

1

Department of Natural Resources Related Modifications Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rex P. Shipp

Senate Sponsor: David P. Hinkins

Cosponsor:	Jill Koford	Clinton D. Okerlund
Carl R. Albrecht	Michael L. Kohler	Michael J. Petersen
Stewart E. Barlow	Jason B. Kyle	Thomas W. Peterson
Kay J. Christofferson	Trevor Lee	Troy Shelley
Ken Ivory	Leah Hansen	Christine F. Watkins

2

3

LONG TITLE

4

General Description:

5

This bill addresses provisions related to the Department of Natural Resources and related regulated areas.

7

Highlighted Provisions:

8

This bill:

9

▸ removes language related to determining the work period for certain Department of Natural Resources' employees;

10

11

▸ defines terms, including defining "invasive mussel";

12

▸ exempts an owner or operator of certain vessels from requirements related to invasive species and launching or operating the vessel on waters of the state;

13

14

▸ addresses vessels owned by government agencies;

15

▸ amends provisions related to a required aquatic invasive species education course;

16

▸ addresses vessels rented or leased from a boat livery, including modifying recordkeeping requirements for a boat livery;

17

18

▸ modifies provisions related to collection of annual aquatic invasive species fees, including repealing outdated language;

19

20

▸ addresses responsibilities of the Division of Law Enforcement and the Division of

21

Wildlife Resources;

- 22 ▶ modifies provisions related to records kept by the Division of Water Rights, including to
23 allow for the records to be kept in physical or electronic form;
- 24 ▶ corrects citations;
- 25 ▶ addresses funding of litigation;
- 26 ▶ addresses treatment of water rights after termination or noncompliance of certain royalty
27 contracts or mineral leases;
- 28 ▶ removes a cap on low-interest loans related to secondary water metering;
- 29 ▶ modifies when certain applications may be filed with the state engineer under instream
30 flow provisions;
- 31 ▶ clarifies rulemaking authority related to rules enforced by the Division of Law
32 Enforcement;
- 33 ▶ modifies the duties of the Utah Geological Survey;
- 34 ▶ modifies the makeup of the Board of the Utah Geological Survey;
- 35 ▶ changes the term "buffalo" to "bison" in certain circumstances;
- 36 ▶ repeals the section specifying funding sources of the Watershed Restoration Initiative;
- 37 ▶ repeals the Alternative Energy Development Tax Credit Act; and
- 38 ▶ makes technical and conforming amendments.

39 **Money Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 None

43 **Utah Code Sections Affected:**

44 AMENDS:

45 **9-8a-205**, as renumbered and amended by Laws of Utah 2023, Chapter 160

46 **23A-10-101**, as renumbered and amended by Laws of Utah 2023, Chapter 103

47 **23A-10-201**, as last amended by Laws of Utah 2023, Chapter 244 and renumbered and
48 amended by Laws of Utah 2023, Chapter 103

49 **23A-10-202**, as renumbered and amended by Laws of Utah 2023, Chapter 103

50 **23A-10-301**, as renumbered and amended by Laws of Utah 2023, Chapter 103

51 **23A-10-302**, as last amended by Laws of Utah 2024, Chapter 80

52 **23A-10-303**, as renumbered and amended by Laws of Utah 2023, Chapter 103

53 **23A-10-304**, as last amended by Laws of Utah 2023, Chapter 244 and renumbered and
54 amended by Laws of Utah 2023, Chapter 103

55 **23A-10-401**, as renumbered and amended by Laws of Utah 2023, Chapter 103

- 56 **23A-10-501**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 57 **63A-17-502**, as last amended by Laws of Utah 2024, Chapter 151
- 58 **63J-1-602.1**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9
- 59 **73-2-11**, as last amended by Laws of Utah 2024, Chapter 365
- 60 **73-3-8**, as last amended by Laws of Utah 2024, Chapter 233
- 61 **73-3-30**, as last amended by Laws of Utah 2023, Chapters 34, 253
- 62 **73-10-34**, as last amended by Laws of Utah 2025, Chapter 102
- 63 **73-10-36**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15
- 64 **73-18-10**, as last amended by Laws of Utah 2025, Chapter 302
- 65 **79-2-406**, as last amended by Laws of Utah 2024, Chapter 88
- 66 **79-2-702**, as enacted by Laws of Utah 2024, Chapter 80
- 67 **79-3-202**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15
- 68 **79-3-302**, as last amended by Laws of Utah 2025, Chapter 57
- 69 **79-4-402**, as last amended by Laws of Utah 2025, Chapters 77, 153
- 70 **79-4-1001**, as last amended by Laws of Utah 2025, Chapter 153

71 ENACTS:

- 72 **23A-10-306**, Utah Code Annotated 1953
- 73 **73-1-22**, Utah Code Annotated 1953

74 REPEALS:

- 75 **73-18-25.3**, as enacted by Laws of Utah 2023, Chapter 244
- 76 **79-2-604**, as enacted by Laws of Utah 2022, Chapter 51
- 77 **79-6-501**, as renumbered and amended by Laws of Utah 2021, Chapter 280
- 78 **79-6-502**, as renumbered and amended by Laws of Utah 2021, Chapter 280
- 79 **79-6-503**, as last amended by Laws of Utah 2021, Chapter 64 and renumbered and
- 80 amended by Laws of Utah 2021, Chapter 280
- 81 **79-6-504**, as renumbered and amended by Laws of Utah 2021, Chapter 280
- 82 **79-6-505**, as last amended by Laws of Utah 2022, Chapter 68

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

85 Section 1. Section **9-8a-205** is amended to read:

86 **9-8a-205 . Cultural Site Stewardship Program -- Definitions -- Creation --**

87 **Objectives -- Administration -- Activities.**

88 (1) As used in this section:

89 (a)(i) "Cultural site" means a significant archaeological or paleontological site in the

- 90 state as determined by the office.
- 91 (ii) "Cultural site" may include a:
- 92 (A) site as defined in Section 9-8a-302; and
- 93 (B) site as defined in Section 79-3-102.
- 94 (b) "Stewardship program" means the Cultural Site Stewardship Program created in this
- 95 section.
- 96 (c) "Vandalism" means to damage, destroy, or commit any other act that defaces or
- 97 harms a cultural site without the consent of the owner or appropriate governmental
- 98 agency, including inscribing, marking, etching, scratching, drawing, painting on, or
- 99 affixing to the cultural resource a mark, figure, or design.
- 100 (2) There is created within the office the Cultural Site Stewardship Program.
- 101 (3) The office shall seek to accomplish the following objectives through administration of
- 102 the stewardship program:
- 103 (a) protect cultural sites located in the state;
- 104 (b) increase public awareness of the significance and value of cultural sites and the
- 105 damage done to cultural sites by vandalism;
- 106 (c) discourage vandalism and the unlawful sale and trade of archaeological artifacts and
- 107 paleontological artifacts;
- 108 (d) support and encourage improved standards for investigating and researching cultural
- 109 sites in the state;
- 110 (e) promote cooperation among governmental agencies, private landowners, Native
- 111 American tribes, industry groups, and interested persons to protect cultural sites; and
- 112 (f) increase the inventory of cultural sites maintained in accordance with Subsections
- 113 9-8a-304(2)(b) and ~~[79-3-202(1)(m)]~~ 79-3-202(1)(p).
- 114 (4) The office shall:
- 115 (a) maintain a position to oversee the operation of the stewardship program; and
- 116 (b) provide administrative services to the stewardship program.
- 117 (5) The office shall select, train, and certify volunteers to participate in the stewardship
- 118 program, based on rules made by the office in accordance with Title 63G, Chapter 3,
- 119 Utah Administrative Rulemaking Act.
- 120 (6) To accomplish the stewardship program's objectives, the office shall:
- 121 (a) enter into agreements with the entities described in Subsection (3)(e) to promote the
- 122 protection of cultural sites;
- 123 (b) establish a list of cultural sites suitable for monitoring, in cooperation with the

- 124 entities described in Subsection (3)(e);
- 125 (c) schedule periodic monitoring activities by volunteers of each cultural site included
- 126 on the list described in Subsection (6)(b), after obtaining approval of the landowner
- 127 or manager;
- 128 (d) establish rules, in accordance with Title 63G, Chapter 3, Utah Administrative
- 129 Rulemaking Act, for reporting vandalism of a cultural site to the appropriate
- 130 authority; and
- 131 (e) establish programs for educating members of the public about the significance and
- 132 value of cultural sites and the loss to members of the public resulting from vandalism
- 133 of cultural sites.
- 134 (7) The office shall coordinate the activities of governmental agencies, private landowners,
- 135 and Native American tribes, as necessary, to carry out the stewardship program.
- 136 (8) A volunteer participating in the stewardship program may not receive compensation,
- 137 benefits, per diem allowance, or travel expenses for the volunteer's service.
- 138 (9) The office may accept gifts, grants, donations, or contributions from any source to assist
- 139 the division in the administration of the stewardship program.
- 140 (10) Nothing in this section may be construed to alter or affect the office's duties under
- 141 Section 9-8a-404.

142 Section 2. Section **23A-10-101** is amended to read:

143 **23A-10-101 . Definitions.**

144 As used in this chapter:

- 145 (1) "Boat livery" means the same as that term is defined in Section 73-18-2.
- 146 ~~(2)~~(a) "Conveyance" means a terrestrial or aquatic vehicle or a vehicle part that may
- 147 carry or contain ~~[a Dreissena]~~ an invasive mussel.
- 148 (b) "Conveyance" includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal
- 149 watercraft, a container, a trailer, a live well, or a bilge area.
- 150 ~~[(2)]~~ (3) "Decontaminate" means to:
- 151 (a) drain and dry non-treated water; ~~[and]~~ or
- 152 (b) chemically or thermally treat in accordance with rule.
- 153 (4) "Division," notwithstanding Section 23A-1-101, means the Division of Law
- 154 Enforcement within the department.
- 155 ~~[(3)]~~ (5) "Dreissena mussel" means a mussel of the genus Dreissena at any life stage or at
- 156 death, including a zebra mussel, a quagga mussel, and Conrad's false mussel.
- 157 ~~[(4)]~~ (6) "Equipment" means an article, tool, implement, or device capable of carrying or

