

DEPARTMENT OF NATURAL RESOURCES AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies provisions related to the structure and activities of the Department of Natural Resources.

Highlighted Provisions:

This bill:

- ▶ changes the name of the Division of Recreation to the Division of Outdoor Recreation and Conservation;
- ▶ merges the Office of Outdoor Recreation into the Division of Outdoor Recreation and Conservation, including addressing:
 - powers and duties;
 - administration of grants; and
 - a transition;
- ▶ addresses reporting requirements;
- ▶ addresses the Zion National Park Support Programs Restricted Account;
- ▶ modifies the Division of Outdoor Recreation and Conservation's authority to create recreational trails and outdoor recreation advisory bodies;
- ▶ creates the Utah Outdoor Recreation Infrastructure Advisory Committee to replace other advisory committees;
- ▶ clarifies that the Bonneville Shoreline Trail Program is within the Division of Outdoor Recreation and Conservation;
- ▶ modifies the makeup of the Outdoor Adventure Commission;
- ▶ creates the Office of Conservation within the Division of Outdoor Recreation and Conservation;
- ▶ provides for coordination of conservation efforts;
- ▶ addresses the makeup of the Utah Outdoor Recreation Grant Advisory Committee;
- ▶ repeals the Quality Growth Commission and replaces the commission with the Land Conservation Board, including moving the board within the Department of Natural

- 33 Resources and addressing the board's powers and duties;
34 ▶ modifies sunset and repeal dates;
35 ▶ modifies definition provisions; and
36 ▶ makes technical and conforming changes.

37 **Money Appropriated in this Bill:**

38 None

39 **Other Special Clauses:**

40 This bill provides a special effective date.

41 This bill provides revisor instructions.

42 **Utah Code Sections Affected:**

43 **AMENDS:**

- 44 **9-9-112**, as enacted by Laws of Utah 2021, Chapter 380 and last amended by
45 Coordination Clause, Laws of Utah 2021, Chapter 280
46 **23-14-14.2**, as enacted by Laws of Utah 2007, Chapter 189
47 **35A-8-2105**, as renumbered and amended by Laws of Utah 2018, Chapter 182
48 **41-1a-418**, as last amended by Laws of Utah 2021, Chapters 219, 280, and 378
49 **41-1a-422**, as last amended by Laws of Utah 2021, Chapters 219, 280, and 378
50 **41-6a-1509**, as last amended by Laws of Utah 2021, Chapter 280
51 **41-22-2**, as last amended by Laws of Utah 2021, Chapter 280
52 **53-2a-1102 (Effective 01/01/22)**, as last amended by Laws of Utah 2021, Chapter 395
53 **57-14-204**, as last amended by Laws of Utah 2021, Chapter 280
54 **59-13-201**, as last amended by Laws of Utah 2021, Chapter 280
55 **59-21-2**, as last amended by Laws of Utah 2021, Chapter 280
56 **59-28-103**, as last amended by Laws of Utah 2021, Chapter 280
57 **63C-21-201**, as last amended by Laws of Utah 2021, Chapter 280
58 **63C-21-202**, as last amended by Laws of Utah 2021, Chapter 280
59 **63I-1-263**, as last amended by Laws of Utah 2021, Chapters 70, 72, 84, 90, 171, 196,
60 260, 280, 282, 345, 382, 401, 421 and last amended by Coordination Clause, Laws
61 of Utah 2021, Chapter 382
62 **63I-1-273**, as last amended by Laws of Utah 2021, Chapter 229
63 **63I-1-279**, as last amended by Laws of Utah 2021, Chapter 280

64 **63I-2-279**, as enacted by Laws of Utah 2021, Chapter 280
65 **63J-1-601**, as last amended by Laws of Utah 2021, Chapter 280
66 **63J-1-602.2**, as last amended by Laws of Utah 2021, Chapters 179, 344, 412, 421, and
67 424
68 **63L-7-104**, as last amended by Laws of Utah 2021, Chapter 280
69 **63L-11-402**, as last amended by Laws of Utah 2021, Chapters 184, 280 and
70 renumbered and amended by Laws of Utah 2021, Chapter 382 and last amended by
71 Coordination Clause, Laws of Utah 2021, Chapter 382
72 **63N-3-602**, as enacted by Laws of Utah 2021, Chapter 411
73 **65A-3-1**, as last amended by Laws of Utah 2021, Chapter 280
74 **65A-10-2**, as last amended by Laws of Utah 2021, Chapter 280
75 **72-11-204**, as last amended by Laws of Utah 2021, Chapter 280
76 **73-3-31**, as last amended by Laws of Utah 2021, Chapter 280
77 **73-18-2**, as last amended by Laws of Utah 2021, Chapter 280
78 **73-18-3.5**, as last amended by Laws of Utah 2021, Chapter 280
79 **73-18a-1**, as last amended by Laws of Utah 2021, Chapter 280
80 **73-18b-1**, as last amended by Laws of Utah 2021, Chapter 280
81 **73-18c-102**, as last amended by Laws of Utah 2021, Chapter 280
82 **77-2-4.3**, as last amended by Laws of Utah 2021, Chapter 280
83 **78A-5-110**, as last amended by Laws of Utah 2021, Chapter 280
84 **78A-7-120**, as last amended by Laws of Utah 2021, Chapter 280
85 **79-2-201**, as last amended by Laws of Utah 2021, Chapters 280 and 382
86 **79-2-206**, as enacted by Laws of Utah 2021, Chapter 280 and further amended by
87 Revisor Instructions, Laws of Utah 2021, Chapter 280
88 **79-4-203**, as last amended by Laws of Utah 2021, Chapter 280
89 **79-4-1103**, as last amended by Laws of Utah 2021, Chapter 282
90 **79-5-102**, as last amended by Laws of Utah 2021, Chapter 280
91 **79-5-501**, as last amended by Laws of Utah 2021, Chapter 280
92 **79-5-503**, as last amended by Laws of Utah 2011, Chapter 342
93 **79-7-101**, as enacted by Laws of Utah 2021, Chapter 280

94 **79-7-102**, as enacted by Laws of Utah 2021, Chapter 280
95 **79-7-201**, as enacted by Laws of Utah 2021, Chapter 280
96 **79-7-203**, as enacted by Laws of Utah 2021, Chapter 280
97 **79-8-102**, as enacted by Laws of Utah 2021, Chapter 280
98 **79-8-103**, as enacted by Laws of Utah 2021, Chapter 280
99 **79-8-106**, as renumbered and amended by Laws of Utah 2021, Chapter 280
100 **79-8-201**, as renumbered and amended by Laws of Utah 2021, Chapter 280
101 **79-8-302**, as renumbered and amended by Laws of Utah 2021, Chapter 280
102 **79-8-303**, as last amended by Laws of Utah 2021, Chapter 282 and renumbered and
103 amended by Laws of Utah 2021, Chapter 280 and last amended by Coordination
104 Clause, Laws of Utah 2021, Chapter 280
105 **79-8-304**, as renumbered and amended by Laws of Utah 2021, Chapter 280

106 ENACTS:

107 **79-7-206**, Utah Code Annotated 1953
108 **79-7-501**, Utah Code Annotated 1953
109 **79-7-502**, Utah Code Annotated 1953
110 **79-7-503**, Utah Code Annotated 1953
111 **79-7-504**, Utah Code Annotated 1953
112 **79-7-505**, Utah Code Annotated 1953
113 **79-9-201**, Utah Code Annotated 1953

114 RENUMBERS AND AMENDS:

115 **79-7-103**, (Renumbered from 63N-9-103, as renumbered and amended by Laws of Utah
116 2015, Chapter 283)
117 **79-7-303**, (Renumbered from 79-4-404, as renumbered and amended by Laws of Utah
118 2009, Chapter 344)
119 **79-8-401**, (Renumbered from 63N-9-201, as enacted by Laws of Utah 2016, Chapter
120 88)
121 **79-8-402**, (Renumbered from 63N-9-202, as last amended by Laws of Utah 2021,
122 Chapter 280)
123 **79-8-403**, (Renumbered from 63N-9-203, as last amended by Laws of Utah 2021,
124 Chapter 282)

125 **79-9-101**, (Renumbered from 11-38-101, as enacted by Laws of Utah 1999, Chapter 24)
126 **79-9-102**, (Renumbered from 11-38-102, as last amended by Laws of Utah 2021,
127 Chapters 181 and 344)
128 **79-9-202**, (Renumbered from 11-38-202, as last amended by Laws of Utah 2021,
129 Chapter 181)
130 **79-9-301**, (Renumbered from 11-38-301, as last amended by Laws of Utah 2009,
131 Chapter 368)
132 **79-9-302**, (Renumbered from 11-38-302, as last amended by Laws of Utah 2021,
133 Chapter 181)
134 **79-9-303**, (Renumbered from 11-38-304, as last amended by Laws of Utah 2017,
135 Chapter 51)

136 **REPEALS:**

137 **11-38-201**, as last amended by Laws of Utah 2021, Chapter 382
138 **11-38-203**, as last amended by Laws of Utah 2021, Chapter 382
139 **63N-9-101**, as renumbered and amended by Laws of Utah 2015, Chapter 283
140 **63N-9-102**, as last amended by Laws of Utah 2021, Chapter 280
141 **63N-9-104**, as last amended by Laws of Utah 2021, Chapters 282 and 382
142 **63N-9-105**, as last amended by Laws of Utah 2016, Chapter 88
143 **63N-9-106**, as last amended by Laws of Utah 2021, Chapters 280 and 282
144 **79-5-201**, as last amended by Laws of Utah 2021, Chapter 280
145 **79-5-202**, as last amended by Laws of Utah 2010, Chapters 256 and 286
146 **79-8-104**, as enacted by Laws of Utah 2021, Chapter 280
147 **79-8-105**, as renumbered and amended by Laws of Utah 2021, Chapter 280

148 **Utah Code Sections Affected by Revisor Instructions:**

149 **79-2-206**, as enacted by Laws of Utah 2021, Chapter 280 and further amended by
150 Revisor Instructions, Laws of Utah 2021, Chapter 280

151

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

153 Section 1. Section **9-9-112** is amended to read:

154 **9-9-112. Bears Ears Visitor Center Advisory Committee.**

(1) Utah extends an invitation to the Navajo Nation, the Ute Mountain Ute Tribe, the Hopi Nation, the Zuni Tribe, and the Ute Indian Tribe of the Uintah Ouray to form an advisory committee for the purpose of exploring the feasibility, location, functions, and other important matters surrounding the creation of a visitor center at Bears Ears.

(2) As used in this section:

(a) "Advisory committee" means the Bears Ears Visitor Center Advisory Committee created by this section.

(b) "Bears Ears" means the Bears Ears National Monument.

(3) (a) Subject to Subsection (3)(b), there is created the Bears Ears Visitor Center Advisory Committee consisting of the following eight members:

(i) five voting members as follows:

(A) a representative of the Navajo Nation, appointed by the Navajo Nation;

(B) a representative of the Ute Mountain Ute Tribe, appointed by the Ute Mountain Ute Tribe;

(C) a representative of the Hopi Nation, appointed by the Hopi Nation;

(D) a representative of the Zuni Tribe, appointed by the Zuni Tribe; and

(E) a representative of the Ute Indian Tribe of the Uintah Ouray, appointed by the Ute Indian Tribe of the Uintah Ouray; and

(ii) subject to Subsection (4), three nonvoting members as follows:

(A) one member of the Senate, appointed by the president of the Senate; and

(B) two members of the House of Representatives, appointed by the speaker of the House of Representatives.

(b) The advisory committee is formed when all of the tribes described in Subsection (1) have communicated to the other tribes and to the Division of Indian Affairs that the tribe has appointed a member to the advisory committee.

(4) At least one of the three legislative members appointed under Subsection (3)(a)(ii) shall be from a minority party.

(5) The advisory committee may select from the advisory committee members the chair or other officers of the advisory committee.

(6) (a) If a vacancy occurs in the membership of the advisory committee appointed under Subsection (3), the member shall be replaced in the same manner in which the original

186 appointment was made.

187 (b) A member appointed under Subsection (3) serves until the member's successor is
188 appointed and qualified.

189 (7) (a) A majority of the voting members of the advisory committee constitutes a
190 quorum.

191 (b) The action of a majority of a quorum constitutes an action of the advisory
192 committee.

193 (8) (a) The salary and expenses of an advisory committee member who is a legislator
194 shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative
195 Compensation and Expenses.

196 (b) An advisory committee member who is not a legislator may not receive
197 compensation or benefits for the member's service on the advisory committee, but may receive
198 per diem and reimbursement for travel expenses incurred as an advisory committee member at
199 the rates established by the Division of Finance under:

200 (i) Sections 63A-3-106 and 63A-3-107; and

201 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
202 63A-3-107.

203 (9) The advisory committee may invite the United States Forest Service, the Bureau of
204 Land Management, the Division of State Parks, the Division of Outdoor Recreation and
205 Conservation, and the Utah Office of Tourism within the Governor's Office of Economic
206 Opportunity, to serve as technical advisors to the advisory committee.

207 (10) The Division of Indian Affairs shall staff the advisory committee.

208 (11) The advisory committee shall study and make recommendations concerning:

209 (a) the need for a visitor center associated with Bears Ears;

210 (b) the feasibility of a visitor center associated with Bears Ears, including investigating:

211 (i) potential locations for the visitor center;

212 (ii) purposes for the visitor center; and

213 (iii) sources of funding to build and maintain the visitor center;

214 (c) whether a visitor center will increase visitorship to Bears Ears; and

215 (d) whether a visitor center at Bears Ears could function as a repository of traditional
216 knowledge and practices.

(12) The advisory committee may contract with one or more consultants to conduct work related to the issues raised in Subsection (11) if the Legislature appropriates money expressly for the purpose of the advisory committee contracting with a consultant.

(13) The advisory committee shall hold at least one public hearing to obtain public comment on the creation of a Bears Ears visitor center.

(14) The advisory committee shall report the advisory committee's recommendations to one or more of the following:

- (a) the Economic Development and Workforce Services Interim Committee;
- (b) the House Economic Development and Workforce Services Committee; or
- (c) the Senate Economic Development and Workforce Services Committee.

Section 2. Section **23-14-14.2** is amended to read:

23-14-14.2. Wildlife Resources Conservation Easement Restricted Account.

(1) There is created within the General Fund a restricted account known as the "Wildlife Resources Conservation Easement Account."

(2) The Wildlife Resources Conservation Easement Account consists of:

- (a) grants from private foundations;
- (b) grants from local governments, the state, or the federal government;
- (c) grants from the ~~[Quality Growth Commission]~~ Land Conservation Board created under Section ~~[11-38-201]~~ 79-9-201;
- (d) donations from landowners for monitoring and managing conservation easements;
- (e) donations from any other person; and
- (f) interest on account money.

(3) Upon appropriation by the Legislature, the Division of Wildlife Resources shall use money from the account to monitor and manage conservation easements held by the division.

(4) The division may not receive or expend donations from the account to acquire conservation easements.

Section 3. Section **35A-8-2105** is amended to read:

35A-8-2105. Allocation of volume cap.

(1) (a) Subject to Subsection (1)(b), the volume cap for each year shall be distributed by the board of review to the allotment accounts as described in Section 35A-8-2106.

(b) The board of review may distribute up to 50% of each increase in the volume cap

for use in development that occurs in quality growth areas, depending upon the board's analysis of the relative need for additional volume cap between development in quality growth areas and the allotment accounts under Section 35A-8-2106.

(2) To obtain an allocation of the volume cap, issuing authorities shall submit to the board of review an application containing information required by the procedures and processes of the board of review.

(3) (a) The board of review shall establish criteria for making allocations of volume cap that are consistent with the purposes of the code and this part.

(b) In making an allocation of volume cap the board of review shall consider the following:

- (i) the principal amount of the bonds proposed to be issued;
 - (ii) the nature and the location of the project or the type of program;
 - (iii) the likelihood that the bonds will be sold and the timeframe of bond issuance;
 - (iv) whether the project or program could obtain adequate financing without an allocation of volume cap;
 - (v) the degree to which an allocation of volume cap is required for the project or program to proceed or continue;
 - (vi) the social, health, economic, and educational effects of the project or program on the local community and state as a whole;
 - (vii) the anticipated economic development created or retained within the local community and the state as a whole;
 - (viii) the anticipated number of jobs, both temporary and permanent, created or retained within the local community and the state as a whole; and
 - (ix) if the project is a residential rental project, the degree to which the residential rental project:
 - (A) targets lower income populations; and
 - (B) is accessible housing[; ~~and~~].
- ~~[(x) whether the project meets the principles of quality growth recommended by the Quality Growth Commission created in Section 11-38-201.]~~
- (4) The board of review shall provide evidence of an allocation of volume cap by issuing a certificate in accordance with Section 35A-8-2107.

(5) (a) From January 1 to June 30 of each year, the board of review shall set aside at least 50% of the Small Issue Bond Account that may only be allocated to manufacturing projects.

(b) From July 1 to August 15 of each year, the board of review shall set aside at least 50% of the Pool Account that may only be allocated to manufacturing projects.

Section 4. 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:

- 310 (i) a current member of the Legislature;
- 311 (ii) a current member of the United States Congress;
- 312 (iii) a current member of the National Guard;
- 313 (iv) a licensed amateur radio operator;
- 314 (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;
- 315 (vi) an emergency medical technician;
- 316 (vii) a current member of a search and rescue team;
- 317 (viii) a current honorary consulate designated by the United States Department of
- 318 State;
- 319 (ix) an individual supporting commemoration and recognition of women's suffrage;
- 320 (x) an individual supporting a fraternal, initiatic order for those sharing moral and
- 321 metaphysical ideals, and designed to teach ethical and philosophical matters of brotherly love,
- 322 relief, and truth;
- 323 (xi) an individual supporting the Utah Wing of the Civil Air Patrol; or
- 324 (xii) an individual supporting the recognition and continuation of the work and life of
- 325 Dr. Martin Luther King, Jr.; or
- 326 (e) support special group license plates, as for a contributor to an institution or cause,
- 327 which plates are issued for a contributor to:
- 328 (i) an institution's scholastic scholarship fund;
- 329 (ii) the Division of Wildlife Resources;
- 330 (iii) the Department of Veterans and Military Affairs;
- 331 (iv) ~~[the Division of State Parks or]~~ the Division of Outdoor Recreation and
- 332 Conservation;
- 333 (v) the Department of Agriculture and Food;
- 334 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 335 (vii) the Boy Scouts of America;
- 336 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 337 (ix) the Boys and Girls Clubs of America;
- 338 (x) Utah public education;
- 339 (xi) programs that provide support to organizations that create affordable housing for
- 340 those in severe need through the Division of Real Estate;

341 (xii) the Department of Public Safety;

342 (xiii) programs that support Zion National Park;

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

344 organizations;

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

346 (xvi) programs that conduct or support cancer research;

347 (xvii) programs that create or support autism awareness;

348 (xviii) programs that create or support humanitarian service and educational and

349 cultural exchanges;

350 (xix) until September 30, 2017, programs that conduct or support prostate cancer

351 awareness, screening, detection, or prevention;

352 (xx) programs that support and promote adoptions;

353 (xxi) programs that support issues affecting women and children through an

354 organization affiliated with a national professional men's basketball organization;

355 (xxii) programs that strengthen youth soccer, build communities, and promote

356 environmental sustainability through an organization affiliated with a professional men's soccer

357 organization;

358 (xxiii) programs that support children with heart disease;

359 (xxiv) programs that support the operation and maintenance of the Utah Law

360 Enforcement Memorial;

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

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

363 education;

364 (xxvii) the Utah State Historical Society;

365 (xxviii) programs to transport veterans to visit memorials honoring the service and

366 sacrifices of veterans;

367 (xxix) programs that promote motorcycle safety awareness;

368 (xxx) organizations that promote clean air through partnership, education, and

369 awareness;

370 (xxxi) programs dedicated to strengthening the state's Latino community through

371 education, mentoring, and leadership opportunities;

(xxxii) organizations dedicated to facilitating, connecting, registering, and advocating for organ donors and donor families; or

(xxxiii) public education on behalf of the Kiwanis International clubs.

