents.

(6) "Operate" means to navigate, control, or otherwise use a vessel.

(7) "Operator" means the person who is in control of a vessel while it is in use.

(8) "Owner" means a person, other than a lien holder, holding a proprietary interest in or the title to a vessel. The term does not include a lessee under a lease not intended as security.

(9) "Vessel" means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(10) "Waters of this state" means all waters within the territorial limits of this state except those used exclusively for private purposes.

Section 86. Section **73-18a-4** is amended to read:

73-18a-4. Marine toilets -- Pollution control devices required -- Rules established by division.

(1) Every marine toilet on a vessel used or operated upon the waters of this state shall be equipped with an approved pollution control device in operative condition.

(2) The [~~board~~] division, after consultation with the commission, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as provided in this chapter, establishing criteria or standards for definition and approval of acceptable pollution control devices for vessels.

Section 87. Section **73-18a-5** is amended to read:

73-18a-5. Chemical treatment of marine toilet contents -- Rules established by division and Department of Environmental Quality.

The [~~board~~] division, after consultation with the commission, shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, with approval by the Department of Environmental Quality, as provided in this chapter, standards relating to chemical treatment of marine toilet contents.

Section 88. Section **73-18a-12** is amended to read:

73-18a-12. Rules promulgated -- Subject to approval by Department of Environmental Quality.

The [~~board~~] division, after consultation with the commission, may promulgate rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which are necessary for the carrying out of duties, obligations, and powers conferred on the division by this chapter. These rules shall be subject to review and approval by the Department of Environmental Quality. This approval shall be recorded as part of the rules.

Section 89. Section **73-18b-1** is amended to read:

73-18b-1. Water safety rules and regulations -- Adoption.

(1) The [~~Board of Parks and~~] Division of Recreation, after consulting with the Outdoor Adventure Commission, may make rules necessary to promote safety in swimming, scuba diving, and related activities on any waters where public boating is permitted.

(2) The [~~Board of Parks and~~] Division of Recreation may consider recommendations of and cooperate with other state agencies and the owners or operators of those waters.

Section 90. Section **73-18b-4** is amended to read:

73-18b-4. Enforcement of regulations.

[~~(1) The Board of Parks and Recreation shall designate officers to enforce board~~] A law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, may enforce this chapter and rules made under the authority of this chapter.

[~~(2) Those officers have the same authority in making arrests and responsibility in arrest procedures as they have in their other enforcement activities.~~]

Section 91. Section **73-18c-102** is amended to read:

73-18c-102. Definitions.

As used in this chapter:

(1) "Airboat" means a vessel propelled by air pressure caused by an airplane type propeller mounted above the stern and driven by an internal combustion engine.

[~~(2) "Board" means the Board of Parks and Recreation.~~]

(2) "Commission" means the Outdoor Adventure Commission.

(3) "Division" means the Division of [~~Parks and~~] Recreation.

(4) "Judgment" means any judgment that is final by:

(a) expiration without appeal of the time within which an appeal might have been perfected; or

(b) final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action for damages:

(i) arising out of the ownership, maintenance, or use of any personal watercraft, including damages for care and loss of services because of bodily injury to or death of any person, or because of injury to or destruction of property including the loss of use of the property; or

(ii) on a settlement agreement.

(5) (a) "Motorboat" has the same meaning as defined in Section 73-18-2.

(b) "Motorboat" includes personal watercraft regardless of the manufacturer listed horsepower.

(c) "Motorboat" does not include:

(i) a boat with a manufacturer listed horsepower of 50 horsepower or less; or

(ii) an airboat.

(6) "Nonresident" means any person who is not a resident of Utah.

(7) "Operator" means the person who is in control of a motorboat while it is in use.

(8) (a) "Owner" means a person, other than a lien holder, holding a proprietary interest in or the title to a motorboat.

(b) "Owner" includes a person entitled to the use or possession of a motorboat subject

to an interest by another person, reserved or created by agreement and securing payment or performance of an obligation.

(c) "Owner" does not include a lessee under a lease not intended as security.

(9) "Owner's or operator's security," "owner's security," or "operator's security" means any of the following:

(a) an insurance policy or combination of policies conforming to Sections 31A-22-1502 and 31A-22-1503, which is issued by an insurer authorized to do business in Utah;

(b) a surety bond issued by an insurer authorized to do a surety business in Utah in which the surety is subject to the minimum coverage limits and other requirements of policies conforming to Sections 31A-22-1502 and 31A-22-1503, which names the division as a creditor under the bond for the use of persons entitled to the proceeds of the bond;

(c) a deposit with the state treasurer of cash or securities complying with Section 73-18c-305;

(d) a certificate of self-funded coverage issued under Section 73-18c-306; or

(e) a policy conforming to Sections 31A-22-1502 and 31A-22-1503 issued by the Risk Management Fund created in Section 63A-4-201.

(10) "Personal watercraft" has the same meaning as provided in Section 73-18-2.

(11) "Registration" means the issuance of the registration cards and decals issued under the laws of Utah pertaining to the registration of motorboats.

(12) "Registration materials" means the evidences of motorboat registration, including all registration cards and decals.

(13) "Self-insurance" has the same meaning as provided in Section 31A-1-301.

(14) "Waters of the state" means any waters within the territorial limits of this state.

Section 92. Section **73-18c-201** is amended to read:

73-18c-201. Division to administer and enforce chapter -- Division may adopt rules.

(1) (a) The division shall administer [~~and enforce the provisions of~~] this chapter.

(b) A law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, may enforce this chapter in the rules made under this chapter.

(2) The [~~board~~] division, after consultation with the commission, may adopt rules as

necessary for the administration of this chapter in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 93. Section **76-6-206.2** is amended to read:

76-6-206.2. Criminal trespass on state park lands -- Penalties.

(1) For purposes of this section:

(a) "Authorization" means specific written permission by, or contractual agreement with, the Division of State Parks [~~and Recreation~~].

(b) "Criminal trespass" means the elements of the crime of criminal trespass, as set forth in Section 76-6-206.

(c) "Division" means the Division of State Parks [~~and Recreation~~], created in Section 79-4-201.

(d) "State park lands" means all lands administered by the division.

(2) A person is guilty of criminal trespass on state park lands and is liable for the civil damages prescribed in Subsection (5) if, under circumstances not amounting to a greater offense, and without authorization, the person:

(a) constructs improvements or structures on state park lands;

(b) uses or occupies state park lands for more than 30 days after the cancellation or expiration of authorization;

(c) knowingly or intentionally uses state park lands for commercial gain;

(d) intentionally or knowingly grazes livestock on state park lands, except as provided in Section 72-3-112; or

(e) remains, after being ordered to leave by someone with actual authority to act for the division, or by a law enforcement officer.

(3) A person is not guilty of criminal trespass if that person enters onto state park lands:

(a) without first paying the required fee; and

(b) for the sole purpose of pursuing recreational activity.

(4) A violation of Subsection (2) is a class B misdemeanor.

(5) In addition to restitution, as provided in Section 76-3-201, a person who commits any act described in Subsection (2) may also be liable for civil damages in the amount of three times the value of:

(a) damages resulting from a violation of Subsection (2);

(b) the water, mineral, vegetation, improvement, or structure on state park lands that is removed, destroyed, used, or consumed without authorization;

(c) the historical, prehistorical, archaeological, or paleontological resource on state park lands that is removed, destroyed, used, or consumed without authorization; or

(d) the consideration which would have been charged by the division for unauthorized use of the land and resources during the period of trespass.

(6) Civil damages under Subsection (5) may be collected in a separate action by the division, and shall be deposited in the State Parks Fees Restricted Account as established in Section 79-4-402.

Section 94. Section **77-2-4.3** is amended to read:

77-2-4.3. Compromise of boating violations -- Limitations.

(1) As used in this section:

(a) "Compromise" means referral of a person charged with a boating violation to a boating safety course approved by the Division of [~~Parks and~~] Recreation.

(b) "Boating violation" means any charge for which bail may be forfeited in lieu of appearance, by citation or information, of a violation of Title 73, Chapter 18, State Boating Act, amounting to:

(i) a class B misdemeanor;

(ii) a class C misdemeanor; or

(iii) an infraction.

(2) Any compromise of a boating violation shall be done pursuant to a plea in abeyance agreement as provided in Title 77, Chapter 2a, Pleas in Abeyance, except:

(a) when the criminal prosecution is dismissed pursuant to Section 77-2-4; or

(b) when there is a plea by the defendant to and entry of a judgment by a court for the offense originally charged or for an amended charge.

(3) In all cases which are compromised pursuant to the provisions of Subsection (2):

(a) the court, taking into consideration the offense charged, shall collect a plea in abeyance fee which shall:

(i) be subject to the same surcharge as if imposed on a criminal fine;

(ii) be allocated subject to the surcharge as if paid as a criminal fine under Section

78A-5-110 and a surcharge under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation; and

(iii) be not more than $25 greater than the bail designated in the Uniform Bail Schedule; or

(b) if no plea in abeyance fee is collected, a surcharge on the fee charged for the boating safety course shall be collected, which surcharge shall:

(i) be computed, assessed, collected, and remitted in the same manner as if the boating safety course fee and surcharge had been imposed as a criminal fine and surcharge; and

(ii) be subject to the financial requirements contained in Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation.

(4) If a written plea in abeyance agreement is provided, or the defendant requests a written accounting, an itemized statement of all amounts assessed by the court shall be provided, including:

(a) the Uniform Bail Schedule amount;

(b) the amount of any surcharges being assessed; and

(c) the amount of the plea in abeyance fee.

Section 95. Section **78A-5-110** is amended to read:

78A-5-110. Allocation of district court fees and forfeitures.

(1) Except as provided in this section, district court fines and forfeitures collected for violation of state statutes shall be paid to the state treasurer.

(2) Fines and forfeitures collected by the court for violation of a state statute or county or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the state treasurer and 1/2 to the treasurer of the state or local governmental entity which prosecutes or which would prosecute the violation.

(3) (a) Fines and forfeitures collected for violations of Title 23, Wildlife Resources Code of Utah, Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State Boating Act, shall be paid to the state treasurer.

(b) For violations of Title 23, Wildlife Resources Code of Utah, the state treasurer shall allocate 85% to the Division of Wildlife Resources and 15% to the General Fund.

(c) For violations of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State Boating Act, the state treasurer shall allocate 85% to the Division of [~~Parks and~~]

Recreation and 15% to the General Fund.

(4) (a) The state treasurer shall allocate fines and forfeitures collected for a violation of Section 72-7-404 or 72-7-406, less fees established by the Judicial Council, to the Department of Transportation for use on class B and class C roads.

(b) Fees established by the Judicial Council shall be deposited in the state General Fund.

(c) Money allocated for class B and class C roads is supplemental to the money appropriated under Section 72-2-107 but shall be expended in the same manner as other class B and class C road funds.

(5) (a) Fines and forfeitures collected by the court for a second or subsequent violation under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

(i) 60% to the state treasurer to be deposited in the Transportation Fund; and

(ii) 40% in accordance with Subsection (2).

(b) Fines and forfeitures collected by the court for a second or subsequent violation under Subsection 72-7-409(6)(d) shall be remitted:

(i) 50% to the state treasurer to be deposited in the Transportation Fund; and

(ii) 50% in accordance with Subsection (2).

(6) For fines and forfeitures collected by the court for a violation of Section 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic enforcement safety device as described in Section 41-6a-1310, the court shall allocate 20% to the school district or private school that owns or contracts for the use of the bus, and the state treasurer shall allocate 40% to the treasurer of the state or local governmental entity that prosecutes or that would prosecute the violation, and 40% to the General Fund.

(7) Fines and forfeitures collected for any violations not specified in this chapter or otherwise provided for by law shall be paid to the state treasurer.

(8) Fees collected in connection with civil actions filed in the district court shall be paid to the state treasurer.

(9) The court shall remit money collected in accordance with Title 51, Chapter 7, State Money Management Act.

Section 96. Section **78A-7-120** is amended to read:

78A-7-120. Disposition of fines.

(1) Except as otherwise specified by this section, fines and forfeitures collected by a justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the court and 1/2 to the treasurer of the local government which prosecutes or which would prosecute the violation. An interlocal agreement created pursuant to Title 11, Chapter 13, Interlocal Cooperation Act, related to justice courts may alter the ratio provided in this section if the parties agree.

(2) (a) For violation of Title 23, Wildlife Resources Code of Utah, the court shall allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the city or county government responsible for the justice court.

(b) For violation of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State Boating Act, the court shall allocate 85% to the Division of [~~Parks and~~] Recreation and 15% to the general fund of the city or county government responsible for the justice court.

(c) Fines and forfeitures collected by the court for a violation of Section 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic enforcement safety device as described in Section 41-6a-1310 shall be remitted:

(i) 20% to the school district or private school that owns or contracts for the use of the school bus; and

(ii) 80% in accordance with Subsection (1).

(3) The surcharge established by Section 51-9-401 shall be paid to the state treasurer and deposited into the General Fund.

(4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial Council, shall be paid to the state treasurer and allocated to the Department of Transportation for class B and class C roads.

(5) Revenue allocated for class B and class C roads pursuant to Subsection (4) is supplemental to the money appropriated under Section 72-2-107 but shall be expended in the same manner as other class B and class C road funds.

(6) (a) Fines and forfeitures collected by the court for a second or subsequent violation under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

(i) 60% to the state treasurer to be deposited in the Transportation Fund; and

(ii) 40% in accordance with Subsection (1).