- 158 containing:
- 159 (a) water; or
- 160 (b) [~~a Dreissena~~] an invasive mussel.
- 161 [(5)] (7) "Facility" means a structure that is located within or adjacent to a water body.
- 162 [(6)] (8) "Infested water" means a geographic region, water body, facility, or water supply
- 163 system within or outside the state that the Wildlife Board identifies in rule as carrying or
- 164 containing [~~a Dreissena~~] an invasive mussel.
- 165 (9) "Inflatable motorboat" means a motorboat that is inflated before the motorboat is used
- 166 or capable of being used as a means of transportation on water.
- 167 (10) "Invasive mussel" means a Dreissena mussel or Limnoperna mussel.
- 168 (11) "Limnoperna mussel" means a mussel of the genus Limnoperna at any life stage or at
- 169 death, including a golden mussel.
- 170 (12) "Motorboat" means the same as that term is defined in Section 73-18-2.
- 171 (13) "Nonmotorized vessel" means a vessel that is propelled on water solely by human
- 172 power.
- 173 [(7)] (14) "Vessel" means the same as that term is defined in Section 73-18-2.
- 174 [(8)] (15) "Water body" means natural or impounded surface water, including a stream,
- 175 river, spring, lake, reservoir, pond, wetland, tank, [~~and~~] or fountain.
- 176 [(9)] (16)(a) "Water supply system" means a system that treats, conveys, or distributes
- 177 water for irrigation, industrial, waste water treatment, or culinary use.
- 178 (b) "Water supply system" includes a pump, canal, ditch, or pipeline.
- 179 (c) "Water supply system" does not include a water body.
- 180 Section 3. Section **23A-10-201** is amended to read:
- 181 **23A-10-201 . Invasive species prohibited -- Administrative inspection authorized.**
- 182 (1) Except as authorized in this title or a Wildlife Board rule or order or unless exempt
- 183 under Subsection (7), a person may not:
- 184 (a) possess, import, export, ship, or transport [~~a Dreissena~~] an invasive mussel;
- 185 (b) release, place, plant, or cause to be released, placed, or planted [~~a Dreissena~~] an
- 186 invasive mussel in a water body, facility, or water supply system;
- 187 (c) transport a conveyance or equipment that has been in an infested water within the
- 188 previous 30 days without decontaminating the conveyance or equipment; or
- 189 (d) unless exempt under Subsection 23A-10-304(3), if an owner of a vessel, launch or
- 190 operate [a] the vessel on the waters of the state without first:
- 191 (i) paying an aquatic invasive species fee required by Subsection 23A-10-304(1) or

- 192 (2); and
- 193 (ii) displaying an aquatic invasive species decal in accordance with Subsection (6).
- 194 (2) Except as provided in Subsection (3), a person who violates Subsection (1):
- 195 (a) is strictly liable;
- 196 (b) is guilty of an infraction; and
- 197 (c) shall reimburse the state for the costs associated with detaining, quarantining, and
- 198 decontaminating the conveyance or equipment.
- 199 (3) A person who knowingly or intentionally violates Subsection (1) is guilty of a class A
- 200 misdemeanor.
- 201 (4) A person may not proceed past or travel through an inspection station or administrative
- 202 checkpoint, as described in Section 23A-10-301, while transporting a conveyance during
- 203 an inspection station's or administrative checkpoint's hours of operations without
- 204 presenting the conveyance for inspection.
- 205 (5) A person who violates Subsection (4) is guilty of a class B misdemeanor.
- 206 (6)(a)(i) The division shall provide a resident person who pays the aquatic invasive
- 207 species fee required by Subsection 23A-10-304(1)(a) an aquatic invasive species
- 208 decal to be displayed on the vessel for which the aquatic invasive species fee is
- 209 paid.
- 210 (ii) The division shall provide a nonresident person who pays the aquatic invasive
- 211 species fee required by Subsection 23A-10-304(2)(a) an aquatic invasive species
- 212 decal to be displayed on the vessel for which the aquatic invasive species fee is
- 213 paid.
- 214 (b) A person shall display the aquatic invasive species decal obtained under this
- 215 Subsection (6) on the bow of the vessel's port side six inches aft of the vessel's
- 216 registration decal.
- 217 (7) A person renting or leasing a conveyance from a boat livery is subject to the
- 218 requirements of this section except that the person is exempt from:
- 219 (a) paying an aquatic invasive species fee required under Subsection 23A-10-304(1) or
- 220 (2);
- 221 (b) displaying an aquatic invasive species decal in accordance with Subsection (6); or
- 222 (c) decontaminating a conveyance if the owner of the boat livery is required to
- 223 decontaminate the conveyance under this section or Section 23A-10-306.
- 224 Section 4. Section **23A-10-202** is amended to read:
- 225 **23A-10-202 . Reporting of invasive species required.**

226 (1) A person who discovers [~~a Dreissena~~] an invasive mussel within this state or has reason
 227 to believe [~~a Dreissena~~] an invasive mussel may exist at a specific location shall
 228 immediately report the discovery to the division.

229 (2) A person who violates Subsection (1) is guilty of a class A misdemeanor.

230 Section 5. Section **23A-10-301** is amended to read:

231 **23A-10-301 . Division's power to prevent invasive species infestation.**

232 To eradicate and prevent the infestation of [~~a Dreissena~~] an invasive mussel, the division
 233 may:

234 (1)(a) establish inspection stations located at or along:

235 (i) [~~highways~~] a highway, as defined in Section 72-1-102;

236 (ii) [~~ports~~] a port of entry, if the Department of Transportation authorizes the division
 237 to use the port of entry; and

238 (iii) a publicly accessible:

239 (A) boat [~~ramps; and~~] ramp; or

240 (B) conveyance launch [~~sites~~] site; and

241 (b) temporarily stop, detain, and inspect a conveyance or equipment that:

242 (i) the division reasonably believes is in violation of Section 23A-10-201;

243 (ii) the division reasonably believes is in violation of Section 23A-10-305;

244 (iii) is stopped at an inspection station; or

245 (iv) is stopped at an administrative checkpoint;

246 (2) conduct an administrative checkpoint in accordance with Section 77-23-104;

247 (3) detain and quarantine a conveyance or equipment as provided in Section 23A-10-302;

248 (4) order a person to decontaminate a conveyance or equipment; and

249 (5) in coordination with the Division of Wildlife Resources that conducts biological
 250 sampling, inspect the following that may contain [~~a Dreissena~~] an invasive mussel:

251 (a) a water body;

252 (b) a facility; and

253 (c) a water supply system.

254 Section 6. Section **23A-10-302** is amended to read:

255 **23A-10-302 . Conveyance or equipment detainment or quarantine.**

256 (1) The division, a port-of-entry agent, a natural resources officer, or a peace officer may
 257 detain or quarantine a conveyance or equipment if:

258 (a) the division, agent, natural resources officer, or peace officer:

259 (i) finds the conveyance or equipment contains [~~a Dreissena~~] an invasive mussel; or

- 260 (ii) reasonably believes that the person transporting the conveyance or equipment is
261 in violation of Section 23A-10-201; or
- 262 (b) the person transporting the conveyance or equipment refuses to submit to an
263 inspection authorized by Section 23A-10-301.
- 264 (2) The detainment or quarantine authorized by Subsection (1) may continue for:
- 265 (a) up to five days; or
- 266 (b) the period of time necessary to:
- 267 (i) decontaminate the conveyance or equipment; and
- 268 (ii) ensure that [~~a Dreissena~~] an invasive mussel is not living on or in the conveyance
269 or equipment.

270 Section 7. Section **23A-10-303** is amended to read:

271 **23A-10-303 . Closing a water body, facility, or water supply system.**

- 272 (1) Except as provided by Subsection (6), if the [~~division~~] Division of Wildlife Resources
273 detects or suspects [~~a Dreissena~~] an invasive mussel is present in a water body, a facility,
274 or a water supply system, the director or the director's designee may, with the
275 concurrence of the executive director, order:
- 276 (a) the water body, facility, or water supply system closed to a conveyance or equipment;
- 277 (b) restricted access by a conveyance or equipment to a water body, facility, or water
278 supply system; or
- 279 (c) a conveyance or equipment that is removed from or introduced to the water body,
280 facility, or water supply system to be inspected, quarantined, or decontaminated in a
281 manner and for a duration necessary to detect and prevent the infestation of [~~a~~
282 ~~Dreissena~~] an invasive mussel.
- 283 (2) If a closure authorized by Subsection (1) lasts longer than seven days, the [~~division~~]
284 Division of Wildlife Resources shall:
- 285 (a) provide a written update to the operator of the water body, facility, or water supply
286 system every 10 days on the [~~division's~~] Division of Wildlife Resources' effort to
287 address the [~~Dreissena~~] invasive mussel infestation; and
- 288 (b) post the update on the [~~division's~~] Division of Wildlife Resources' website.
- 289 (3)(a) The Wildlife Board shall develop procedures to ensure proper notification of a
290 state, federal, or local agency that is affected by [~~a Dreissena~~] an invasive mussel
291 infestation.
- 292 (b) The notification shall include:
- 293 (i) the reasons for the closure, quarantine, or restriction; and

- 294 (ii) methods for providing updated information to the agency.
- 295 (4) When deciding the scope, duration, level, and type of restriction or a quarantine or
 296 closure location, the director shall consult with the person with the jurisdiction, control,
 297 or management responsibility over the water body, facility, or water supply system to
 298 avoid or minimize disruption of economic and recreational activity.
- 299 (5)(a) A person that operates a water supply system shall cooperate with the [~~division~~]
 300 Division of Wildlife Resources to implement a measure to:
- 301 (i) avoid infestation by [~~a Dreissena~~] an invasive mussel; and
- 302 (ii) control or eradicate [~~a Dreissena~~] an invasive mussel infestation that may occur in
 303 a water supply system.
- 304 (b)(i) If [~~a Dreissena~~] an invasive mussel is detected, the water supply system's
 305 operator, in cooperation with the [~~division~~] Division of Wildlife Resources, shall
 306 prepare and implement a plan to control or eradicate [~~a Dreissena~~] an invasive
 307 mussel within the water supply system.
- 308 (ii) A plan required by Subsection (5)(b)(i) shall include a:
- 309 (A) method for determining the scope and extent of the infestation;
- 310 (B) method to control or eradicate the [~~Dreissena~~] invasive mussel;
- 311 (C) method to decontaminate the water supply system containing the [~~Dreissena~~]
 312 invasive mussel;
- 313 (D) systematic monitoring program to determine a change in the infestation; and
- 314 (E) requirement to update or revise the plan in conformity with a scientific
 315 advance in the method of controlling or eradicating [~~a Dreissena~~] an invasive
 316 mussel.
- 317 (6)(a) The [~~division~~] Division of Wildlife Resources may not close or quarantine a water
 318 supply system if the operator has prepared and implemented a plan to control or
 319 eradicate [~~a Dreissena~~] an invasive mussel in accordance with Subsection (5).
- 320 (b)(i) The [~~division~~] Division of Wildlife Resources may require the operator to
 321 update a plan.
- 322 (ii) If the operator fails to update or revise a plan, the [~~division~~] Division of Wildlife
 323 Resources may close or quarantine the water supply system in accordance with
 324 this section.
- 325 Section 8. Section **23A-10-304** is amended to read:
- 326 **23A-10-304 . Aquatic invasive species fee -- Exceptions -- Launching or operating**
 327 **a vessel -- Rulemaking.**