(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 5. 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,

434 access, and management of wildlife habitat;

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

436 (E) the Division of Outdoor Recreation and Conservation for the benefit of

437 snowmobile programs;

438 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with

439 the donation evenly divided between the two;

440 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America

441 council as specified by the contributor;

442 (H) No More Homeless Pets in Utah for distribution to organizations or individuals

443 that provide spay and neuter programs that subsidize the sterilization of domestic animals;

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

445 development programs;

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

447 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to

448 assist people who have severe housing needs;

449 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118

450 to support the families of fallen Utah Highway Patrol troopers and other Department of Public

451 Safety employees;

452 (M) the Division of [~~State Parks~~] Outdoor Recreation and Conservation for distribution

453 to organizations that provide support for Zion National Park;

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

455 firefighter organizations;

456 (O) the Share the Road Bicycle Support Restricted Account created in Section

457 72-2-127 to support bicycle operation and safety awareness programs;

458 (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support

459 cancer research programs;

460 (Q) Autism Awareness Restricted Account created in Section 53F-9-401 to support

461 autism awareness programs;

462 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account

463 created in Section 9-17-102 to support humanitarian service and educational and cultural

464 programs;

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

468 (T) the Choose Life Adoption Support Restricted Account created in Section
469 62A-4a-608 to support programs that promote adoption;

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

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

474 (W) the Children with Cancer Support Restricted Account created in Section
475 26-21a-304 for programs that provide assistance to children with cancer;

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

478 (Y) the Children with Heart Disease Support Restricted Account created in Section
479 26-58-102;

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

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

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

487 (CC) the Motorcycle Safety Awareness Support Restricted Account created in Section
488 72-2-130;

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

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

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

495 (GG) the Allyson Gamble Organ Donation Contribution Fund created in Section

496 26-18b-101; or

497 (HH) public education on behalf of the Kiwanis International clubs, with the amount of
498 the donation required to cover the costs of issuing, ordering, or reordering Kiwanis support
499 special group plates, as determined by the State Tax Commission, deposited into the Kiwanis
500 Education Support Fund created in Section 53F-9-403, and all remaining donation amounts
501 deposited into the Education Fund.

502 (ii) (A) For a veterans special group license plate described in Subsection (4) or
503 41-1a-421(1)(a)(v) [~~or 41-1a-422(4)~~], "contributor" means a person who has donated or in
504 whose name at least a \$25 donation at the time of application and \$10 annual donation
505 thereafter has been made.

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

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

510 (II) is a member of a trade organization for real estate licensees that has more than
511 15,000 Utah members.

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

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

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

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

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

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

526 (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

558 less:

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

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

562 (c) The donation described in Subsection (1)(a) must be made in the 12 months [~~prior~~
563 ~~to~~] before registration or renewal of registration.

564 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to
565 the division when issuing original:

566 (i) snowmobile license plates; or

567 (ii) conservation license plates.

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

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

571 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**

572 **Registration and licensing requirements -- Equipment requirements.**

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

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

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

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

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

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

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

585 (2) A street-legal ATV shall comply with Section 59-2-405.2, Subsection
586 41-1a-205(1), Subsection 53-8-205(1)(b), and the same requirements as:

587 (a) a motorcycle for:

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

589 (ii) titling, odometer statement, vehicle identification, license plates, and registration,
590 excluding registration fees, under Title 41, Chapter 1a, Motor Vehicle Act; and
591 (iii) the county motor vehicle emissions inspection and maintenance programs under
592 Section 41-6a-1642;

593 (b) a motor vehicle for:
594 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and
595 (ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of
596 Motor Vehicle Owners and Operators Act; and
597 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title
598 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business
599 Regulation Act, unless otherwise specified in this section.

600 (3) (a) The owner of an all-terrain type I vehicle being operated as a street-legal ATV
601 shall ensure that the vehicle is equipped with:
602 (i) one or more headlamps that meet the requirements of Section 41-6a-1603;
603 (ii) one or more tail lamps;
604 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
605 with a white light;
606 (iv) one or more red reflectors on the rear;
607 (v) one or more stop lamps on the rear;
608 (vi) amber or red electric turn signals, one on each side of the front and rear;
609 (vii) a braking system, other than a parking brake, that meets the requirements of
610 Section 41-6a-1623;
611 (viii) a horn or other warning device that meets the requirements of Section
612 41-6a-1625;
613 (ix) a muffler and emission control system that meets the requirements of Section
614 41-6a-1626;
615 (x) rearview mirrors on the right and left side of the driver in accordance with Section
616 41-6a-1627;
617 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
618 (xii) a speedometer, illuminated for nighttime operation;
619 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a

620 seat designed for passengers; and
621 (xiv) tires that:
622 (A) are not larger than the tires that the all-terrain vehicle manufacturer made available
623 for the all-terrain vehicle model; and
624 (B) have at least 2/32 inches or greater tire tread.
625 (b) The owner of an all-terrain type II vehicle or all-terrain type III vehicle being
626 operated as a street-legal all-terrain vehicle shall ensure that the vehicle is equipped with:
627 (i) two headlamps that meet the requirements of Section 41-6a-1603;
628 (ii) two tail lamps;
629 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
630 with a white light;
631 (iv) one or more red reflectors on the rear;
632 (v) two stop lamps on the rear;
633 (vi) amber or red electric turn signals, one on each side of the front and rear;
634 (vii) a braking system, other than a parking brake, that meets the requirements of
635 Section 41-6a-1623;
636 (viii) a horn or other warning device that meets the requirements of Section
637 41-6a-1625;
638 (ix) a muffler and emission control system that meets the requirements of Section
639 41-6a-1626;
640 (x) rearview mirrors on the right and left side of the driver in accordance with Section
641 41-6a-1627;
642 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
643 (xii) a speedometer, illuminated for nighttime operation;
644 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
645 seat designed for passengers;
646 (xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle
647 occupant;
648 (xv) a seat with a height between 20 and 40 inches when measured at the forward edge
649 of the seat bottom; and
650 (xvi) tires that:

651 (A) do not exceed 44 inches in height; and
652 (B) have at least 2/32 inches or greater tire tread.

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

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

658 (i) the posted speed limit; or
659 (ii) 50 miles per hour.

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

662 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the
663 roadway; and
664 (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the
665 front and back of both sides of the vehicle.

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

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

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

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

679 Section 7. Section **41-22-2** is amended to read:

680 **41-22-2. Definitions.**

681 As used in this chapter:

(1) "Advisory council" means ~~[the Off-highway Vehicle Advisory Council]~~ an advisory council appointed by the Division of Outdoor Recreation and Conservation that has within the advisory council's duties advising on policies related to the use of off-highway vehicles.

(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) "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 Outdoor Recreation and Conservation.

(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.

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

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

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

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

719 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,
720 all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is used by
721 the owner or the owner's agent for agricultural operations.

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

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

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

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

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

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

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

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

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

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

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

Section 8. Section **53-2a-1102 (Effective 01/01/22)** is amended to read:

53-2a-1102 (Effective 01/01/22). Search and Rescue Financial Assistance Program

-- Uses -- Rulemaking -- Distribution.

(1) As used in this section:

(a) "Assistance card program" means the Utah Search and Rescue Assistance Card Program created within this section.

(b) "Card" means the Search and Rescue Assistance Card issued under this section to a participant.

(c) "Participant" means an individual, family, or group who is registered pursuant to this section as having a valid card at the time search, rescue, or both are provided.

(d) "Program" means the Search and Rescue Financial Assistance Program created within this section.

(e) (i) "Reimbursable base expenses" means those reasonable expenses incidental to search and rescue activities.

(ii) "Reimbursable base expenses" include:

(A) rental for fixed wing aircraft, snowmobiles, boats, and generators;

(B) replacement and upgrade of search and rescue equipment;

(C) training of search and rescue volunteers;

(D) costs of providing life insurance and workers' compensation benefits for volunteer search and rescue team members under Section 67-20-7.5; and

(E) any other equipment or expenses necessary or appropriate for conducting search and rescue activities.

(iii) "Reimbursable base expenses" do not include any salary or overtime paid to an individual on a regular or permanent payroll, including permanent part-time employees of any agency of the state.

(f) "Rescue" means search services, rescue services, or both search and rescue services.

(2) There is created the Search and Rescue Financial Assistance Program within the division.

(3) (a) The financial program and the assistance card program shall be funded from the

following revenue sources:

(i) any voluntary contributions to the state received for search and rescue operations;

(ii) money received by the state under Subsection (11) and under Sections 23-19-42, 41-22-34, and 73-18-24;

(iii) money deposited under Subsection 59-12-103(14);

(iv) contributions deposited in accordance with Section 41-1a-230.7; and

(v) appropriations made to the program by the Legislature.

(b) ~~[All money]~~ Money received from the revenue sources in Subsections (3)(a)(i), (ii), and (iv), and 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the General Fund as a dedicated credit to be used solely for the program.

(c) ~~[10%]~~ Ten percent of the money described in Subsection (3)(a)(iii) shall be deposited into the General Fund as a dedicated credit to be used solely to promote the assistance card program.

(d) ~~[All funding]~~ Funding for the program is nonlapsing.

(4) Subject to Subsections (3)(b) and (c), the director shall use the money described in this section to reimburse counties for all or a portion of each county's reimbursable base expenses for search and rescue operations, subject to:

(a) the approval of the Search and Rescue Advisory Board as provided in Section 53-2a-1104;

(b) money available in the program; and

(c) rules made under Subsection (7).

(5) Money described in Subsection (3) may not be used to reimburse for any paid personnel costs or paid man hours spent in emergency response and search and rescue related activities.

(6) The Legislature finds that these funds are for a general and statewide public purpose.

(7) The division, with the approval of the Search and Rescue Advisory Board, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section:

(a) specifying the costs that qualify as reimbursable base expenses;

(b) defining the procedures of counties to submit expenses and be reimbursed;

- (c) defining a participant in the assistance card program, including:
- (i) individuals; and
 - (ii) families and organized groups who qualify as participants;
- (d) defining the procedure for issuing a card to a participant;
- (e) defining excluded expenses that may not be reimbursed under the program, including medical expenses;
- (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card Program;
- (g) establishing the frequency of review of the fee schedule;
- (h) providing for the administration of the program; and
- (i) providing a formula to govern the distribution of available money among the counties for uncompensated search and rescue expenses based on:
- (i) the total qualifying expenses submitted;
 - (ii) the number of search and rescue incidents per county population;
 - (iii) the number of victims that reside outside the county; and
 - (iv) the number of volunteer hours spent in each county in emergency response and search and rescue related activities per county population.
- (8) (a) The division shall, in consultation with the [~~Outdoor Recreation Office~~ Division of Outdoor Recreation and Conservation], establish the fee schedule of the Utah Search and Rescue Assistance Card Program under Subsection 63J-1-504(6).
- (b) The division shall provide a discount of not less than 10% of the card fee under Subsection (8)(a) to a person who has paid a fee under Section 23-19-42, 41-22-34, or 73-18-24 during the same calendar year in which the person applies to be a participant in the assistance card program.
- (9) Counties may not bill reimbursable base expenses to an individual for costs incurred for the rescue of an individual, if the individual is a current participant in the Utah Search and Rescue Assistance Card Program at the time of rescue, unless:
- (a) the rescuing county finds that the participant acted recklessly in creating a situation resulting in the need for the county to provide rescue services; or
 - (b) the rescuing county finds that the participant intentionally created a situation resulting in the need for the county to provide rescue services.

(10) (a) There is created the Utah Search and Rescue Assistance Card Program. The program is located within the division.

(b) The program may not be ~~utilized~~ used to cover any expenses, such as medically related expenses, that are not reimbursable base expenses related to the rescue.

(11) (a) To participate in the program, a person shall purchase a search and rescue assistance card from the division by paying the fee as determined by the division in Subsection (8).

(b) The money generated by the fees shall be deposited into the General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program created in this section.

(c) Participation and payment of fees by a person under Sections 23-19-42, 41-22-34, and 73-18-24 do not constitute purchase of a card under this section.

(12) The division shall consult with the ~~[Outdoor Recreation Office]~~ Division of Outdoor Recreation and Conservation regarding:

(a) administration of the assistance card program; and

(b) outreach and marketing strategies.

(13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance Card Program under this section is exempt from being considered insurance as that term is defined in Section 31A-1-301.

Section 9. 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 or the Division of Outdoor Recreation and Conservation 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 10. 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

899 months ending on the previous June 30 as published by an oil pricing service.

900 (c) (i) Subject to the requirement in Subsection (1)(c)(ii), the statewide average rack
901 price of a gallon of motor fuel determined under Subsection (1)(b) may not be less than \$1.78
902 per gallon.

903 (ii) Beginning on January 1, 2019, the commission shall, on January 1, annually adjust
904 the minimum statewide average rack price of a gallon of motor fuel described in Subsection
905 (1)(c)(i) by taking the minimum statewide average rack price of a gallon of motor fuel for the
906 previous calendar year and adding an amount equal to the greater of:

907 (A) an amount calculated by multiplying the minimum statewide average rack price of
908 a gallon of motor fuel for the previous calendar year by the actual percent change during the
909 previous fiscal year in the Consumer Price Index; and

910 (B) 0.

911 (iii) The statewide average rack price of a gallon of motor fuel determined by the
912 commission under Subsection (1)(b) may not exceed \$2.43 per gallon.

913 (iv) The minimum statewide average rack price of a gallon of motor fuel described and
914 adjusted under Subsections (1)(c)(i) and (ii) may not exceed the maximum statewide average
915 rack price of a gallon of motor fuel under Subsection (1)(c)(iii).

916 (d) (i) The commission shall annually:

917 (A) determine the statewide average rack price of a gallon of motor fuel in accordance
918 with Subsections (1)(b) and (c);

919 (B) adjust the fuel tax rate imposed under Subsection (1)(a), rounded to the nearest
920 one-tenth of a cent, based on the determination under Subsection (1)(b);

921 (C) publish the adjusted fuel tax as a cents per gallon rate; and

922 (D) post or otherwise make public the adjusted fuel tax rate as determined in
923 Subsection (1)(d)(i)(B) no later than 60 days ~~[prior to]~~ before the annual effective date under
924 Subsection (1)(d)(ii).

925 (ii) The tax rate imposed under this Subsection (1) and adjusted as required under
926 Subsection (1)(d)(i) shall take effect on January 1 of each year.

927 (e) In lieu of the tax imposed under Subsection (1)(a) and subject to the provisions of
928 this section, a tax is imposed at the rate of 3/19 of the rate imposed under Subsection (1)(a),
929 rounded up to the nearest penny, upon all motor fuels that meet the definition of clean fuel in

930 Section 59-13-102 and are sold, used, or received for sale or use in this state.

931 (2) Any increase or decrease in tax rate applies to motor fuel that is imported to the
932 state or sold at refineries in the state on or after the effective date of the rate change.

933 (3) (a) No motor fuel tax is imposed upon:

934 (i) motor fuel that is brought into and sold in this state in original packages as purely
935 interstate commerce sales;

936 (ii) motor fuel that is exported from this state if proof of actual exportation on forms
937 prescribed by the commission is made within 180 days after exportation;

938 (iii) motor fuel or components of motor fuel that is sold and used in this state and
939 distilled from coal, oil shale, rock asphalt, bituminous sand, or solid hydrocarbons located in
940 this state; or

941 (iv) motor fuel that is sold to the United States government, this state, or the political
942 subdivisions of this state.

943 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
944 commission shall make rules governing the procedures for administering the tax exemption
945 provided under Subsection (3)(a)(iv).

946 (4) The commission may either collect no tax on motor fuel exported from the state or,
947 upon application, refund the tax paid.

948 (5) (a) All revenue received by the commission under this part shall be deposited daily
949 with the state treasurer and credited to the Transportation Fund.

950 (b) An appropriation from the Transportation Fund shall be made to the commission to
951 cover expenses incurred in the administration and enforcement of this part and the collection of
952 the motor fuel tax.

953 (6) (a) The commission shall determine what amount of motor fuel tax revenue is
954 received from the sale or use of motor fuel used in motorboats registered under ~~[the provisions~~
955 ~~of the]~~ Title 73, Chapter 18, State Boating Act, and this amount shall be deposited ~~[in]~~ into a
956 restricted revenue account in the General Fund of the state.

957 (b) The funds from this account shall be used for the construction, improvement,
958 operation, and maintenance of state-owned boating facilities and for the payment of the costs
959 and expenses of the Division of Outdoor Recreation and Conservation in administering and
960 enforcing ~~[the]~~ Title 73, Chapter 18, 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

1023 imposed on motor fuel, any change in the reduction of taxes under this Subsection (9) as a
1024 result of the change in the tax rate is not effective until the first day of the calendar quarter after
1025 a 60-day period beginning on the date the commission receives notice:

1026 (A) from the Navajo Nation; and

1027 (B) meeting the requirements of Subsection (9)(f)(ii).

1028 (ii) The notice described in Subsection (9)(f)(i) shall state:

1029 (A) that the Navajo Nation has changed or will change the tax rate of a tax imposed on
1030 motor fuel;

1031 (B) the effective date of the rate change of the tax described in Subsection (9)(f)(ii)(A);
1032 and

1033 (C) the new rate of the tax described in Subsection (9)(f)(ii)(A).

1034 (g) If the agreement required by Subsection (9)(a) terminates, a reduction of tax is not
1035 permitted under this Subsection (9) beginning on the first day of the calendar quarter after a
1036 30-day period beginning on the day the agreement terminates.

1037 (h) If there is a conflict between this Subsection (9) and the agreement required by
1038 Subsection (9)(a), this Subsection (9) governs.

1039 Section 11. Section **59-21-2** is amended to read:

1040 **59-21-2. Mineral Bonus Account created -- Contents -- Use of Mineral Bonus**
1041 **Account money -- Mineral Lease Account created -- Contents -- Appropriation of money**
1042 **from Mineral Lease Account.**

1043 (1) (a) There is created a restricted account within the General Fund known as the
1044 "Mineral Bonus Account."

1045 (b) The Mineral Bonus Account consists of federal mineral lease bonus payments
1046 deposited pursuant to Subsection 59-21-1(3).

1047 (c) The Legislature shall make appropriations from the Mineral Bonus Account in
1048 accordance with Section 35 of the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 191.

1049 (d) The state treasurer shall:

1050 (i) invest the money in the Mineral Bonus Account by following the procedures and
1051 requirements of Title 51, Chapter 7, State Money Management Act; and

1052 (ii) deposit all interest or other earnings derived from the account into the Mineral
1053 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

1085 Mineral Lease Account to the Water Research Laboratory at Utah State University, to be used
1086 for activities carried on by the laboratory having as a purpose the development and exploitation
1087 of water resources in the state.

1088 (h) (i) The Legislature shall annually appropriate to the Division of Finance 40% of all
1089 deposits made to the Mineral Lease Account to be distributed as provided in Subsection
1090 (2)(h)(ii) to:

1091 (A) counties;

1092 (B) special service districts established:

1093 (I) by counties;

1094 (II) under Title 17D, Chapter 1, Special Service District Act; and

1095 (III) for the purpose of constructing, repairing, or maintaining roads; or

1096 (C) special service districts established:

1097 (I) by counties;

1098 (II) under Title 17D, Chapter 1, Special Service District Act; and

1099 (III) for other purposes authorized by statute.

1100 (ii) The Division of Finance shall allocate the funds specified in Subsection (2)(h)(i):

1101 (A) in amounts proportionate to the amount of mineral lease money generated by each
1102 county; and

1103 (B) to a county or special service district established by a county under Title 17D,
1104 Chapter 1, Special Service District Act, as determined by the county legislative body.

1105 (i) (i) The Legislature shall annually appropriate 5% of all deposits made to the
1106 Mineral Lease Account to the Department of Workforce Services to be distributed to:

1107 (A) special service districts established:

1108 (I) by counties;

1109 (II) under Title 17D, Chapter 1, Special Service District Act; and

1110 (III) for the purpose of constructing, repairing, or maintaining roads; or

1111 (B) special service districts established:

1112 (I) by counties;

1113 (II) under Title 17D, Chapter 1, Special Service District Act; and

1114 (III) for other purposes authorized by statute.