(b) Fines and forfeitures collected by the court for a second or subsequent violation under Subsection 72-7-409(6)(d) shall be remitted:

(i) 50% to the state treasurer to be deposited in the Transportation Fund; and

(ii) 50% in accordance with Subsection (1).

Section 97. Section **79-1-103** is enacted to read:

79-1-103. Coordination council.

(1) There is created a coordination council that consists of:

(a) the executive director of the department;

(b) the executive director of the Department of Environmental Quality;

(c) the commissioner of the Department of Agriculture and Food;

(d) the director of the Public Lands Policy Coordinating Office; and

(e) the director of the Office of Energy Development.

(2) The coordination council shall:

(a) rotate the position of chair among the members; and

(b) meet at least monthly.

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

Section 98. Section **79-2-201** is amended to read:

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

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

(2) The department comprises the following:

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

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

(c) Board of State Parks [~~and Recreation~~], created in Section 79-4-301;

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

[~~(d)~~] (e) Wildlife Board, created in Section 23-14-2;

[~~(e)~~] (f) Board of the Utah Geological Survey, created in Section 79-3-301;

[~~(f)~~] (g) Water Development Coordinating Council, created in Section 73-10c-3;

(h) Utah Outdoor Recreation Grant Advisory Committee, created in Section ~~{79-8-204};~~79-8-105;

(i) Home Energy Information Advisory Committee, created in Section 79-6-805;

[~~(g)~~] (j) Division of Water Rights, created in Section 73-2-1.1;

[~~(h)~~] (k) Division of Water Resources, created in Section 73-10-18;

[~~(i)~~] (l) Division of Forestry, Fire, and State Lands, created in Section 65A-1-4;

[~~(j)~~] (m) Division of Oil, Gas, and Mining, created in Section 40-6-15;

[~~(k)~~] (n) Division of State Parks [~~and Recreation~~], created in Section 79-4-201;

(o) Division of Recreation, created in Section 79-7-201;

[~~(l)~~] (p) Division of Wildlife Resources, created in Section 23-14-1;

[~~(m)~~] (q) Utah Geological Survey, created in Section 79-3-201;

[~~(n)~~] (r) Heritage Trees Advisory Committee, created in Section 65A-8-306;

[~~(o)~~] (s) Recreational Trails Advisory Council, authorized by Section 79-5-201;

[~~(p)~~] (t) Boating Advisory Council, authorized by Section 73-18-3.5;

[~~(q)~~] (u) Wildlife Board Nominating Committee, created in Section 23-14-2.5;

[~~(r)~~] (v) Wildlife Regional Advisory Councils, created in Section 23-14-2.6;

[~~(s)~~] (w) Utah Watersheds Council, created in Section 73-10g-304; and

[~~(t)~~] (x) Utah Natural Resources Legacy Fund Board, created in Section 23-31-202.

Section 99. Section **79-2-206** is enacted to read:

79-2-206. Transition -- Study.

(1) In accordance with this bill, the Department of Natural Resources assumes the policymaking functions, regulatory, and enforcement powers, rights, and duties of the Office of Energy Development existing on June 30, 2021.

(2) (a) Rules issued by the Office of Energy Development that are in effect on June 30, 2021, are not modified by this bill and remain in effect until modified by the Department of Natural Resources, except that the agency administrating the rule shall be transferred to the Department of Natural Resources in the same manner as the statutory responsibility is transferred under this bill.

(b) Rules issued by the Board of Parks and Recreation that are in effect on June 30, 2021, are not modified by this bill and remain in effect until modified by the appropriate entity within the Department of Natural Resources, except that the agency administrating the rule shall be transferred to the appropriate entity within the Department of Natural Resources in the same manner as the statutory responsibility is transferred under this bill.

(3) A grant, contract, or agreement in effect on June 30, 2021, that is entered into by or issued by the Office of Energy Development remains in effect, except that:

(a) the agency administrating the grant, contract, or agreement shall be transferred to the Department of Natural Resources in the same manner as the statutory responsibility is transferred under this bill; and

(b) the grant, contract, or agreement may be terminated under the terms of the grant, contract, or agreement.

(4) A grant that is entered into or issued by the Utah Office of Outdoor Recreation remains in effect, except that:

(a) except for an outdoor recreational infrastructure grant, the agency administrating the grant shall be transferred to the Division of Recreation in the same manner as the statutory responsibility is transferred under this bill; and

(b) the grant may be terminated under the terms of the grant.

(5) (a) The Governor's Office of Management and Budget shall submit recommendations to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the November 2021 interim meeting of the committee regarding possible restructuring to improve coordination between the Department of Natural Resources and the following:

(i) the Department of Environmental Quality;

(ii) the Division of Public Utilities;

(iii) the Office of Consumer Services; and

(iv) the Office of Rural Development.

(b) In conducting the study under this Subsection (5), the Governor's Office of Management and Budget shall incorporate public feedback into forming the recommendations, including:

(i) holding at least two public meetings and listening sessions; and

(ii) publishing draft recommendations a minimum of 30 days before the November 2021 interim meeting to provide a comment period on the draft recommendations with adequate time for considering feedback and revisions to the recommendations.

Section 100. Section **79-4-101** is amended to read:

CHAPTER 4. STATE PARKS

Part 1. General Provisions

79-4-101. Title.

This chapter is known as "State Parks [~~and Recreation~~]."

Section 101. Section **79-4-102** is amended to read:

79-4-102. Definitions.

(1) "Board" means the Board of State Parks [~~and Recreation~~].

(2) "Division" means the Division of State Parks [~~and Recreation~~].

Section 102. Section **79-4-201** is amended to read:

79-4-201. Division of State Parks -- Creation -- Powers and authority.

(1) There is created within the department the Division of State Parks [~~and Recreation~~].

(2) The division is under:

(a) the administration and general supervision of the executive director; and

(b) the policy direction of the board.

(3) The division is the state parks [~~and recreation~~] authority for the state.

Section 103. Section **79-4-202** is amended to read:

79-4-202. Director -- Qualifications -- Duties.

(1) The director is the executive and administrative head of the division.

(2) The director shall demonstrate:

(a) executive ability; and

(b) actual experience and training in the conduct of park [~~and recreational~~] systems involving both physical development and program.

(3) The director shall:

(a) enforce the policies and rules of the board; and

(b) perform the duties necessary to:

(i) properly care for and maintain any property under the jurisdiction of the division; and

(ii) carry out this chapter.

(4) The director shall acquire, plan, protect, develop, operate, use, and maintain park area and facilities in accordance with the policies and rules of the board.

Section 104. Section **79-4-203** is amended to read:

79-4-203. Powers and duties of division.

(1) As used in this section, "real property" includes land under water, upland, and all other property commonly or legally defined as real property.

(2) The Division of Wildlife Resources shall retain the power and jurisdiction conferred upon [~~it~~] the Division of Wildlife Resources by law within state parks and on property controlled by the Division of State Parks [~~and Recreation~~] with reference to fish and game.

(3) The division shall permit multiple use of state parks and property controlled by [~~it~~] the division for purposes such as grazing, fishing, hunting, camping, mining, and the development and utilization of water and other natural resources.

(4) (a) The division may acquire real and personal property in the name of the state by all legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or otherwise, subject to the approval of the executive director and the governor.

(b) In acquiring any real or personal property, the credit of the state may not be pledged without the consent of the Legislature.

(5) (a) Before acquiring any real property, the division shall notify the county legislative body of the county where the property is situated of its intention to acquire the property.

(b) If the county legislative body requests a hearing within 10 days of receipt of the notice, the division shall hold a public hearing in the county concerning the matter.

(6) Acceptance of gifts or devises of land or other property is at the discretion of the division, subject to the approval of the executive director and the governor.

(7) The division shall acquire property by eminent domain in the manner authorized by Title 78B, Chapter 6, Part 5, Eminent Domain.

(8) (a) The division may make charges for special services and use of facilities, the income from which is available for park [~~and recreation~~] purposes.

(b) The division may conduct and operate those services necessary for the comfort and convenience of the public.

(9) (a) The division may lease or rent concessions of all lawful kinds and nature in state parks and property to persons, partnerships, and corporations for a valuable consideration upon the recommendation of the board.

(b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in

selecting concessionaires.

(10) The division shall proceed without delay to negotiate with the federal government concerning the Weber Basin and other recreation and reclamation projects.

(11) The division shall receive and distribute voluntary contributions collected under Section 41-1a-422 in accordance with Section 79-4-404.

Section 105. Section **79-4-204** is amended to read:

79-4-204. Division authorized to enter into contracts and agreements.

(1) The division, with the approval of the executive director and the governor, may enter into contracts and agreements with the United States, a United States agency, any other department or agency of the state, semipublic organizations, and with private individuals to:

(a) improve and maintain state parks [~~and recreational grounds~~] and the areas administered by the division; and

(b) secure labor, quarters, materials, services, or facilities according to procedures established by the Division of Finance.

(2) All departments, agencies, officers, and employees of the state shall give to the division the consultation and assistance that the division may reasonably request.

Section 106. Section **79-4-301** is amended to read:

79-4-301. Board of State Parks -- Creation -- Functions.

(1) There is created within the department a Board of State Parks [~~and Recreation~~].

(2) The board is the policy-making body of the division.

Section 107. Section **79-4-302** is amended to read:

79-4-302. Board appointment and terms of members -- Expenses.

(1) (a) The board is composed of nine members appointed in accordance with Title 63G, Chapter 24, Part 2, Vacancies, by the governor, with the advice and consent of the Senate, to four-year terms.

(b) In addition to the requirements of Section 79-2-203, the governor shall:

(i) appoint one member from each judicial district and one member from the public at large;

(ii) ensure that not more than five members are from the same political party; and

(iii) appoint persons who have an understanding of and demonstrated interest in parks [~~and recreation~~].

(c) Notwithstanding the term requirements of Subsection (1)(a), the governor may adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(2) When vacancies occur because of death, resignation, or other cause, the governor, with the consent of the Senate, shall:

(a) appoint a person to complete the unexpired term of the person whose office was vacated; and

(b) if the person was appointed from a judicial district, appoint the replacement from the judicial district from which the person whose office has become vacant was appointed.

(3) The board shall appoint its chair from its membership.

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

(a) Section 63A-3-106;

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

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

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

Section 108. Section **79-4-401** is amended to read:

79-4-401. Funds to be appropriated -- Boating account expenses.

[~~(1)~~] The Legislature shall appropriate [~~such funds~~] the money as from time to time necessary to carry out the purposes of this chapter to the division to be used by the division in the administration of the powers and duties and in carrying out the objective and purposes prescribed by this chapter.

[~~(2) It is the intent of the Legislature that all departmental operating and administrative expenses for the administration of the boating account of the division shall be charged against that account.~~]

Section 109. Section **79-4-502** is amended to read:

79-4-502. Violations of rules.

Unless otherwise provided in this title, a violation of [~~any~~] a rule of the Board of State Parks [~~and Recreation~~] is an infraction.

Section 110. Section **79-5-102** is amended to read:

79-5-102. Definitions.

As used in this chapter:

[~~(1) "Board" means the Board of Parks and Recreation.~~]

(1) "Commission" means the Outdoor Adventure Commission.

(2) "Council" means the Recreational Trails Advisory Council.

(3) "Division" means the Division of [~~Parks and~~] Recreation.

(4) "Recreational trail" or "trail" means a multi-use path used for:

(a) muscle-powered activities, including:

(i) bicycling;

(ii) cross-country skiing;

(iii) walking;

(iv) jogging; and

(v) horseback riding; and

(b) uses compatible with the uses described in Subsection (4)(a), including the use of an electric assisted bicycle or motor assisted scooter, as defined in Section 41-6a-102.

Section 111. Section **79-5-201** is amended to read:

79-5-201. Recreational Trails Advisory Council.

(1) The division shall establish a Recreational Trails Advisory Council.

(2) The council shall advise and make recommendations to the [~~board and~~] division regarding:

(a) trails to be established;

(b) facilities to be constructed;

(c) development costs;

(d) modes of travel permitted;

(e) law enforcement;

(f) selection of rights-of-way;

(g) interlocal agreements;

(h) selection of signs and markers;

(i) the general administration of trails;

(j) distribution of matching funds pursuant to Section 79-5-501; and

(k) future funding mechanisms for trail development.

Section 112. Section **79-5-501** is amended to read:

79-5-501. Grants -- Matching funds requirements -- Rules.

(1) (a) The [~~board~~] division, after consultation with the commission, may give grants to federal government agencies, state agencies, or local governments for the planning, acquisition, and development of trails within the state's recreational trail system with funds appropriated by the Legislature for that purpose.

(b) (i) Each grant recipient must provide matching funds having a value that is equal to or greater than the grant funds received.

(ii) The [~~board~~] division may allow a grant recipient to provide property, material, or labor in lieu of money, provided the grant recipient's contribution has a value that is equal to or greater than the grant funds received.

(2) The [~~board~~] division, after consultation with the commission, shall:

(a) make rules setting forth procedures and criteria for the awarding of grants for recreational trails; and

(b) determine to whom grant funds shall be awarded after considering the recommendations of and after consulting with the council and the division.

(3) Rules for the awarding of grants for recreational trails shall provide that:

(a) each grant applicant must solicit public comment on the proposed recreational trail and submit a summary of that comment to the division;

(b) each trail project for which grant funds are awarded must conform to the criteria and guidelines specified in Sections 79-5-103, 79-5-301, and 79-5-302; and

(c) trail proposals that include a plan to provide employment opportunities for youth, including at-risk youth, in the development of the trail is encouraged.