- 328 (1)(a) Except as described in Subsection (3), there is imposed an annual resident aquatic
329 invasive species fee of \$20 on a vessel required to be registered under Section 73-18-7.
330 (b) The division shall:
- 331 (i) collect the aquatic invasive species fee imposed under Subsection (1)(a)~~;~~ ;
332 ~~[(A) in cooperation with the Division of Outdoor Recreation and in conjunction~~
333 ~~with the registration process described in Section 73-18-7; or]~~
334 ~~[(B) through a division process if the vessel owner elects to not pay the aquatic~~
335 ~~invasive species fee in conjunction with the registration process;]~~
336 (ii) deposit the aquatic invasive species fee into the Aquatic Invasive Species
337 Interdiction Account created in Section ~~[23A-3-211]~~ 79-2-706; and
338 (iii) administer the aquatic invasive species fee in accordance with this section.
- 339 (c) The aquatic invasive species fee imposed under this Subsection (1) is in addition to
340 and is separate from a registration fee described in Section 73-18-7.
- 341 (2)(a) Except as provided in Subsection (3), there is imposed an annual nonresident
342 aquatic invasive species fee of \$25 on a vessel to launch or operate a vessel in waters
343 of this state if:
- 344 (i) the vessel is owned by a nonresident; and
345 (ii) the vessel would otherwise be subject to registration requirements under Section
346 73-18-7 if the vessel were owned by a resident of this state.
- 347 (b) The division shall:
- 348 (i) collect and administer an aquatic invasive species fee described in Subsection
349 (2)(a) in accordance with this section; and
350 (ii) deposit the aquatic invasive species fee collected under this Subsection (2) into
351 the Aquatic Invasive Species Interdiction Account created in Section ~~[23A-3-211]~~
352 79-2-706.
- 353 (3)(a) Subsections (1) and (2) do not apply if the vessel is:
- 354 (i) ~~[-]owned and operated by a [state or]federal, state, or political subdivision~~
355 ~~government agency; and[- the vessel is]~~
356 (ii) ~~[-]used within the course and scope of the duties of the government agency.~~
- 357 (b) A resident or nonresident owner or operator of a nonmotorized vessel or inflatable
358 motorboat is exempt from this section before launching or operating a nonmotorized
359 vessel or inflatable motorboat on the waters of this state.
- 360 (c) A person renting or leasing a vessel from a boat livery:
361 (i) is not required to pay the aquatic invasive species fee described in Subsection (1)

- 362 or (2); and
- 363 (ii) is required to complete an aquatic invasive species education course described in
- 364 Subsection (4)(a)(ii) through the boat livery under Subsection 23A-10-306(2)
- 365 unless exempt under Subsection (3)(b) or Subsection 23A-10-306(3).
- 366 (4)(a) Before launching or operating a vessel on the waters of this state:
- 367 ~~[(a)]~~ ~~(i)~~~~(i)~~ (A) a resident owner shall pay the aquatic invasive species fee as
- 368 described in Subsection (1); and
- 369 ~~[(ii)]~~ (B) a nonresident owner shall pay the aquatic invasive species fee as
- 370 described in Subsection (2); and
- 371 ~~[(b)]~~ ~~(ii)~~ ~~[the resident or nonresident vessel owner]~~ an individual who is 12 years old
- 372 or older who operates a vessel shall successfully complete once every calendar
- 373 year an aquatic invasive species education course [offered] approved by the
- 374 division.
- 375 (b) The division shall approve proof of completion of the aquatic invasive species
- 376 education course described in Subsection (4)(a)(ii) upon an individual successfully
- 377 completing the aquatic invasive species education course. The proof of completion
- 378 expires the day after December 31 in the calendar year in which the operator
- 379 completes the aquatic invasive species education course.
- 380 (c) An individual operating a vessel who is required to complete the aquatic invasive
- 381 species education course described in Subsection (4)(a)(ii) shall provide the proof
- 382 described in Subsection (4)(b) to a natural resources officer or other peace officer
- 383 upon request.
- 384 (d) An individual operating a vessel is not required to complete the aquatic invasive
- 385 species education course described in Subsection (4)(a)(ii) if:
- 386 (i) the individual is operating the vessel on the Great Salt Lake; and
- 387 (ii) while operating the vessel the individual is engaged in an activity authorized by a
- 388 certificate of registration to harvest brine shrimp and brine shrimp eggs issued by
- 389 the Division of Wildlife Resources.
- 390 (5) Notwithstanding the fee amount described in Subsections (1) and (2), the Wildlife
- 391 Board may increase resident and nonresident aquatic invasive species fees assessed
- 392 under this section, so long as:
- 393 (a) the aquatic invasive species fee for nonresidents described in Subsection (2) is no
- 394 less than the resident aquatic invasive species fee described in Subsection (1); and
- 395 (b) the aquatic invasive species fee is confirmed in the legislative fee schedule.

396 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
397 Wildlife Board may make rules establishing procedures for:

- 398 (a) proof of payment and other methods of verifying compliance with this section;
399 (b) special requirements applicable on interstate water bodies in this state; and
400 (c) other provisions necessary for the administration of the program.

401 Section 9. Section **23A-10-306** is enacted to read:

402 **23A-10-306 . Boat livery requirements.**

403 (1) The owner of a boat livery or an employee, agent, or independent contractor of the
404 owner may not:

- 405 (a) knowingly, intentionally, or recklessly alter or misrepresent decontamination records,
406 timelines, or devices;
407 (b) fail to decontaminate a conveyance or equipment when required to under Section
408 23A-10-201;
409 (c) fail to pay the annual aquatic invasive species fee as required in Section 23A-10-304;
410 (d) fail to display the aquatic invasive species decal as required in Section 23A-10-201;
411 or
412 (e) violate Subsection 73-18-10(1)(a)(iii).

413 (2) Before renting or leasing a conveyance, the owner of a boat livery shall:

- 414 (a) require the person renting or leasing the conveyance to complete the aquatic invasive
415 species education course required in Subsection 23A-10-304(4), unless the person is
416 exempt from the requirement under Subsection (3) or Subsection 23A-10-304(3); and
417 (b) provide the person renting or leasing the conveyance proof of completion of the
418 aquatic invasive education course.

419 (3)(a) An owner of a boat livery is exempt from Subsection (2) if the owner of the boat
420 livery or person renting or leasing a conveyance does not transport on a highway the
421 conveyance after being rented or leased and before the conveyance is used by the
422 person renting or leasing the conveyance.

423 (b) An owner of a boat livery is exempt from Subsection (2) if:

- 424 (i) the conveyance being rented or leased is transported by the owner of the boat
425 livery to a water body;
426 (ii) the person renting or leasing the conveyance does not operate the conveyance;
427 (iii) the owner of the boat livery rents or leases the conveyance under the condition
428 that the livery owner, the livery owner's agent, an independent contractor, or
429 employee of the livery owner operates the conveyance; and

430 (iv) the person operating the conveyance under this Subsection (3)(b) has taken the
 431 aquatic invasive species education course as required in Subsection 23A-10-303(4).

432 (4) A person who violates this section is guilty of a class B misdemeanor in accordance
 433 with Section 23A-5-301.

434 Section 10. Section **23A-10-401** is amended to read:

435 **23A-10-401 . Rulemaking authority.**

436 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 437 Wildlife Board may make rules that:

- 438 (1) establish the procedures and requirements for decontaminating a conveyance or
 439 equipment to prevent the introduction and infestation of [~~a Dreissena~~] an invasive mussel;
 440 (2) establish the requirements necessary to provide proof that a conveyance or equipment is
 441 decontaminated;
 442 (3) establish the notification procedures required in Section 23A-10-303;
 443 (4) identify the geographic area, water body, facility, or water supply system that is infested
 444 by [~~Dreissena~~] invasive mussels;
 445 (5) establish a procedure and protocol in cooperation with the Department of Transportation
 446 for stopping, inspecting, detaining, and decontaminating a conveyance or equipment at a
 447 port-of-entry in accordance with Section 23A-10-301; and
 448 (6) are necessary to administer and enforce this chapter.

449 Section 11. Section **23A-10-501** is amended to read:

450 **23A-10-501 . Aquatic invasive species emergency response plan.**

- 451 (1) As used in this section:
 452 (a) "Committee" means the Natural Resources, Agriculture, and Environment Interim
 453 Committee.
 454 (b) "Emergency response plan" means the statewide aquatic invasive species emergency
 455 response plan developed by the division in accordance with this part.
 456 (2) The division shall develop a statewide aquatic invasive species emergency response
 457 plan to address the potential spread of aquatic invasive species throughout the state.
 458 (3) In developing the emergency response plan, the division shall coordinate with the
 459 Division of Wildlife Resources and other public and private entities that may be
 460 necessary or helpful to remediating the potential spread of aquatic invasive species
 461 throughout the state.
 462 (4) The emergency response plan shall:
 463 (a) designate the division as the entity that coordinates the implementation of the

- 464 emergency response plan;
- 465 (b) provide for annual review of the emergency response plan by the division;
- 466 (c) provide that the emergency response plan may only be implemented if the division
- 467 detects aquatic invasive species, including [~~Dreissena~~] invasive mussels, at a water
- 468 body, facility, or water supply system within the state; and
- 469 (d) define what constitutes a detection of aquatic invasive species at a water body,
- 470 facility, or water supply system.
- 471 (5) If an event requires the implementation of the emergency response plan, the division
- 472 shall report on that event and the implementation of the emergency response plan to the
- 473 committee.

474 Section 12. Section **63A-17-502** is amended to read:

475 **63A-17-502 . Overtime policies for state employees.**

- 476 (1) As used in this section:
- 477 (a) "Accrued overtime hours" means:
- 478 (i) for a nonexempt employee, overtime hours earned during a fiscal year that, at the
- 479 end of the fiscal year, have not been paid and have not been taken as time off by
- 480 the nonexempt state employee who accrued them; and
- 481 (ii) for an exempt employee, overtime hours earned during an overtime year.
- 482 (b) "Appointed official" means:
- 483 (i) each department executive director and deputy director, each division director, and
- 484 each member of a board or commission; and
- 485 (ii) any other person employed by a department who is appointed by, or whose
- 486 appointment is required by law to be approved by, the governor and who:
- 487 (A) is paid a salary by the state; and
- 488 (B) who exercises managerial, policy-making, or advisory responsibility.
- 489 (c) "Department" means, except as otherwise provided in this section, the Department of
- 490 Government Operations, the Department of Corrections, the Department of Financial
- 491 Institutions, the Department of Alcoholic Beverage Services, the Insurance
- 492 Department, the Public Service Commission, the Labor Commission, the Department
- 493 of Agriculture and Food, the Department of Human Services, the Department of
- 494 Natural Resources, the Department of Transportation, the Department of Commerce,
- 495 the Department of Workforce Services, the State Tax Commission, the Department of
- 496 Cultural and Community Engagement, the Department of Health, the National Guard,
- 497 the Department of Environmental Quality, the Department of Public Safety, the