1115 (ii) The Department of Workforce Services may distribute the amounts described in

1116 Subsection (2)(i)(i) only to special service districts established under Title 17D, Chapter 1,
1117 Special Service District Act, by counties:

1118 (A) of the third, fourth, fifth, or sixth class;
1119 (B) in which 4.5% or less of the mineral lease money within the state is generated; and
1120 (C) that are significantly socially or economically impacted as provided in Subsection
1121 (2)(i)(iii) by the development of minerals under the Mineral Lands Leasing Act, 30 U.S.C. Sec.
1122 181 et seq.

1123 (iii) The significant social or economic impact required under Subsection (2)(i)(ii)(C)
1124 shall be as a result of:

1125 (A) the transportation within the county of hydrocarbons, including solid hydrocarbons
1126 as defined in Section 59-5-101;
1127 (B) the employment of persons residing within the county in hydrocarbon extraction,
1128 including the extraction of solid hydrocarbons as defined in Section 59-5-101; or
1129 (C) a combination of Subsections (2)(i)(iii)(A) and (B).

1130 (iv) For purposes of distributing the appropriations under this Subsection (2)(i) to
1131 special service districts established by counties under Title 17D, Chapter 1, Special Service
1132 District Act, the Department of Workforce Services shall:

1133 (A) (I) allocate 50% of the appropriations equally among the counties meeting the
1134 requirements of Subsections (2)(i)(ii) and (iii); and
1135 (II) allocate 50% of the appropriations based on the ratio that the population of each
1136 county meeting the requirements of Subsections (2)(i)(ii) and (iii) bears to the total population
1137 of all of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii); and
1138 (B) after making the allocations described in Subsection (2)(i)(iv)(A), distribute the
1139 allocated revenues to special service districts established by the counties under Title 17D,
1140 Chapter 1, Special Service District Act, as determined by the executive director of the
1141 Department of Workforce Services after consulting with the county legislative bodies of the
1142 counties meeting the requirements of Subsections (2)(i)(ii) and (iii).

1143 (v) The executive director of the Department of Workforce Services:

1144 (A) shall determine whether a county meets the requirements of Subsections (2)(i)(ii)
1145 and (iii);
1146 (B) shall distribute the appropriations under Subsection (2)(i)(i) to special service

1147 districts established by counties under Title 17D, Chapter 1, Special Service District Act, that
1148 meet the requirements of Subsections (2)(i)(ii) and (iii); and

1149 (C) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1150 may make rules:

1151 (I) providing a procedure for making the distributions under this Subsection (2)(i) to
1152 special service districts; and

1153 (II) defining the term "population" for purposes of Subsection (2)(i)(iv).

1154 (j) (i) The Legislature shall annually make the following appropriations from the
1155 Mineral Lease Account:

1156 (A) an amount equal to 52 cents multiplied by the number of acres of school or
1157 institutional trust lands, lands owned by the Division of State Parks or the Division of Outdoor
1158 Recreation and Conservation, and lands owned by the Division of Wildlife Resources that are
1159 not under an in lieu of taxes contract, to each county in which those lands are located;

1160 (B) to each county in which school or institutional trust lands are transferred to the
1161 federal government after December 31, 1992, an amount equal to the number of transferred
1162 acres in the county multiplied by a payment per acre equal to the difference between 52 cents
1163 per acre and the per acre payment made to that county in the most recent payment under the
1164 federal payment in lieu of taxes program, 31 U.S.C. Sec. 6901 et seq., unless the federal
1165 payment was equal to or exceeded the 52 cents per acre, in which case a payment under this
1166 Subsection (2)(j)(i)(B) may not be made for the transferred lands;

1167 (C) to each county in which federal lands, which are entitlement lands under the federal
1168 in lieu of taxes program, are transferred to the school or institutional trust, an amount equal to
1169 the number of transferred acres in the county multiplied by a payment per acre equal to the
1170 difference between the most recent per acre payment made under the federal payment in lieu of
1171 taxes program and 52 cents per acre, unless the federal payment was equal to or less than 52
1172 cents per acre, in which case a payment under this Subsection (2)(j)(i)(C) may not be made for
1173 the transferred land; and

1174 (D) to a county of the fifth or sixth class, an amount equal to the product of:

1175 (I) \$1,000; and

1176 (II) the number of residences described in Subsection (2)(j)(iv) that are located within
1177 the county.

1178 (ii) A county receiving money under Subsection (2)(j)(i) may, as determined by the
1179 county legislative body, distribute the money or a portion of the money to:

1180 (A) special service districts established by the county under Title 17D, Chapter 1,
1181 Special Service District Act;

1182 (B) school districts; or

1183 (C) public institutions of higher education.

1184 (iii) (A) Beginning in fiscal year 1994-95 and in each year after fiscal year 1994-95, the
1185 Division of Finance shall increase or decrease the amounts per acre provided for in Subsections
1186 (2)(j)(i)(A) through (C) by the average annual change in the Consumer Price Index for all urban
1187 consumers published by the Department of Labor.

1188 (B) For fiscal years beginning on or after fiscal year 2001-02, the Division of Finance
1189 shall increase or decrease the amount described in Subsection (2)(j)(i)(D)(I) by the average
1190 annual change in the Consumer Price Index for all urban consumers published by the
1191 Department of Labor.

1192 (iv) Residences for purposes of Subsection (2)(j)(i)(D)(II) are residences that are:

1193 (A) owned by:

1194 (I) the Division of State Parks [~~or~~];

1195 (II) the Division of Outdoor Recreation and Conservation; or

1196 [~~(H)~~] (III) the Division of Wildlife Resources;

1197 (B) located on lands that are owned by:

1198 (I) the Division of State Parks [~~or~~];

1199 (II) the Division of Outdoor Recreation and Conservation; or

1200 [~~(H)~~] (III) the Division of Wildlife Resources; and

1201 (C) are not subject to taxation under:

1202 (I) Chapter 2, Property Tax Act; or

1203 (II) Chapter 4, Privilege Tax.

1204 (k) The Legislature shall annually appropriate to the Permanent Community Impact
1205 Fund all deposits remaining in the Mineral Lease Account after making the appropriations
1206 provided for in Subsections (2)(d) through (j).

1207 (3) (a) Each agency, board, institution of higher education, and political subdivision
1208 receiving money under this chapter shall provide the Legislature, through the Office of the

1209 Legislative Fiscal Analyst, with a complete accounting of the use of that money on an annual
1210 basis.

1211 (b) The accounting required under Subsection (3)(a) shall:

1212 (i) include actual expenditures for the prior fiscal year, budgeted expenditures for the
1213 current fiscal year, and planned expenditures for the following fiscal year; and

1214 (ii) be reviewed by the Business, Economic Development, and Labor Appropriations
1215 Subcommittee as part of its normal budgetary process under Title 63J, Chapter 1, Budgetary
1216 Procedures Act.

1217 Section 12. Section **59-28-103** is amended to read:

1218 **59-28-103. Imposition -- Rate -- Revenue distribution.**

1219 (1) Subject to the other provisions of this chapter, the state shall impose a tax on the
1220 transactions described in Subsection 59-12-103(1)(i) at a rate of .32%.

1221 (2) The tax imposed under this chapter is in addition to any other taxes imposed on the
1222 transactions described in Subsection 59-12-103(1)(i).

1223 (3) (a) (i) Subject to Subsection (3)(a)(ii), the commission shall deposit 6% of the
1224 revenue the state collects from the tax under this chapter into the Hospitality and Tourism
1225 Management Education Account created in Section 53F-9-501 to fund the Hospitality and
1226 Tourism Management Career and Technical Education Pilot Program created in Section
1227 53E-3-515.

1228 (ii) The commission may not deposit more than \$300,000 into the Hospitality and
1229 Tourism Management Education Account under Subsection (3)(a)(i) in a fiscal year.

1230 (b) Except for the amount deposited into the Hospitality and Tourism Management
1231 Education Account under Subsection (3)(a) and the administrative charge retained under
1232 Subsection 59-28-104(4), the commission shall deposit any revenue the state collects from the
1233 tax under this chapter into the Outdoor Recreation Infrastructure Account created in Section
1234 79-8-106 to fund the Outdoor Recreational Infrastructure Grant Program created in Section
1235 ~~[63N-9-202]~~ 79-8-402 and the Recreation Restoration Infrastructure Grant Program created in
1236 Section 79-8-202.

1237 Section 13. Section **63C-21-201** is amended to read:

1238 **63C-21-201. Outdoor Adventure Commission created.**

1239 (1) There is created the Outdoor Adventure Commission consisting of the following 15

1240 members:

1241 (a) one member of the Senate, appointed by the president of the Senate;

1242 (b) one member of the House of Representatives, appointed by the speaker of the
1243 House of Representatives;

1244 ~~[(c) the director of the Utah Office of Outdoor Recreation, or the director's designee;]~~

1245 ~~[(d)]~~ (c) the managing director of the Utah Office of Tourism, or the managing
1246 director's designee;

1247 ~~[(e)]~~ (d) the director of the Division of Outdoor Recreation and Conservation, or the
1248 director's designee;

1249 ~~[(f)]~~ (e) the director of the School and Institutional Trust Lands Administration, or the
1250 director's designee;

1251 ~~[(g)]~~ (f) the coordinator of the Off-Highway Vehicle and Recreational Trails Program
1252 within the Division of Outdoor Recreation and Conservation;

1253 ~~[(h)]~~ (g) a representative of the agriculture industry appointed jointly by the president
1254 of the Senate and the speaker of the House of Representatives;

1255 ~~[(i)]~~ (h) a representative of the natural resources development industry appointed
1256 jointly by the president of the Senate and the speaker of the House of Representatives;

1257 ~~[(j)]~~ (i) one representative of the Utah League of Cities and Towns appointed by the
1258 Utah League of Cities and Towns;

1259 ~~[(k)]~~ (j) one representative of the Utah Association of Counties appointed by the Utah
1260 Association of Counties;

1261 ~~[(l)]~~ (k) one individual appointed jointly by the Utah League of Cities and Towns and
1262 the Utah Association of Counties;

1263 ~~[(m)]~~ (l) ~~[a representative]~~ two representatives of conservation interests appointed
1264 jointly by the president of the Senate and the speaker of the House of Representatives;

1265 ~~[(n)]~~ (m) a representative of the outdoor recreation industry appointed jointly by the
1266 president of the Senate and the speaker of the House of Representatives; and

1267 ~~[(o)]~~ (n) the coordinator of the boating program within the Division of Outdoor
1268 Recreation and Conservation.

1269 (2) The commission shall annually select one of ~~[its]~~ the commission's members to be
1270 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)]~~ (1)(g) through (m), 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)]~~ (1)(g) through (m) 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)]~~ (1)(g) through (m), 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)]~~ (1)(g) through (m) 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 Division of Outdoor Recreation and Conservation, created in Section 79-7-201, shall provide staff support to the commission.

Section 14. Section **63C-21-202** is amended to read:

63C-21-202. Strategic plan -- Commission powers and duties -- Consultant --

1302 **Reports.**

1303 (1) (a) The commission shall gather information on recreation assets from state and
1304 local agencies and other sources and develop a strategic plan aimed at meeting the future needs
1305 of outdoor recreation within the state to enhance the quality of life of Utah residents. Asset lists
1306 received from state and local agencies shall include:

1307 (i) common data points, to be established by the [~~Office of Outdoor Recreation~~]
1308 Division of Outdoor Recreation and Conservation that can be uniformly compared with other
1309 recreation assets within the state, such as asset type, size, unique characteristics, vegetation,
1310 land ownership, and similar items;

1311 (ii) any specific needs, challenges, or limitations on recreation use of the assets; and

1312 (iii) a ranking of potential enhancements to the assets related to recreation use.

1313 (b) The strategic plan shall address:

1314 (i) outdoor recreation as a major contributor to residents' quality of life;

1315 (ii) the needs and impacts of residents who engage in outdoor recreation;

1316 (iii) the impact on local communities related to outdoor recreation, including the costs
1317 associated with emergency services and infrastructure;

1318 (iv) outdoor recreation as a means to retain and attract an exceptional workforce to
1319 provide for a sustainable economy;

1320 (v) impacts to the environment, wildlife, and natural resources and measures to
1321 preserve the natural beauty of the state as more people engage in outdoor recreation;

1322 (vi) identify opportunities for sustainable revenue sources to provide for maintenance
1323 and future needs;

1324 (vii) the interface with public lands that are federally managed and private lands; and

1325 (viii) other items determined by the commission.

1326 (2) The commission shall:

1327 (a) engage one or more consultants to:

1328 (i) manage the strategic planning process in accordance with Subsection (3); and

1329 (ii) conduct analytical work in accordance with Subsection (3);

1330 (b) guide the analytical work of a consultant described in Subsection (2)(a) and review
1331 the results of the work;

1332 (c) coordinate with a consultant described in Subsection (2)(a) to engage in a process

1333 and create a strategic plan;

1334 (d) conduct regional meetings to gather stakeholder input during the strategic planning
1335 process;

1336 (e) seek input from federal entities including the United States Department of the
1337 Interior, the United States Department of Agriculture, and Utah's congressional delegation; and

1338 (f) produce a final report including a strategic plan and any recommendations.

1339 (3) The commission, by contract with a consultant engaged under Subsection (2)(a),
1340 shall direct the consultant to:

1341 (a) conduct an inventory of existing outdoor recreation resources, programs, and
1342 information;

1343 (b) conduct an analysis of what is needed to develop and implement an effective
1344 outdoor recreation strategy aimed at enhancing the quality of life of Utah residents;

1345 (c) collect and analyze data related to the future projected conditions of the outdoor
1346 recreation resources, programs, and information, including the affordability and financing of
1347 outdoor recreation;

1348 (d) develop alternatives to the projection described in Subsection (3)(c) by modeling
1349 potential changes to the outdoor recreation industry and economic growth;

1350 (e) in coordination with the commission, engage in extensive local stakeholder
1351 involvement to better understand the needs of, concerns of, and opportunities for different
1352 communities and outdoor recreation user types;

1353 (f) recommend accountability or performance measures to assess the effectiveness of
1354 the outdoor recreation system;

1355 (g) based on the data described in this Subsection (3), make comparisons between
1356 outdoor recreation in Utah and outdoor recreation in other states or countries;

1357 (h) in coordination with the commission, conduct the regional meetings described in
1358 Subsection (2)(d) to share information and seek input from a range of stakeholders;

1359 (i) recommend changes to the governance system for outdoor recreation that would
1360 facilitate implementation of the strategic plan;

1361 (j) engage in any other data collection or analysis requested by the commission; and

1362 (k) produce for the commission:

1363 (i) a draft report of findings, observations, and strategic priorities, including:

- 1364 (A) a statewide vision and strategy for outdoor recreation;
1365 (B) a strategy for how to meaningfully engage stakeholders throughout the state;
1366 (C) funding needs related to outdoor recreation; and
1367 (D) recommendations for the steps the state should take to implement a statewide
1368 vision and strategy for outdoor recreation; and
1369 (ii) a final report, incorporating feedback from the commission on the draft report
1370 described in Subsection (3)(k)(i), regarding the future of the outdoor recreation in the state.
1371 (4) The commission shall consult with the Division of Outdoor Recreation and
1372 Conservation as provided by statute.
- 1373 Section 15. Section **63I-1-263** is amended to read:
1374 **63I-1-263. Repeal dates, Titles 63A to 63N.**
- 1375 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:
1376 (a) Section 63A-16-102 is repealed;
1377 (b) Section 63A-16-201 is repealed; and
1378 (c) Section 63A-16-202 is repealed.
- 1379 (2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital
1380 improvement funding, is repealed July 1, 2024.
- 1381 (3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,
1382 2023.
- 1383 (4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review
1384 Committee, are repealed July 1, 2023.
- 1385 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
1386 1, 2028.
- 1387 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
1388 2025.
- 1389 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
1390 2024.
- 1391 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
1392 repealed July 1, 2023.
- 1393 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
1394 July 1, 2023.

- 1395 (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
1396 repealed July 1, 2026.
- 1397 (11) Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed
1398 July 1, 2025.
- 1399 (12) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities
1400 Advisory Board, is repealed July 1, 2026.
- 1401 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
1402 2025.
- 1403 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
1404 2024.
- 1405 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 1406 (16) Subsection 63J-1-602.1(17), Nurse Home Visiting Restricted Account is repealed
1407 July 1, 2026.
- 1408 (17) (a) Subsection 63J-1-602.1(61), relating to the Utah Statewide Radio System
1409 Restricted Account, is repealed July 1, 2022.
- 1410 (b) When repealing Subsection 63J-1-602.1(61), the Office of Legislative Research and
1411 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
1412 necessary changes to subsection numbering and cross references.
- 1413 (18) Subsection 63J-1-602.2[(5)](4), referring to dedicated credits to the Utah Marriage
1414 Commission, is repealed July 1, 2023.
- 1415 (19) Subsection 63J-1-602.2[(6)](5), referring to the Trip Reduction Program, is
1416 repealed July 1, 2022.
- 1417 (20) Subsection 63J-1-602.2[(24)](23), related to the Utah Seismic Safety
1418 Commission, is repealed January 1, 2025.
- 1419 (21) [~~Title 63J, Chapter 4, Part 5~~] Title 63L, Chapter 11, Part 4, Resource
1420 Development Coordinating Committee, is repealed July 1, 2027.
- 1421 (22) In relation to the advisory committee created in Subsection 63L-11-305(3), on July
1422 1, 2022:
- 1423 (a) Subsection 63L-11-305(1)(a), which defines "advisory committee," is repealed; and
1424 (b) Subsection 63L-11-305(3), which creates the advisory committee, is repealed.
- 1425 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on

1426 January 1, 2023:

1427 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
1428 repealed;

1429 (b) Section 63M-7-305, the language that states "council" is replaced with
1430 "commission";

1431 (c) Subsection 63M-7-305(1) is repealed and replaced with:
1432 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and
1433 (d) Subsection 63M-7-305(2) is repealed and replaced with:
1434 "(2) The commission shall:

1435 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
1436 Drug-Related Offenses Reform Act; and
1437 (b) coordinate the implementation of Section 77-18-104 and related provisions in
1438 Subsections 77-18-103(2)(c) and (d).".

1439 (24) The Crime Victim Reparations and Assistance Board, created in Section
1440 63M-7-504, is repealed July 1, 2027.

1441 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July
1442 1, 2022.

1443 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.

1444 (27) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating
1445 Council, is repealed July 1, 2024.

1446 (28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

1447 (29) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed July
1448 1, 2028.

1449 (30) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
1450 January 1, 2021.

1451 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
1452 calendar years beginning on or after January 1, 2021.

1453 (c) Notwithstanding Subsection(30)(b), an entity may carry forward a tax credit in
1454 accordance with Section 59-9-107 if:

1455 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
1456 31, 2020; and

1457 (ii) the qualified equity investment that is the basis of the tax credit is certified under
 1458 Section 63N-2-603 on or before December 31, 2023.

1459 (31) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed
 1460 July 1, 2023.

1461 (32) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,
 1462 2025.

1463 [~~(33) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,~~
 1464 ~~is repealed January 1, 2028.~~]

1465 Section 16. Section **63I-1-273** is amended to read:

1466 **63I-1-273. Repeal dates, Title 73.**

1467 (1) Title 73, Chapter 27, Legislative Water Development Commission, is repealed
 1468 January 1, 2031.

1469 (2) Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, is repealed July 1,
 1470 2025.

1471 (3) Section 73-18-3.5, which [~~creates the Boating Advisory Council~~] authorizes the
 1472 Division of Outdoor Recreation and Conservation to appoint an advisory council that includes
 1473 in the advisory council's duties advising on boating policies, is repealed July 1, 2024.

1474 (4) Title 73, Chapter 30, Great Salt Lake Advisory Council Act, is repealed July 1,
 1475 2027.

1476 (5) In relation to Title 73, Chapter 31, Water Banking Act, on December 31, 2030:

1477 (a) Subsection 73-1-4(2)(e)(xi) is repealed;

1478 (b) Subsection 73-10-4(1)(h) is repealed; and

1479 (c) Title 73, Chapter 31, Water Banking Act, is repealed.