(4) As used in this section, "at-risk youth" means youth who:

(a) are subject to environmental forces, such as poverty or family dysfunction, that may make them vulnerable to family, school, or community problems;

(b) perform poorly in school or have failed to complete high school;

(c) exhibit behaviors that have the potential to harm themselves or others in the community, such as truancy, use of alcohol or drugs, and associating with delinquent peers; or

(d) have already engaged in behaviors harmful to themselves or others in the

community.

Section 113. Section **79-6-101**, which is renumbered from Section 63M-4-101 is renumbered and amended to read:

CHAPTER 6. UTAH ENERGY ACT

Part 1. General Provisions

[~~63M-4-101~~]. 79-6-101. Title.

This chapter is known as the "Utah Energy Act."

Section 114. Section **79-6-102**, which is renumbered from Section 63M-4-102 is renumbered and amended to read:

[~~63M-4-102~~]. 79-6-102. Definitions.

As used in this chapter:

(1) "Appointing authority" means:

(a) on and before June 30, 2029, the governor; and

(b) on and after July 1, 2029, the executive director.

[~~(1)~~] (2) (a) [~~"Energy~~] On and before June 30, 2029, "energy advisor" means the governor's energy advisor appointed under Section [~~63M-4-401~~] 79-6-401.

(b) On and after July 1, 2029, "energy advisor" means the energy advisor appointed by the executive director under Section 79-6-401.

[~~(2)~~] (3) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~] 79-6-401.

[~~(3)~~] (4) "State agency" means an executive branch:

(a) department;

(b) agency;

(c) board;

(d) commission;

(e) division; or

(f) state educational institution.

Section 115. Section **79-6-201**, which is renumbered from Section 63M-4-201 is renumbered and amended to read:

Part 2. Energy Advisor

[~~63M-4-201~~]. 79-6-201. Advisor -- Duties.

(1) (a) (i) [~~The~~] On and before June 30, 2029, the governor shall appoint an energy advisor.

(ii) On and after July 1, 2029, the executive director shall appoint an energy advisor.

(b) (i) The [~~governor's~~] energy advisor appointed by the governor serves at the pleasure of the governor.

(ii) On and after July 1, 2029, the energy advisor serves at the pleasure of the executive director.

(2) The [~~governor's~~] energy advisor shall:

(a) advise the [~~governor~~] appointing authority on energy-related matters;

(b) annually review and propose updates to the state's energy policy, as contained in Section [~~63M-4-301~~] 79-6-301;

(c) promote as the [~~governor's energy advisor~~] appointing authority considers necessary:

(i) the development of cost-effective energy resources both renewable and nonrenewable; and

(ii) educational programs, including programs supporting conservation and energy efficiency measures;

(d) coordinate across state agencies to assure consistency with state energy policy, including:

(i) working with the State Energy Program to promote access to federal assistance for energy-related projects for state agencies and members of the public;

(ii) working with the Division of Emergency Management to assist the governor in carrying out the governor's energy emergency powers under Title 53, Chapter 2a, Part 10, Energy Emergency Powers of the Governor Act;

(iii) participating in the annual review of the energy emergency plan and the maintenance of the energy emergency plan and a current list of contact persons required by Section 53-2a-902; and

(iv) identifying and proposing measures necessary to facilitate low-income consumers' access to energy services;

(e) coordinate with the Division of Emergency Management ongoing activities designed to test an energy emergency plan to ensure coordination and information sharing

among state agencies and political subdivisions in the state, public utilities and other energy suppliers, and other relevant public sector persons as required by Sections 53-2a-902, 53-2a-1004, 53-2a-1008, and 53-2a-1010;

(f) coordinate with requisite state agencies to study:

(i) the creation of a centralized state repository for energy-related information;

(ii) methods for streamlining state review and approval processes for energy-related projects; and

(iii) the development of multistate energy transmission and transportation infrastructure;

(g) coordinate energy-related regulatory processes within the state;

(h) compile, and make available to the public, information about federal, state, and local approval requirements for energy-related projects;

(i) act as the state's advocate before federal and local authorities for energy-related infrastructure projects or coordinate with the appropriate state agency; and

(j) help promote the Division of Facilities Construction and Management's measures to improve energy efficiency in state buildings.

(3) The [~~governor's~~] energy advisor has standing to testify on behalf of the governor at the Public Service Commission created in Section 54-1-1.

Section 116. Section **79-6-202**, which is renumbered from Section 63M-4-202 is renumbered and amended to read:

[~~63M-4-202~~]. 79-6-202. Agency cooperation.

A state agency shall provide the [~~state~~] energy [~~officer~~] advisor with any energy-related information requested by the [~~governor's~~] energy advisor if the [~~governor's~~] energy advisor's request is consistent with other law.

Section 117. Section **79-6-203**, which is renumbered from Section 63M-4-203 is renumbered and amended to read:

[~~63M-4-203~~]. 79-6-203. Reports.

(1) The [~~governor's~~] energy advisor shall report annually to:

(a) the [~~governor~~] appointing authority; and

(b) the Natural Resources, Agriculture, and Environment Interim Committee.

(2) The report required in Subsection (1) shall:

(a) summarize the status and development of the state's energy resources;

(b) summarize the activities and accomplishments of the Office of Energy Development;

(c) address the [~~governor's~~] energy advisor's activities under this part; and

(d) recommend any energy-related executive or legislative action the [~~governor's~~] energy advisor considers beneficial to the state, including updates to the state energy policy under Section [~~63M-4-301~~] 79-6-301.

Section 118. Section **79-6-301**, which is renumbered from Section 63M-4-301 is renumbered and amended to read:

Part 3. State Energy Policy

[~~63M-4-301~~]. 79-6-301. State energy policy.

(1) It is the policy of the state that:

(a) Utah shall have adequate, reliable, affordable, sustainable, and clean energy resources;

(b) Utah will promote the development of:

(i) nonrenewable energy resources, including natural gas, coal, oil, oil shale, and oil sands;

(ii) renewable energy resources, including geothermal, solar, wind, biomass, biofuel, and hydroelectric;

(iii) nuclear power generation technologies certified for use by the United States Nuclear Regulatory Commission including molten salt reactors producing medical isotopes;

(iv) alternative transportation fuels and technologies;

(v) infrastructure to facilitate energy development, diversified modes of transportation, greater access to domestic and international markets for Utah's resources, and advanced transmission systems;

(vi) energy storage and other advanced energy systems; and

(vii) increased refinery capacity;

(c) Utah will promote the development of resources and infrastructure sufficient to meet the state's growing demand, while contributing to the regional and national energy supply, thus reducing dependence on international energy sources;

(d) Utah will allow market forces to drive prudent use of energy resources, although

incentives and other methods may be used to ensure the state's optimal development and use of energy resources in the short- and long-term;

(e) Utah will pursue energy conservation, energy efficiency, and environmental quality;

(f) (i) state regulatory processes should be streamlined to balance economic costs with the level of review necessary to ensure protection of the state's various interests; and

(ii) where federal action is required, Utah will encourage expedited federal action and will collaborate with federal agencies to expedite review;

(g) Utah will maintain an environment that provides for stable consumer prices that are as low as possible while providing producers and suppliers a fair return on investment, recognizing that:

(i) economic prosperity is linked to the availability, reliability, and affordability of consumer energy supplies; and

(ii) investment will occur only when adequate financial returns can be realized; and

(h) Utah will promote training and education programs focused on developing a comprehensive understanding of energy, including:

(i) programs addressing:

(A) energy conservation;

(B) energy efficiency;

(C) supply and demand; and

(D) energy related workforce development; and

(ii) energy education programs in grades K-12.

(2) State agencies are encouraged to conduct agency activities consistent with Subsection (1).

(3) A person may not file suit to challenge a state agency's action that is inconsistent with Subsection (1).

Section 119. Section **79-6-302**, which is renumbered from Section 63M-4-302 is renumbered and amended to read:

[~~63M-4-302~~]. 79-6-302. Legislative committee review.

The Natural Resources, Agriculture, and Environment Interim Committee and the Public Utilities, Energy, and Technology Interim Committee shall review the state energy policy annually and propose any changes to the Legislature.

Section 120. Section **79-6-401**, which is renumbered from Section 63M-4-401 is renumbered and amended to read:

Part 4. Office of Energy Development

[~~63M-4-401~~]. 79-6-401. Office of Energy Development -- Creation -- Director -- Purpose -- Rulemaking regarding confidential information -- Fees -- Transition for employees.

(1) There is created an Office of Energy Development in the Department of Natural Resources.

(2) (a) The [~~governor's~~] energy advisor shall serve as the director of the office or, on or before June 30, 2029, appoint a director of the office.

(b) The director:

(i) shall, if the [~~governor's~~] energy advisor appoints a director under Subsection (2)(a), report to the [~~governor's~~] energy advisor; and

(ii) may appoint staff as funding within existing budgets allows.

[~~(c)~~] (c) The office may consolidate energy staff and functions existing in the state energy program.

(3) The purposes of the office are to:

(a) serve as the primary resource for advancing energy and mineral development in the state;

(b) implement:

(i) the state energy policy under Section [~~63M-4-301~~] 79-6-301; and

(ii) the governor's energy and mineral development goals and objectives;

(c) advance energy education, outreach, and research, including the creation of elementary, higher education, and technical college energy education programs;

(d) promote energy and mineral development workforce initiatives; and

(e) support collaborative research initiatives targeted at Utah-specific energy and mineral development.

(4) By following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, the office may:

(a) seek federal grants or loans;

(b) seek to participate in federal programs; and

(c) in accordance with applicable federal program guidelines, administer federally funded state energy programs.

(5) The office shall perform the duties required by Sections 11-42a-106, 59-5-102, 59-7-614.7, 59-10-1029, Part 5, Alternative Energy Development Tax Credit Act, and Part 6, High Cost Infrastructure Development Tax Credit Act.

(6) (a) For purposes of administering this section, the office may make rules, by following [~~the procedures and requirements of~~] Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to maintain as confidential, and not as a public record, information that the office receives from any source.

(b) The office shall maintain information the office receives from any source at the level of confidentiality assigned by the source.

(7) The office may charge application, filing, and processing fees in amounts determined by the office in accordance with Section 63J-1-504 as dedicated credits for performing office duties described in this part.

(8) (a) An employee of the office is an at-will employee.

(b) For an employee of the office on July 1, 2021, the employee shall have the same salary and benefit options the employee had when the office was part of the office of the governor.

Section 121. Section **79-6-402**, which is renumbered from Section 63M-4-402 is renumbered and amended to read:

[~~63M-4-402~~]. 79-6-402. In-state generator need -- Merchant electric transmission line.

(1) As used in this section:

(a) "Capacity allocation process" means the process outlined by the Federal Energy Regulatory Commission in its final policy statement dated January 17, 2013, "Allocation of Capacity on New Merchant Transmission Projects and New Cost-Based, Participant-Funded Transmission Projects, Priority Rights to New Participant-Funded Transmission," 142 F.E.R.C. P61,038 (2013).

(b) "Certificate of in-state need" means a certificate issued by the office in accordance with this section identifying an in-state generator that meets the requirements and qualifications of this section.

(c) "Expression of need" means a document prepared and submitted to the office by an in-state merchant generator that describes or otherwise documents the transmission needs of the in-state merchant generator in conformance with the requirements of this section.

(d) "In-state merchant generator" means an electric power provider that generates power in Utah and does not provide service to retail customers within the boundaries of Utah.

(e) "Merchant electric transmission line" means a transmission line that does not provide electricity to retail customers within the boundaries of Utah.

(f) "Office" means the Office of Energy Development established in Section [~~63M-4-401~~] 79-6-401.

(g) "Open solicitation notice" means a document prepared and submitted to the office by a merchant electric transmission line regarding the commencement of the line's open solicitation in compliance with 142 F.E.R.C. P61,038 (2013).

(2) As part of the capacity allocation process, a merchant electric transmission line shall file an open solicitation notice with the office containing a description of the merchant electric transmission line, including:

(a) the proposed capacity;

(b) the location of potential interconnection for in-state merchant generators;

(c) the planned date for commencement of construction; and

(d) the planned commercial operations date.

(3) Upon receipt of the open solicitation notice, the office shall:

(a) publish the notice on the Utah Public Notice Website created under Section 63F-1-701;

(b) include in the notice contact information; and

(c) provide the deadline date for submission of an expression of need.

(4) (a) In response to the open solicitation notice published by the office, and no later than 30 days after publication of the notice, an in-state merchant generator may submit an expression of need to the office.

(b) An expression of need submitted under Subsection (4)(a) shall include:

(i) a description of the in-state merchant generator; and

(ii) a schedule of transmission capacity requirement provided in megawatts, by point of receipt and point of delivery and by operating year.

(5) No later than 60 days after notice is published under Subsection (3), the office shall prepare a certificate of in-state need identifying the in-state merchant generators.

(6) Within five days of preparing the certificate of in-state need, the office shall:

(a) publish the certificate on the Utah Public Notice Website created under Section 63F-1-701; and

(b) provide the certificate to the merchant electric transmission line for consideration in the capacity allocation process.

(7) The merchant electric transmission line shall:

(a) provide the Federal Energy Regulatory Commission with a copy of the certificate of in-state need; and

(b) certify that the certificate is being provided to the Federal Energy Regulatory Commission in accordance with the requirements of this section, including a citation to this section.