- 498 Commission on Criminal and Juvenile Justice, all merit employees except attorneys
 499 in the Office of the Attorney General, merit employees in the Office of the State
 500 Treasurer, merit employees in the Office of the State Auditor, Department of
 501 Veterans and Military Affairs, and the Board of Pardons and Parole.
- 502 (d) "Elected official" means any person who is an employee of the state because the
 503 person was elected by the registered voters of Utah to a position in state government.
- 504 (e) "Exempt employee" means a state employee who is exempt as defined by the FLSA.
- 505 (f) "FLSA" means the Fair Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.
- 506 (g) "FLSA agreement" means the agreement authorized by the FLSA by which a
 507 nonexempt employee elects the form of compensation the nonexempt employee will
 508 receive for overtime.
- 509 (h) "Nonexempt employee" means a state employee who is nonexempt as defined by the
 510 division applying FLSA requirements.
- 511 (i) "Overtime" means actual time worked in excess of an employee's defined work
 512 period.
- 513 (j) "Overtime year" means the year determined by a department under Subsection (5)(b)
 514 at the end of which an exempt employee's accrued overtime lapses.
- 515 (k) "State employee" means every person employed by a department who is not:
- 516 (i) an appointed official;
- 517 (ii) an elected official; or
- 518 (iii) a member of a board or commission who is paid only for per diem or travel
 519 expenses.
- 520 (l) "Uniform annual date" means the date when an exempt employee's accrued overtime
 521 lapses.
- 522 (m) "Work period" means:
- 523 (i) for a nonexempt employee, except a nonexempt law enforcement or hospital
 524 employee, a consecutive seven day, 24 hour work period of 40 hours;
- 525 (ii) for an exempt employee, a 14 day, 80 hour payroll cycle;
- 526 (iii) for a nonexempt hospital employee, the period the division establishes by rule
 527 according to the requirements of the FLSA; or
- 528 (iv) for a nonexempt law enforcement employee as defined in the FLSA[;]
 529 [~~(A) who is employed by the Department of Natural Resources, the period the~~
 530 ~~division establishes by rule according to the requirements of the FLSA; or]~~
 531 [~~(B) who is employed by a department other than the Department of Natural~~

532 Resources], the period the division establishes by rule in accordance with
533 Subsection (2).

534 (2) [~~Except for the Department of Natural Resources, the~~] The division shall require each
535 department employing a nonexempt law enforcement employee to designate one of the
536 following work periods applicable to that employee:

537 (a) 80 hours in a 14 consecutive day payroll cycle; or

538 (b) 160 hours in a 28 consecutive day payroll cycle.

539 (3) Each department shall compensate each state employee who works overtime by
540 complying with the requirements of this section.

541 (4)(a) Each department shall negotiate and obtain a signed FLSA agreement from each
542 nonexempt employee.

543 (b) In the FLSA agreement, the nonexempt employee shall elect either to be
544 compensated for overtime by:

545 (i) taking time off work at the rate of one and one-half hour off for each overtime
546 hour worked; or

547 (ii) being paid for the overtime worked at the rate of one and one-half times the
548 employee's regular hourly wage.

549 (c) A nonexempt employee who elects to take time off under this Subsection (4) shall be
550 paid for any overtime worked in excess of the cap established by the division.

551 (d) Before working any overtime, a nonexempt employee shall obtain authorization to
552 work overtime from the employee's immediate supervisor.

553 (e) Each department shall:

554 (i) for an employee who elects to be compensated with time off for overtime, allow
555 overtime earned during a fiscal year to be accumulated; and

556 (ii) for an employee who elects to be paid for overtime worked, pay them for
557 overtime worked in the paycheck for the pay period in which the employee
558 worked the overtime.

559 (f) If a department pays a nonexempt employee for overtime, that department shall
560 charge that payment to that department's budget.

561 (g) At the end of each fiscal year, the Division of Finance shall total all the accrued
562 overtime hours for nonexempt employees and charge that total against the
563 appropriate fund or subfund.

564 (5)(a)(i) Except as provided in Subsection (5)(a)(ii), each department shall
565 compensate each exempt employee who works overtime by granting the employee

- 566 time off at the rate of one hour off for each hour of overtime worked.
- 567 (ii) The director of the division may grant limited exceptions to the compensation
568 requirement described in Subsection (5)(a)(i), where work circumstances dictate,
569 by authorizing a department to pay an exempt employee for overtime worked at
570 the employee's regular hourly wage if that department has funds available.
- 571 (b)(i) Each department shall:
- 572 (A) establish in its written human resource policies a uniform annual date for each
573 division that is at the end of any pay period; and
- 574 (B) communicate the uniform annual date to its employees.
- 575 (ii) If any department fails to establish a uniform annual date as required by this
576 Subsection (5), the director of the division, in conjunction with the director of the
577 Division of Finance, shall establish the date for that department.
- 578 (c) The overtime authorized for an exempt employee under this Subsection (5) is not an
579 entitlement, a benefit, or a vested right.
- 580 (d) At the end of the overtime year, upon transfer to another department at any time, and
581 upon termination, retirement, or other situations where the employee will not return
582 to work before the end of the overtime year:
- 583 (i) any of an exempt employee's overtime that is more than the maximum established
584 by division rule lapses; and
- 585 (ii) unless authorized by the director of the division under Subsection (5)(a)(ii), a
586 department may not compensate the exempt employee for that lapsed overtime by
587 paying the employee for the overtime or by granting the employee time off for the
588 lapsed overtime.
- 589 (e) Before working any overtime, each exempt employee shall obtain authorization to
590 work overtime from the exempt employee's immediate supervisor.
- 591 (f) If a department pays an exempt employee for overtime under authorization from the
592 director of the division, that department shall charge that payment to that
593 department's budget in the pay period earned.
- 594 (6) The division shall:
- 595 (a) ensure that the provisions of the FLSA and this section are implemented throughout
596 state government;
- 597 (b) determine, for each state employee, whether the employee is exempt, nonexempt,
598 law enforcement, or has some other status under the FLSA;
- 599 (c) in coordination with modifications to the systems operated by the Division of

- 600 Finance, make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
601 Rulemaking Act:
- 602 (i) establishing procedures for recording overtime worked that comply with FLSA
603 requirements;
 - 604 (ii) establishing requirements governing overtime worked while traveling and
605 procedures for recording that overtime that comply with FLSA requirements;
 - 606 (iii) establishing requirements governing overtime worked if the employee is "on
607 call" and procedures for recording that overtime that comply with FLSA
608 requirements;
 - 609 (iv) establishing requirements governing overtime worked while an employee is
610 being trained and procedures for recording that overtime that comply with FLSA
611 requirements;
 - 612 (v) subject to the FLSA and Subsection (2), establishing the maximum number of
613 hours that a nonexempt employee may accrue before a department is required to
614 pay the employee for the overtime worked;
 - 615 (vi) subject to the FLSA, establishing the maximum number of overtime hours for an
616 exempt employee that do not lapse; and
 - 617 (vii) establishing procedures for adjudicating appeals of an FLSA determination
618 made by the division as required by this section;
- 619 (d) monitor departments for compliance with the FLSA; and
- 620 (e) recommend to the Legislature and the governor any statutory changes necessary
621 because of federal government action.
- 622 (7)(a) In coordination with the procedures for recording overtime worked established in
623 rule by the division, the Division of Finance shall modify its payroll and human
624 resource systems to accommodate those procedures.
- 625 (b) Notwithstanding the procedures and requirements of Title 63G, Chapter 4,
626 Administrative Procedures Act, Section 63A-17-602, and Section 67-19a-301, an
627 employee who is aggrieved by the FLSA designation made by the division as
628 required by this section may appeal that determination to the director of the division
629 by following the procedures and requirements established in division rule.
- 630 (c) Upon receipt of an appeal under this section, the director shall notify the executive
631 director of the employee's department that the appeal has been filed.
- 632 (d) If the employee is aggrieved by the decision of the director, the employee shall
633 appeal that determination to the Department of Labor, Wage and Hour Division,

634 according to the procedures and requirements of federal law.

635 Section 13. Section **63J-1-602.1** is amended to read:

636 **63J-1-602.1 . List of nonlapsing appropriations from accounts and funds.**

637 Appropriations made from the following accounts or funds are nonlapsing:

- 638 (1) The Native American Repatriation Restricted Account created in Section 9-9-407.
- 639 (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as
640 provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.
- 641 (3) Funds collected for directing and administering the C-PACE district created in Section
642 11-42a-106.
- 643 (4) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.
- 644 (5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.
- 645 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section
646 19-2a-106.
- 647 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
648 Section 19-5-126.
- 649 (8) State funds for matching federal funds in the Children's Health Insurance Program as
650 provided in Section 26B-3-906.
- 651 (9) Funds collected from the program fund for local health department expenses incurred in
652 responding to a local health emergency under Section 26B-7-111.
- 653 (10) The Technology Development Restricted Account created in Section 31A-3-104.
- 654 (11) The Criminal Background Check Restricted Account created in Section 31A-3-105.
- 655 (12) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the
656 extent that Section 31A-3-304 makes the money received under that section free revenue.
- 657 (13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
- 658 (14) The Health Insurance Actuarial Review Restricted Account created in Section
659 31A-30-115.
- 660 (15) The State Mandated Insurer Payments Restricted Account created in Section
661 31A-30-118.
- 662 (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- 663 (17) The Underage Drinking Prevention Media and Education Campaign Restricted
664 Account created in Section 32B-2-306.
- 665 (18) The School Readiness Restricted Account created in Section 35A-15-203.
- 666 (19) Money received by the Utah State Office of Rehabilitation for the sale of certain
667 products or services, as provided in Section 35A-13-202.

- 668 (20) The Property Loss Related to Homelessness Compensation Enterprise Fund created in
669 Section 35A-16-212.
- 670 (21) The Homeless Shelter Cities Mitigation Restricted Account created in Section
671 35A-16-402.
- 672 (22) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 673 (23) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 674 (24) The Division of Oil, Gas, and Mining Restricted account created in Section 40-6-23.
- 675 (25) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the
676 Motor Vehicle Division.
- 677 (26) The License Plate Restricted Account created by Section 41-1a-122.
- 678 (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
679 created by Section 41-3-110 to the State Tax Commission.
- 680 (28) The State Disaster Recovery Restricted Account to the Division of Emergency
681 Management, as provided in Section 53-2a-603.
- 682 (29) The Disaster Response, Recovery, and Mitigation Restricted Account created in
683 Section 53-2a-1302.
- 684 (30) The Emergency Medical Services Critical Needs Account created in Section 53-2d-110.
- 685 (31) The Department of Public Safety Restricted Account to the Department of Public
686 Safety, as provided in Section 53-3-106.
- 687 (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.
- 688 (33) The DNA Specimen Restricted Account created in Section 53-10-407.
- 689 (34) The Technical Colleges Capital Projects Fund created in Section 53H-9-605.
- 690 (35) The Higher Education Capital Projects Fund created in Section 53H-9-502.
- 691 (36) A certain portion of money collected for administrative costs under the School
692 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 693 (37) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject
694 to Subsection 54-5-1.5(4)(d).
- 695 (38) Funds collected from a surcharge fee to provide certain licensees with access to an
696 electronic reference library, as provided in Section 58-3a-105.
- 697 (39) Certain fines collected by the Division of Professional Licensing for violation of
698 unlawful or unprofessional conduct that are used for education and enforcement
699 purposes, as provided in Section 58-17b-505.
- 700 (40) Funds collected from a surcharge fee to provide certain licensees with access to an
701 electronic reference library, as provided in Section 58-22-104.