1480 Section 17. Section **63I-1-279** is amended to read:

1481 **63I-1-279. Repeal dates, Title 79.**

1482 (1) Subsection 79-2-201(2)(~~r~~)(q), related to the Heritage Trees Advisory Committee,
 1483 is repealed July 1, 2026.

1484 (2) Subsection 79-2-201(2)(~~s~~)(r), related to the [~~Recreational Trails Advisory~~
 1485 ~~Council~~] Utah Outdoor Recreation Infrastructure Advisory Committee, is repealed July 1,
 1486 2027.

1487 (3) Subsection 79-2-201(2)(~~t~~)(s), related to [~~the Boating Advisory Council~~] an

1488 advisory council created by the Division of Outdoor Recreation and Conservation to advise on
1489 boating policies, is repealed July 1, 2024.

1490 (4) Subsection 79-2-201(2)(~~tt~~)(t), related to the Wildlife Board Nominating
1491 Committee, is repealed July 1, 2023.

1492 (5) Subsection 79-2-201(2)(~~vv~~)(u), related to regional advisory councils for the
1493 Wildlife Board, is repealed July 1, 2023.

1494 [~~(6) Title 79, Chapter 5, Part 2, Advisory Council, which creates the Recreational~~
1495 ~~Trails Advisory Council, is repealed July 1, 2027.]~~

1496 (6) Title 79, Chapter 8, Part 4, Outdoor Recreational Infrastructure Grant Program, is
1497 repealed January 1, 2028.

1498 Section 18. Section **63I-2-279** is amended to read:

1499 **63I-2-279. Repeal dates, Title 79.**

1500 (1) Section 79-2-206, transition, is repealed July 1, [2022] 2023.

1501 (2) Title 79, Chapter 6, Part 8, Voluntary Home Energy Information Pilot Program Act,
1502 is repealed January 1, 2022.

1503 Section 19. Section **63J-1-601** is amended to read:

1504 **63J-1-601. End of fiscal year -- Unexpended balances -- Funds not to be closed**
1505 **out -- Pending claims -- Transfer of amounts from item of appropriation -- Nonlapsing**
1506 **accounts and funds -- Institutions of higher education to report unexpended balances.**

1507 (1) As used in this section:

1508 (a) "Education grant subrecipient" means a nonfederal entity that:

1509 (i) receives a subaward from the State Board of Education to carry out at least part of a
1510 federal or state grant program; and

1511 (ii) does not include an individual who is a beneficiary of the federal or state grant
1512 program.

1513 (b) "Transaction control number" means the unique numerical identifier established by
1514 the Department of Health to track each medical claim and indicates the date on which the claim
1515 is entered.

1516 (2) On or before August 31 of each fiscal year, the director of the Division of Finance
1517 shall close out to the proper fund or account all remaining unexpended and unencumbered
1518 balances of appropriations made by the Legislature, except:

- 1519 (a) those funds classified under Title 51, Chapter 5, Funds Consolidation Act, as:
- 1520 (i) enterprise funds;
- 1521 (ii) internal service funds;
- 1522 (iii) trust and agency funds;
- 1523 (iv) capital projects funds;
- 1524 (v) discrete component unit funds;
- 1525 (vi) debt service funds; and
- 1526 (vii) permanent funds;
- 1527 (b) those appropriations from a fund or account or appropriations to a program that are
- 1528 designated as nonlapsing under Section 63J-1-602.1 or 63J-1-602.2;
- 1529 (c) expendable special revenue funds, unless specifically directed to close out the fund
- 1530 in the fund's enabling legislation;
- 1531 (d) acquisition and development funds appropriated to the Division of State Parks or
- 1532 the Division of Outdoor Recreation and Conservation;
- 1533 (e) funds encumbered to pay purchase orders issued [~~prior to~~] before May 1 for capital
- 1534 equipment if delivery is expected before June 30; and
- 1535 (f) unexpended and unencumbered balances of appropriations that meet the
- 1536 requirements of Section 63J-1-603.
- 1537 (3) (a) Liabilities and related expenses for goods and services received on or before
- 1538 June 30 shall be recognized as expenses due and payable from appropriations made [~~prior to~~]
- 1539 before June 30.
- 1540 (b) The liability and related expense shall be recognized within time periods
- 1541 established by the Division of Finance but shall be recognized not later than August 31.
- 1542 (c) Liabilities and expenses not so recognized may be paid from regular departmental
- 1543 appropriations for the subsequent fiscal year, if these claims do not exceed unexpended and
- 1544 unencumbered balances of appropriations for the years in which the obligation was incurred.
- 1545 (d) [~~No amounts may~~] Amounts may not be transferred from an item of appropriation
- 1546 of any department, institution, or agency into the Capital Projects Fund or any other fund
- 1547 without the prior express approval of the Legislature.
- 1548 (4) (a) For purposes of this chapter, a claim processed under the authority of Title 26,
- 1549 Chapter 18, Medical Assistance Act:

1550 (i) is not a liability or an expense to the state for budgetary purposes, unless the
1551 Division of Health Care Financing receives the claim within the time periods established by the
1552 Division of Finance under Subsection (3)(b); and

1553 (ii) is not subject to Subsection (3)(c).

1554 (b) The transaction control number that the Division of Health Care Financing records
1555 on each claim invoice is the date of receipt.

1556 (5) (a) For purposes of this chapter, a claim processed in accordance with Title 35A,
1557 Chapter 13, Utah State Office of Rehabilitation Act:

1558 (i) is not a liability or an expense to the state for budgetary purposes, unless the Utah
1559 State Office of Rehabilitation receives the claim within the time periods established by the
1560 Division of Finance under Subsection (3)(b); and

1561 (ii) is not subject to Subsection (3)(c).

1562 (b) (i) The Utah State Office of Rehabilitation shall mark each claim invoice with the
1563 date on which the Utah State Office of Rehabilitation receives the claim invoice.

1564 (ii) The date described in Subsection (5)(b)(i) is the date of receipt for purposes of this
1565 section.

1566 (6) (a) For purposes of this chapter, a reimbursement request received from an
1567 education grant subrecipient:

1568 (i) is not a liability or expense to the state for budgetary purposes, unless the State
1569 Board of Education receives the claim within the time periods described in Subsection (3)(b);
1570 and

1571 (ii) is not subject to Subsection (3)(c).

1572 (b) The transaction control number that the State Board of Education records on a
1573 claim invoice is the date of receipt.

1574 (7) Any balance from an appropriation to a state institution of higher education that
1575 remains unexpended at the end of the fiscal year shall be reported to the Division of Finance by
1576 the September 1 following the close of the fiscal year.

1577 Section 20. Section **63J-1-602.2** is amended to read:

1578 **63J-1-602.2. List of nonlapsing appropriations to programs.**

1579 Appropriations made to the following programs are nonlapsing:

1580 (1) The Legislature and the Legislature's committees.

1581 (2) The State Board of Education, including all appropriations to agencies, line items,
1582 and programs under the jurisdiction of the State Board of Education, in accordance with
1583 Section 53F-9-103.

1584 (3) The Percent-for-Art Program created in Section 9-6-404.

1585 ~~[(4) The LeRay McAllister Critical Land Conservation Program created in Section~~
1586 ~~11-38-301.]~~

1587 ~~[(5)]~~ (4) Dedicated credits accrued to the Utah Marriage Commission as provided
1588 under Subsection 17-16-21(2)(d)(ii).

1589 ~~[(6)]~~ (5) The Trip Reduction Program created in Section 19-2a-104.

1590 ~~[(7)]~~ (6) The Division of Wildlife Resources for the appraisal and purchase of lands
1591 under the Pelican Management Act, as provided in Section 23-21a-6.

1592 ~~[(8)]~~ (7) The emergency medical services grant program in Section 26-8a-207.

1593 ~~[(9)]~~ (8) The primary care grant program created in Section 26-10b-102.

1594 ~~[(10)]~~ (9) Sanctions collected as dedicated credits from Medicaid provider under
1595 Subsection 26-18-3(7).

1596 ~~[(11)]~~ (10) The Utah Health Care Workforce Financial Assistance Program created in
1597 Section 26-46-102.

1598 ~~[(12)]~~ (11) The Rural Physician Loan Repayment Program created in Section
1599 26-46a-103.

1600 ~~[(13)]~~ (12) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.

1601 ~~[(14)]~~ (13) Funds that the Department of Alcoholic Beverage Control retains in
1602 accordance with Subsection 32B-2-301 (9)(a) or (b).

1603 ~~[(15)]~~ (14) The General Assistance program administered by the Department of
1604 Workforce Services, as provided in Section 35A-3-401.

1605 ~~[(16)]~~ (15) The Utah National Guard, created in Title 39, Militia and Armories.

1606 ~~[(17)]~~ (16) The State Tax Commission under Section 41-1a-1201 for the:
1607 (a) purchase and distribution of license plates and decals; and
1608 (b) administration and enforcement of motor vehicle registration requirements.

1609 ~~[(18)]~~ (17) The Search and Rescue Financial Assistance Program, as provided in
1610 Section 53-2a-1102.

1611 ~~[(19)]~~ (18) The Motorcycle Rider Education Program, as provided in Section 53-3-905.

1612 ~~[(20)]~~ (19) The Utah Board of Higher Education for teacher preparation programs, as
1613 provided in Section 53B-6-104.

1614 ~~[(21)]~~ (20) The Medical Education Program administered by the Medical Education
1615 Council, as provided in Section 53B-24-202.

1616 ~~[(22)]~~ (21) The Division of Services for People with Disabilities, as provided in
1617 Section 62A-5-102.

1618 ~~[(23)]~~ (22) The Division of Fleet Operations for the purpose of upgrading underground
1619 storage tanks under Section 63A-9-401.

1620 ~~[(24)]~~ (23) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.

1621 ~~[(25)]~~ (24) Appropriations to the Division of Technology Services for technology
1622 innovation as provided under Section 63A-16-903.

1623 ~~[(26)]~~ (25) The Office of Administrative Rules for publishing, as provided in Section
1624 63G-3-402.

1625 ~~[(27)]~~ (26) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
1626 Colorado River Authority of Utah Act.

1627 ~~[(28)]~~ (27) The Governor's Office of Economic Opportunity to fund the Enterprise
1628 Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

1629 ~~[(29)]~~ (28) Appropriations to fund the Governor's Office of Economic Opportunity's
1630 Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
1631 Employment Expansion Program.

1632 ~~[(30)]~~ (29) Appropriations to fund programs for the Jordan River Recreation Area as
1633 described in Section 65A-2-8.

1634 ~~[(31)]~~ (30) The Division of Human Resource Management user training program, as
1635 provided in Section 63A-17-106.

1636 ~~[(32)]~~ (31) A public safety answering point's emergency telecommunications service
1637 fund, as provided in Section 69-2-301.

1638 ~~[(33)]~~ (32) The Traffic Noise Abatement Program created in Section 72-6-112.

1639 ~~[(34)]~~ (33) The money appropriated from the Navajo Water Rights Negotiation
1640 Account to the Division of Water Rights, created in Section 73-2-1.1, for purposes of
1641 participating in a settlement of federal reserved water right claims.

1642 ~~[(35)]~~ (34) The Judicial Council for compensation for special prosecutors, as provided

1643 in Section 77-10a-19.

1644 ~~[(36)]~~ (35) A state rehabilitative employment program, as provided in Section
1645 78A-6-210.

1646 ~~[(37)]~~ (36) The Utah Geological Survey, as provided in Section 79-3-401.

1647 ~~[(38)]~~ (37) The Bonneville Shoreline Trail Program created under Section 79-5-503.

1648 (38) The LeRay McAllister Critical Land Conservation Program created in Section
1649 79-9-301.

1650 (39) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
1651 78B-6-144.5.

1652 (40) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
1653 Defense Commission.

1654 (41) The program established by the Division of Facilities Construction and
1655 Management under Section 63A-5b-703 under which state agencies receive an appropriation
1656 and pay lease payments for the use and occupancy of buildings owned by the Division of
1657 Facilities Construction and Management.

1658 Section 21. Section **63L-7-104** is amended to read:

1659 **63L-7-104. Identification of a potential wilderness area.**

1660 (1) (a) Subject to Subsection (1)(b), the director of PLPCO, within one year of the
1661 acquisition date, shall identify within a parcel of acquired land any conservation areas.

1662 (b) Before identifying a parcel of land as a conservation area, the director of PLPCO
1663 shall:

1664 (i) inform the School and Institutional Trust Lands Administration that a parcel is
1665 being considered for designation as a conservation area; and

1666 (ii) provide the School and Institutional Trust Lands Administration with the
1667 opportunity to trade out land owned by the School and Institutional Trust Lands Administration
1668 for the parcel in question subject to reaching an exchange agreement with the agency that
1669 manages the parcel.

1670 (2) The director of PLPCO shall:

1671 (a) file a map and legal description of each identified conservation area with the
1672 governor, the Senate, and the House of Representatives;

1673 (b) maintain, and make available to the public, records pertaining to identified

1674 conservation areas, including:

1675 (i) maps;

1676 (ii) legal descriptions;

1677 (iii) copies of proposed regulations governing the conservation area; and

1678 (iv) copies of public notices of, and reports submitted to the Legislature, regarding

1679 pending additions, eliminations, or modifications to a conservation area; and

1680 (c) within five years of the date of acquisition:

1681 (i) review each identified conservation area for its suitability to be classified as a

1682 protected wilderness area; and

1683 (ii) report the findings under Subsection (2)(c)(i) to the governor.

1684 (3) The records described in Subsection (2)(b) shall be available for inspection at:

1685 (a) the PLPCO office;

1686 (b) the main office of DNR;

1687 (c) a regional office of the Division of Forestry, Fire, and State Lands for any record

1688 that deals with an identified conservation area in that region; and

1689 (d) the Division of State Parks or the Division of Outdoor Recreation and

1690 Conservation.

1691 (4) A conservation area may be designated as a protected wilderness area as described

1692 in Section 63L-7-105.

1693 (5) A conservation area identified under Subsection (1) shall be managed by DNR, in

1694 coordination with the county government having jurisdiction over the area, without the

1695 conservation area being designated as a protected wilderness area unless otherwise provided by

1696 the Legislature.

1697 Section 22. Section **63L-11-402** is amended to read:

1698 **63L-11-402. Membership -- Terms -- Chair -- Expenses.**

1699 (1) The Resource Development Coordinating Committee consists of the following 25

1700 members:

1701 (a) the state science advisor;

1702 (b) a representative from the Department of Agriculture and Food appointed by the

1703 executive director of the Department of Agriculture and Food;

1704 (c) a representative from the Department of Cultural and Community Engagement

1705 appointed by the executive director of the Department of Cultural and Community
1706 Engagement;

1707 (d) a representative from the Department of Environmental Quality appointed by the
1708 executive director of the Department of Environmental Quality;

1709 (e) a representative from the Department of Natural Resources appointed by the
1710 executive director of the Department of Natural Resources;

1711 (f) a representative from the Department of Transportation appointed by the executive
1712 director of the Department of Transportation;

1713 (g) a representative from the Governor's Office of Economic Opportunity appointed by
1714 the director of the Governor's Office of Economic Opportunity;

1715 (h) a representative from the Housing and Community Development Division
1716 appointed by the director of the Housing and Community Development Division;

1717 (i) a representative from the Division of State History appointed by the director of the
1718 Division of State History;

1719 (j) a representative from the Division of Air Quality appointed by the director of the
1720 Division of Air Quality;

1721 (k) a representative from the Division of Drinking Water appointed by the director of
1722 the Division of Drinking Water;

1723 (l) a representative from the Division of Environmental Response and Remediation
1724 appointed by the director of the Division of Environmental Response and Remediation;

1725 (m) a representative from the Division of Waste Management and Radiation Control
1726 appointed by the director of the Division of Waste Management and Radiation Control;

1727 (n) a representative from the Division of Water Quality appointed by the director of the
1728 Division of Water Quality;

1729 (o) a representative from the Division of Oil, Gas, and Mining appointed by the
1730 director of the Division of Oil, Gas, and Mining;

1731 (p) a representative from the Division of Parks appointed by the director of the
1732 Division of Parks;

1733 (q) a representative from the Division of Outdoor Recreation and Conservation
1734 appointed by the director of the Division of Outdoor Recreation and Conservation;

1735 (r) a representative from the Division of Forestry, Fire, and State Lands appointed by

1736 the director of the Division of Forestry, Fire, and State Lands;
1737 (s) a representative from the Utah Geological Survey appointed by the director of the
1738 Utah Geological Survey;
1739 (t) a representative from the Division of Water Resources appointed by the director of
1740 the Division of Water Resources;
1741 (u) a representative from the Division of Water Rights appointed by the director of the
1742 Division of Water Rights;
1743 (v) a representative from the Division of Wildlife Resources appointed by the director
1744 of the Division of Wildlife Resources;
1745 (w) a representative from the School and Institutional Trust Lands Administration
1746 appointed by the director of the School and Institutional Trust Lands Administration;
1747 (x) a representative from the Division of Facilities Construction and Management
1748 appointed by the director of the Division of Facilities Construction and Management; and
1749 (y) a representative from the Division of Emergency Management appointed by the
1750 director of the Division of Emergency Management.
1751 (2) (a) As particular issues require, the coordinating committee may, by majority vote
1752 of the members present, appoint additional temporary members to serve as ex officio voting
1753 members.
1754 (b) Those ex officio members may discuss and vote on the issue or issues for which
1755 they were appointed.
1756 (3) A chair shall be selected by a majority vote of committee members with the
1757 concurrence of the executive director.
1758 (4) A member may not receive compensation or benefits for the member's service, but
1759 may receive per diem and travel expenses in accordance with:
1760 (a) Sections 63A-3-106 and 63A-3-107; and
1761 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1762 63A-3-107.
1763 Section 23. Section **63N-3-602** is amended to read:
1764 **63N-3-602. Definitions.**
1765 As used in this part:
1766 (1) "Affordable housing" means ~~[the same as that term is defined in Section~~

1767 ~~11-38-102]~~ housing occupied or reserved for occupancy by households with a gross household
1768 income equal to or less than 80% of the median gross income of the applicable municipal or
1769 county statistical area for households of the same size.

1770 (2) "Agency" means the same as that term is defined in Section 17C-1-102.

1771 (3) "Base taxable value" means a property's taxable value as shown upon the
1772 assessment roll last equalized during the base year.

1773 (4) "Base year" means, for a proposed housing and transit reinvestment zone area, a
1774 year determined by the last equalized tax roll before the adoption of the housing and transit
1775 reinvestment zone.

1776 (5) (a) "Commuter rail" means a heavy-rail passenger rail transit facility operated by a
1777 large public transit district.

1778 (b) "Commuter rail" does not include a light-rail passenger rail facility of a large public
1779 transit district.

1780 (6) "Commuter rail station" means a station, stop, or terminal along an existing
1781 commuter rail line, or along an extension to an existing commuter rail line or new commuter
1782 rail line that is included in a metropolitan planning organization's adopted long-range
1783 transportation plan.

1784 (7) "Dwelling unit" means one or more rooms arranged for the use of one or more
1785 individuals living together, as a single housekeeping unit normally having cooking, living,
1786 sanitary, and sleeping facilities.

1787 (8) "Enhanced development" means the construction of mixed uses including housing,
1788 commercial uses, and related facilities, at an average density of 50 dwelling units or more per
1789 acre on the developable acres.

1790 (9) "Enhanced development costs" means extra costs associated with structured
1791 parking costs, vertical construction costs, horizontal construction costs, life safety costs,
1792 structural costs, conveyor or elevator costs, and other costs incurred due to the increased height
1793 of buildings or enhanced development.

1794 (10) "Horizontal construction costs" means the additional costs associated with
1795 earthwork, over excavation, utility work, transportation infrastructure, and landscaping to
1796 achieve enhanced development in the housing and transit reinvestment zone.

1797 (11) "Housing and transit reinvestment zone" means a housing and transit reinvestment

1798 zone created pursuant to this part.

1799 (12) "Housing and transit reinvestment zone committee" means a housing and transit
1800 reinvestment zone committee created pursuant to Section 63N-3-605.

1801 (13) "Large public transit district" means the same as that term is defined in Section
1802 17B-2a-802.