(8) At the conclusion of the capacity allocation process, and unless prohibited by a contractual obligation of confidentiality, the merchant electric transmission line shall report to the office whether a merchant in-state generator reflected on the certificate of in-state need has entered into a transmission service agreement with the merchant electric transmission line.

(9) This section may not be interpreted to:

(a) create an obligation of a merchant electric transmission line to pay for, or construct any portion of, the transmission line on behalf of an in-state merchant generator; or

(b) preempt, supersede, or otherwise conflict with Federal Energy Regulatory Commission rules and regulations applicable to a commercial transmission agreement, including agreements, or terms of agreements, as to cost, terms, transmission capacity, or key rates.

(10) Subsections (2) through (9) do not apply to a project entity as defined in Section 11-13-103.

Section 122. Section **79-6-501**, which is renumbered from Section 63M-4-501 is renumbered and amended to read:

Part 5. Alternative Energy Development Tax Credit Act

[~~63M-4-501~~]. 79-6-501. Title.

This part is known as the "Alternative Energy Development Tax Credit Act."

Section 123. Section **79-6-502**, which is renumbered from Section 63M-4-502 is renumbered and amended to read:

[~~63M-4-502~~]. 79-6-502. Definitions.

As used in this part:

(1) "Alternative energy" [~~is as~~] means the same as that term is defined in Section 59-12-102.

(2) (a) "Alternative energy entity" means a person that:

(i) conducts business within the state; and

(ii) enters into an agreement with the office that qualifies the person to receive a tax credit.

(b) "Alternative energy entity" includes a pass-through entity taxpayer, as defined in Section 59-10-1402, of a person described in Subsection (2)(a).

(3) "Alternative energy project" means a project produced by an alternative energy entity if that project involves:

(a) a new or expanding operation in the state; and

(b) (i) utility-scale alternative energy generation; or

(ii) the extraction of alternative fuels.

(4) "New incremental job within the state" means, with respect to an alternative energy entity, an employment position that:

(a) did not exist within the state before:

(i) the alternative energy entity entered into an agreement with the office in accordance with Section [~~63M-4-503~~] 79-6-503; and

(ii) the alternative energy project began;

(b) is not shifted from one location in the state to another location in the state; and

(c) is established to the satisfaction of the office, including by amounts paid or withheld by the alternative energy entity under Title 59, Chapter 10, Individual Income Tax Act.

(5) "New state revenues" means an increased amount of tax revenues generated as a result of an alternative energy project by an alternative energy entity or a new incremental job within the state under the following:

(a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

(b) Title 59, Chapter 10, Individual Income Tax Act; and

(c) Title 59, Chapter 12, Sales and Use Tax Act.

(6) "Office" [~~is as defined~~] means the Office of Energy Development created in Section [~~63M-4-401~~] 79-6-401.

(7) "Tax credit" means a tax credit under Section 59-7-614.7 or 59-10-1029.

(8) "Tax credit applicant" means an alternative energy entity that applies to the office to receive a tax credit certificate under this part.

(9) "Tax credit certificate" means a certificate issued by the office that:

(a) lists the name of the tax credit certificate recipient;

(b) lists the tax credit certificate recipient's taxpayer identification number;

(c) lists the amount of the tax credit certificate recipient's tax credits authorized under this part for a taxable year; and

(d) includes other information as determined by the office.

(10) "Tax credit certificate recipient" means an alternative energy entity that receives a tax credit certificate for a tax credit in accordance with this part.

Section 124. Section **79-6-503**, which is renumbered from Section 63M-4-503 is renumbered and amended to read:

[~~63M-4-503~~]. 79-6-503. Tax credits.

(1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules establishing standards an alternative energy entity shall meet to qualify for a tax credit.

(b) Before the office enters into an agreement described in Subsection (2) with an alternative energy entity, the office, in consultation with other state agencies as necessary, shall certify:

(i) that the alternative energy entity plans to produce in the state at least:

(A) two megawatts of electricity;

(B) 1,000 barrels per day if the alternative energy project is a crude oil equivalent production; or

(C) 250 barrels per day if the alternative energy project is a biomass energy fuel production;

(ii) that the alternative energy project will generate new state revenues;

(iii) the economic life of the alternative energy project produced by the alternative energy entity;

(iv) that the alternative energy entity meets the requirements of Section [~~63M-4-504~~] 79-6-504; and

(v) that the alternative energy entity has received a certificate of existence from the Division of Corporations and Commercial Code.

(2) If an alternative energy entity meets the requirements of this part to receive a tax credit, the office shall enter into an agreement with the alternative energy entity to authorize the tax credit in accordance with Subsection (3).

(3) (a) Subject to Subsection (3)(b), if the office expects that the time from the commencement of construction until the end of the economic life of the alternative energy project is 20 years or more:

(i) the office shall grant a tax credit for the lesser of:

(A) the economic life of the alternative energy project; or

(B) 20 years; and

(ii) the tax credit is equal to 75% of new state revenues generated by the alternative energy project.

(b) For a taxable year, a tax credit under this section may not exceed the new state revenues generated by an alternative energy project during that taxable year.

(4) An alternative energy entity that seeks to receive a tax credit or has entered into an agreement described in Subsection (2) with the office shall:

(a) annually file a report with the office showing the new state revenues generated by the alternative energy project during the taxable year for which the alternative energy entity seeks to receive a tax credit under Section 59-7-614.7 or 59-10-1029;

(b) subject to Subsection (5), annually file a report with the office prepared by an independent certified public accountant verifying the new state revenue described in Subsection (4)(a);

(c) subject to Subsection (5), file a report with the office at least every four years prepared by an independent auditor auditing the new state revenue described in Subsection (4)(a);

(d) provide the office with information required by the office to certify the economic

life of the alternative energy project produced by the alternative energy entity, which may include a power purchase agreement, a lease, or a permit; and

(e) retain records supporting a claim for a tax credit for at least four years after the alternative energy entity claims a tax credit under Section 59-7-614.7 or 59-10-1029.

(5) An alternative energy entity for which a report is prepared under Subsection (4)(b) or (c) shall pay the costs of preparing the report.

(6) The office shall annually certify the new state revenues generated by an alternative energy project for a taxable year for which an alternative energy entity seeks to receive a tax credit under Section 59-7-614.7 or 59-10-1029.

Section 125. Section **79-6-504**, which is renumbered from Section 63M-4-504 is renumbered and amended to read:

[~~63M-4-504~~]. 79-6-504. Qualifications for tax credit -- Procedure.

(1) The office shall certify an alternative energy entity's eligibility for a tax credit as provided in this section.

(2) A tax credit applicant shall provide the office with:

(a) an application for a tax credit certificate;

(b) documentation that the tax credit applicant meets the standards and requirements described in Section [~~63M-4-503~~] 79-6-503 to the satisfaction of the office for the taxable year for which the tax credit applicant seeks to claim a tax credit; and

(c) documentation that expressly directs and authorizes the State Tax Commission to disclose to the office the tax credit applicant's returns and other information concerning the tax credit applicant that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code.

(3) (a) The office shall submit the documentation described in Subsection (2)(c) to the State Tax Commission.

(b) Upon receipt of the documentation described in Subsection (2)(c), the State Tax Commission shall provide the office with the documentation described in Subsection (2)(c) requested by the office that the tax credit applicant directed and authorized the State Tax Commission to provide to the office.

(4) If, after the office reviews the documentation described in Subsections (2) and (3), the office determines that the documentation supporting the tax credit applicant's claim for a

tax credit is not substantially accurate, the office shall:

(a) deny the tax credit; or

(b) inform the tax credit applicant that the documentation supporting the tax credit applicant's claim for a tax credit was inadequate and ask the tax credit applicant to submit new documentation.

(5) If, after the office reviews the documentation described in Subsections (2) and (3), the office determines that the documentation supporting the tax credit applicant's claim for a tax credit is substantially accurate, the office shall, on the basis of that documentation:

(a) enter into the agreement described in Section [~~63M-4-503~~] 79-6-503;

(b) issue a tax credit certificate to the tax credit applicant; and

(c) provide a duplicate copy of the tax credit certificate described in Subsection (5)(b) to the State Tax Commission.

(6) An alternative energy entity may not claim a tax credit under this part unless the alternative energy entity is a tax credit certificate recipient.

(7) A tax credit certificate recipient that claims a tax credit shall retain the tax credit certificate in accordance with Subsection [~~63M-4-503~~] 79-6-503(4).

Section 126. Section **79-6-505**, which is renumbered from Section 63M-4-505 is renumbered and amended to read:

[~~63M-4-505~~]. 79-6-505. Report to the Legislature.

The office shall annually provide an electronic report to the Public Utilities, Energy, and Technology Interim Committee, the Natural Resources, Agriculture, and Environment Interim Committee, and the Revenue and Taxation Interim Committee describing:

(1) its success in attracting alternative energy projects to the state and the resulting increase in new state revenues under this part;

(2) the amount of tax credits the office has granted or will grant and the time period during which the tax credits have been or will be granted; and

(3) the economic impact on the state by comparing new state revenues to tax credits that have been or will be granted under this part.

Section 127. Section **79-6-601**, which is renumbered from Section 63M-4-601 is renumbered and amended to read:

Part 6. High Cost Infrastructure Development Tax Credit Act

[~~63M-4-601~~]. 79-6-601. Title.

This part is known as the "High Cost Infrastructure Development Tax Credit Act."

Section 128. Section **79-6-602**, which is renumbered from Section 63M-4-602 is renumbered and amended to read:

[~~63M-4-602~~]. 79-6-602. Definitions.

As used in this part:

(1) "Applicant" means a person that conducts business in the state and that applies for a tax credit under this part.

(2) "Fuel standard compliance project" means a project designed to retrofit a fuel refinery in order to make the refinery capable of producing fuel that complies with the United States Environmental Protection Agency's Tier 3 gasoline sulfur standard described in 40 C.F.R. Sec. 79.54.

(3) "High cost infrastructure project" means a project:

(a) (i) that expands or creates new industrial, mining, manufacturing, or agriculture activity in the state, not including a retail business;

(ii) that involves new investment of at least $50,000,000 in an existing industrial, mining, manufacturing, or agriculture entity, by the entity; or

(iii) for the construction of a plant or other facility, including a fueling station, for the storage, production, or distribution of hydrogen fuel used for transportation, electricity generation, or industrial use;

(b) that requires or is directly facilitated by infrastructure construction; and

(c) for which the cost of infrastructure construction to the entity creating the project is greater than:

(i) 10% of the total cost of the project; or

(ii) $10,000,000.

(4) "Infrastructure" means:

(a) an energy delivery project as defined in Section 63H-2-102;

(b) a railroad as defined in Section 54-2-1;

(c) a fuel standard compliance project;

(d) a road improvement project;

(e) a water self-supply project;

(f) a water removal system project;

(g) a solution-mined subsurface salt cavern; or

(h) a project that is designed to:

(i) increase the capacity for water delivery to a water user in the state; or

(ii) increase the capability of an existing water delivery system or related facility to deliver water to a water user in the state.

(5) (a) "Infrastructure cost-burdened entity" means an applicant that enters into an agreement with the office that qualifies the applicant to receive a tax credit as provided in this part.

(b) "Infrastructure cost-burdened entity" includes a pass-through entity taxpayer, as defined in Section 59-10-1402, of a person described in Subsection (5)(a).

(6) "Infrastructure-related revenue" means an amount of tax revenue, for an entity creating a high cost infrastructure project, in a taxable year, that is directly attributable to a high cost infrastructure project, under:

(a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

(b) Title 59, Chapter 10, Individual Income Tax Act; and

(c) Title 59, Chapter 12, Sales and Use Tax Act.

(7) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~] 79-6-401.

(8) "Tax credit" means a tax credit under Section 59-7-619 or 59-10-1034.

(9) "Tax credit certificate" means a certificate issued by the office to an infrastructure cost-burdened entity that:

(a) lists the name of the infrastructure cost-burdened entity;

(b) lists the infrastructure cost-burdened entity's taxpayer identification number;

(c) lists, for a taxable year, the amount of the tax credit authorized for the infrastructure cost-burdened entity under this part; and

(d) includes other information as determined by the office.

Section 129. Section **79-6-603**, which is renumbered from Section 63M-4-603 is renumbered and amended to read:

[~~63M-4-603~~]. 79-6-603. Tax credit -- Amount -- Eligibility -- Reporting.

(1) Before the office enters into an agreement described in Subsection (3) with an

applicant regarding a project, the office, in consultation with the Utah Energy Infrastructure Authority Board created in Section 63H-2-202, and other state agencies as necessary, shall, in accordance with the procedures described in Section [~~63M-4-604~~] 79-6-604, certify:

(a) that the project meets the definition of a high cost infrastructure project under this part;

(b) that the high cost infrastructure project will generate infrastructure-related revenue;

(c) the economic life of the high cost infrastructure project; and

(d) that the applicant has received a certificate of existence from the Division of Corporations and Commercial Code.

(2) (a) Before the office enters into an agreement described in Subsection (3) with an applicant regarding a project, the Utah Energy Infrastructure Authority Board shall evaluate the project's benefit to the state, based on whether the project:

(i) is likely to increase the property tax revenue for the municipality or county where the project will be located;

(ii) would provide new infrastructure for an area where the type of infrastructure the project would create is underdeveloped;

(iii) would have a positive environmental impact on the state;

(iv) would upgrade or improve an existing entity in order to ensure the entity's continued operation and economic viability; and

(v) is less likely to be completed without a tax credit issued to the applicant under this part.