- 702 (41) Funds collected from a surcharge fee to provide certain licensees with access to an
703 electronic reference library, as provided in Section 58-55-106.
- 704 (42) Funds collected from a surcharge fee to provide certain licensees with access to an
705 electronic reference library, as provided in Section 58-56-3.5.
- 706 (43) Certain fines collected by the Division of Professional Licensing for use in education
707 and enforcement of the Security Personnel Licensing Act, as provided in Section
708 58-63-103.
- 709 (44) The Relative Value Study Restricted Account created in Section 59-9-105.
- 710 (45) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 711 (46) Funds paid to the Division of Real Estate for the cost of a criminal background check
712 for a mortgage loan license, as provided in Section 61-2c-202.
- 713 (47) Funds paid to the Division of Real Estate for the cost of a criminal background check
714 for principal broker, associate broker, and sales agent licenses, as provided in Section
715 61-2f-204.
- 716 (48) Certain funds donated to the Department of Health and Human Services, as provided
717 in Section 26B-1-202.
- 718 (49) Certain funds donated to the Division of Child and Family Services, as provided in
719 Section 80-2-404.
- 720 (50) Funds collected by the Office of Administrative Rules for publishing, as provided in
721 Section 63G-3-402.
- 722 (51) The Immigration Act Restricted Account created in Section 63G-12-103.
- 723 (52) Money received by the military installation development authority, as provided in
724 Section 63H-1-504.
- 725 (53) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.
- 726 (54) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.
- 727 (55) The Utah Capital Investment Restricted Account created in Section 63N-6-204.
- 728 (56) The Motion Picture Incentive Account created in Section 63N-8-103.
- 729 (57) Funds collected by the housing of state probationary inmates or state parole inmates, as
730 provided in Subsection 64-13e-104(2).
- 731 (58) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and
732 State Lands, as provided in Section 65A-8-103.
- 733 (59) The following funds or accounts created in Section 72-2-124:
- 734 (a) Transportation Investment Fund of 2005;
- 735 (b) Transit Transportation Investment Fund;

- 736 (c) Cottonwood Canyons Transportation Investment Fund;
 737 (d) Active Transportation Investment Fund; and
 738 (e) Commuter Rail Subaccount.
- 739 (60) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.
 740 (61) Certain funds received by the Office of the State Engineer for well drilling fines or
 741 bonds, as provided in Section 73-3-25.
- 742 (62) The Water Resources Conservation and Development Fund, as provided in Section
 743 73-23-2.
- 744 (63) Award money under the State Asset Forfeiture Grant Program, as provided under
 745 Section 77-11b-403.
- 746 (64) Funds donated or paid to a juvenile court by private sources, as provided in Subsection
 747 78A-6-203(1)(c).
- 748 (65) Fees for certificate of admission created under Section 78A-9-102.
- 749 (66) Funds collected for adoption document access as provided in Sections 81-13-103,
 750 81-13-504, and 81-13-505.
- 751 (67) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah
 752 Indigent Defense Commission.
- 753 (68) The Utah Geological Survey Restricted Account created in Section 79-3-403.
- 754 (69) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park,
 755 and Green River State Park, as provided under Section 79-4-403.
- 756 (70) Certain funds received by the Division of State Parks from the sale or disposal of [
 757 ~~buffalo~~] bison, as provided under Section 79-4-1001.

758 Section 14. Section **73-1-22** is enacted to read:

759 **73-1-22 . Litigation expenses.**

760 The Department of Natural Resources may fund general litigation expenses and other
 761 costs incurred by the state related to litigation concerning the state's interests in water,
 762 including interests related to conservation, the right to use water, and the development of water
 763 resources.

764 Section 15. Section **73-2-11** is amended to read:

765 **73-2-11 . Records -- Certified copies -- Evidence.**

766 (1) The state engineer shall keep on file in the state engineer's office a full and proper [
 767 records] record, in physical or electronic form, of the state engineer's work, including [all
 768 field notes, computations and facts made or collected by the state engineer, all of which
 769 shall be part of the records of the state engineer's office and the property of the state. All

- 770 records, maps and papers] the following made or collected by the state engineer:
- 771 (a) a field note;
- 772 (b) a computation; or
- 773 (c) a fact.
- 774 (2) Subject to Subsection (3), a record, including a map or document, whether physical or
- 775 electronic, recorded or filed in the office of the state engineer [shall be open to the public
- 776 during business hours] is a public record.
- 777 (3) A record described in Subsection (1) or (2) is:
- 778 (a) a record of the state engineer's office;
- 779 (b) property of the state; and
- 780 (c) made public by the state engineer, except a record classified as private, controlled, or
- 781 protected in accordance with Title 63G, Chapter 2, Government Records Access and
- 782 Management Act, and this title.
- 783 (4) The office of the state engineer is [hereby declared to be] an office of public record, and [
- 784 none of the files, records or documents shall be removed therefrom] a file or record may
- 785 not be removed from the office of the state engineer, except in the custody of the state
- 786 engineer or one of the state engineer's deputies. [Certified copies of any record or
- 787 document shall be furnished by the state engineer]
- 788 (5)(a) The state engineer shall furnish a certified copy of a record on demand, upon
- 789 payment of the reasonable cost of making the [same] certified copy, together with the
- 790 legal fee for certification. [Such copies shall be]
- 791 (b) A certified copy under this Subsection (5) is competent evidence, and [shall have] has
- 792 the same force and effect as the [originals] original.

793 Section 16. Section **73-3-8** is amended to read:

794 **73-3-8 . Approval or rejection of application -- Requirements for approval --**

795 **Application for specified period of time -- Filing of royalty contract for removal of salt or**

796 **minerals -- Request for agency action.**

- 797 (1)(a) ~~[It shall be the duty of the state engineer to]~~ The state engineer shall approve an
- 798 application if there is reason to believe that:
- 799 (i) for an application to appropriate, there is unappropriated water in the proposed
- 800 source;
- 801 (ii) the proposed use will not impair existing rights or interfere with the more
- 802 beneficial use of the water;
- 803 (iii) the proposed plan:

- 804 (A) is physically and economically feasible, unless the application is filed by the
805 United States Bureau of Reclamation; and
- 806 (B) would not prove detrimental to the public welfare;
- 807 (iv) the applicant has the financial ability to complete the proposed works;
- 808 (v) the application was filed in good faith and not for purposes of speculation or
809 monopoly; and
- 810 (vi) if applicable, the application complies with a groundwater management plan
811 adopted under Section 73-5-15.
- 812 (b) If the state engineer, because of information in the state engineer's possession
813 obtained either by the state engineer's own investigation or otherwise, has reason to
814 believe that an application will interfere with the water's more beneficial use for
815 irrigation, municipal and industrial, domestic or culinary, stock watering, power or
816 mining development, or manufacturing, or will unreasonably affect public recreation
817 or the natural stream environment, or will prove detrimental to the public welfare, the
818 state engineer shall withhold approval or rejection of the application until the state
819 engineer has investigated the matter.
- 820 (c) If an application does not meet the requirements of this section, it shall be rejected.
- 821 (2)(a) An application to appropriate water for industrial, power, mining development,
822 manufacturing purposes, agriculture, or municipal purposes may be approved for a
823 specific and certain period from the time the water is placed to beneficial use under
824 the application, but in no event may an application be granted for a period of time
825 less than that ordinarily needed to satisfy the essential and primary purpose of the
826 application or until the water is no longer available as determined by the state
827 engineer.
- 828 (b) At the expiration of the period fixed by the state engineer the water shall revert to the
829 public and is subject to appropriation as provided by this title.
- 830 (c) No later than 60 calendar days before the expiration date of the fixed time period, the
831 state engineer shall send notice by mail or by any form of electronic communication
832 through which receipt is verifiable, to the applicant of record.
- 833 (d) Except as provided by Subsection (2)(e), the state engineer may extend any limited
834 water right upon a showing that:
- 835 (i) the essential purpose of the original application has not been satisfied;
- 836 (ii) the need for an extension is not the result of any default or neglect by the
837 applicant; and

- 838 (iii) the water is still available.
- 839 (e) An extension may not exceed the time necessary to satisfy the primary purpose of the
840 original application.
- 841 (f) A request for extension of the fixed time period must be filed in writing in the office
842 of the state engineer on or before the expiration date of the application.
- 843 (3)(a) Before the approval of any application to divert water from navigable lakes or
844 streams of the state that contemplates the recovery of salts and other minerals or
845 elements, as defined in Section 65A-17-101, therefrom by precipitation or otherwise,
846 the applicant shall file with the state engineer a copy of:
- 847 (i) a contract for the payment of royalties to the state; and
848 (ii) any mineral lease.
- 849 ~~[(b) The approval of an application shall be reversed if the applicant fails to comply with
850 terms of the royalty contract or mineral lease.]~~
- 851 (b) Upon written notice to the state engineer of termination or noncompliance of a
852 royalty contract or mineral lease described in Subsection (3)(a), the state engineer
853 shall:
- 854 (i) reverse the approval of an application; or
855 (ii) indicate on the water right in the records of the state engineer the default if the
856 written notice states that the royalty contract or mineral lease has a reversionary
857 provision related to the water right.
- 858 (4)(a) The state engineer shall investigate all temporary change applications.
- 859 (b) The state engineer shall:
- 860 (i) approve the temporary change if the state engineer finds there is reason to believe
861 that the temporary change will not impair an existing right; and
862 (ii) deny the temporary change if the state engineer finds there is reason to believe the
863 temporary change would impair an existing right.
- 864 (5)(a) With respect to a change application for a permanent or fixed time change:
- 865 (i) the state engineer shall follow the same procedures provided in this title for
866 approving an application to appropriate water; and
867 (ii) the rights and duties of a change applicant are the same as the rights and duties of
868 a person who applies to appropriate water under this title.
- 869 (b) The state engineer may waive notice for a permanent or fixed time change
870 application if the application only involves a change in point of diversion of 660 feet
871 or less.