1803 (14) "Metropolitan planning organization" means the same as that term is defined in
1804 Section 72-1-208.5.

1805 (15) "Mixed use development" means development with a mix of multi-family
1806 residential use and at least one additional land use.

1807 (16) "Municipality" means the same as that term is defined in Section 10-1-104.

1808 (17) "Participant" means the same as that term is defined in Section 17C-1-102.

1809 (18) "Participation agreement" means the same as that term is defined in Section
1810 17C-1-102.

1811 (19) "Public transit county" means a county that has created a small public transit
1812 district.

1813 (20) "Public transit hub" means a public transit depot or station where four or more
1814 routes serving separate parts of the county-created transit district stop to transfer riders between
1815 routes.

1816 (21) "Sales and use tax base year" means a sales and use tax year determined by the
1817 first year pertaining to the tax imposed in Section 59-12-103 after the sales and use tax
1818 boundary for a housing and transit reinvestment zone is established.

1819 (22) "Sales and use tax boundary" means a boundary created as described in Section
1820 63N-3-604, based on state sales and use tax collection that corresponds as closely as reasonably
1821 practicable to the housing and transit reinvestment zone boundary.

1822 (23) "Sales and use tax increment" means the difference between:

1823 (a) the amount of state sales and use tax revenue generated each year following the
1824 sales and use tax base year by the sales and use tax from the area within a housing and transit
1825 reinvestment zone designated in the housing and transit reinvestment zone proposal as the area
1826 from which sales and use tax increment is to be collected; and

1827 (b) the amount of state sales and use tax revenue that was generated from that same
1828 area during the sales and use tax base year.

1829 (24) "Sales and use tax revenue" means revenue that is generated from the tax imposed
1830 under Section 59-12-103.

1831 (25) "Small public transit district" means the same as that term is defined in Section
1832 17B-2a-802.

1833 (26) "Tax commission" means the State Tax Commission created in Section 59-1-201.

1834 (27) "Tax increment" means the difference between:

1835 (a) the amount of property tax revenue generated each tax year by a taxing entity from
1836 the area within a housing and transit reinvestment zone designated in the housing and transit
1837 reinvestment zone proposal as the area from which tax increment is to be collected, using the
1838 current assessed value and each taxing entity's current certified tax rate as defined in Section
1839 59-2-924; and

1840 (b) the amount of property tax revenue that would be generated from that same area
1841 using the base taxable value and each taxing entity's current certified tax rate as defined in
1842 Section 59-2-924.

1843 (28) "Taxing entity" means the same as that term is defined in Section 17C-1-102.

1844 (29) "Vertical construction costs" means the additional costs associated with
1845 construction above four stories and structured parking to achieve enhanced development in the
1846 housing and transit reinvestment zone.

1847 Section 24. Section **65A-3-1** is amended to read:

1848 **65A-3-1. Trespassing on state lands -- Penalties.**

1849 (1) As used in this section:

1850 (a) "Anchored" means the same as that term is defined in Section 73-18-2.

1851 (b) "Beached" means the same as that term is defined in Section 73-18-2.

1852 (c) "Motorboat" means the same as that term is defined in Section 73-18-2.

1853 (d) "Vessel" means the same as that term is defined in Section 73-18-2.

1854 (2) A person is guilty of a class B misdemeanor and liable for the civil damages
1855 prescribed in Subsection (4) if, without written authorization from the division, the person:

1856 (a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand,
1857 soil, vegetation, or improvement on state lands;

1858 (b) grazes livestock on state lands;

1859 (c) uses, occupies, or constructs improvements or structures on state lands;

- 1860 (d) uses or occupies state lands for more than 30 days after the cancellation or
1861 expiration of written authorization;
- 1862 (e) knowingly and willfully uses state lands for commercial gain;
- 1863 (f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological,
1864 or paleontological resource on state lands;
- 1865 (g) starts or maintains a fire on state lands except in a posted and designated area;
- 1866 (h) camps on state lands, except in posted or designated areas;
- 1867 (i) camps on state lands for longer than 15 consecutive days at the same location or
1868 within one mile of the same location;
- 1869 (j) camps on state lands for 15 consecutive days, and then returns to camp at the same
1870 location before 15 consecutive days have elapsed after the day on which the person left that
1871 location;
- 1872 (k) leaves an anchored or beached vessel unattended for longer than 48 hours on state
1873 lands;
- 1874 (l) anchors or beaches a vessel on state lands at the same location for longer than 72
1875 hours or within two miles of the same location for longer than 72 hours;
- 1876 (m) anchors or beaches a vessel on state lands at the same location for 72 hours, and
1877 then returns to anchor or beach the vessel at the same location or within two miles of the same
1878 location before 72 hours have elapsed after the day on which the person left that location;
- 1879 (n) posts a sign claiming state land as private property;
- 1880 (o) prohibits, prevents, or obstructs public entry to state land where public entry is
1881 authorized by the division; or
- 1882 (p) parks or operates a motor vehicle on the bed of a navigable lake or river except in
1883 those areas:
- 1884 (i) supervised by the Division of State Parks, the Division of Outdoor Recreation and
1885 Conservation, or another state or local enforcement entity; and
- 1886 (ii) which are posted as open to vehicle use.
- 1887 (3) A person is guilty of a class C misdemeanor and liable for civil damages described
1888 in Subsection (4) if, on state lands surrounding Bear Lake and without written authorization of
1889 the division, the person:
- 1890 (a) parks or operates a motor vehicle in an area on the exposed lake bed that is

1891 specifically posted by the division as closed for usage;

1892 (b) camps, except in an area that is posted and designated as open to camping;

1893 (c) exceeds a speed limit of 10 miles per hour while operating a motor vehicle;

1894 (d) drives recklessly while operating a motor vehicle;

1895 (e) parks or operates a motor vehicle within an area between the water's edge and 100

1896 feet of the water's edge except as necessary to:

1897 (i) launch or retrieve a motorboat, if the person is permitted to launch or retrieve a

1898 motorboat;

1899 (ii) transport an individual with limited mobility; or

1900 (iii) deposit or retrieve equipment to a beach site;

1901 (f) travels in a motor vehicle parallel to the water's edge:

1902 (i) in areas designated by the division as closed;

1903 (ii) a distance greater than 500 yards; or

1904 (iii) for purposes other than travel to or from a beach site;

1905 (g) parks or operates a motor vehicle between the hours of 10 p.m. and 7 a.m.; or

1906 (h) starts a campfire or uses fireworks.

1907 (4) A person who commits any act described in Subsection (2) or (3) is liable for

1908 damages in the amount of:

1909 (a) three times the value of the mineral or other resource removed, destroyed, or

1910 extracted;

1911 (b) three times the value of damage committed; or

1912 (c) three times the consideration which would have been charged by the division for

1913 use of the land during the period of trespass.

1914 (5) In addition to the damages described in Subsection (4), a person found guilty of a

1915 misdemeanor under Subsection (2) or (3) is subject to the penalties provided in Section

1916 76-3-204.

1917 (6) Money collected under this section shall be deposited in the fund in which similar

1918 revenues from that land would be deposited.

1919 Section 25. Section **65A-10-2** is amended to read:

1920 **65A-10-2. Recreational use of sovereign lands.**

1921 (1) The division, with the approval of the executive director of the Department of

1922 Natural Resources and the governor, may set aside for public or recreational use any part of the
1923 lands claimed by the state as the beds of lakes or streams.

1924 (2) Management of those lands may be delegated to the Division of State Parks, the
1925 Division of Outdoor Recreation and Conservation, the Division of Wildlife Resources, or any
1926 other state agency.

1927 Section 26. Section **72-11-204** is amended to read:

1928 **72-11-204. Vacancies -- Expenses -- Reimbursement -- Use of facilities of**
1929 **Department of Transportation -- Functions, powers, duties, rights, and responsibilities.**

1930 (1) When a vacancy occurs in the membership for any reason, the replacement shall be
1931 appointed for the unexpired term.

1932 (2) A member may not receive compensation or benefits for the member's service, but
1933 may receive per diem and travel expenses in accordance with:

1934 (a) Section 63A-3-106;

1935 (b) Section 63A-3-107; and

1936 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1937 63A-3-107.

1938 (3) Reimbursement shall be made from fees collected by the committee for services
1939 rendered by [it] the committee.

1940 (4) The Department of Transportation shall supply the committee with office
1941 accommodation, space, equipment, and secretarial assistance the executive director considers
1942 adequate for the committee.

1943 (5) In addition to the functions, powers, duties, rights, and responsibilities granted to
1944 [it] the committee under this chapter, the committee shall assume and have all of the functions,
1945 powers, duties, rights, and responsibilities of the Division of Outdoor Recreation and
1946 Conservation in relation to passenger ropeway systems pursuant to that chapter.

1947 Section 27. Section **73-3-31** is amended to read:

1948 **73-3-31. Water right for watering livestock on public land.**

1949 (1) As used in this section:

1950 (a) "Acquire" means to gain the right to use water through obtaining:

1951 (i) an approved application to appropriate water; or

1952 (ii) a perfected water right.

- 1953 (b) "Allotment" means a designated area of public land available for livestock grazing.
- 1954 (c) "Animal unit month (AUM)" is the amount of forage needed to sustain one cow and
- 1955 her calf, one horse, or five sheep and goats for one month.
- 1956 (d) (i) "Beneficial user" means the person that has the right to use the grazing permit.
- 1957 (ii) "Beneficial user" does not mean the public land agency issuing the grazing permit.
- 1958 (e) "Grazing permit" means a document authorizing livestock to graze on an allotment.
- 1959 (f) "Livestock" means a domestic animal raised or kept for profit or personal use.
- 1960 (g) "Livestock watering right" means a right for:
- 1961 (i) livestock to consume water:
- 1962 (A) directly from the water source located on public land; or
- 1963 (B) from an impoundment located on public land into which the water is diverted; and
- 1964 (ii) associated uses of water related to the raising and care of livestock on public land.
- 1965 (h) (i) "Public land" means land owned or managed by the United States or the state.
- 1966 (ii) "Public land" does not mean land owned by:
- 1967 (A) the Division of Wildlife Resources;
- 1968 (B) the School and Institutional Trust Lands Administration; ~~[or]~~
- 1969 (C) the Division of State Parks; or
- 1970 (D) the Division of Outdoor Recreation and Conservation.
- 1971 (i) "Public land agency" means the agency that owns or manages the public land.
- 1972 (2) A public land agency may not:
- 1973 (a) condition the issuance, renewal, amendment, or extension of any permit, approval,
- 1974 license, allotment, easement, right-of-way, or other land use occupancy agreement regarding
- 1975 livestock on the transfer of any water right directly to the public land agency;
- 1976 (b) require any water user to apply for, or acquire a water right in the name of, the
- 1977 public land agency as a condition for the issuance, renewal, amendment, or extension of any
- 1978 permit, approval, license, allotment, easement, right-of-way, or other land use occupancy
- 1979 agreement regarding livestock; or
- 1980 (c) acquire a livestock watering right if the public land agency is not a beneficial user.
- 1981 (3) The state engineer may not approve a change application under Section 73-3-3 for a
- 1982 livestock watering right without the consent of the beneficial user.
- 1983 (4) A beneficial user may file a nonuse application under Section 73-1-4 on a livestock

1984 watering right or a portion of a livestock watering right that the beneficial user puts to
1985 beneficial use.

1986 (5) A livestock watering right is appurtenant to the allotment on which the livestock is
1987 watered.

1988 (6) (a) (i) A beneficial user or a public land agency may file a request with the state
1989 engineer for a livestock water use certificate.

1990 (ii) The state engineer shall:

1991 (A) provide the livestock water use certificate application form on the Internet; and

1992 (B) allow electronic submission of the livestock water use certificate application.

1993 (b) The state engineer shall grant a livestock water use certificate to a beneficial user if
1994 the beneficial user:

1995 (i) demonstrates that the beneficial user has a right to use a grazing permit for the
1996 allotment to which the livestock watering right is appurtenant; and

1997 (ii) pays the fee set in accordance with Section 73-2-14.

1998 (c) A livestock water use certificate is valid as long as the livestock watering right is:

1999 (i) held by a beneficial user who has the right to use the grazing permit and graze
2000 livestock on the allotment;

2001 (ii) put to beneficial use within a seven-year time period; or

2002 (iii) subject to a nonuse application approved under Section 73-1-4.

2003 (7) A beneficial user may access or improve an allotment as necessary for the
2004 beneficial user to beneficially use, develop, and maintain the beneficial user's water right
2005 appurtenant to the allotment.

2006 (8) If a federal land management agency reduces livestock grazing AUMs on federal
2007 grazing allotments, and the reduction results in the partial forfeiture of an appropriated water
2008 right, the amount of water in question for nonuse as a livestock water right shall be held in trust
2009 by the state engineer until such water may be appropriated for livestock watering, consistent
2010 with this act and state law.

2011 (9) Nothing in this section affects a livestock watering right or a livestock water use
2012 certificate held by a public land agency on May 13, 2014.

2013 Section 28. Section **73-18-2** is amended to read:

2014 **73-18-2. Definitions.**

2015 As used in this chapter:

2016 (1) "Anchored" means a vessel that is temporarily attached to the bed or shoreline of a
2017 waterbody by any method and the hull of the vessel is not touching the bed or shoreline.

2018 (2) "Beached" means that a vessel's hull is resting on the bed or shoreline of a
2019 waterbody.

2020 (3) "Boat livery" means a person that holds a vessel for renting or leasing.

2021 (4) "Carrying passengers for hire" means to transport persons on vessels or to lead
2022 persons on vessels for consideration.

2023 (5) "Commission" means the Outdoor Adventure Commission.

2024 (6) "Consideration" means something of value given or done in exchange for
2025 something given or done by another.

2026 (7) "Dealer" means any person who is licensed by the appropriate authority to engage
2027 in and who is engaged in the business of buying and selling vessels or of manufacturing them
2028 for sale.

2029 (8) "Derelict vessel":

2030 (a) means a vessel that is left, stored, or abandoned upon the waters of this state in a
2031 wrecked, junked, or substantially dismantled condition; and

2032 (b) includes:

2033 (i) a vessel left at a Utah port or marina without consent of the agency or other entity
2034 administering the port or marine area; and

2035 (ii) a vessel left docked or grounded upon a property without the property owner's
2036 consent.

2037 (9) "Division" means the Division of Outdoor Recreation and Conservation.

2038 (10) "Moored" means long term, on the water vessel storage in an area designated and
2039 properly marked by the division or other applicable managing agency.

2040 (11) "Motorboat" means any vessel propelled by machinery, whether or not the
2041 machinery is the principal source of propulsion.

2042 (12) "Operate" means to navigate, control, or otherwise use a vessel.

2043 (13) "Operator" means the person who is in control of a vessel while it is in use.

2044 (14) "Outfitting company" means any person who, for consideration:

2045 (a) provides equipment to transport persons on all waters of this state; and

2046 (b) supervises a person who:

2047 (i) operates a vessel to transport passengers; or

2048 (ii) leads a person on a vessel.

2049 (15) (a) "Owner" means a person, other than a lien holder, holding a proprietary
2050 interest in or the title to a vessel.

2051 (b) "Owner" includes a person entitled to the use or possession of a vessel subject to an
2052 interest by another person, reserved or created by agreement and securing payment or
2053 performance of an obligation.

2054 (c) "Owner" does not include a lessee under a lease not intended as security.

2055 (16) "Personal watercraft" means a motorboat that is:

2056 (a) less than 16 feet in length;

2057 (b) propelled by a water jet pump; and

2058 (c) designed to be operated by a person sitting, standing, or kneeling on the vessel,
2059 rather than sitting or standing inside the vessel.

2060 (17) "Racing shell" means a long, narrow watercraft:

2061 (a) outfitted with long oars and sliding seats; and

2062 (b) specifically designed for racing or exercise.

2063 (18) "Sailboat" means any vessel having one or more sails and propelled by wind.

2064 (19) "Vessel" means every type of watercraft, other than a seaplane on the water, used
2065 or capable of being used as a means of transportation on water.

2066 (20) "Wakeless speed" means an operating speed at which the vessel does not create or
2067 make a wake or white water trailing the vessel. This speed is not in excess of five miles per
2068 hour.

2069 (21) "Waters of this state" means any waters within the territorial limits of this state.

2070 Section 29. Section **73-18-3.5** is amended to read:

2071 **73-18-3.5. Advisory council.**

2072 The division, after consultation with the commission, may appoint an advisory council
2073 ~~[representing various]~~ that includes:

2074 (1) representation of boating interests [to seek]; and

2075 (2) among the advisory council's duties making recommendations on state boating
2076 policies.

2077 Section 30. Section **73-18a-1** is amended to read:

2078 **73-18a-1. Definitions.**

2079 As used in this chapter:

2080 (1) "Commission" means the Outdoor Adventure Commission.

2081 (2) "Division" means the Division of Outdoor Recreation and Conservation.

2082 (3) "Human body waste" means excrement, feces, or other waste material discharged
2083 from the human body.

2084 (4) "Litter" means any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage,
2085 rubbish, or similar refuse discarded as no longer useful.

2086 (5) "Marine toilet" means any toilet or other receptacle permanently installed on or
2087 within any vessel for the purpose of receiving human body waste. This term does not include
2088 portable toilets which may be removed from a vessel in order to empty its contents.

2089 (6) "Operate" means to navigate, control, or otherwise use a vessel.

2090 (7) "Operator" means the person who is in control of a vessel while it is in use.

2091 (8) "Owner" means a person, other than a lien holder, holding a proprietary interest in
2092 or the title to a vessel. The term does not include a lessee under a lease not intended as
2093 security.

2094 (9) "Vessel" means every type of watercraft, other than a seaplane on the water, used or
2095 capable of being used as a means of transportation on water.

2096 (10) "Waters of this state" means all waters within the territorial limits of this state
2097 except those used exclusively for private purposes.

2098 Section 31. Section **73-18b-1** is amended to read:

2099 **73-18b-1. Water safety rules and regulations -- Adoption.**

2100 (1) The Division of Outdoor Recreation and Conservation, after consulting with the
2101 Outdoor Adventure Commission, may make rules necessary to promote safety in swimming,
2102 scuba diving, and related activities on any waters where public boating is permitted.

2103 (2) The Division of Outdoor Recreation and Conservation may consider
2104 recommendations of and cooperate with other state agencies and the owners or operators of
2105 those waters.

2106 Section 32. Section **73-18c-102** is amended to read:

2107 **73-18c-102. Definitions.**

2108 As used in this chapter:

2109 (1) "Airboat" means a vessel propelled by air pressure caused by an airplane type
2110 propeller mounted above the stern and driven by an internal combustion engine.

2111 (2) "Commission" means the Outdoor Adventure Commission.

2112 (3) "Division" means the Division of Outdoor Recreation and Conservation.

2113 (4) "Judgment" means any judgment that is final by:

2114 (a) expiration without appeal of the time within which an appeal might have been
2115 perfected; or

2116 (b) final affirmation on appeal, rendered by a court of competent jurisdiction of any
2117 state or of the United States, upon a cause of action for damages:

2118 (i) arising out of the ownership, maintenance, or use of any personal watercraft,
2119 including damages for care and loss of services because of bodily injury to or death of any
2120 person, or because of injury to or destruction of property including the loss of use of the
2121 property; or

2122 (ii) on a settlement agreement.

2123 (5) (a) "Motorboat" has the same meaning as defined in Section 73-18-2.

2124 (b) "Motorboat" includes personal watercraft regardless of the manufacturer listed
2125 horsepower.

2126 (c) "Motorboat" does not include:

2127 (i) a boat with a manufacturer listed horsepower of 50 horsepower or less; or

2128 (ii) an airboat.

2129 (6) "Nonresident" means any person who is not a resident of Utah.

2130 (7) "Operator" means the person who is in control of a motorboat while it is in use.

2131 (8) (a) "Owner" means a person, other than a lien holder, holding a proprietary interest
2132 in or the title to a motorboat.

2133 (b) "Owner" includes a person entitled to the use or possession of a motorboat subject
2134 to an interest by another person, reserved or created by agreement and securing payment or
2135 performance of an obligation.

2136 (c) "Owner" does not include a lessee under a lease not intended as security.