(b) The Utah Energy Infrastructure Authority Board may recommend that the office deny an applicant a tax credit if the applicant's project does not, as determined by the Utah Energy Infrastructure Authority Board, sufficiently benefit the state based on the criteria described in Subsection (2)(a).

(3) Subject to the procedures described in Section [~~63M-4-604~~] 79-6-604, if an applicant meets the requirements of Subsection (1) to receive a tax credit, and the applicant's project receives a favorable recommendation from the Utah Energy Infrastructure Authority Board under Subsection (2), the office shall enter into an agreement with the applicant to authorize the tax credit in accordance with this part.

(4) The office shall grant a tax credit to an infrastructure cost-burdened entity, for a

high cost infrastructure project, under an agreement described in Subsection (3):

(a) for the lesser of:

(i) the economic life of the high cost infrastructure project;

(ii) 20 years; or

(iii) a time period, the first taxable year of which is the taxable year when the construction of the high cost infrastructure project begins and the last taxable year of which is the taxable year in which the infrastructure cost-burdened entity has recovered, through the tax credit, an amount equal to:

(A) 50% of the cost of the infrastructure construction associated with the high cost infrastructure project; or

(B) if the high cost infrastructure project is a fuel standard compliance project, 30% of the cost of the infrastructure construction associated with the high cost infrastructure project.

(b) except as provided in Subsections (4)(a) and (d), in a total amount equal to 30% of the high cost infrastructure project's total infrastructure-related revenue over the time period described in Subsection (4)(a);

(c) for a taxable year, in an amount that does not exceed the high cost infrastructure project's infrastructure-related revenue during that taxable year; and

(d) if the high cost infrastructure project is a fuel standard compliance project, in a total amount that is:

(i) determined by the Utah Energy Infrastructure Authority Board, based on:

(A) the applicant's likelihood of completing the high cost infrastructure project without a tax credit; and

(B) how soon the applicant plans to complete the high cost infrastructure project; and

(ii) equal to or less than 30% of the high cost infrastructure project's total infrastructure-related revenue over the time period described in Subsection (4)(a).

(5) An infrastructure cost-burdened entity shall, for each taxable year:

(a) file a report with the office showing the high cost infrastructure project's infrastructure-related revenue during the taxable year;

(b) subject to Subsection (7), file a report with the office that is prepared by an independent certified public accountant that verifies the infrastructure-related revenue described in Subsection (5)(a); and

(c) provide the office with information required by the office to certify the economic life of the high cost infrastructure project.

(6) An infrastructure cost-burdened entity shall retain records supporting a claim for a tax credit for the same period of time during which a person is required to keep books and records under Section 59-1-1406.

(7) An infrastructure cost-burdened entity for which a report is prepared under Subsection (5)(b) shall pay the costs of preparing the report.

(8) The office shall certify, for each taxable year, the infrastructure-related revenue generated by an infrastructure cost-burdened entity.

Section 130. Section **79-6-604**, which is renumbered from Section 63M-4-604 is renumbered and amended to read:

[~~63M-4-604~~]. 79-6-604. Tax credit -- Application procedure.

(1) An applicant shall provide the office with:

(a) an application for a tax credit certificate;

(b) documentation that the applicant meets the requirements described in Subsection [~~63M-4-603~~] 79-6-603(1), to the satisfaction of the office, for the taxable year for which the applicant seeks to claim a tax credit; and

(c) documentation that expressly directs and authorizes the State Tax Commission to disclose to the office the applicant's returns and other information concerning the applicant that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code.

(2) (a) The office shall, for an applicant, submit the documentation described in Subsection (1)(c) to the State Tax Commission.

(b) Upon receipt of the documentation described in Subsection (1)(c), the State Tax Commission shall provide the office with the documentation described in Subsection (1)(c).

(3) If, after the office reviews the documentation from the State Tax Commission under Subsection (2)(b) and the information the applicant submits to the office under Section [~~63M-4-603~~] 79-6-603, the office, in consultation with the Utah Energy Infrastructure Authority Board created in Section 63H-2-202, determines that the applicant is not eligible for the tax credit under Section [~~63M-4-603~~] 79-6-603, or that the applicant's documentation is inadequate, the office shall:

(a) deny the tax credit; or

(b) inform the applicant that the documentation supporting the applicant's claim for a tax credit was inadequate and request that the applicant supplement the applicant's documentation.

(4) Except as provided in Subsection (5), if, after the office reviews the documentation described in Subsection (2)(b) and the information described in Subsection [~~63M-4-603~~] 79-6-603(6), the office, in consultation with the Utah Energy Infrastructure Authority Board created in Section 63H-2-202, determines that the documentation supporting an applicant's claim for a tax credit adequately demonstrates that the applicant is eligible for the tax credit under Section [~~63M-4-603~~] 79-6-603, the office shall, on the basis of the documentation:

(a) enter, with the applicant, into the agreement described in Subsection [~~63M-4-603~~] 79-6-603(3);

(b) issue a tax credit certificate to the applicant; and

(c) provide a duplicate copy of the tax credit certificate described in Subsection (4)(b) to the State Tax Commission.

(5) The office may deny an applicant a tax credit based on the recommendation of the Utah Energy Infrastructure Authority Board, as provided in Subsection [~~63M-4-603~~] 79-6-603(2).

(6) An infrastructure cost-burdened entity may not claim a tax credit under Section 59-7-619 or 59-10-1034 unless the infrastructure cost-burdened entity receives a tax credit certificate from the office.

(7) An infrastructure cost-burdened entity that claims a tax credit shall retain the tax credit certificate in accordance with Subsection [~~63M-4-603~~] 79-6-603(7).

(8) Except for the information that is necessary for the office to disclose in order to make the report described in Section [~~63M-4-605~~] 79-6-605, the office shall treat a document an applicant or infrastructure cost-burdened entity provides to the office as a protected record under Section 63G-2-305.

Section 131. Section **79-6-605**, which is renumbered from Section 63M-4-605 is renumbered and amended to read:

[~~63M-4-605~~]. 79-6-605. Report to the Legislature.

The office shall report annually to the Public Utilities, Energy, and Technology Interim

Committee, the Natural Resources, Agriculture, and Environment Interim Committee, and the Revenue and Taxation Interim Committee describing:

(1) the office's success in attracting high cost infrastructure projects to the state and the resulting increase in infrastructure-related revenue under this part;

(2) the amount of tax credits the office has granted or will grant and the time period during which the tax credits have been or will be granted; and

(3) the economic impact on the state by comparing infrastructure-related revenue to tax credits that have been or will be granted under this part.

Section 132. Section **79-6-606**, which is renumbered from Section 63M-4-606 is renumbered and amended to read:

[~~63M-4-606~~]. 79-6-606. Administrative rules.

The office may establish, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, requirements and procedures for the implementation of this part.

Section 133. Section **79-6-701**, which is renumbered from Section 63M-4-701 is renumbered and amended to read:

Part 7. Refiner Gasoline Sulfur Standard Sales and Use Tax Exemption Reporting

[~~63M-4-701~~]. 79-6-701. Definitions.

As used in this part:

(1) "Blending stock," "blendstock," or "component" means any liquid compound that is blended with other liquid compounds to produce gasoline.

(2) "Refiner" means any person who owns, leases, operates, controls, or supervises a refinery.

(3) "Refiner tax exemption certification" means a certification issued by the office in accordance with Section [~~63M-4-702~~] 79-6-702.

(4) "Refinery" means a facility where gasoline or diesel fuel is produced, including a facility at which blendstocks are combined to produce gasoline or diesel fuel, or at which blendstock is added to gasoline or diesel fuel.

Section 134. Section **79-6-702**, which is renumbered from Section 63M-4-702 is renumbered and amended to read:

[~~63M-4-702~~]. 79-6-702. Refiner gasoline standard reporting -- Office of

Energy Development certification of sales and use tax exemption eligibility.

(1) (a) A refiner that seeks to be eligible for a sales and use tax exemption under Subsection 59-12-104(86) on or after July 1, 2021, shall annually report to the office whether the refiner's facility that is located within the state:

(i) had an average gasoline sulfur level of 10 parts per million (ppm) or less using the formulas prescribed in 40 C.F.R. Sec. 80.1603, excluding the offset for credit use and transfer as prescribed in 40 C.F.R. Sec. 80.1616, during the previous calendar year; or

(ii) for an annual report covering a period before January 1, 2023, if a refiner's facility did not have an average gasoline sulfur level described in Subsection (1)(a)(i) during the previous calendar year, the progress the refiner made during the previous calendar year toward complying with the average gasoline sulfur level described in Subsection (1)(a)(i).

(b) Fuels for which a final destination outside Utah can be demonstrated or that are not subject to the standards and requirements of 40 C.F.R. Sec. 80.1603 as specified in 40 C.F.R. Sec. 80.1601 are not subject to the reporting provisions under Subsection (1)(a).

(2) The office shall issue a refiner tax exemption certification to a refiner on a form prescribed by the State Tax Commission:

(a) beginning July 1, 2021, and ending December 31, 2022, if:

(i) the refiner's refinery that is located within the state had an average gasoline sulfur level described in Subsection (1)(a)(i) during the previous calendar year; or

(ii) (A) on or before July 1, 2021, the refiner certifies in writing to the office that the refiner's refinery that is located within the state will have an average gasoline sulfur level described in Subsection (1)(a)(i) after December 31, 2024; and

(B) the office determines that the refiner made satisfactory progress during the previous calendar year toward satisfying the refiner's certification described in Subsection (2)(a)(ii)(A); or

(b) after December 31, 2022, if the refiner's refinery that is located within the state had an average gasoline sulfur level described in Subsection (1)(a)(i) during the previous calendar year.

(3) (a) Within 30 days after the day on which the office receives a complete annual report described in Subsection (1)(a), the office shall:

(i) issue a refiner tax exemption certification to the refiner; or

(ii) notify the refiner in writing that the office has determined the refiner does not qualify for a refiner tax exemption certification and the basis for the office's determination.

(b) A refiner tax exemption certification is valid for one year after the day on which the office issues the refiner tax exemption certification.

(4) The office:

(a) shall accept a copy of a report submitted by a refiner to the Environmental Protection Agency under 40 C.F.R. Sec. 80.1652 as sufficient evidence of the refiner's average gasoline sulfur level; or

(b) may establish another reporting mechanism through rules made under Subsection (5).

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules to implement this section.

Section 135. Section **79-6-801**, which is renumbered from Section 63M-4-801 is renumbered and amended to read:

Part 8. Voluntary Home Energy Information Pilot Program Act

[~~63M-4-801~~]. 79-6-801. Title.

This part is known as the "Voluntary Home Energy Information Pilot Program Act."

Section 136. Section **79-6-802**, which is renumbered from Section 63M-4-802 is renumbered and amended to read:

[~~63M-4-802~~]. 79-6-802. Definitions.

As used in this part:

(1) "Advisory committee" means the committee created in Subsection [~~63M-4-805~~] 79-6-805(1).

(2) "Asset rating" means a representation of a residential building's energy efficiency or energy use generated by modeling under standardized weather and occupancy conditions.

(3) "Home" means a single-family detached or single-family attached enclosed structure created for permanent use as a residence.

(4) "Home energy assessment" means the evaluation or testing of components or systems in a residential building for the purpose of identifying options for increasing energy conservation and energy efficiency.

(5) "Home energy assessor" means a qualified person who:

(a) conducts home energy assessments on residential buildings;

(b) assigns residential buildings a home energy performance score; and

(c) prepares a home energy performance report for residential buildings.

(6) "Home energy performance report" means a report prepared by a home energy assessor that identifies a residential building's home energy performance score, an explanation of the score, an estimate of the total energy used in the home, and other information required to be included in the report under Section [~~63M-4-804~~] 79-6-804.

(7) "Home energy performance score" means a score assigned to a residential building using the home energy performance score system created by the office pursuant to Section [~~63M-4-804~~] 79-6-804.

(8) "Home energy performance score system" means a technical and administrative framework for producing and reporting metrics that describe the energy consumption, generation, and efficiency of a building.

(9) "Program" means the voluntary home energy information pilot program for which model rules are created in Section [~~63M-4-803~~] 79-6-803.

(10) "Residential building" means a home.

Section 137. Section **79-6-803**, which is renumbered from Section 63M-4-803 is renumbered and amended to read:

[~~63M-4-803~~]. 79-6-803. Voluntary Home Energy Information Pilot Program.

(1) The office shall develop model rules for a voluntary home energy information pilot program.

(2) The model rules shall be designed to:

(a) provide widespread information to home buyers and sellers about a home's energy efficiency, cost savings, and air quality impacts; and

(b) empower consumers to ask about the energy efficiency performance of homes and increase market demand for energy efficient homes and home energy efficiency upgrades.

(3) The office may use appropriated funds to develop model rules for a home energy performance score system described in Section [~~63M-4-804~~] 79-6-804 for homes.

(4) Model rules to implement the program may include:

(a) proposed application procedures to receive a reimbursement from the program for a

home energy assessment and home energy performance report;

(b) the criteria used by the office to determine whether a reimbursement request is approved;

(c) the administratively best method and form for making a reimbursement;

(d) the criteria used by the office to determine the amount of a reimbursement;

(e) the information that an applicant or applicant's designee will be required to report to the office to receive a reimbursement;

(f) specifications for the procedures and requirements for conducting a home energy assessment;

(g) the requirements for a home energy performance report; and

(h) the qualifications for home energy assessors.