- 872 (c) The state engineer may condition approval of a change application, including to:
- 873 (i) prevent an enlargement of the quantity of water depleted by the nature of the
- 874 proposed use when compared with the nature of the currently approved use of
- 875 water proposed to be changed; and
- 876 (ii) ensure that the recognition and subsequent use of saved water, as defined in
- 877 Section 73-3-3:
- 878 (A) is quantified, reported, and verified;
- 879 (B) does not lead to an enlargement of the depletion or diversion amounts in the
- 880 underlying water right that serves as the basis of the saved water, or an increase
- 881 in the authorized number of irrigated acres unless depletion is accounted for
- 882 and regulated in the condition;
- 883 (C) is limited to the net decrease in depletion and net reduction in diversion of the
- 884 underlying water right that serves as the basis of the saved water;
- 885 (D) is limited to the volume of water that will be sustained over time from the net
- 886 decrease in depletion or net reduction in diversion of the underlying water right
- 887 that serves as the basis of the saved water;
- 888 (E) does not violate an existing water agreement; and
- 889 (F) when based solely on a net reduction in diversion, the subsequent use is
- 890 limited to nonconsumptive beneficial uses and does not increase the depletion
- 891 allowed by the underlying water right that serves as the basis of the saved
- 892 water or otherwise cause quantity impairment to an existing water right when
- 893 the saved water is beneficially used separate from the underlying water right.
- 894 (d) Except for an application proposing to quantify saved water, a condition described in
- 895 Subsection (5)(c) may not include a reduction in the currently approved diversion
- 896 rate of water under the water right identified in the change application solely to
- 897 account for the difference in depletion under the nature of the proposed use when
- 898 compared with the nature of the currently approved use.
- 899 (6)(a) Except as provided in Subsection (6)(b), the state engineer shall reject a
- 900 permanent or fixed time change application if the person proposing to make the
- 901 change is unable to meet the burden described in Subsection 73-3-3(5).
- 902 (b) If otherwise proper, the state engineer may approve a change application upon one or
- 903 more of the following conditions:
- 904 (i) for part of the water involved;
- 905 (ii) that the applicant acquire a conflicting right; or

- 906 (iii) that the applicant provide and implement a plan approved by the state engineer to
907 mitigate impairment of an existing right.
- 908 (c)(i) There is a rebuttable presumption of quantity impairment, as defined in Section
909 73-3-3, to the extent that, for a period of at least seven consecutive years, a portion
910 of the right identified in a change application has not been:
- 911 (A) diverted from the approved point of diversion; or
912 (B) beneficially used at the approved place of use.
- 913 (ii) The rebuttable presumption described in Subsection (6)(c)(i) does not apply if the
914 beneficial use requirement is excused by:
- 915 (A) Subsection 73-1-4(2)(e);
916 (B) an approved nonuse application under Subsection 73-1-4(2)(b);
917 (C) Subsection 73-3-30(7); or
918 (D) the passage of time under Subsection 73-1-4(2)(c)(i).
- 919 (d) The state engineer may not consider quantity impairment based on the conditions
920 described in Subsection (6)(c) unless the issue is raised in a:
- 921 (i) timely protest that identifies which of the protestant's existing rights the protestant
922 reasonably believes will experience quantity impairment; or
923 (ii) written notice provided by the state engineer to the applicant within 90 days after
924 the change application is filed.
- 925 (e) The written notice described in Subsection (6)(d)(ii) shall:
- 926 (i) specifically identify an existing right the state engineer reasonably believes may
927 experience quantity impairment; and
928 (ii) be mailed to the owner of an identified right, as shown by the state engineer's
929 records, if the owner has not protested the change application.
- 930 (f) The state engineer is not required to include all rights the state engineer believes may
931 be impaired by the proposed change in the written notice described in Subsection
932 (6)(d)(ii).
- 933 (g) The owner of a right who receives the written notice described in Subsection
934 (6)(d)(ii) may not become a party to the administrative proceeding if the owner has
935 not filed a timely protest.
- 936 (h) If a change applicant, the protestants, and the persons identified by the state engineer
937 under Subsection [~~(6)(d)(ii)~~] (6)(d)(i) come to a written agreement regarding how the
938 issue of quantity impairment shall be mitigated, the state engineer may incorporate
939 the terms of the agreement into a change application approval.

940 Section 17. Section **73-3-30** is amended to read:

941 **73-3-30 . Change application for an instream flow -- Change application for**
942 **delivery to a reservoir.**

943 (1) As used in this section:

944 (a) "Colorado River System" means the same as that term is defined in Sections 73-12a-2
945 and 73-13-10.

946 (b) "Division" means the Division of Wildlife Resources created in Section 23A-2-201,
947 the Division of State Parks created in Section 79-4-201, or the Division of Forestry,
948 Fire, and State Lands created in Section 65A-1-4.

949 (c) "Person entitled to the use of water" means the same as that term is defined in
950 Section 73-3-3.

951 (d) "Sovereign lands" means the same as that term is defined in Section 65A-1-1.

952 (e) "Wildlife" means species of animals, including mammals, birds, fish, reptiles,
953 amphibians, mollusks, and crustaceans, that are protected or regulated by a statute,
954 law, regulation, ordinance, or administrative rule.

955 (2)(a) Pursuant to Section 73-3-3, a division may file a permanent change application, a
956 fixed time change application, or a temporary change application, or a person entitled
957 to the use of water may file a fixed time change application or a temporary change
958 application, to provide water within the state for:

959 (i) an instream flow within a specified section of a natural or altered stream; or

960 (ii) use on sovereign lands.

961 (b) The state engineer may not approve a change application filed under this Subsection

962 (2) unless the proposed instream flow or use on sovereign lands will contribute to:

963 (i) the propagation or maintenance of wildlife;

964 (ii) the management of state parks; or

965 (iii) the reasonable preservation or enhancement of the natural aquatic environment.

966 (c) A division may file a change application on:

967 (i) a [perfected] water right:

968 (A) presently owned by the division;

969 (B) purchased by the division for the purpose of providing water for an instream
970 flow or use on sovereign lands, through funding provided for that purpose by
971 legislative appropriation; or

972 (C) secured by lease, agreement, gift, exchange, or contribution; or

973 (ii) an appurtenant water right acquired with the acquisition of real property by the

- 974 division.
- 975 (d) A division may:
- 976 (i) purchase a water right for the purposes described in Subsection (2)(a) only with
- 977 funds specifically appropriated by the Legislature for water rights purchases; or
- 978 (ii) accept a donated water right without legislative approval.
- 979 (e) A division may not acquire water rights by eminent domain for an instream flow, use
- 980 on sovereign lands, or for any other purpose.
- 981 (3)(a) A person entitled to the use of water shall obtain a division director's approval of
- 982 the proposed change before filing a fixed time change application or a temporary
- 983 change application with the state engineer.
- 984 (b) By approving a proposed fixed time change application or temporary change
- 985 application, a division director attests that the water that is the subject of the
- 986 application can be used consistent with the statutory mandates of the director's
- 987 division.
- 988 (4)(a) Pursuant to Section 73-3-3, a person entitled to the use of water may file a fixed
- 989 time change application or a temporary change application for a project to deliver
- 990 water to a reservoir located partially or entirely within the Colorado River System in
- 991 the state in accordance with:
- 992 (i) Colorado River Drought Contingency Plan Authorization Act, Public Law 116-14;
- 993 (ii) a water conservation program funded by the Bureau of Reclamation; or
- 994 (iii) a water conservation program authorized by the state.
- 995 (b) Before filing a change application under this Subsection (4), a person entitled to the
- 996 use of water shall obtain the approval from the executive director of the Colorado
- 997 River Authority of Utah, appointed under Section 63M-14-401.
- 998 (c) By approving a proposed fixed time change application or temporary change
- 999 application, the executive director of the Colorado River Authority of Utah attests
- 1000 that the water that is the subject of the application can be used consistent with this
- 1001 section.
- 1002 (5) In addition to the requirements of Section 73-3-3, an application authorized by this
- 1003 section shall include:
- 1004 (a) a legal description of:
- 1005 (i) the segment of the natural or altered stream that will be the place of use for an
- 1006 instream flow;
- 1007 (ii) the location where the water will be used on sovereign lands; or

- 1008 (iii) the reservoir located partially or entirely within the Colorado River System in the
1009 state that the water will be delivered to; and
- 1010 (b) appropriate studies, reports, or other information required by the state engineer
1011 demonstrating:
- 1012 (i) the projected benefits to the public resulting from the change; and
1013 (ii) the necessity for the proposed instream flow or use on sovereign lands.
- 1014 (6) A person may not appropriate unappropriated water under Section 73-3-2 for the
1015 purpose of providing an instream flow or use on sovereign lands.
- 1016 (7) Water used in accordance with this section is considered to be beneficially used, as
1017 required by Section 73-3-1.
- 1018 (8) A physical structure or physical diversion from the stream is not required to implement
1019 a change under this section.
- 1020 (9) An approved change application described in this section does not create a right of
1021 access across private property or allow any infringement of a private property right.
- 1022 Section 18. Section **73-10-34** is amended to read:
- 1023 **73-10-34 . Secondary water metering -- Loans and grants.**
- 1024 (1) As used in this section:
- 1025 (a) "Agriculture use" means water used on land assessed under Title 59, Chapter 2, Part 5,
1026 Farmland Assessment Act.
- 1027 (b)(i) "Commercial user" means a secondary water user that is a place of business.
1028 (ii) "Commercial user" does not include a multi-family residence, an agricultural
1029 user, or a customer that falls within the industrial or institutional classification.
- 1030 (c) "Critical area" means an area:
- 1031 (i) serviced by one of the four largest water conservancy districts, as defined in
1032 Section 17B-1-102, measured by operating budgets; or
- 1033 (ii) within the Great Salt Lake basin, which includes:
- 1034 (A) the surveyed meander line of the Great Salt Lake;
1035 (B) the drainage areas of the Bear River or the Bear River's tributaries;
1036 (C) the drainage areas of Bear Lake or Bear Lake's tributaries;
1037 (D) the drainage areas of the Weber River or the Weber River's tributaries;
1038 (E) the drainage areas of the Jordan River or the Jordan River's tributaries;
1039 (F) the drainage areas of Utah Lake or Utah Lake's tributaries;
1040 (G) other water drainages lying between the Bear River and the Jordan River that
1041 are tributary to the Great Salt Lake and not included in the drainage areas