2137 (9) "Owner's or operator's security," "owner's security," or "operator's security" means
2138 any of the following:

- 2139 (a) an insurance policy or combination of policies conforming to Sections
2140 31A-22-1502 and 31A-22-1503, which is issued by an insurer authorized to do business in
2141 Utah;
- 2142 (b) a surety bond issued by an insurer authorized to do a surety business in Utah in
2143 which the surety is subject to the minimum coverage limits and other requirements of policies
2144 conforming to Sections 31A-22-1502 and 31A-22-1503, which names the division as a creditor
2145 under the bond for the use of persons entitled to the proceeds of the bond;
- 2146 (c) a deposit with the state treasurer of cash or securities complying with Section
2147 73-18c-305;
- 2148 (d) a certificate of self-funded coverage issued under Section 73-18c-306; or
- 2149 (e) a policy conforming to Sections 31A-22-1502 and 31A-22-1503 issued by the Risk
2150 Management Fund created in Section 63A-4-201.
- 2151 (10) "Personal watercraft" has the same meaning as provided in Section 73-18-2.
- 2152 (11) "Registration" means the issuance of the registration cards and decals issued under
2153 the laws of Utah pertaining to the registration of motorboats.
- 2154 (12) "Registration materials" means the evidences of motorboat registration, including
2155 all registration cards and decals.
- 2156 (13) "Self-insurance" has the same meaning as provided in Section 31A-1-301.
- 2157 (14) "Waters of the state" means any waters within the territorial limits of this state.
- 2158 Section 33. Section **77-2-4.3** is amended to read:
- 2159 **77-2-4.3. Compromise of boating violations -- Limitations.**
- 2160 (1) As used in this section:
- 2161 (a) "Compromise" means referral of a person charged with a boating violation to a
2162 boating safety course approved by the Division of Outdoor Recreation and Conservation.
- 2163 (b) "Boating violation" means any charge for which bail may be forfeited in lieu of
2164 appearance, by citation or information, of a violation of Title 73, Chapter 18, State Boating
2165 Act, amounting to:
- 2166 (i) a class B misdemeanor;
- 2167 (ii) a class C misdemeanor; or
- 2168 (iii) an infraction.
- 2169 (2) Any compromise of a boating violation shall be done pursuant to a plea in abeyance

2170 agreement as provided in Title 77, Chapter 2a, Pleas in Abeyance, except:

2171 (a) when the criminal prosecution is dismissed pursuant to Section 77-2-4; or

2172 (b) when there is a plea by the defendant to and entry of a judgment by a court for the
2173 offense originally charged or for an amended charge.

2174 (3) In ~~[all cases which are]~~ a case that is compromised pursuant to ~~[the provisions of]~~
2175 Subsection (2):

2176 (a) the court, taking into consideration the offense charged, shall collect a plea in
2177 abeyance fee which shall:

2178 (i) be subject to the same surcharge as if imposed on a criminal fine;

2179 (ii) be allocated subject to the surcharge as if paid as a criminal fine under Section
2180 78A-5-110 and a surcharge under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge
2181 Allocation; and

2182 (iii) be not more than \$25 greater than the bail designated in the Uniform Bail
2183 Schedule; or

2184 (b) if no plea in abeyance fee is collected, a surcharge on the fee charged for the
2185 boating safety course shall be collected, which surcharge shall:

2186 (i) be computed, assessed, collected, and remitted in the same manner as if the boating
2187 safety course fee and surcharge had been imposed as a criminal fine and surcharge; and

2188 (ii) be subject to the financial requirements contained in Title 51, Chapter 9, Part 4,
2189 Criminal Conviction Surcharge Allocation.

2190 (4) If a written plea in abeyance agreement is provided, or the defendant requests a
2191 written accounting, an itemized statement of all amounts assessed by the court shall be
2192 provided, including:

2193 (a) the Uniform Bail Schedule amount;

2194 (b) the amount of any surcharges being assessed; and

2195 (c) the amount of the plea in abeyance fee.

2196 Section 34. Section **78A-5-110** is amended to read:

2197 **78A-5-110. Allocation of district court fees and forfeitures.**

2198 (1) Except as provided in this section, district court fines and forfeitures collected for
2199 violation of state statutes shall be paid to the state treasurer.

2200 (2) Fines and forfeitures collected by the court for violation of a state statute or county

2201 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the
2202 state treasurer and 1/2 to the treasurer of the state or local governmental entity which
2203 prosecutes or which would prosecute the violation.

2204 (3) (a) Fines and forfeitures collected for violations of Title 23, Wildlife Resources
2205 Code of Utah, Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State
2206 Boating Act, shall be paid to the state treasurer.

2207 (b) For violations of Title 23, Wildlife Resources Code of Utah, the state treasurer shall
2208 allocate 85% to the Division of Wildlife Resources and 15% to the General Fund.

2209 (c) For violations of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
2210 18, State Boating Act, the state treasurer shall allocate 85% to the Division of Outdoor
2211 Recreation and Conservation and 15% to the General Fund.

2212 (4) (a) The state treasurer shall allocate fines and forfeitures collected for a violation of
2213 Section 72-7-404 or 72-7-406, less fees established by the Judicial Council, to the Department
2214 of Transportation for use on class B and class C roads.

2215 (b) Fees established by the Judicial Council shall be deposited in the state General
2216 Fund.

2217 (c) Money allocated for class B and class C roads is supplemental to the money
2218 appropriated under Section 72-2-107 but shall be expended in the same manner as other class B
2219 and class C road funds.

2220 (5) (a) Fines and forfeitures collected by the court for a second or subsequent violation
2221 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

2222 (i) 60% to the state treasurer to be deposited [~~in~~] into the Transportation Fund; and

2223 (ii) 40% in accordance with Subsection (2).

2224 (b) Fines and forfeitures collected by the court for a second or subsequent violation
2225 under Subsection 72-7-409(6)(d) shall be remitted:

2226 (i) 50% to the state treasurer to be deposited [~~in~~] into the Transportation Fund; and

2227 (ii) 50% in accordance with Subsection (2).

2228 (6) For fines and forfeitures collected by the court for a violation of Section
2229 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic
2230 enforcement safety device as described in Section 41-6a-1310, the court shall allocate 20% to
2231 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 35. 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 Outdoor Recreation and Conservation 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]~~ into 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]~~ into the Transportation Fund; and

(ii) 50% in accordance with Subsection (1).

Section 36. 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, created in Section 79-4-301;

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

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

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

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

~~[(h) Utah Outdoor Recreation Grant Advisory Committee, created in Section~~

~~79-8-105;]~~

~~[(+)]~~ (h) Home Energy Information Advisory Committee, created in Section 79-6-805;

~~[(+)]~~ (i) Division of Water Rights, created in Section 73-2-1.1;

2294 ~~[(k)]~~ (j) Division of Water Resources, created in Section 73-10-18;
 2295 ~~[(h)]~~ (k) Division of Forestry, Fire, and State Lands, created in Section 65A-1-4;
 2296 ~~[(m)]~~ (l) Division of Oil, Gas, and Mining, created in Section 40-6-15;
 2297 ~~[(n)]~~ (m) Division of State Parks, created in Section 79-4-201;
 2298 ~~[(o)]~~ (n) Division of Outdoor Recreation and Conservation, created in Section
 2299 79-7-201;
 2300 ~~[(p)]~~ (o) Division of Wildlife Resources, created in Section 23-14-1;
 2301 ~~[(q)]~~ (p) Utah Geological Survey, created in Section 79-3-201;
 2302 ~~[(r)]~~ (q) Heritage Trees Advisory Committee, created in Section 65A-8-306;
 2303 ~~[(s)]~~ Recreational Trails Advisory Council, authorized by Section 79-5-201;
 2304 (r) Utah Outdoor Recreation Infrastructure Advisory Committee, created in Section
 2305 79-7-206;
 2306 ~~[(t)]~~ (s) ~~[Boating Advisory Council]~~ an advisory council that includes in the advisory
 2307 council's duties advising on state boating policy, authorized by Section 73-18-3.5;
 2308 ~~[(u)]~~ (t) Wildlife Board Nominating Committee, created in Section 23-14-2.5;
 2309 ~~[(v)]~~ (u) Wildlife Regional Advisory Councils, created in Section 23-14-2.6;
 2310 ~~[(w)]~~ (v) Utah Watersheds Council, created in Section 73-10g-304;
 2311 ~~[(x)]~~ (w) Utah Natural Resources Legacy Fund Board, created in Section 23-31-202;
 2312 [and]
 2313 ~~[(y)]~~ (x) Public Lands Policy Coordinating Office created in Section 63L-11-201[-];
 2314 and
 2315 (y) Land Conservation Board, created in Section 79-9-201.
 2316 Section 37. Section **79-2-206** is amended to read:
 2317 **79-2-206. Transition.**
 2318 (1) In accordance with Laws of Utah 2021 Chapter 280, the Department of Natural
 2319 Resources assumes the policymaking functions, regulatory, and enforcement powers, rights,
 2320 and duties of the Office of Energy Development existing on June 30, 2021.
 2321 (2) (a) Rules issued by the Office of Energy Development that are in effect on June 30,
 2322 2021, are not modified by Laws of Utah 2021 Chapter 280, and remain in effect until modified
 2323 by the Department of Natural Resources, except that the agency administering the rule shall be
 2324 transferred to the Department of Natural Resources in the same manner as the statutory

2325 responsibility is transferred under Laws of Utah 2021 Chapter 280.

2326 (b) Rules issued by the Board of Parks and Recreation that are in effect on June 30,
2327 2021, are not modified by Laws of Utah 2021 Chapter 280, and remain in effect until modified
2328 by the appropriate entity within the Department of Natural Resources, except that the agency
2329 administering the rule shall be transferred to the appropriate entity within the Department of
2330 Natural Resources in the same manner as the statutory responsibility is transferred under Laws
2331 of Utah 2021 Chapter 280.

2332 (c) Rules issued by the Office of Outdoor Recreation that are in effect on June 30,
2333 2022, are not modified by this bill, and remain in effect until modified by the Department of
2334 Natural Resources, except that the agency administering the rule shall be transferred to the
2335 Department of Natural Resources in the same manner as the statutory responsibility is
2336 transferred under this bill.

2337 (3) A grant, contract, or agreement in effect on June 30, 2021, that is entered into by or
2338 issued by the Office of Energy Development remains in effect, except that:

2339 (a) the agency administering the grant, contract, or agreement shall be transferred to
2340 the Department of Natural Resources in the same manner as the statutory responsibility is
2341 transferred under Laws of Utah 2021 Chapter 280; and

2342 (b) the grant, contract, or agreement is subject to its terms and may be terminated under
2343 the terms of the grant, contract, or agreement.

2344 (4) (a) A grant that is entered into or issued by the Utah Office of Outdoor Recreation
2345 remains in effect, except that:

2346 ~~[(a)]~~ (i) ~~[except for an outdoor recreational infrastructure grant,]~~ the agency
2347 administering the grant shall be transferred to the Division of Outdoor Recreation and
2348 Conservation in the same manner as the statutory responsibility is transferred under Laws of
2349 Utah 2021 Chapter 280 and this bill; and

2350 ~~[(b)]~~ (ii) the grant is subject to the terms of the grant and may be terminated under the
2351 terms of the grant.

2352 (b) In accordance with this bill, the Department of Natural Resources assumes the
2353 policymaking functions, regulatory, and enforcement powers, rights, and duties of the Office of
2354 Outdoor Recreation existing on June 30, 2022.

2355 ~~[(5) (a) The Governor's Office of Planning 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 Planning 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.]]~~

(5) (a) A grant that is entered into or issued by the Quality Growth Commission remains in effect, except that:

(i) the agency administering the grant shall be transferred to the Land Conservation Board in the same manner as the statutory responsibility is transferred under this bill; and

(ii) the grant is subject to the terms of the grant and may be terminated under the terms of the grant.

(b) In accordance with this bill, the Department of Natural Resources assumes the policymaking functions, regulatory, and enforcement powers, rights, and duties of the Quality Growth Commission existing on June 30, 2022.

Section 38. 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 the Division of Wildlife Resources by law within state parks and on property controlled by the Division of State Parks with reference to fish and game.

(3) The division shall permit multiple use of state parks and property controlled by the

2387 division for purposes such as grazing, fishing, hunting, camping, mining, and the development
2388 and utilization of water and other natural resources.

2389 (4) (a) The division may acquire real and personal property in the name of the state by
2390 all legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange,
2391 or otherwise, subject to the approval of the executive director and the governor.

2392 (b) In acquiring any real or personal property, the credit of the state may not be pledged
2393 without the consent of the Legislature.

2394 (5) (a) Before acquiring any real property, the division shall notify the county
2395 legislative body of the county where the property is situated of [its] the division's intention to
2396 acquire the property.

2397 (b) If the county legislative body requests a hearing within 10 days of receipt of the
2398 notice, the division shall hold a public hearing in the county concerning the matter.

2399 (6) Acceptance of gifts or devises of land or other property is at the discretion of the
2400 division, subject to the approval of the executive director and the governor.

2401 (7) The division shall acquire property by eminent domain in the manner authorized by
2402 Title 78B, Chapter 6, Part 5, Eminent Domain.

2403 (8) (a) The division may make charges for special services and use of facilities, the
2404 income from which is available for park purposes.

2405 (b) The division may conduct and operate those services necessary for the comfort and
2406 convenience of the public.

2407 (9) (a) The division may lease or rent concessions of all lawful kinds and nature in state
2408 parks and property to persons, partnerships, and corporations for a valuable consideration upon
2409 the recommendation of the board.

2410 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in
2411 selecting concessionaires.

2412 (10) The division shall proceed without delay to negotiate with the federal government
2413 concerning the Weber Basin and other recreation and reclamation projects.

2414 ~~[(11) The division shall receive and distribute voluntary contributions collected under~~
2415 ~~Section 41-1a-422 in accordance with Section 79-4-404.]~~

2416 Section 39. Section **79-4-1103** is amended to read:

2417 **79-4-1103. Governor's duties -- Priority of federal property.**

(1) During a fiscal emergency, the governor shall:

(a) if financially practicable, work with the federal government to open and maintain the operation of one or more national parks, national monuments, national forests, and national recreation areas in the state, in the order established under this section; and

(b) report to the speaker of the House and the president of the Senate on the need, if any, for additional appropriations to assist the division in opening and operating one or more national parks, national monuments, national forests, and national recreation areas in the state.

(2) The director of the [~~Outdoor Recreation Office, created in Section 63N-9-104,~~] Division of Outdoor Recreation and Conservation, in consultation with the executive director of the Governor's Office of Economic Opportunity, shall determine, by rule, the priority of national parks, national monuments, national forests, and national recreation areas in the state.

(3) In determining the priority described in Subsection (2), the director of the [~~Outdoor Recreation Office~~] Division of Outdoor Recreation and Conservation shall consider the:

(a) economic impact of the national park, national monument, national forest, or national recreation area in the state; and

(b) recreational value offered by the national park, national monument, national forest, or national recreation area.

(4) The director of the [~~Outdoor Recreation Office shall (a) report the priority determined under Subsection (2) to the Natural Resources, Agriculture, and Environment Interim Committee by November 30, 2014; and (b)~~] Division of Outdoor Recreation and Conservation shall annually review the priority set under Subsection (2) to determine whether the priority list should be amended.

Section 40. Section **79-5-102** is amended to read:

79-5-102. Definitions.

As used in this chapter:

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

(2) [~~"Council" means the Recreational Trails Advisory Council.~~] "Committee" means the Utah Outdoor Recreation Infrastructure Advisory Committee created in Section 79-7-206.

(3) "Division" means the Division of Outdoor Recreation and Conservation.

(4) "Recreational trail" or "trail" means a multi-use path used for:

(a) muscle-powered activities, including:

- 2449 (i) bicycling;
2450 (ii) cross-country skiing;
2451 (iii) walking;
2452 (iv) jogging; and
2453 (v) horseback riding; and

2454 (b) uses compatible with the uses described in Subsection (4)(a), including the use of
2455 an electric assisted bicycle or motor assisted scooter, as defined in Section 41-6a-102.

2456 Section 41. Section **79-5-501** is amended to read:

2457 **79-5-501. Grants -- Matching funds requirements -- Rules.**

2458 (1) (a) The division, after consultation with the commission, may give grants to federal
2459 government agencies, state agencies, or local governments for the planning, acquisition, and
2460 development of trails within the state's recreational trail system with funds appropriated by the
2461 Legislature for that purpose.

2462 (b) (i) Each grant recipient must provide matching funds having a value that is equal to
2463 or greater than the grant funds received.

2464 (ii) The division may allow a grant recipient to provide property, material, or labor in
2465 lieu of money, provided the grant recipient's contribution has a value that is equal to or greater
2466 than the grant funds received.

2467 (2) The division, after consultation with the commission, shall:

2468 (a) make rules setting forth procedures and criteria for the awarding of grants for
2469 recreational trails; and

2470 (b) determine to whom grant funds shall be awarded after considering the
2471 recommendations of and after consulting with the ~~[council]~~ committee and the division.

2472 (3) Rules for the awarding of grants for recreational trails shall provide that:

2473 (a) each grant applicant must solicit public comment on the proposed recreational trail
2474 and submit a summary of that comment to the division;

2475 (b) each trail project for which grant funds are awarded must conform to the criteria
2476 and guidelines specified in Sections 79-5-103, 79-5-301, and 79-5-302; and

2477 (c) trail proposals that include a plan to provide employment opportunities for youth,
2478 including at-risk youth, in the development of the trail is encouraged.

2479 (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 42. Section **79-5-503** is amended to read:

79-5-503. Bonneville Shoreline Trail Program.

(1) There is created within the division the Bonneville Shoreline Trail Program.

(2) The program shall be funded from the following sources:

(a) appropriations made to the program by the Legislature; and

(b) contributions from other public and private sources.

(3) [~~All money~~] Money appropriated to the Bonneville Shoreline Trail Program is nonlapsing.

(4) The Bonneville Shoreline Trail is intended to:

(a) follow on or near the old Lake Bonneville shoreline terrace near the foot of the Wasatch Mountains from Juab County through Cache County; and

(b) provide continuous and safe trails.

(5) (a) The program money shall be used to provide grants to local governments for the planning, development, and construction of the Bonneville Shoreline Trail.

(b) Grant recipients shall provide matching funds in accordance with Section 79-5-501.

Section 43. Section **79-7-101** is amended to read:

CHAPTER 7. OUTDOOR RECREATION AND CONSERVATION ACT

Part 1. General Provisions

79-7-101. Title.

This chapter is known as "Outdoor Recreation and Conservation Act."

Section 44. Section **79-7-102** is amended to read:

79-7-102. Definitions.

As used in this chapter:

(1) "Commission" means the Outdoor Adventure Commission created in Section

2511 63C-21-201.

2512 (2) "Division" means the Division of Outdoor Recreation and Conservation.

2513 Section 45. Section **79-7-103**, which is renumbered from Section 63N-9-103 is
2514 renumbered and amended to read:

2515 ~~[63N-9-103].~~ **79-7-103. Policy.**

2516 It is the declared policy of the state that:

2517 (1) outdoor recreation is vital to a diverse economy and a healthy community[-]; and

2518 (2) land conservation should be promoted to protect the state's agricultural industry and
2519 natural resources.

2520 Section 46. Section **79-7-201** is amended to read:

2521 **79-7-201. Division of Outdoor Recreation and Conservation -- Creation --**
2522 **Purposes -- Rulemaking authority.**

2523 (1) (a) There is created within the department the Division of Outdoor Recreation and
2524 Conservation.

2525 (b) The division has the purpose of:

2526 (i) coordinating state conservation efforts through the Office of Conservation; and

2527 (ii) providing, maintaining, and coordinating motorized and nonmotorized recreation
2528 within the state as the recreation authority of the state.

2529 (2) (a) The division is under the administration and general supervision of the
2530 executive director.

2531 (b) The division shall consult with the commission on issues related to outdoor
2532 recreation.

2533 (c) The division shall consult with the Land Conservation Board on issues related to
2534 state conservation efforts.