(5) The office shall administer or contract for the administration of the advisory committee and the development of model rules.

[~~(6) The office shall provide a report to the Legislature's Business and Labor Interim Committee and Public Utilities, Energy, and Technology Interim Committee no later than November 30, 2020 on:~~]

[~~(a) the status of the model rules; and~~]

[~~(b) recommendations for implementing a pilot program based on the model rules.~~]

Section 138. Section **79-6-804**, which is renumbered from Section 63M-4-804 is renumbered and amended to read:

[~~63M-4-804~~]. 79-6-804. Home energy performance score system.

(1) In consultation with the advisory committee, the office shall create a home energy performance score system that shall:

(a) have the capability to generate a home energy performance score that meets the requirements of Subsection (2);

(b) have the capability to generate a home energy performance report that meets the requirements of Subsection (3);

(c) have the capability to incorporate building energy assessment software, the output of which is to be used to derive the information presented on the home energy performance report; and

(d) specify training requirements for home energy assessors.

(2) A home energy performance score under Subsection (1)(a) shall:

(a) be an asset rating that is based on physical inspection of the home or design documents used for the home's construction; and

(b) use one or a combination of the following approaches for home energy scoring:

(i) the issuance of a home energy score by the United States Department of Energy; or

(ii) the issuance of a home energy rating system by the Residential Energy Services Network.

(3) A home energy performance report described in Subsection (1)(b) shall include:

(a) the home energy performance score described in Subsection (1)(a) and an explanation of the score;

(b) an estimate of the total energy used in the home in retail units of energy, by fuel type;

(c) an estimate of the annual energy costs for operating the home;

(d) an estimate of the annual emissions resulting from energy used in the home;

(e) a list of recommended home improvements to reduce energy use in the home; and

(f) other information the office, in consultation with the advisory committee, determines is appropriate to include in the model rules.

Section 139. Section **79-6-805**, which is renumbered from Section 63M-4-805 is renumbered and amended to read:

[~~63M-4-805~~]. 79-6-805. Home energy information advisory committee.

(1) There is created a home energy information advisory committee.

(2) The advisory committee shall be composed of the following 12 members:

(a) an individual who is an expert in residential real estate, as recommended by the Utah Association of Realtors;

(b) an individual who is an expert in residential construction as recommended by the Utah Home Builders Association;

(c) an individual who is an expert in land development for residential communities but is not a home builder;

(d) an individual who is a nonprofit energy efficiency or air quality advocate;

(e) an individual who is an expert in residential home energy assessments;

(f) an individual who is an expert in residential home inspections;

(g) an individual who is an expert in public education and marketing;

(h) an individual who is an expert in residential appraisals, as recommended by the Utah Association of Appraisers;

(i) an individual who is an expert in electric utility energy efficiency programs;

(j) an individual who is an expert in natural gas utility energy efficiency programs;

(k) an individual who is an expert in residential architecture, as recommended by the Utah Chapter of the American Institute of Architects; and

(l) the director of the [~~Governor's~~] Office of Energy Development~~{] office}~~ or the director's designee.

(3) The director of the office shall appoint the members of the advisory committee which shall assist the director in developing model rules for a home energy performance score system described in Section [~~63M-4-804~~] 79-6-804.

(4) The director of the office, or the director's designee, shall act as chair of the advisory committee.

(5) An advisory committee member may not receive compensation or benefits for the member's service on the advisory committee.

Section 140. Section **79-7-101** is enacted to read:

CHAPTER 7. RECREATION ACT

Part 1. General Provisions

79-7-101. Title.

This chapter is known as "Recreation Act."

Section 141. Section **79-7-102** is enacted to read:

79-7-102. Definitions.

As used in this chapter:

(1) "Commission" means the Outdoor Adventure Commission created in Section 63C-21-201.

(2) "Division" means the Division of Recreation.

Section 142. Section **79-7-201** is enacted to read:

Part 2. Division Creation and Administration

79-7-201. Division of Recreation -- Creation -- Powers and authority.

(1) (a) There is created within the department the Division of Recreation.

(b) The division has the purpose of providing, maintaining, and coordinating motorized and nonmotorized recreation within the state.

(2) (a) The division is under the administration and general supervision of the executive director.

(b) The division shall consult with the commission.

(3) The division is the recreation authority for the state.

(4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules, after consulting with the commission, when expressly authorized by this chapter.

(b) The division shall make rules governing the collection of charges under Subsection 79-7-203(8).

Section 143. Section **79-7-202** is enacted to read:

79-7-202. Director -- Qualifications -- Duties.

(1) The director is the executive and administrative head of the division.

(2) The director shall demonstrate:

(a) executive ability; and

(b) actual experience and training in the conduct of recreational systems involving both physical development and program.

(3) The director shall:

(a) enforce the policies and rules of the division; and

(b) perform the duties necessary to:

(i) properly care for and maintain any property under the jurisdiction of the division; and

(ii) carry out this chapter.

Section 144. Section **79-7-203** is enacted to read:

79-7-203. Powers and duties of division.

(1) As used in this section, "real property" includes land under water, upland, and all other property commonly or legally defined as real property.

(2) The Division of Wildlife Resources shall retain the power and jurisdiction conferred upon the Division of Wildlife Resources by law on property controlled by the division with reference to fish and game.

(3) The division shall permit multiple use of property controlled by the division for purposes such as grazing, fishing, hunting, camping, mining, and the development and use of water and other natural resources.

(4) (a) The division may acquire real and personal property in the name of the state by legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or otherwise, subject to the approval of the executive director and the governor.

(b) In acquiring real or personal property, the credit of the state may not be pledged without the consent of the Legislature.

(5) (a) Before acquiring any real property, the division shall notify the county legislative body of the county where the property is situated of the division's intention to acquire the property.

(b) If the county legislative body requests a hearing within 10 days of receipt of the notice, the division shall hold a public hearing in the county concerning the matter.

(6) Acceptance of gifts or devises of land or other property is at the discretion of the division, subject to the approval of the executive director and the governor.

(7) The division shall acquire property by eminent domain in the manner authorized by Title 78B, Chapter 6, Part 5, Eminent Domain.

(8) (a) The division may make charges for special services and use of facilities, the income from which is available for recreation purposes.

(b) The division may conduct and operate those services necessary for the comfort and convenience of the public.

(9) (a) The division may lease or rent concessions of lawful kinds and nature on property to persons, partnerships, and corporations for a valuable consideration after consulting with the commission.

(b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in selecting concessionaires.

(10) The division shall proceed without delay to negotiate with the federal government concerning the Weber Basin and other recreation and reclamation projects.

(11) The division shall coordinate with and annually report to the following regarding land acquisition and development and grants administered under Chapter 8, Outdoor Recreation Grants:

(a) the Utah Office of Outdoor Recreation;

(b) the Division of State Parks; and

(c) the Office of Rural Development.

Section 145. Section **79-7-204** is enacted to read:

79-7-204. Division authorized to enter into contracts and agreements.

(1) The division, with the approval of the executive director and the governor, may enter into contracts and agreements with the United States, a United States agency, any other department or agency of the state, semipublic organizations, and with private individuals to:

(a) improve and maintain recreational grounds and the areas administered by the division; and

(b) secure labor, quarters, materials, services, or facilities according to procedures established by the Division of Finance.

(2) A department, agency, officer, or employee of the state shall give to the division the consultation and assistance that the division may reasonably request.

Section 146. Section **79-7-205** is enacted to read:

79-7-205. Support of a nonprofit corporation or foundation.

The division may provide administrative support to a nonprofit corporation or foundation that assists the division in attaining the objectives outlined in the strategic or operational plan.

Section 147. Section **79-7-301** is enacted to read:

Part 3. Finances

79-7-301. Money to be appropriated -- Boating account expenses.

(1) The Legislature shall appropriate the money from time to time necessary to carry out the purposes of this chapter to the division to be used by the division in the administration of the powers and duties and in carrying out the objective and purposes prescribed by this chapter.

(2) Departmental operating and administrative expenses for the administration of the boating account of the division shall be charged against that account.

Section 148. Section **79-7-302**, which is renumbered from Section 79-2-402 is renumbered and amended to read:

[~~79-2-402~~]. 79-7-302. Outdoor recreation facilities -- Participation in federal

programs -- Comprehensive plan.

(1) The executive director may, by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, seek a federal grant or loan or participation in a federal program to plan and develop an outdoor recreation resource, including:

(a) acquiring land or water; or

(b) acquiring an interest in land or water.

(2) (a) The executive director, in cooperation with the state planning coordinator and the state agency or political subdivision responsible for planning, acquisition, and development of outdoor recreation resources, may prepare, maintain, and update a comprehensive plan for the outdoor recreation resources of the state.

(b) The executive director shall submit the plan and any plan amendment to the governor for the governor's review and approval.

(3) By following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, the executive director may:

(a) apply to a United States agency for participation in or the receipt of aid from a federal program regarding outdoor recreation;

(b) in cooperation with other state agencies, enter into a contract or agreement with the United States or a United States agency;

(c) keep financial and other records; and

(d) furnish necessary reports to the United States official or agency.

(4) In connection with obtaining the benefits of an outdoor recreation program, the executive director shall coordinate the department's activities with and represent the interests of all state agencies and political subdivisions having an interest in the planning, development, and maintenance of the outdoor recreation resource or facility.

(5) The department may act as the agent of the state or a political subdivision to receive and to disburse federal money in accordance with the comprehensive plan.

(6) The executive director may not make a commitment or enter into an agreement as authorized by this section and neither shall the governor approve a commitment or agreement unless sufficient funds are available to the department for meeting the state's share, if any, of project costs.

(7) To the extent necessary to assure the proper operation and maintenance of areas and

facilities acquired or developed pursuant to a program participated in by the state under this section, the areas and facilities shall be publicly maintained for outdoor recreation purposes.

(8) The executive director may enter into and administer an agreement with the United States or a United States agency with the governor's approval for planning, acquisition, and development projects involving participating federal-aid funds on behalf of a political subdivision, if the political subdivision gives necessary assurance to the executive director that:

(a) the political subdivision has available sufficient funds to meet the political subdivision's share, if any, of the cost of the project; and

(b) the political subdivision will operate and maintain an acquired or developed area at the expense of the political subdivision for public outdoor recreation use.

Section 149. Section **79-7-401** is enacted to read:

Part 4. Enforcement

79-7-401. Enforcement in general.

(1) The division {~~shall~~}may:

(a) protect recreation property under the division's jurisdiction from misuse or damage; and

(b) preserve the peace on property within the division's jurisdiction.

(2) The division may coordinate with other government entities to accomplish {~~the duty under~~ }Subsection (1).

(3) An employee of the division who is a POST certified peace officer, and who is designated by the division director, are law enforcement officers under Section 53-13-103 and have all the powers of law enforcement officers in the state, with the exception of the power to serve civil process.

(4) The division {~~has the authority to~~}may deputize persons who are peace officers or special function officers to assist the division on a seasonal temporary basis.

Section 150. Section **79-7-402** is enacted to read:

79-7-402. Violations of rules.

Unless otherwise provided in this title, a violation of a rule of the division is an infraction.

Section 151. Section **79-8-101** is enacted to read:

CHAPTER 8. OUTDOOR RECREATION GRANTS

Part 1. General Provisions

79-8-101. Title.

This chapter is known as "Outdoor Recreation Grants."

Section 152. Section **79-8-102** is enacted to read:

79-8-102. Definitions.

As used in this chapter:

~~{ (1) "Accessible to the general public," in relation to the awarding of an infrastructure grant, means:~~

~~(a) the public may use the infrastructure in accordance with federal and state regulations; and~~

~~(b) no community or group retains exclusive rights to access the infrastructure.~~

~~}~~ ({~~2~~}1) "Children," in relation to the awarding of a UCORE grant, means individuals who are six years old or older and 18 years old or younger.

({~~3~~}2) "Director" means the director of the Division of Recreation.

({~~4~~}3) "Division" means the Division of Recreation.

({~~5~~}4) "Executive director" means the executive director of the Department of Natural Resources.

~~{ (6) "Infrastructure grant" means an outdoor recreational infrastructure grant described in Section 79-8-202.~~

~~(7) (a) "Recreational infrastructure project" means an undertaking to build or improve the approved facilities and installations needed for the public to access and enjoy the state's outdoors.~~

~~(b) "Recreational infrastructure project" may include the:~~

~~(i) establishment, construction, or renovation of a trail, trail infrastructure, or trail facilities;~~

~~(ii) construction of a project for water-related outdoor recreational activities;~~

~~(iii) development of a project for wildlife watching opportunities, including bird watching;~~

~~(iv) development of a project that provides winter recreation amenities;~~

~~(v) construction or improvement of a community park that has amenities for outdoor recreation; and~~

~~(vi) construction or improvement of a naturalistic and accessible playground.~~

~~}~~ ({~~8~~}5) "UCORE grant" means a children's outdoor recreation and education grant described in Section 79-8-402.

({~~9~~}6) (a) "Underserved or underprivileged community" means a group of people, including a municipality, county, or American Indian tribe, that is economically disadvantaged.

(b) "Underserved or underprivileged community" includes an economically disadvantaged community where{~~:~~

~~(i) in relation to awarding an infrastructure grant, the people of the community have limited access to or have demonstrated a low level of use of recreational infrastructure; and~~

~~(ii) }~~ in relation to awarding a UCORE grant, the children of the community, including children with disabilities, have limited access to outdoor recreation or education programs.