- 1042 described in Subsections (1)(c)(ii)(B) through (F); and
1043 (H) the drainage area of Tooele Valley.
- 1044 (d) "Full metering" means that use of secondary water is accurately metered by a meter
1045 that is installed and maintained on every secondary water connection of a secondary
1046 water supplier.
- 1047 (e)(i) "Industrial user" means a secondary water user that manufactures or produces
1048 materials.
- 1049 (ii) "Industrial user" includes a manufacturing plant, an oil and gas producer, and a
1050 mining company.
- 1051 (f)(i) "Institutional user" means a secondary water user that is dedicated to public
1052 service, regardless of ownership.
- 1053 (ii) "Institutional user" includes a school, church, hospital, park, golf course, and
1054 government facility.
- 1055 (g) "Power generation use" means water used in the production of energy, such as use in
1056 an electric generation facility, natural gas refinery, or coal processing plant.
- 1057 (h)(i) "Residential user" means a secondary water user in a residence.
- 1058 (ii) "Residential user" includes a single-family or multi-family home, apartment,
1059 duplex, twin home, condominium, or planned community.
- 1060 (i) "Secondary water" means water that is:
- 1061 (i) not culinary or water used on land assessed under Title 59, Chapter 2, Part 5,
1062 Farmland Assessment Act; and
- 1063 (ii) delivered to and used by an end user for the irrigation of landscaping or a garden.
- 1064 (j) "Secondary water connection" means the location at which the water leaves the
1065 secondary water supplier's pipeline and enters into the remainder of the pipes that are
1066 owned by another person to supply water to an end user.
- 1067 (k) "Secondary water supplier" means an entity that supplies pressurized secondary
1068 water.
- 1069 (l) "Small secondary water retail supplier" means an entity that:
- 1070 (i) supplies pressurized secondary water only to the end user of the secondary water;
1071 and
- 1072 (ii)(A) is a city or town; or
- 1073 (B) supplies 5,000 or fewer secondary water connections.
- 1074 (2)(a)(i) A secondary water supplier that supplies secondary water within a county of
1075 the first or second class and begins design work for new service on or after April

- 1076 1, 2020, to a commercial, industrial, institutional, or residential user shall meter
1077 the use of pressurized secondary water by the users receiving that new service.
- 1078 (ii) A secondary water supplier that supplies secondary water within a county of the
1079 third, fourth, fifth, or sixth class and begins design work for new service on or
1080 after May 4, 2022, to a commercial, industrial, institutional, or residential user
1081 shall meter the use of pressurized secondary water by the users receiving that new
1082 service.
- 1083 (b) By no later than January 1, 2030, a secondary water supplier shall install and
1084 maintain a meter of the use of pressurized secondary water by each user receiving
1085 secondary water service from the secondary water supplier.
- 1086 (c) Beginning January 1, 2022, a secondary water supplier shall establish a meter
1087 installation reserve for metering installation and replacement projects.
- 1088 (d) A secondary water supplier, including a small secondary water retail supplier, may
1089 not raise the rates charged for secondary water:
- 1090 (i) by more than 10% in a calendar year for costs associated with metering secondary
1091 water unless the rise in rates is necessary because the secondary water supplier
1092 experiences a catastrophic failure or other similar event; or
- 1093 (ii) unless, before raising the rates on the end user, the entity charging the end user
1094 provides a statement explaining the basis for why the needs of the secondary
1095 water supplier required an increase in rates.
- 1096 (e)(i) A secondary water supplier that provides pressurized secondary water to a
1097 commercial, industrial, institutional, or residential user shall develop a plan, or if
1098 the secondary water supplier previously filed a similar plan, update the plan for
1099 metering the use of the pressurized water.
- 1100 (ii) The plan required by this Subsection (2)(e) shall be filed or updated with the
1101 Division of Water Resources by no later than December 31, 2025, and address the
1102 process the secondary water supplier will follow to implement metering, including:
- 1103 (A) the costs of full metering by the secondary water supplier;
- 1104 (B) how long it would take the secondary water supplier to complete full
1105 metering, including an anticipated beginning date and completion date, except
1106 a secondary water supplier shall achieve full metering by no later than January
1107 1, 2030; and
- 1108 (C) how the secondary water supplier will finance metering.
- 1109 (3) A secondary water supplier shall on or before March 31 of each year, report to the

- 1110 Division of Water Rights:
- 1111 (a) for commercial, industrial, institutional, and residential users whose pressurized
- 1112 secondary water use is metered, the number of acre feet of pressurized secondary
- 1113 water the secondary water supplier supplied to the commercial, industrial,
- 1114 institutional, and residential users during the preceding 12-month period;
- 1115 (b) the number of secondary water meters within the secondary water supplier's service
- 1116 boundary;
- 1117 (c) a description of the secondary water supplier's service boundary;
- 1118 (d) the number of secondary water connections in each of the following categories
- 1119 through which the secondary water supplier supplies pressurized secondary water:
- 1120 (i) commercial;
- 1121 (ii) industrial;
- 1122 (iii) institutional; and
- 1123 (iv) residential;
- 1124 (e) the total volume of water that the secondary water supplier receives from the
- 1125 secondary water supplier's sources; and
- 1126 (f) the dates of service during the preceding 12-month period in which the secondary
- 1127 water supplier supplied pressurized secondary water.
- 1128 (4)(a) Beginning July 1, 2019, the Board of Water Resources may make ~~up to~~
- 1129 ~~\$10,000,000 in~~ low-interest loans available each year:
- 1130 (i) from the Water Resources Conservation and Development Fund, created in
- 1131 Section 73-10-24; and
- 1132 (ii) for financing the cost of secondary water metering.
- 1133 (b) The Division of Water Resources and the Board of Water Resources shall make rules
- 1134 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1135 establishing the criteria and process for receiving a loan described in this Subsection
- 1136 (4), except the rules may not include prepayment penalties.
- 1137 (5)(a) Beginning July 1, 2021, subject to appropriation, the Division of Water Resources
- 1138 may make matching grants each year for financing the cost of secondary water
- 1139 metering for a commercial, industrial, institutional, or residential user by a small
- 1140 secondary water retail supplier that:
- 1141 (i) is not for new service described in Subsection (2)(a); and
- 1142 (ii) matches the amount of the grant.
- 1143 (b) For purposes of issuing grants under this section, the division shall prioritize the

- 1144 small secondary water retail suppliers that can demonstrate the greatest need or
1145 greatest inability to pay the entire cost of installing secondary water meters.
- 1146 (c) The amount of a grant under this Subsection (5) may not:
- 1147 (i) exceed 50% of the small secondary water retail supplier's cost of installing
1148 secondary water meters; or
- 1149 (ii) supplant federal, state, or local money previously allocated to pay the small
1150 secondary water retail supplier's cost of installing secondary water meters.
- 1151 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1152 Board of Water Resources shall make rules establishing:
- 1153 (i) the procedure for applying for a grant under this Subsection (5); and
1154 (ii) how a small secondary water retail supplier can establish that the small secondary
1155 water retail supplier meets the eligibility requirements of this Subsection (5).
- 1156 (6) Nothing in this section affects a water right holder's obligation to measure and report
1157 water usage as described in Sections 73-5-4 and 73-5-8.
- 1158 (7) If a secondary water supplier fails to comply with Subsection (2)(b), the secondary
1159 water supplier:
- 1160 (a) beginning January 1, 2030, may not receive state money for water related purposes
1161 until the secondary water supplier completes full metering; and
- 1162 (b) is subject to an enforcement action of the state engineer in accordance with
1163 Subsection (8).
- 1164 (8)(a)(i) The state engineer shall commence an enforcement action under this
1165 Subsection (8) if the state engineer receives a referral from the director of the
1166 Division of Water Resources.
- 1167 (ii) The director of the Division of Water Resources shall submit a referral to the state
1168 engineer if the director:
- 1169 (A) finds that a secondary water supplier fails to fully meter secondary water as
1170 required by this section; and
- 1171 (B) determines an enforcement action is necessary to conserve or protect a water
1172 resource in the state.
- 1173 (b) To commence an enforcement action under this Subsection (8), the state engineer
1174 shall issue a notice of violation that includes notice of the administrative fine to
1175 which a secondary water supplier is subject.
- 1176 (c) The state engineer's issuance and enforcement of a notice of violation is exempt from
1177 Title 63G, Chapter 4, Administrative Procedures Act.

- 1178 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1179 state engineer shall make rules necessary to enforce a notice of violation, that
1180 includes:
- 1181 (i) provisions consistent with this Subsection (8) for enforcement of the notice if a
1182 secondary water supplier to whom a notice is issued fails to respond to the notice
1183 or abate the violation;
 - 1184 (ii) the right to a hearing, upon request by a secondary water supplier against whom
1185 the notice is issued; and
 - 1186 (iii) provisions for timely issuance of a final order after the secondary water supplier
1187 to whom the notice is issued fails to respond to the notice or abate the violation, or
1188 after a hearing held under Subsection (8)(d)(ii).
- 1189 (e) A person may not intervene in an enforcement action commenced under this section.
- 1190 (f) After issuance of a final order under rules made pursuant to Subsection (8)(d), the
1191 state engineer shall serve a copy of the final order on the secondary water supplier
1192 against whom the order is issued by:
- 1193 (i) personal service under Utah Rules of Civil Procedure, Rule 5; or
 - 1194 (ii) certified mail.
- 1195 (g)(i) The state engineer's final order may be reviewed by trial de novo by the court
1196 with jurisdiction in Salt Lake County or the county where the violation occurred.
- 1197 (ii) A secondary water supplier shall file a petition for judicial review of the state
1198 engineer's final order issued under this section within 20 days from the day on
1199 which the final order was served on the secondary water supplier.
- 1200 (h) The state engineer may bring suit in a court [~~of competent~~] with jurisdiction to
1201 enforce a final order issued under this Subsection (8).
- 1202 (i) If the state engineer prevails in an action brought under Subsection (8)(g) or (h), the
1203 state may recover court costs and a reasonable attorney fee.
- 1204 (j) As part of a final order issued under this Subsection (8), the state engineer shall order
1205 that a secondary water supplier to whom an order is issued pay an administrative fine
1206 equal to:
- 1207 (i) \$10 for each non-metered secondary water connection of the secondary water
1208 supplier for failure to comply with full metering by January 1, 2030;
 - 1209 (ii) \$20 for each non-metered secondary water connection of the secondary water
1210 supplier for failure to comply with full metering by January 1, 2031;
 - 1211 (iii) \$30 for each non-metered secondary water connection of the secondary water

- 1212 supplier for failure to comply with full metering by January 1, 2032;
- 1213 (iv) \$40 for each non-metered secondary water connection of the secondary water
- 1214 supplier for failure to comply with full metering by January 1, 2033; and
- 1215 (v) \$50 for each non-metered secondary water connection of the secondary water
- 1216 supplier for failure to comply with full metering by January 1, 2034, and for each
- 1217 subsequent year the secondary water supplier fails to comply with full metering.
- 1218 (k) Money collected under this Subsection (8) shall be deposited into the Water
- 1219 Resources Conservation and Development Fund, created in Section 73-10-24.
- 1220 (9) A secondary water supplier located within a county of the fifth or sixth class is exempt
- 1221 from Subsections (2)(a), (2)(b), (2)(c), (2)(e), (7), and (8) if:
- 1222 (a) the owner or operator of the secondary water supplier seeks an exemption under this
- 1223 Subsection (9) by establishing with the Division of Water Resources that the cost of
- 1224 purchasing, installing, and upgrading systems to accept meters exceeds 25% of the
- 1225 total operating budget of the owner or operator of the secondary water supplier;
- 1226 (b) the secondary water supplier agrees to not add a new secondary water connection to
- 1227 the secondary water supplier's system on or after May 4, 2022;
- 1228 (c) within six months of when the secondary water supplier seeks an exemption under
- 1229 Subsection (9)(a), the secondary water supplier provides to the Division of Water
- 1230 Resources a plan for conservation within the secondary water supplier's service area
- 1231 that does not require metering;
- 1232 (d) the secondary water supplier annually reports to the Division of Water Resources on
- 1233 the results of the plan described in Subsection (9)(c); and
- 1234 (e) the secondary water supplier submits to evaluations by the Division of Water
- 1235 Resources of the effectiveness of the plan described in Subsection (9)(c).
- 1236 (10) A secondary water supplier is exempt from Subsections (2)(a), (2)(b), (2)(c), (2)(e),
- 1237 (7), and (8) to the extent that the secondary water supplier:
- 1238 (a) is unable to obtain a meter that a meter manufacturer will warranty because of the
- 1239 water quality within a specific location served by the secondary water supplier;
- 1240 (b) submits reasonable proof to the Division of Water Resources that the secondary
- 1241 water supplier is unable to obtain a meter as described in Subsection (10)(a);
- 1242 (c) within six months of when the secondary water supplier submits reasonable proof
- 1243 under Subsection (10)(b), provides to the Division of Water Resources a plan for
- 1244 conservation within the secondary water supplier's service area that does not require
- 1245 metering;