2535 ~~[(3) The division is the recreation authority for the state.]~~

2536 ~~[(4)]~~ (3) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
2537 Act, the division may make rules, after consulting with the commission, when expressly
2538 authorized by this chapter regarding issues related to outdoor recreation.

2539 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2540 division may make rules, after consulting with the Land Conservation Board, when expressly
2541 authorized by this chapter regarding issues related to conservation.

2542 ~~[(b)] (c) [The]~~ In accordance with Subsection (3)(a), the division shall make rules
2543 governing the collection of charges under Subsection 79-7-203(8).

2544 Section 47. Section **79-7-203** is amended to read:

2545 **79-7-203. Powers and duties of division.**

2546 (1) As used in this section, "real property" includes land under water, upland, and all
2547 other property commonly or legally defined as real property.

2548 (2) The Division of Wildlife Resources shall retain the power and jurisdiction
2549 conferred upon the Division of Wildlife Resources by law on property controlled by the
2550 division with reference to fish and game.

2551 (3) ~~[The]~~ For purposes of property controlled by the division, the division shall permit
2552 multiple use of the property ~~[controlled by the division]~~ for purposes such as grazing, fishing,
2553 hunting, camping, mining, and the development and use of water and other natural resources.

2554 (4) (a) The division may acquire real and personal property in the name of the state by
2555 legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or
2556 otherwise, subject to the approval of the executive director and the governor.

2557 (b) In acquiring real or personal property, the credit of the state may not be pledged
2558 without the consent of the Legislature.

2559 (5) (a) Before acquiring any real property, the division shall notify the county
2560 legislative body of the county where the property is situated of the division's intention to
2561 acquire the property.

2562 (b) If the county legislative body requests a hearing within 10 days of receipt of the
2563 notice, the division shall hold a public hearing in the county concerning the matter.

2564 (6) Acceptance of gifts or devises of land or other property is at the discretion of the
2565 division, subject to the approval of the executive director and the governor.

2566 (7) The division shall acquire property by eminent domain in the manner authorized by
2567 Title 78B, Chapter 6, Part 5, Eminent Domain.

2568 (8) (a) The division may make charges for special services and use of facilities, the
2569 income from which is available for recreation purposes.

2570 (b) The division may conduct and operate those services necessary for the comfort and
2571 convenience of the public.

2572 (9) (a) The division may lease or rent concessions of lawful kinds and nature on

2573 property to persons, partnerships, and corporations for a valuable consideration after consulting
2574 with the commission.

2575 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in
2576 selecting concessionaires.

2577 (10) The division shall proceed without delay to negotiate with the federal government
2578 concerning the Weber Basin and other recreation and reclamation projects.

2579 (11) (a) The division shall coordinate with and annually report to the following
2580 regarding land acquisition and development and grants administered under this chapter,
2581 Chapter 8, Outdoor Recreation Grants, or Chapter 9, Land Conservation Act:

2582 ~~[(a) the Utah Office of Outdoor Recreation;]~~

2583 ~~[(b)]~~ (i) the Division of State Parks; and

2584 ~~[(c)]~~ (ii) the Office of Rural Development.

2585 (b) The report required under Subsection (11)(a) shall be in writing, made public, and
2586 include a description and the amount of any grant awarded under this chapter, Chapter 8,
2587 Outdoor Recreation Grants, or Chapter 9, Land Conservation Act.

2588 (12) The division shall:

2589 (a) coordinate outdoor recreation policy, management, and promotion:

2590 (i) among state and federal agencies and local government entities in the state;

2591 (ii) with the Public Lands Policy Coordinating Office created in Section 63L-11-201, if
2592 public land is involved; and

2593 (iii) on at least a quarterly basis, with the executive director and the executive director
2594 of the Governor's Office of Economic Possibility;

2595 (b) in cooperation with the Governor's Office of Economic Possibility, promote
2596 economic development in the state by:

2597 (i) coordinating with outdoor recreation stakeholders;

2598 (ii) improving recreational opportunities; and

2599 (iii) recruiting outdoor recreation business;

2600 (c) promote all forms of outdoor recreation, including motorized and nonmotorized
2601 outdoor recreation;

2602 (d) recommend to the governor and Legislature policies and initiatives to enhance
2603 recreational amenities and experiences in the state and help implement those policies and

2604 initiatives:

2605 (e) in performing the division's duties, seek to ensure safe and adequate access to
2606 outdoor recreation for all user groups and for all forms of recreation;

2607 (f) develop data regarding the impacts of outdoor recreation in the state; and

2608 (g) promote the health and social benefits of outdoor recreation, especially to young
2609 people.

2610 (13) By following Title 63J, Chapter 5, Federal Funds Procedures Act, the division
2611 may:

2612 (a) seek federal grants or loans;

2613 (b) seek to participate in federal programs; and

2614 (c) in accordance with applicable federal program guidelines, administer federally
2615 funded outdoor recreation programs.

2616 (14) In accordance with Part 5, Conservation, the division may coordinate state
2617 conservation efforts through the Office of Conservation.

2618 (15) The division shall receive and distribute voluntary contributions collected under
2619 Section 41-1a-422 in accordance with Section 79-7-303.

2620 Section 48. Section **79-7-206** is enacted to read:

2621 **79-7-206. Utah Outdoor Recreation Infrastructure Advisory Committee.**

2622 (1) As used in this section, "committee" means the Utah Outdoor Recreation
2623 Infrastructure Advisory Committee created in this section.

2624 (2) (a) There is created within the division the Utah Outdoor Recreation Infrastructure
2625 Advisory Committee consisting of:

2626 (i) the director of the division, who shall act as chair of committee;

2627 (ii) the director of the Division of State Parks, or the director of the Division of State
2628 Park's designee.

2629 (iii) the following appointed by the executive director:

2630 (A) two nonvoting representatives of federal land agencies;

2631 (B) one nonvoting representative of National Park Service's River, Trails, and
2632 Conservation Assistance Program;

2633 (C) one representative of municipal government, recommended by the Utah League of
2634 Cities and Towns;

2635 (D) one representative of county government, recommended by the Utah Association
2636 of Counties;

2637 (E) two representatives of the outdoor industry;

2638 (F) two representatives of tourism, with one focused in the hotel or lodging sector;

2639 (G) one representative of the healthcare industry;

2640 (H) one representative of multi-ability groups or programs; and

2641 (I) one representative of outdoor recreation education programming.

2642 (b) At least two of the members of the committee appointed under Subsection

2643 (1)(a)(iii) shall represent rural interests.

2644 (3) (a) Except as required by Subsection (3)(b), as terms of committee members
2645 appointed under Subsection (2)(a)(iii) expire, the division shall appoint each new member or
2646 reappointed member to a four-year term.

2647 (b) Notwithstanding the requirements of Subsection (3)(a), the division shall, at the
2648 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2649 committee members appointed under Subsection (2)(a)(iii) are staggered so that approximately
2650 half of the committee is appointed every two years.

2651 (c) The executive director may remove an appointed member of the advisory
2652 committee at any time, with or without cause.

2653 (3) When a vacancy occurs in the membership for any reason, the executive director
2654 shall appoint the replacement for the unexpired term in the same manner as the original
2655 appointment.

2656 (4) The majority of voting members of the committee constitute a quorum and an
2657 action of the majority of voting members present when a quorum is present is action by the
2658 committee.

2659 (5) The division shall provide administrative staff support for the committee.

2660 (6) A member may not receive compensation or benefits for the member's service, but
2661 a member appointed under Subsection (2)(b) may receive per diem and travel expenses in
2662 accordance with:

2663 (a) Section 63A-3-106;

2664 (b) Section 63A-3-107; and(c) rules made by the Division of Finance pursuant to
2665 Sections 63A-3-106 and 63A-3-107.

2666 (7) The committee shall advise and make recommendations to the division regarding:

2667 (a) nonmotorized recreational trails under Chapter 5, Recreational Trails;

2668 (b) grants issued under Chapter 8, Part 2, Recreation Restoration Infrastructure Grant

2669 Program;

2670 (c) the administration of the fund created in Section 79-8-304; and

2671 (d) grants issued under Chapter 8, Part 4, Outdoor Recreational Infrastructure Grant

2672 Program.

2673 Section 49. Section **79-7-303**, which is renumbered from Section 79-4-404 is

2674 renumbered and amended to read:

2675 **[79-4-404]. 79-7-303. Zion National Park Support Programs Restricted**

2676 **Account.**

2677 (1) There is created within the General Fund the "Zion National Park Support

2678 Programs Restricted Account."

2679 (2) The ~~[account]~~ Zion National Park Support Programs Restricted Account shall be

2680 funded by:

2681 (a) contributions deposited into the ~~[account]~~ Zion National Park Support Programs

2682 Restricted Account in accordance with Section 41-1a-422;

2683 (b) private contributions; or

2684 (c) donations or grants from public or private entities.

2685 (3) The Legislature shall appropriate ~~[funds]~~ money in the ~~[account]~~ Zion National

2686 Park Support Programs Restricted Account to the division.

2687 (4) The ~~[board]~~ division may expend up to 10% of the money appropriated under

2688 Subsection (3) to administer account distributions in accordance with Subsections (5) and (6).

2689 (5) The division shall distribute contributions to one or more organizations that:

2690 (a) are exempt from federal income taxation under Section 501(c)(3), Internal Revenue

2691 Code;

2692 (b) operate under a written agreement with the National Park Service to provide

2693 interpretive, educational, and research activities for the benefit of Zion National Park;

2694 (c) produce and distribute educational and promotional materials on Zion National

2695 Park;

2696 (d) conduct educational courses on the history and ecosystem of the greater Zion

2697 Canyon area; and

2698 (e) provide other programs that enhance visitor appreciation and enjoyment of Zion
2699 National Park.

2700 (6) (a) An organization described in Subsection (5) may apply to the division to receive
2701 a distribution in accordance with Subsection (5).

2702 (b) An organization that receives a distribution from the division in accordance with
2703 Subsection (5) shall expend the distribution only to:

2704 (i) produce and distribute educational and promotional materials on Zion National
2705 Park;

2706 (ii) conduct educational courses on the history and ecosystem of the greater Zion
2707 Canyon area; and

2708 (iii) provide other programs that enhance visitor appreciation and enjoyment of Zion
2709 National Park.

2710 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
2711 after consultation with the commission, the division may make rules providing procedures and
2712 requirements for an organization to apply to the division to receive a distribution under
2713 Subsection (5).

2714 Section 50. Section **79-7-501** is enacted to read:

2715 **Part 5. Conservation**

2716 **79-7-501. Definitions.**

2717 As used in this part:

2718 (1) "Conservation district" means a limited purpose local government entity created
2719 under Title 17D, Chapter 3, Conservation District Act.

2720 (2) "Coordinator" means the conservation coordinator appointed under Section
2721 79-7-503.

2722 (3) "Office" means the Office of Conservation created in Section 79-7-502.

2723 (4) (a) "State conservation efforts" includes:

2724 (i) efforts to optimize and preserve the uses of land for the benefit of the state's
2725 agricultural industry and natural resources; and

2726 (ii) conservation of working landscapes that if conserved, preserves the state's
2727 agricultural industry and natural resources, such as working agricultural land as defined in

2728 Section 79-9-102.

2729 (b) "State conservation efforts" does not include the purpose of opening private
2730 property to public access without the consent of the owner of the private property.

2731 Section 51. Section **79-7-502** is enacted to read:

2732 **79-7-502. Office of Conservation.**

2733 (1) There is created in the division the Office of Conservation.

2734 (2) The coordinator is the executive and administrative head of the office.

2735 (3) The office shall coordinate state conservation efforts by:

2736 (a) staffing the Land Conservation Board created in Section 79-9-201;

2737 (b) coordinating with the Department of Agriculture and Food;

2738 (c) coordinating with a conservation district in accordance with Section 79-7-504;

2739 (d) coordinating with divisions within the department, other state agencies, counties,
2740 cities, towns, local land trust entities, and federal agencies;

2741 (e) facilitating obtaining federal funds in addition to state funds used for state
2742 conservation efforts;

2743 (f) monitoring and providing for the management of conservation easements on state
2744 lands, including coordination with the Division of Wildlife Resources in the Division of
2745 Wildlife Resources' administration of Section 23-14-14.2; and

2746 (g) implementing rules made by the division in accordance with Title 63G, Chapter 3,
2747 Utah Administrative Rulemaking Act, and Section 79-7-505.

2748 Section 52. Section **79-7-503** is enacted to read:

2749 **79-7-503. Conservation coordinator.**

2750 (1) (a) The director shall appoint a conservation coordinator.

2751 (b) The coordinator may be removed by the executive director after consultation with
2752 the director.

2753 (2) The coordinator shall administer this part subject to the administration and general
2754 supervision of the director and executive director.

2755 Section 53. Section **79-7-504** is enacted to read:

2756 **79-7-504. Coordination with conservation districts.**

2757 (1) The office shall provide training to the Conservation Commission created in
2758 Section 4-18-104 concerning:

2759 (a) funding state conservation efforts; and
 2760 (b) coordinating state conservation efforts.
 2761 (2) The office shall work with the Department of Agriculture and Food, subject to
 2762 Subsection 4-2-103(1)(n), in coordinating with a conservation district.
 2763 Section 54. Section **79-7-505** is enacted to read:
 2764 **79-7-505. Conservation rules.**
 2765 The division may make rules, in accordance with Title 63G, Chapter 3, Utah
 2766 Administrative Rulemaking Act, and after consulting with the Land Conservation Board, to:
 2767 (1) establish requirements for the training described in Section 79-7-504; and
 2768 (2) establish the procedures the office shall follow in coordinating state conservation
 2769 efforts.
 2770 Section 55. Section **79-8-102** is amended to read:
 2771 **79-8-102. Definitions.**
 2772 As used in this chapter:
 2773 (1) "Accessible to the general public" in relation to the awarding of an infrastructure
 2774 grant, means:
 2775 (a) the public may use the infrastructure in accordance with federal and state
 2776 regulations; and
 2777 (b) no community or group retains exclusive rights to access the infrastructure.
 2778 (2) "Advisory committee" means the Utah Outdoor Recreation Infrastructure Advisory
 2779 Committee created in Section 79-7-206.
 2780 [~~(1)~~] (3) "Children," in relation to the awarding of a UCORE grant, means individuals
 2781 who are six years old or older and 18 years old or younger.
 2782 [~~(2)~~] (4) "Director" means the director of the Division of Outdoor Recreation and
 2783 Conservation.
 2784 [~~(3)~~] (5) "Division" means the Division of Outdoor Recreation and Conservation.
 2785 [~~(4)~~] (6) "Executive director" means the executive director of the Department of
 2786 Natural Resources.
 2787 (7) "Infrastructure grant" means an outdoor recreational infrastructure grant described
 2788 in Section 79-8-402.
 2789 (8) (a) "Recreational infrastructure project" means an undertaking to build or improve

2790 an approved facility or installation needed for the public to access and enjoy the state's
2791 outdoors.

2792 (b) "Recreational infrastructure project" may include the:

2793 (i) establishment, construction, or renovation of a trail, trail infrastructure, or a trail
2794 facility;

2795 (ii) construction of a project for a water-related outdoor recreational activity;

2796 (iii) development of a project for a wildlife watching opportunity, including bird
2797 watching;

2798 (iv) development of a project that provides a winter recreation amenity;

2799 (v) construction or improvement of a community park that has an amenity for outdoor
2800 recreation; and

2801 (vi) construction or improvement of a naturalistic and accessible playground.

2802 ~~[(5)]~~ (9) "UCORE grant" means a children's outdoor recreation and education grant
2803 described in Section ~~[79-8-402]~~ 79-8-302.

2804 ~~[(6)]~~ (10) (a) "Underserved ~~[or underprivileged]~~ community" means a group of people,
2805 including a municipality, county, or American Indian tribe, that is economically disadvantaged.

2806 (b) "Underserved ~~[or underprivileged]~~ community" includes an economically
2807 disadvantaged community where in relation to awarding a UCORE grant, the children of the
2808 community, including children with disabilities, have limited access to outdoor recreation or
2809 education programs.

2810 Section 56. Section **79-8-103** is amended to read:

2811 **79-8-103. Outdoor recreation grants.**

2812 To the extent money is available, the division shall administer outdoor recreation grants
2813 for the state, including grants that address:

2814 (1) outdoor recreation in general;

2815 (2) recreational trails;

2816 (3) off-highway vehicle incentives;

2817 (4) boat access and clean vessels; ~~[and]~~

2818 (5) land, water, and conservation~~[-];~~ and

2819 (6) outdoor recreation programming.

2820 Section 57. Section **79-8-106** is amended to read:

2821 **79-8-106. Utah Outdoor Recreation Infrastructure Account -- Uses -- Costs.**

2822 (1) There is created an expendable special revenue fund known as the "Outdoor
2823 Recreation Infrastructure Account," which[; ~~(a) the outdoor recreation office~~] the division shall
2824 use to fund;

2825 (a) the Outdoor Recreational Infrastructure Grant Program created in Section
2826 ~~[63N-9-202]~~ 79-8-402; and

2827 ~~(b) [the division shall use to fund]~~ the Recreation Restoration Infrastructure Grant
2828 Program created in Section 79-8-202.

2829 (2) The account consists of:

2830 (a) distributions to the account under Section 59-28-103;

2831 (b) interest earned on the account;

2832 (c) appropriations made by the Legislature;

2833 (d) money from a cooperative agreement entered into with the United States
2834 Department of Agriculture or the United States Department of the Interior; and

2835 (e) private donations, grants, gifts, bequests, or money made available from any other
2836 source to implement this part.

2837 (3) The division shall, with the advice of the ~~[Utah Outdoor Recreation Grant Advisory~~
2838 ~~Committee created in Section 79-8-105]~~ advisory committee, administer the account.

2839 (4) ~~[(a)]~~ The cost of administering the account shall be paid from money in the
2840 account.

2841 ~~[(b) The cost of two full-time positions in the Utah Office of Outdoor Recreation in an~~
2842 ~~amount agreed to by the division and the Utah Office of Outdoor Recreation shall be paid from~~
2843 ~~money in the account.]~~

2844 (5) Interest accrued from investment of money in the account shall remain in the
2845 account.

2846 Section 58. Section **79-8-201** is amended to read:

2847 **79-8-201. Definitions.**

2848 As used in this part:

2849 ~~[(1) "Advisory committee" means the Utah Outdoor Recreation Grant Advisory~~
2850 ~~Committee created in Section 79-8-105.]~~

2851 ~~[(2)]~~ (1) "Grant program" means the Recreation Restoration Infrastructure Grant

2852 Program created in Section 79-8-202.

2853 ~~[(3)]~~ (2) "High demand outdoor recreation amenity" means infrastructure necessary for
2854 a campground, picnic area, or water recreation structure such as a dock, pier, or boat ramp that
2855 receives or has received heavy use by the public.

2856 ~~[(4)]~~ (3) "High priority trail" means a motorized or nonmotorized recreation
2857 summer-use trail and related infrastructure that is prioritized by the advisory committee for
2858 restoration or rehabilitation to maintain usability and sustainability of trails that receive or have
2859 received high use by the public.

2860 ~~[(5)]~~ (4) "Public lands" includes local, state, and federal lands.

2861 ~~[(6)]~~ (5) "Rehabilitation or restoration" means returning an outdoor recreation structure
2862 or trail that has been degraded, damaged, or destroyed to its previously useful state by means of
2863 repair, modification, or alteration.

2864 Section 59. Section **79-8-302** is amended to read:

2865 **79-8-302. Creation and purpose of the UCORE grant program.**

2866 (1) There is created the Utah Children's Outdoor Recreation and Education Grant
2867 Program administered by the division.

2868 (2) The division may seek to accomplish the following objectives in administering the
2869 UCORE grant program:

2870 (a) promote the health and social benefits of outdoor recreation to the state's children;

2871 (b) encourage children to develop the skills and confidence to be physically active for
2872 life;

2873 (c) provide outdoor recreational opportunities to underserved ~~[or underprivileged]~~
2874 communities in the state; and

2875 (d) encourage hands-on outdoor or nature-based learning and play to prepare children
2876 for achievement in science, technology, engineering, and math.