Section 153. Section **79-8-103** is enacted to read:

79-8-103. Outdoor recreation grants.

To the extent money is available, the division shall administer outdoor recreation grants for the state, including grants that address:

(1) outdoor recreation in general;

(2) recreational trails;

(3) off-highway vehicle incentives;

(4) boat access and clean vessels; and

(5) land, water, and conservation.

Section 154. Section **79-8-104** is enacted to read:

79-8-104. Annual report.

The director shall prepare an annual written report on the activities of the division under this chapter, including a description and the amount of any awarded ~~{infrastructure grants and any awarded }~~UCORE grants.

Section 155.~~{ Section **79-8-201**, which is renumbered from Section 63N-9-201 is renumbered and amended to read:~~

~~**Part 2. Outdoor Recreational Infrastructure Grant Program**~~

~~**[63N-9-201]. 79-8-201. Title.**~~

~~This part is known as the "Outdoor Recreational Infrastructure Grant Program."~~

~~Section 156. Section **79-8-202**, which is renumbered from Section 63N-9-202 is~~

~~renumbered and amended to read:~~

~~**[63N-9-202].** **79-8-202. Creation and purpose of infrastructure grant program.**~~

~~(1) There is created the Outdoor Recreational Infrastructure Grant Program administered by the [outdoor recreation office] division.~~

~~(2) The [outdoor recreation office] division may seek to accomplish the following objectives in administering the infrastructure grant program:~~

~~(a) build, maintain, and promote recreational infrastructure to provide greater access to low-cost outdoor recreation for the state's citizens;~~

~~(b) encourage residents and nonresidents of the state to take advantage of the beauty of Utah's outdoors;~~

~~(c) encourage individuals and businesses to relocate to the state;~~

~~(d) promote outdoor exercise; and~~

~~(e) provide outdoor recreational opportunities to an underserved or underprivileged community in the state.~~

~~Section 157. Section **79-8-203**, which is renumbered from Section 63N-9-203 is renumbered and amended to read:~~

~~**[63N-9-203].** **79-8-203. Rulemaking and requirements for awarding an infrastructure grant.**~~

~~(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [outdoor recreation office] division shall make rules, after consulting with the commission, establishing the eligibility and reporting criteria for an entity to receive an infrastructure grant, including:~~

~~(a) the form and process of submitting an application to the [outdoor recreation office] division for an infrastructure grant;~~

~~(b) which entities are eligible to apply for an infrastructure grant;~~

~~(c) specific categories of recreational infrastructure projects that are eligible for an infrastructure grant;~~

~~(d) the method and formula for determining grant amounts; and~~

~~(e) the reporting requirements of grant recipients.~~

~~(2) In determining the award of an infrastructure grant, the [outdoor recreation office]~~

~~division may prioritize a recreational infrastructure project that will serve an underprivileged or underserved community.~~

~~(3) An infrastructure grant may only be awarded by the executive director after consultation with the director and the [board] Outdoor Adventure Commission.~~

~~(4) The following entities may not receive an infrastructure grant under this part:~~

~~(a) a federal government entity;~~

~~(b) a state agency; and~~

~~(c) a for-profit entity.~~

~~(5) An infrastructure grant may only be awarded under this part:~~

~~(a) for a recreational infrastructure project that is accessible to the general public; and~~

~~(b) subject to Subsections (6) and (7), if the grant recipient agrees to provide matching funds having a value equal to or greater than the amount of the infrastructure grant.~~

~~(6) Up to 50% of the grant recipient match described in Subsection (5)(b) may be provided through an in-kind contribution by the grant recipient, if:~~

~~(a) approved by the executive director after consultation with the director and the [board] Outdoor Adventure Commission; and~~

~~(b) the in-kind donation does not include real property.~~

~~(7) An infrastructure grant may not be awarded under this part if the grant, or the grant recipient match described in Subsection (5)(b), will be used for the purchase of real property or for the purchase or transfer of a conservation easement.~~

~~Section 158.}~~ Section ~~{**79-8-204**}~~**79-8-105**, which is renumbered from Section 63N-9-204 is renumbered and amended to read:

[~~63N-9-204~~]. ~~{**79-8-204**}~~**79-8-105. Utah Outdoor Recreation Grant Advisory Committee -- Membership -- Duties -- Expenses.**

(1) As used in this section, "advisory committee" means the Utah Outdoor Recreation Grant Advisory Committee created in Subsection (2).

(2) There is created in the [~~outdoor recreation office~~] division the Utah Outdoor Recreation Grant Advisory Committee, composed of the following 14 members:

(a) five members representing state or federal government as follows:

(i) the director;

(ii) the director of the Division of State Parks [~~and Recreation~~] created in Section

79-4-201 or the director's designee;

[~~(iii) one member who is an employee of the outdoor recreation office engaged in the duties described in Section 63N-7-201, appointed by the executive director;~~]

(iii) the director of the Utah Office of Outdoor Recreation, or the director's designee;

(iv) one member representing the Bureau of Land Management, appointed by the executive director; and

(v) one member representing the National Park Service Rivers, Trails, and Conservation Assistance Program, appointed by the executive director;

(b) nine members representing local government, the private sector, or the public that are knowledgeable about outdoor recreation activities or tourism-based economic development, appointed by the executive director as follows:

(i) one member representing municipal government, recommended by the Utah League of Cities and Towns;

(ii) one member representing county government, recommended by the Utah Association of Counties;

(iii) two members representing the outdoor industry;

(iv) one member representing the Utah Tourism Industry Association;

(v) one member representing the [~~Utah Hotel and Lodging Association~~] hotel and lodging industry;

(vi) one member representing the health care industry;

(vii) one member representing multi-ability groups or programs; and

(viii) one member representing a university outdoor recreation, parks, or tourism department; and

(c) one of the members appointed under Subsection (2)(b)(i) or (ii) shall represent rural interests.

(3) The advisory committee shall advise and make recommendations to:

(a) the ~~{[}~~outdoor recreation office~~{]} division}~~ regarding [~~infrastructure grants and~~] the Outdoor Recreational Infrastructure Grant Program, created in Section 63N-9-202;

(b) the division regarding grants issued under Part [~~3~~] 2, Restoration Recreation Infrastructure Grant Program[~~.~~]; and

(c) the division regarding the administration of the fund created in Section 79-8-304.

(4) (a) Except as required by Subsection (4)(b), as terms of appointed advisory committee members expire, the executive director shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (4)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of appointed advisory committee members are staggered so that approximately half of the appointed advisory committee members are appointed every two years.

(5) The director shall serve as chair of the advisory committee.

(6) The advisory committee shall elect annually a vice chair from the advisory committee's members.

(7) When a vacancy occurs in the membership for any reason, the executive director shall appoint the replacement for the unexpired term.

(8) A majority of the advisory committee constitutes a quorum for the purpose of conducting advisory committee business and the action of a majority of a quorum constitutes the action of the advisory committee.

(9) The [~~outdoor recreation office~~] division shall provide administrative staff support for the advisory committee.

(10) A member may not receive compensation or benefits for the member's service, but a member appointed under Subsection (2)(b) may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

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

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

(11) The advisory committee, as a governmental entity, has all the rights, privileges, and immunities of a governmental entity of the state and the advisory committee meetings are subject to Title 52, Chapter 4, Open and Public Meetings Act.

Section ~~{159}~~156. Section ~~{79-8-205}~~79-8-106, which is renumbered from Section 63N-9-205 is renumbered and amended to read:

[~~63N-9-205~~]. ~~{79-8-205}~~79-8-106. Utah Outdoor Recreation Infrastructure Account -- Uses -- Costs.

(1) There is created an expendable special revenue fund known as the "Outdoor Recreation Infrastructure Account," which:

(a) the ~~{[}~~outdoor recreation office~~{] division}~~ shall use to fund the Outdoor Recreational Infrastructure Grant Program created in Section ~~{[}~~63N-9-202~~{] }{79-8-202};~~ and

(b) the division shall use to fund the Recreation Restoration Infrastructure Grant Program created in Section [~~63N-9-302~~] ~~{79-8-302}~~79-8-202.

(2) The account consists of:

(a) distributions to the account under Section 59-28-103;

(b) interest earned on the account;

(c) appropriations made by the Legislature;

(d) money from a cooperative agreement entered into with the United States Department of Agriculture or the United States Department of the Interior; and

(e) private donations, grants, gifts, bequests, or money made available from any other source to implement this part.

(3) The [~~outdoor recreation office~~] division shall, with the advice of the Utah Outdoor Recreation Grant Advisory Committee created in Section [~~63N-9-204~~] ~~{79-8-204}~~79-8-105, administer the account.

(4) (a) The cost of administering the account shall be paid from money in the account.

(b) The cost of two full-time positions in the Utah Office of Outdoor Recreation in an amount agreed to by the division and the Utah Office of Outdoor Recreation shall be paid from money in the account.

(5) Interest accrued from investment of money in the account shall remain in the account.

Section ~~{160}~~157. Section ~~{**79-8-301**}~~**79-8-201**, which is renumbered from Section 63N-9-301 is renumbered and amended to read:

Part ~~{3}~~2. Recreation Restoration Infrastructure Grant Program

[~~63N-9-301~~]. ~~{79-8-301}~~79-8-201. Definitions.

As used in this part:

(1) "Advisory committee" means the Utah Outdoor Recreation Grant Advisory Committee created in Section [~~63N-9-204~~] ~~{79-8-204}~~79-8-105.

(2) "Grant program" means the Recreation Restoration Infrastructure Grant Program created in Section [~~63N-9-302~~] ~~{~~79-8-302~~}~~79-8-202.

(3) "High demand outdoor recreation amenity" means infrastructure necessary for a campground, picnic area, or water recreation structure such as a dock, pier, or boat ramp that receives or has received heavy use by the public.

(4) "High priority trail" means a motorized or nonmotorized recreation summer-use trail and related infrastructure that is prioritized by the advisory committee for restoration or rehabilitation to maintain usability and sustainability of trails that receive or have received high use by the public.

(5) "Public lands" includes local, state, and federal lands.

(6) "Rehabilitation or restoration" means returning an outdoor recreation structure or trail that has been degraded, damaged, or destroyed to its previously useful state by means of repair, modification, or alteration.

Section ~~{161}~~158. Section ~~**{79-8-302}**~~**79-8-202**, which is renumbered from Section 63N-9-302 is renumbered and amended to read:

[~~63N-9-302~~]. ~~{79-8-302}~~79-8-202. Creation of grant program.

(1) (a) There is created [~~a supplemental grant program within the Outdoor Recreational Infrastructure Grant Program, created in Section {[}63N-9-202{]} 79-8-202}, known as~~] the "Recreation Restoration Infrastructure Grant Program" administered by the [~~outdoor recreation office~~] division.

(b) Subject to Subsection (1)(c), 5% percent of the unencumbered amount in the Utah Outdoor Recreation Account, created in Section [~~63N-9-205~~] ~~{79-8-205}~~79-8-106, at the beginning of each fiscal year may be used for the grant program.

(c) The percentage outlined in Subsection (1)(b) may be increased or decreased at the beginning of a fiscal year if approved by the executive director after consultation with the director and the advisory committee.

(2) The [~~outdoor recreation office~~] division may seek to accomplish the following objectives in administering the grant program:

(a) rehabilitate or restore high priority trails for both motorized and nonmotorized uses;

(b) rehabilitate or restore high demand recreation areas on public lands; and

(c) encourage the public land entities to engage with volunteer groups to aid with

portions of needed trail work.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [~~outdoor recreation office~~] division shall make rules, after consulting with the Outdoor Adventure Commission, establishing the eligibility and reporting criteria for an entity to receive a recreation restoration infrastructure grant, including:

(a) the form and process of submitting annual project proposals to the [~~outdoor recreation office~~] division for a recreation restoration infrastructure grant;

(b) which entities are eligible to apply for a recreation restoration infrastructure grant;

(c) specific categories of recreation restoration projects that are eligible for a recreation restoration infrastructure grant;

(d) the method and formula for determining recreation restoration infrastructure grant amounts; and

(e) the reporting requirements of a recipient of a recreation restoration infrastructure grant.

Section ~~{162}~~159. Section ~~{79-8-303}~~79-8-203, which is renumbered from Section 63N-9-303 is renumbered and amended to read:

[~~63N-9-303~~]. ~~{79-8-303}~~**79-8-203. Award of recreation restoration infrastructure grants.**

(1) In determining the award of a recreation restoration infrastructure grant, the advisory committee shall prioritize projects that the advisory committee considers to be high demand outdoor recreation amenities or high priority trails.

(2) The [~~outdoor recreation office~~] division may give special consideration to projects from qualified applicants within rural counties to ensure geographic parity of the awarded money.

(3) (a) An applicant shall use a recreation restoration infrastructure grant to leverage private and other nonstate public money and the [~~outdoor recreation office~~] division may give priority to projects that exceed a 50% match from the applicant.

(b) Leverage includes cash, resources, goods, or services necessary to complete a project.

(c) The [~~outdoor recreation office~~] division shall apply money from a cooperative agreement entered into with the United States Department of Agriculture or the United States

Department of the Interior as a portion of the applicant's match.

(4) A recreation restoration infrastructure grant may only be awarded by the executive director after consultation with the director and the advisory committee.