2877 Section 60. Section **79-8-303** is amended to read:

2878 **79-8-303. Rulemaking and requirements for awarding a UCORE grant.**

2879 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2880 division, after consulting with the Outdoor Adventure Commission, shall make rules
2881 establishing the eligibility and reporting criteria for an entity to receive a UCORE grant,
2882 including:

- 2883 (a) the form and process of submitting an application to the division for a UCORE
 2884 grant;
- 2885 (b) which entities are eligible to apply for a UCORE grant;
- 2886 (c) specific categories of children's programs that are eligible for a UCORE grant;
- 2887 (d) the method and formula for determining grant amounts; and
- 2888 (e) the reporting requirements of grant recipients.
- 2889 (2) In determining the award of a UCORE grant, the division may prioritize a children's
 2890 program that will serve an ~~[underprivileged or]~~ underserved community in the state.
- 2891 (3) A UCORE grant may only be awarded by the executive director after consultation
 2892 with the director and the Outdoor Adventure Commission.
- 2893 (4) The following entities may not receive a UCORE grant under this part:
- 2894 (a) a federal government entity;
- 2895 (b) a state agency, except for public schools and institutions of higher education; and
- 2896 (c) a for-profit entity.
- 2897 (5) In awarding UCORE grants, consideration shall be given to entities that implement
 2898 programs that:
- 2899 (a) contribute to healthy and active lifestyles through outdoor recreation; and
- 2900 (b) include one or more of the following attributes in their programs or initiatives:
- 2901 (i) serve children with the greatest needs in rural, suburban, and urban areas of the
 2902 state;
- 2903 (ii) provide students with opportunities to directly experience nature;
- 2904 (iii) maximize the number of children who can participate;
- 2905 (iv) commit matching and in-kind resources;
- 2906 (v) create partnerships with public and private entities;
- 2907 (vi) include ongoing program evaluation and assessment;
- 2908 (vii) ~~[utilize]~~ use veterans in program implementation;
- 2909 (viii) include outdoor or nature-based programming that incorporates concept learning
 2910 in science, technology, engineering, or math; or
- 2911 (ix) ~~[utilize]~~ use educated volunteers in program implementation.

2912 Section 61. Section **79-8-304** is amended to read:

2913 **79-8-304. Utah Children's Outdoor Recreation and Education Fund -- Uses --**

2914 **Costs.**

2915 (1) There is created an expendable special revenue fund known as the "Utah Children's
2916 Outdoor Recreation and Education Fund," which the division shall use to fund the Utah
2917 Children's Outdoor Recreation and Education Grant Program created in Section 79-8-302.

2918 (2) The fund consists of:

2919 (a) appropriations made by the Legislature;

2920 (b) interest earned on the account; and

2921 (c) private donations, grants, gifts, bequests, or money made available from any other
2922 source to implement this part.

2923 (3) The division shall, with the advice of [~~the Utah Outdoor Recreation Grant Advisory~~
2924 ~~Committee created in Section 79-8-105~~] the advisory committee, administer the fund.

2925 (4) The cost of administering the fund shall be paid from money in the fund.

2926 (5) Interest accrued from investment of money in the fund shall remain in the fund.

2927 Section 62. Section **79-8-401**, which is renumbered from Section 63N-9-201 is
2928 renumbered and amended to read:

2929 **Part 4. Outdoor Recreational Infrastructure Grant Program**

2930 [~~63N-9-201~~]. **79-8-401. Title.**

2931 This part is known as the "Outdoor Recreational Infrastructure Grant Program."

2932 Section 63. Section **79-8-402**, which is renumbered from Section 63N-9-202 is
2933 renumbered and amended to read:

2934 [~~63N-9-202~~]. **79-8-402. Creation and purpose of infrastructure grant**
2935 **program.**

2936 (1) There is created the Outdoor Recreational Infrastructure Grant Program
2937 administered by the [~~outdoor recreation office~~] division.

2938 (2) The [~~outdoor recreation office~~] division may seek to accomplish the following
2939 objectives in administering the infrastructure grant program:

2940 (a) build, maintain, and promote recreational infrastructure to provide greater access to
2941 low-cost outdoor recreation for the state's citizens;

2942 (b) encourage residents and nonresidents of the state to take advantage of the beauty of
2943 Utah's outdoors;

2944 (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]~~ division regarding infrastructure grants.

Section 64. Section **79-8-403**, which is renumbered from Section 63N-9-203 is renumbered and amended to read:

~~[63N-9-203].~~ **79-8-403. Rulemaking and requirements for awarding an infrastructure grant.**

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and after consultation with the Outdoor Adventure Commission, the ~~[outdoor recreation office]~~ division shall make rules 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 ~~[GO Utah 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;

(i) equal to or greater than the amount of the infrastructure grant[:]; and

(ii) established in accordance with rules made by the division, after consultation with the Outdoor Adventure Commission, and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(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 ~~Utah 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 65. Section **79-9-101**, which is renumbered from Section 11-38-101 is renumbered and amended to read:

CHAPTER 9. LAND CONSERVATION ACT

Part 1. General Provisions

~~[11-38-101].~~ **79-9-101. Title.**

This chapter is known as the ~~["Quality Growth"]~~ "Land Conservation Act."

Section 66. Section **79-9-102**, which is renumbered from Section 11-38-102 is renumbered and amended to read:

~~[11-38-102].~~ **79-9-102. Definitions.**

As used in this chapter:

~~[(1) "Affordable housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income of the applicable municipal or county statistical area for households of the same size.]~~

~~[(2)]~~ (1) "Agricultural land" has the same meaning as "land in agricultural use" under Section 59-2-502.

~~[(3) "Brownfield sites" means abandoned, idled, or underused commercial or industrial land where expansion or redevelopment is complicated by real or perceived environmental~~

3007 ~~contamination.]~~

3008 ~~[(4)]~~ (2) ~~["Commission" means the Quality Growth Commission]~~ "Board" means the
 3009 Land Conservation Board established in Section ~~[11-38-201]~~ 79-9-201.

3010 ~~[(5) "Infill development" means residential, commercial, or industrial development on~~
 3011 ~~unused or underused land, excluding open land and agricultural land, within existing, otherwise~~
 3012 ~~developed urban areas.]~~

3013 (3) "County land use authority" means a land use authority, as defined in Section
 3014 17-27a-103, of a county.

3015 ~~[(6)]~~ (4) "Local entity" means a county, city, or town.

3016 ~~[(7)]~~ (5) (a) "Open land" means land that is:

3017 (i) preserved in or restored to a predominantly natural, open, and undeveloped
 3018 condition; and

3019 (ii) used for:

3020 (A) wildlife habitat;

3021 (B) cultural or recreational use;

3022 (C) watershed protection; or

3023 (D) another use consistent with the preservation of the land in or restoration of the land
 3024 to a predominantly natural, open, and undeveloped condition.

3025 (b) (i) "Open land" does not include land whose predominant use is as a developed
 3026 facility for active recreational activities, including baseball, tennis, soccer, golf, or other
 3027 sporting or similar activity.

3028 (ii) The condition of land does not change from a natural, open, and undeveloped
 3029 condition because of the development or presence on the land of facilities, including trails,
 3030 waterways, and grassy areas, that:

3031 (A) enhance the natural, scenic, or aesthetic qualities of the land; or

3032 (B) facilitate the public's access to or use of the land for the enjoyment of its natural,
 3033 scenic, or aesthetic qualities and for compatible recreational activities.

3034 ~~[(8)]~~ (6) "Program" means the LeRay McAllister Critical Land Conservation Program
 3035 established in Section ~~[11-38-301]~~ 79-9-301.

3036 ~~[(9) "Surplus land" means real property owned by the Department of Government~~
 3037 ~~Operations, the Department of Agriculture and Food, the Department of Natural Resources, or~~

the Department of Transportation that the individual department determines not to be necessary for carrying out the mission of the department.]

(7) (a) "Working agricultural land" means agricultural land for which an owner or producer engages in the activity of producing for commercial purposes crops, orchards, livestock, poultry, aquaculture, livestock products, or poultry products and the facilities, equipment, and property used to facilitate the activity.

(b) "Working agricultural land" includes an agricultural protection area established under Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas.

Section 67. Section 79-9-201 is enacted to read:

Part 2. Land Conservation Board

79-9-201. Land Conservation Board

(1) There is created a Land Conservation Board consisting of:

(a) the director of the Division of Outdoor Recreation and Conservation or the director's designee;

(b) the commissioner of the Department of Agriculture and Food;

(c) four elected officials at the local government level, two of whom may not be residents of a county of the first or second class; and

(d) seven persons from the profit and nonprofit private sector:

(i) two of whom may not be residents of a county of the first or second class;

(ii) no more than three of whom may be from the same political party;

(iii) one of whom shall be from the residential construction industry, nominated by an association representing Utah home builders;

(iv) one of whom shall be from the real estate industry, nominated by an association representing Utah realtors;

(v) one representative of an association representing farmers, selected from a list of nominees submitted by at least two associations representing farmers;

(vi) one representative of an association representing cattlemen, selected from a list of nominees submitted by at least one association representing cattlemen;

(vii) one representative of an association representing wool growers, selected from a list of nominees submitted by at least one association representing wool growers;

3069 (viii) one representative of land trusts; and
3070 (viii) one representative of an association representing conservation districts created
3071 under Title 17D, Chapter 3, Conservation District Act, selected from a list of nominees
3072 submitted by at least one association representing conservation districts.
3073 (2) (a) The governor shall appoint a board member under Subsection (1)(c) or (d) with
3074 the advice and consent of the Senate.
3075 (b) The governor shall select:
3076 (i) two of the four members under Subsection (1)(c) from a list of names provided by
3077 the Utah League of Cities and Towns; and
3078 (ii) two of the four members under Subsection (1)(c) from a list of names provided by
3079 the Utah Association of Counties.
3080 (3) (a) The term of office of a member appointed under Subsection (1)(c) or (d) is four
3081 years.
3082 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
3083 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3084 board members are staggered so that approximately half of the board is appointed every two
3085 years.
3086 (c) A member of the board appointed under Subsection (1)(c) or (d) may not serve
3087 more than two consecutive four-year terms.
3088 (4) A mid-term vacancy shall be filled for the unexpired term in the same manner as an
3089 appointment under Subsection (2).
3090 (5) Board members shall elect a chair from their number and establish rules for the
3091 organization and operation of the board.
3092 (6) A member may not receive compensation or benefits for the member's service, but
3093 may receive per diem and travel expenses in accordance with:
3094 (a) Section 63A-3-106;
3095 (b) Section 63A-3-107; and
3096 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3097 63A-3-107.
3098 (7) A member is not required to give bond for the performance of official duties.
3099 (8) Staff services to the board shall be provided by the Office of Conservation within

3100 the Division of Outdoor Recreation and Conservation.

3101 Section 68. Section **79-9-202**, which is renumbered from Section 11-38-202 is
3102 renumbered and amended to read:

3103 ~~[11-38-202].~~ **79-9-202.** **Board duties and powers -- No regulatory**
3104 **authority -- Criteria.**

3105 (1) The ~~[commission]~~ board shall:

3106 ~~[(a) make recommendations to the Legislature on how to define more specifically~~
3107 ~~quality growth areas within the general guidelines provided to the commission by the~~
3108 ~~Legislature;]~~

3109 ~~[(b) advise the Legislature on growth management issues;]~~

3110 ~~[(c) make recommendations to the Legislature on refinements to this chapter;]~~

3111 ~~[(d) conduct a review in 2002 and each year thereafter to determine progress statewide~~
3112 ~~on accomplishing the purposes of this chapter, and give a report of each review to the Political~~
3113 ~~Subdivisions Interim Committee of the Legislature by November 30 of the year of the review;]~~

3114 ~~[(e)]~~ (a) administer the program as provided in this chapter;

3115 ~~[(f) assist as many local entities as possible, at their request, to identify principles of~~
3116 ~~growth that the local entity may consider implementing to help achieve the highest possible~~
3117 ~~quality of growth for that entity;]~~

3118 ~~[(g)]~~ (b) fulfill other responsibilities imposed on the ~~[commission]~~ board by the
3119 Legislature; and

3120 (c) consult with the Division of Outdoor Recreation and Conservation and the Office of
3121 Conservation.

3122 ~~[(h) fulfill all other duties imposed on the commission by this chapter.]~~

3123 ~~[(2) The commission may sell, lease, or otherwise dispose of equipment or personal~~
3124 ~~property belonging to the program, the proceeds from which shall return to the fund.]~~

3125 ~~[(3)]~~ (2) The ~~[commission]~~ board may not exercise any regulatory authority.

3126 ~~[(4)]~~ (3) In carrying out the ~~[commission's]~~ board's powers and duties under this
3127 chapter, the ~~[commission]~~ board shall adopt ranking criteria that is substantially similar to the
3128 ranking criteria used by the Agriculture Conservation Easement Program and Agriculture Land
3129 Easement as determined by the Natural Resources Conservation Service under the United
3130 States Department of Agriculture.

3131 Section 69. Section **79-9-301**, which is renumbered from Section 11-38-301 is
 3132 renumbered and amended to read:

3133 **Part 3. LeRay McAllister Critical Land Conservation Program**

3134 ~~[11-38-301].~~ **79-9-301. LeRay McAllister Critical Land Conservation**
 3135 **Program.**

3136 (1) There is created a program entitled the "LeRay McAllister Critical Land
 3137 Conservation Program."

3138 (2) Funding for the program shall be a line item in the budget of the ~~[Quality Growth~~
 3139 ~~Commission]~~ board. The line item shall be nonlapsing.

3140 Section 70. Section **79-9-302**, which is renumbered from Section 11-38-302 is
 3141 renumbered and amended to read:

3142 ~~[11-38-302].~~ **79-9-302. Use of money in program -- Criteria --**
 3143 **Administration.**

3144 (1) Subject to Subsection (2), the ~~[commission]~~ board may authorize the use of money
 3145 in the program, by grant, to:

3146 (a) a local entity;

3147 (b) a division within the Department of Natural Resources ~~[created under]~~ listed in
 3148 Section 79-2-201;

3149 (c) the Department of Agriculture and Food created under Section 4-2-102; or

3150 (d) a charitable organization that qualifies as being tax exempt under Section 501(c)(3),
 3151 Internal Revenue Code.

3152 (2) (a) The money in the program shall be used for preserving or restoring open land
 3153 and agricultural land.

3154 (b) (i) Except as provided in Subsection (2)(b)(ii), money from the program may not be
 3155 used to purchase a fee interest in real property ~~[in order]~~ to preserve open land or agricultural
 3156 land, but may be used to establish a conservation easement under Title 57, Chapter 18, Land
 3157 Conservation Easement Act, or to fund similar methods to preserve open land or agricultural
 3158 land.

3159 (ii) Notwithstanding Subsection (2)(b)(i), money from the ~~[fund]~~ program may be used
 3160 to purchase a fee interest in real property to preserve open land or agricultural land if:

3161 (A) the parcel to be purchased is no more than 20 acres in size; and

(B) with respect to a parcel purchased in a county in which over 50% of the land area is publicly owned, real property roughly equivalent in size and located within that county is contemporaneously transferred to private ownership from the governmental entity that purchased the fee interest in real property.

(iii) Eminent domain may not be used or threatened in connection with any purchase using money from the program.

(iv) A parcel of land larger than 20 acres in size may not be divided into separate parcels smaller than 20 acres each to meet the requirement of Subsection (2)(b)(ii).

(c) A local entity, department, or organization under Subsection (1) may not receive money from the program unless the local entity, department, or organization provides matching funds equal to or greater than the amount of money received from the program.

(d) In granting money from the program, the ~~[commission]~~ board may impose conditions on the recipient as to how the money is to be spent.

(e) The ~~[commission]~~ board shall give priority to:

(i) working agricultural land; and

(ii) after giving priority to working agricultural land under Subsection (2)(e)(i), requests from the Department of Natural Resources for up to 20% of each annual increase in the amount of money in the program if the money is used for the protection of wildlife or watershed.

(f) (i) The ~~[commission]~~ board may not make a grant from the program that exceeds \$1,000,000 until after making a report to the Legislative Management Committee about the grant.

(ii) The Legislative Management Committee may make a recommendation to the ~~[commission]~~ board concerning the intended grant, but the recommendation is not binding on the ~~[commission]~~ board.

(3) In determining the amount and type of financial assistance to provide ~~[an]~~ a local entity, department, or organization under Subsection (1) and subject to Subsection (2)(f), the ~~[commission]~~ board shall consider:

(a) the nature and amount of open land and agricultural land proposed to be preserved or restored;

(b) the qualities of the open land and agricultural land proposed to be preserved or

3193 restored;

3194 (c) the cost effectiveness of the project to preserve or restore open land or agricultural

3195 land;

3196 (d) the funds available;

3197 (e) the number of actual and potential applications for financial assistance and the

3198 amount of money sought by those applications;

3199 (f) the open land preservation plan of the local entity where the project is located and

3200 the priority placed on the project by that local entity;

3201 (g) the effects on housing affordability and diversity; and

3202 (h) whether the project protects against the loss of private property ownership.

3203 (4) If a local entity, department, or organization under Subsection (1) seeks money

3204 from the program for a project whose purpose is to protect critical watershed, the ~~[commission]~~

3205 board shall require that the needs and quality of that project be verified by the state engineer.

3206 (5) An interest in real property purchased with money from the program shall be held

3207 and administered by the state or a local entity.

3208 (6) (a) The board may not authorize the use of money under this section for a project

3209 unless the county land use authority for the county in which the project is located consents to

3210 the project.

3211 (b) To obtain consent to a project, the person who is seeking money from the program

3212 shall submit a request for consent to a project with the applicable county land use authority.

3213 The county land use authority may grant or deny consent. If the county land use authority does

3214 not take action within 30 days from the day on which the request for consent is filed with the

3215 county land use authority under this Subsection (6), the board shall treat the project as having

3216 the consent of the county land use authority.

3217 (c) An action of a county land use authority under this Subsection (6) is not a land use

3218 decision subject to Title 17, Chapter 27a, County Land Use, Development, and Management

3219 Act.

3220 Section 71. Section **79-9-303**, which is renumbered from Section 11-38-304 is

3221 renumbered and amended to read:

3222 ~~[11-38-304].~~ **79-9-303. Board to report annually.**

3223 The ~~[commission]~~ board shall submit an annual report to the Infrastructure and General

3224 Government and Natural Resources, Agriculture, and Environmental Quality Appropriations

3225 Subcommittees:

3226 (1) specifying the amount of each disbursement from the program;

3227 (2) identifying the recipient of each disbursement and describing the project for which
3228 money was disbursed; and

3229 (3) detailing the conditions, if any, placed by the [~~commission~~] board on disbursements
3230 from the program.

3231 Section 72. **Repealer.**

3232 This bill repeals:

3233 Section **11-38-201, Quality Growth Commission -- Term of office -- Vacancy --**

3234 **Organization -- Expenses -- Staff.**

3235 Section **11-38-203, Commission may provide assistance to local entities.**

3236 Section **63N-9-101, Title.**

3237 Section **63N-9-102, Definitions.**

3238 Section **63N-9-104, Creation of outdoor recreation office and appointment of**
3239 **director -- Responsibilities of outdoor recreation office.**

3240 Section **63N-9-105, Duties of director.**

3241 Section **63N-9-106, Annual report.**

3242 Section **79-5-201, Recreational Trails Advisory Council.**

3243 Section **79-5-202, Council membership -- Expenses.**

3244 Section **79-8-104, Annual report.**

3245 Section **79-8-105, Utah Outdoor Recreation Grant Advisory Committee --**

3246 **Membership -- Duties -- Expenses.**

3247 Section 73. **Effective date.**

3248 This bill takes effect on July 1, 2022.

3249 Section 74. **Revisor instructions.**

3250 The Legislature intends that the Office of Legislative Research and General Counsel, in
3251 preparing the Utah Code database for publication:

3252 (1) replace the references in Subsections 79-2-206(2)(c), (4)(a)(i) and (b), and (5)(a)(i)
3253 and (b) from "this bill" to the bill's designated chapter number in the Laws of Utah; and

3254 (2) replace cross references to sections renumbered by this bill that are added to the
3255 Utah Code by legislation passed during the 2022 General Session that become law.