(5) A recreation restoration infrastructure grant is available for rehabilitation or restoration projects for high demand outdoor recreation amenities and high priority trails that relate directly to the visitor including:

(a) a trail, trail head infrastructure, signage, and crossing infrastructure, for both nonmotorized and motorized recreation;

(b) a campground or picnic area;

(c) water recreation infrastructure, including a pier, dock, or boat ramp; and

(d) recreation facilities that are accessible to visitors with disabilities.

(6) The following are not eligible for a recreation restoration infrastructure grant:

(a) general facility operations and administrative costs;

(b) land acquisitions;

(c) visitor facilities, as defined by the [~~outdoor recreation office~~] division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(d) water and utility systems; and

(e) employee housing.

(7) The [~~outdoor recreation office~~] division shall compile data and report to the Business, Economic Development, and Labor Appropriations Subcommittee on the:

(a) effectiveness of the grant program in addressing the deferred maintenance and repair backlog of trails, campgrounds, and other recreation amenities on public lands;

(b) estimated value of the rehabilitation or restoration projects;

(c) number of miles of trails that are rehabilitated or restored; and

(d) leverage of state money to federal and private money and in-kind services such as volunteer labor.

Section ~~{163}~~160. Section ~~{79-8-401}~~79-8-301, which is renumbered from Section 63N-9-401 is renumbered and amended to read:

Part ~~{4}~~3. Utah Children's Outdoor Recreation and Education Grant Program

[~~63N-9-401~~]. ~~{79-8-401}~~79-8-301. Title.

This part is known as the "Utah Children's Outdoor Recreation and Education Grant

Program."

Section ~~{164}~~161. Section ~~{79-8-402}~~79-8-302, which is renumbered from Section 63N-9-402 is renumbered and amended to read:

[~~63N-9-402~~]. ~~{79-8-402}~~79-8-302. Creation and purpose of the UCORE grant program.

(1) There is created the Utah Children's Outdoor Recreation and Education Grant Program administered by the [~~outdoor recreation office~~] division.

(2) The [~~outdoor recreation office~~] division may seek to accomplish the following objectives in administering the UCORE grant program:

(a) promote the health and social benefits of outdoor recreation to the state's children;

(b) encourage children to develop the skills and confidence to be physically active for life;

(c) provide outdoor recreational opportunities to underserved or underprivileged communities in the state; and

(d) encourage hands-on outdoor or nature-based learning and play to prepare children for achievement in science, technology, engineering, and math.

Section ~~{165}~~162. Section ~~{79-8-403}~~79-8-303, which is renumbered from Section 63N-9-403 is renumbered and amended to read:

[~~63N-9-403~~]. ~~{79-8-403}~~79-8-303. Rulemaking and requirements for awarding a UCORE grant.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [~~outdoor recreation office~~] division, after consulting with the Outdoor Adventure Commission, shall make rules establishing the eligibility and reporting criteria for an entity to receive a UCORE grant, including:

(a) the form and process of submitting an application to the [~~outdoor recreation office~~] division for a UCORE grant;

(b) which entities are eligible to apply for a UCORE grant;

(c) specific categories of children's programs that are eligible for a UCORE grant;

(d) the method and formula for determining grant amounts; and

(e) the reporting requirements of grant recipients.

(2) In determining the award of a UCORE grant, the [~~outdoor recreation office~~]

division may prioritize a children's program that will serve an underprivileged or underserved community in the state.

(3) A UCORE grant may only be awarded by the executive director after consultation with the director and the [~~board~~] Outdoor Adventure Commission.

(4) The following entities may not receive a UCORE grant under this part:

(a) a federal government entity;

(b) a state agency, except for public schools and institutions of higher education; and

(c) a for-profit entity.

(5) In awarding UCORE grants, consideration shall be given to entities that implement programs that:

(a) contribute to healthy and active lifestyles through outdoor recreation; and

(b) include one or more of the following attributes in their programs or initiatives:

(i) serve children with the greatest needs in rural, suburban, and urban areas of the state;

(ii) provide students with opportunities to directly experience nature;

(iii) maximize the number of children who can participate;

(iv) commit matching and in-kind resources;

(v) create partnerships with public and private entities;

(vi) include ongoing program evaluation and assessment;

(vii) utilize veterans in program implementation;

(viii) include outdoor or nature-based programming that incorporates concept learning in science, technology, engineering, or math; or

(ix) utilize educated volunteers in program implementation.

Section ~~{166}~~163. Section ~~{79-8-404}~~79-8-304, which is renumbered from Section 63N-9-404 is renumbered and amended to read:

[~~63N-9-404~~]. ~~{79-8-404}~~79-8-304. Utah Children's Outdoor Recreation and Education Fund -- Uses -- Costs.

(1) There is created an expendable special revenue fund known as the "Utah Children's Outdoor Recreation and Education Fund," which the [~~office~~] division shall use to fund the Utah Children's Outdoor Recreation and Education Grant Program created in Section [~~63N-9-402~~] ~~{79-8-402}~~79-8-302.

(2) The fund consists of:

(a) appropriations made by the Legislature;

(b) interest earned on the account; and

(c) private donations, grants, gifts, bequests, or money made available from any other source to implement this part.

(3) The [~~office~~] division shall, with the advice of the Utah Outdoor Recreation Grant Advisory Committee created in Section [~~63N-9-204~~] ~~{~~79-8-204~~}~~79-8-105, administer the [~~account~~] fund.

(4) The cost of administering the [~~account~~] fund shall be paid from money in the [~~account~~] fund.

(5) Interest accrued from investment of money in the [~~account~~] fund shall remain in the [~~account~~] fund.

Section ~~{~~167~~}~~164. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2021, and ending on June 30, 2022. These are additions to amounts previously appropriated for fiscal year 2022. Under the terms and conditions of Title 63J, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To Department of Natural Resources - Parks and Recreation

From General Fund	(4,416,200)
From General Fund, One-time	(7,100)
From Federal Fund	(1,598,800)
From Federal Funds, One-time	(4,600)
From General Fund Restricted - Boating	(4,929,900)
From General Fund Restricted - Boating, One-time	(11,700)
From Dedicated Credits Revenue	(1,097,800)
From Dedicated Credits Revenue, One-time	(2,800)
From General Fund Restricted - Off-highway Access and Education	(19,000)
From General Fund Restricted - Off-highway Access	

and Education, One-time (100)
From General Fund Restricted - Off-highway Vehicle (6,487,100)
From General Fund Restricted - Off-highway Vehicle, One-time (15,500)
From General Fund Restricted - State Park Fees (23,793,200)
From General Fund Restricted - State Park Fees, One-time (54,900)
From Revenue Transfers (36,600)
From General Fund Restricted - Zion National Park Support Programs (4,000)
Schedule of Programs:
Executive Management (894,100)
Park Management Contracts (1,036,800)
Park Operation Management (35,241,800)
Planning and Design (912,200)
Recreation Services (2,155,700)
Support Services (2,238,700)

ITEM 2

To Department of Natural Resources - Parks and Recreation Capital Budget
From Federal Funds (3,119,700)
From General Fund Restricted - Boating (575,000)
From Dedicated Credits Revenue (175,000)
From General Fund Restricted - Off-highway Vehicle (3,900,000)
From General Fund Restricted - State Park Fees (472,700)
Schedule of Programs:
~~{~~ ~~Parks and Recreation Capital (8,242,400)~~
~~}~~ Boat Access Grants (350,000)
Donated Capital Projects (175,000)
Land and Water Conservation (447,600)
Major Renovation (458,500)
Off-highway Vehicle Grants (3,675,000)

Region Renovation	(100,000)
Renovation and Development	(546,700)
Trails Program	(2,489,600)

ITEM 3

To Department of Natural Resources - State Parks

From General Fund	4,411,400
From General Fund, One-time	7,100
From Federal Funds	85,600
From Dedicated Credits Revenue	1,097,800
From Dedicated Credits Revenue, One-time	2,800
From General Fund Restricted - State Park Fees	23,793,200
From General Fund Restricted - State Park Fees, One-time	54,900
From Transfers Revenues	36,600
From General Fund Restricted - Zion National Park Support Programs	4,000

Schedule of Programs:

Executive Management	285,100
Park Management Contracts	1,000,000
Park Operation Management	~~(6)~~26,418,800
Planning and Design	699,000
Support Services	1,090,500

ITEM 4

To Department of Natural Resources - Parks Capital Budget

From Federal Funds	212,500
From Dedicated Credits Revenue	175,000
From General Fund Restricted - State Park Fees	472,700

Schedule of Programs:

Donated Capital Projects	175,000
Major Renovation	8,500
Region Renovation	100,000

Renovation and Development	576,700	

ITEM 5

To Department of Natural Resources - Recreation

From General Fund		4,800
From Federal Funds		1,513,200
From Federal Funds, One-time		4,600
From General Fund Restricted - Boating		5,038,600
From General Fund Restricted - Boating, One-time		11,700
From General Fund Restricted - Off-highway Access and Education		19,000
From General Fund Restricted - Off-highway Access and Education, One-time		100
From General Fund Restricted - Off-highway Vehicle		6,595,800
From General Fund Restricted - Off-highway Vehicle, One-time		15,500
Schedule of Programs:		
Recreation Management	609,000	
Recreation Agreements	36,800	
Recreation Oversight	9,161,200	
Recreation Construction	213,200	
Recreation Services	2,116,500	
Recreation Administration	1,066,600	

ITEM 6

To Department of Natural Resources - Recreation Capital Budget

From Federal Funds		2,907,200
From General Fund Restricted - Boating		575,000
From General Fund Restricted - Off-highway Vehicle		3,900,000
Schedule of Programs:		
Boat Access Grants	350,000	
Land and Water Conservation	447,600	
Recreation Capital	420,000	

Off-highway Vehicle Grants	3,675,000
Trails Program	2,489,600

ITEM 7

To Governor's Office - Office of Energy Development

From General Fund	(1,626,600)
From General Fund, One-time	(4,900)
From Federal Funds	(842,200)
From Federal Funds, One-time	(2,500)
From Dedicated Credits Revenue	(51,600)
From Dedicated Credits Revenue, One-time	(200)
From Expendable Receipts	(180,300)
From Expendable Receipts, One-time	(500)
From Ut. S. Energy Program Rev. Loan Fund (ARRA)	(223,000)
From Ut. S. Energy Program Rev. Loan Fund (ARRA), One-time	(700)
From Beginning Nonlapsing	(1,205,200)

Schedule of Programs:

Office of Energy Development

(4,~~{132}~~137,~~{800}~~700)

ITEM 8

To Department of Natural Resources - Office of Energy Development

From General Fund	1,626,600
From General Fund, One-time	4,900
From Federal Funds	842,200
From Federal Funds, One-time	2,500
From Dedicated Credits Revenue	51,600
From Dedicated Credits Revenue, One-time	200
From Expendable Receipts	180,300
From Expendable Receipts, One-time	500
From Ut. S. Energy Program Rev. Loan Fund (ARRA)	223,000
From Ut. S. Energy Program Rev. Loan Fund (ARRA),	

One-time	700
From Beginning Nonlapsing	1,205,200
Schedule of Programs:	
Office of Energy Development	

4,~~{132}~~137,~~{800}~~700

Notwithstanding the effective date, the Legislature intends that the affected agencies have until July 1, 2022, to update the financial and information systems necessary to come into full compliance with the provisions of this bill.

The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of Finance reflect all closing nonlapsing appropriation balances from Parks and Recreation Capital Budget line item as fiscal year 2022 beginning nonlapsing appropriation balances as follows: $15,205,000 in the new Parks Capital line item and $9,374,000 in the new Recreation Capital line item.

The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of Finance transfer all closing nonlapsing appropriation balances from Governor's Office - Office of Energy Development line item as fiscal year 2022 beginning nonlapsing appropriation balances in the Department of Natural Resources -- Office of Energy Development line item.

Section ~~{168}~~165. **Effective date.**

This bill takes effect on July 1, 2021.

Section 166. **Coordinating H.B. 346 with H.B. 176 -- Technical amendment.**

If this H.B. 346 and H.B. 176, Revisor's Technical Corrections to Utah Code, both pass and become law, the Legislature intends that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by changing the reference in Subsection 59-10-1034(5)(b)(i)(C) from Section 63M-4-505 to Section 79-6-605.

Section 167. **Coordinating H.B. 346 with H.B. 341 -- Substantive amendment.**

If this H.B. 346 and H.B. 341, Bears Ears Visitor Center Advisory Committee, both pass and become law, the Legislature intends that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by amending Subsection 9-9-112(9) enacted in H.B. 341 to read:

"(9) The advisory committee may invite the United States Forest Service, the Bureau of Land Management, the Division of State Parks, the Division of Recreation, and the Utah Office

of Tourism within the Governor's Office of Economic Development, to serve as technical advisors to the advisory committee.".

Section 168. **Coordinating H.B. 346 with H.B. 348 -- Substantive amendment.**

If this H.B. 346 and H.B. 348, Economic Development Amendments, both pass and become law, the Legislature intends that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by amending Subsection 79-8-303(3) to read:

"(3) A UCORE grant may only be awarded by the executive director after consultation with the director and the [~~board~~] Outdoor Adventure Commission.".

Section 169. **Revisor instructions.**

(1) The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, replace the references in Section 79-2-206 from "this bill" to the bill's designated chapter number in the Laws of Utah.

(2) The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, replace cross references to sections renumbered by this bill that are added to the Utah Code by legislation passed during the 2021 General Session that become law.