- 1246 (d) annually reports to the Division of Water Resources on the results of the plan
1247 described in Subsection (10)(c); and
- 1248 (e) submits to evaluations by the Division of Water Resources of the effectiveness of the
1249 plan described in Subsection (10)(c).
- 1250 (11) A secondary water supplier that is located within a critical management area that is
1251 subject to a groundwater management plan adopted or amended under Section 73-5-15
1252 on or after May 1, 2006, is exempt from Subsections (2)(a), (2)(b), (2)(c), (2)(e), (7), and
1253 (8).
- 1254 (12) If a secondary water supplier is required to have a water conservation plan under
1255 Section 73-10-32, that water conservation plan satisfies the requirements of Subsection
1256 (9)(c) or (10)(c).
- 1257 (13)(a) Notwithstanding the other provisions of this section and unless exempt under
1258 Subsection (9), (10), or (11), to comply with this section, a secondary water supplier
1259 is not required to meter every secondary water connection of the secondary water
1260 supplier's system, but shall meter at strategic points of the system as approved by the
1261 state engineer under this Subsection (13) if:
- 1262 (i) the system has no or minimal storage and relies primarily on stream flow;
- 1263 (ii)(A) the majority of secondary water users on the system are associated with
1264 agriculture use or power generation use; and
1265 (B) less than 50% of the secondary water is used by residential secondary water
1266 users; or
- 1267 (iii) the system has a mix of pressurized lines and open ditches and:
1268 (A) 1,000 or fewer users if any part of the system is within a critical area; or
1269 (B) 2,500 or fewer users for a system not described in Subsection (13)(a)(iii)(A).
- 1270 (b)(i) A secondary water supplier may obtain the approval by the state engineer of
1271 strategic points where metering is to occur as required under this Subsection (13)
1272 by filing an application with the state engineer in the form established by the state
1273 engineer.
- 1274 (ii) The state engineer may by rule, made in accordance with Title 63G, Chapter 3,
1275 Utah Administrative Rulemaking Act, establish procedures for approving strategic
1276 points for metering under this Subsection (13).
- 1277 (14)(a) A contract entered into or renewed on or after July 1, 2025, between a secondary
1278 water supplier and an end user shall allow for billing by tiered conservation rates.
- 1279 (b) Except as provided in Subsection (14)(f), by no later than July 1, 2030, regardless of

- 1280 whether the secondary water supplier is fully metered or has modified existing
1281 contracts with end users, a secondary water supplier shall begin billing an end user
1282 using a tiered conservation rate that considers:
- 1283 (i) revenue stability;
 - 1284 (ii) water conservation; and
 - 1285 (iii) cost of service.
- 1286 (c) A secondary water supplier may comply with Subsection (14)(b) by entering into a
1287 contract with a third-party, including the public water system that serves an end user
1288 of the secondary water supplier, to bill the end user according to end user's usage of
1289 secondary water and the secondary water supplier's tiered conservation rate.
- 1290 (d) By no later than April 1, 2030, a secondary water supplier shall provide an
1291 educational component for end users as determined by the division by rule made in
1292 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, either
1293 on a monthly statement or by an end user specific Internet portal that provides
1294 information on the end user's usage more frequently than monthly.
- 1295 (e) A public water system:
- 1296 (i) shall enter into a contract with a secondary water supplier described in Subsection
1297 (14)(c) upon request from the secondary water supplier if the secondary water
1298 supplier agrees to provide water use and other data necessary for accurate billing
1299 in a file format compatible with the public water supplier's billing system;
 - 1300 (ii) may collect the costs associated with billing on behalf of a secondary water
1301 supplier under this section from the secondary water end users, including
1302 reasonable administrative and overhead expenses; and
 - 1303 (iii) shall, as the public water supplier and the secondary water supplier find
1304 necessary or convenient, exchange with the secondary water supplier, for the
1305 purpose of maintaining accurate records, relevant information with regard to an
1306 end user of the secondary water supplier, such as:
 - 1307 (A) a billing address;
 - 1308 (B) an address where the secondary water is delivered;
 - 1309 (C) a parcel identification number; and
 - 1310 (D) ownership information.
- 1311 (f)(i) A secondary water supplier is not required to bill an end user a tiered
1312 conservation rate if the secondary water supplier is:
- 1313 (A) exempt from metering under Subsection (9), (10), or (11); or

- 1314 (B) authorized to meter at strategic points of the system under Subsection (13).
1315 (ii) Notwithstanding the other provisions of this section, on or after July 1, 2030, a
1316 secondary water supplier with a tiered conservation rate under this Subsection (14)
1317 shall charge an end user at the lowest rate of the tiered conservation rate if the end
1318 user is using a portion of the water to grow food, including growing a garden, fruit
1319 trees, or pasture for grazing.
- 1320 (g)(i) If a secondary water supplier violates this Subsection (14) on or after April 1,
1321 2030, the secondary water supplier:
- 1322 (A) may not receive state money for water related purposes until the secondary
1323 water supplier complies with this Subsection (14); and
1324 (B) is subject to an enforcement action of the state engineer in accordance with
1325 this Subsection (14)(g).
- 1326 (ii) The state engineer shall commence an enforcement action under this Subsection
1327 (14)(g) if the state engineer receives a referral from the director of the Division of
1328 Water Resources.
- 1329 (iii) The director of the Division of Water Resources shall submit a referral to the
1330 state engineer if the director:
- 1331 (A) finds that a secondary water supplier fails to comply with this Subsection (14);
1332 and
1333 (B) determines an enforcement action is necessary to conserve or protect a water
1334 resource in the state.
- 1335 (iv) To commence an enforcement action under this Subsection (14)(g), the state
1336 engineer shall issue a notice of violation that includes notice of the administrative
1337 fine described in Subsection (14)(g)(xiii) to which a secondary water supplier is
1338 subject.
- 1339 (v) The state engineer's issuance and enforcement of a notice of violation is exempt
1340 from Title 63G, Chapter 4, Administrative Procedures Act.
- 1341 (vi) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1342 the state engineer shall make rules necessary to enforce a notice of violation, that
1343 includes:
- 1344 (A) provisions consistent with this Subsection (14)(g) for enforcement of the
1345 notice if a secondary water supplier to whom a notice is issued fails to respond
1346 to the notice or abate the violation;
1347 (B) the right to a hearing, upon request by a secondary water supplier against

- 1348 whom the notice is issued; and
- 1349 (C) provisions for timely issuance of a final order after the secondary water
- 1350 supplier to whom the notice is issued fails to respond to the notice or abate the
- 1351 violation, or after a hearing held under Subsection (14)(g)(vi)(B).
- 1352 (vii) A person may not intervene in an enforcement action commenced under this
- 1353 Subsection (14)(g).
- 1354 (viii) After issuance of a final order under rules made pursuant to Subsection
- 1355 (14)(g)(vi), the state engineer shall serve a copy of the final order on the
- 1356 secondary water supplier against whom the order is issued by:
- 1357 (A) personal service under Utah Rules of Civil Procedure, Rule 5; or
- 1358 (B) certified mail.
- 1359 (ix) The state engineer's final order may be reviewed by trial de novo by a court with
- 1360 jurisdiction in Salt Lake County or the county where the violation occurred.
- 1361 (x) A secondary water supplier shall file a petition for judicial review of the state
- 1362 engineer's final order issued under this Subsection (14)(g) within 20 days from the
- 1363 day on which the final order was served on the secondary water supplier.
- 1364 (xi) The state engineer may bring suit in a court to enforce a final order issued under
- 1365 this Subsection (14)(g).
- 1366 (xii) If the state engineer prevails in an action brought under Subsection (14)(g)(x) or
- 1367 (xi), the state may recover court costs and reasonable attorney fees.
- 1368 (xiii) The administrative fine imposed under this section shall be an amount not to
- 1369 exceed the sum of any money received by the secondary water supplier under this
- 1370 section or Section 73-10-34.5 to fund costs related to metering.
- 1371 (xiv) Money collected under this Subsection (14) shall be deposited into the Water
- 1372 Resources Conservation and Development Fund, created in Section 73-10-24.

1373 Section 19. Section **73-10-36** is amended to read:

1374 **73-10-36 . Division to provide technical assistance in local government planning.**

- 1375 (1) As used in this section:
- 1376 (a) "Division" means the Division of Water Resources.
- 1377 (b) "General plan":
- 1378 (i) for a municipality, means the same as that term is defined in Section 10-20-102;
- 1379 and
- 1380 (ii) for a county, means the same as that term is defined in Section 17-79-102.
- 1381 (c) "Local government" means a county or a municipality, as defined in Section 10-1-104.

1382 (d) "Watershed council" means a council created under Chapter 10g, Part 3, Watershed
1383 Councils Act.

1384 (2) The division shall provide technical assistance to a local government to support the
1385 local government's adoption of a water use and preservation element in a general plan.

1386 (3) When consulted by a local government for information and technical resources
1387 regarding regional water conservation goals under Subsection 10-20-404(2)(d) or [
1388 ~~17-79-403(2)(e)~~] 17-79-403(2)(d), the division may seek input from the appropriate
1389 watershed council or councils.

1390 Section 20. Section **73-18-10** is amended to read:

1391 **73-18-10 . Owner of boat livery -- Duties.**

1392 (1)(a) The owner of a boat livery shall keep a record of the following:

1393 (i) the name and address of the person hiring [~~any~~] a vessel;

1394 (ii) the identification number of the vessel;

1395 (iii) the date on which and the bodies of water on which the vessel is launched;

1396 (iv) the vessel's departure date and time; and

1397 (v) the vessel's expected time of return.

1398 (b) [~~The record shall be preserved.~~] The owner of a boat livery shall keep a record
1399 described in Subsection (1)(a) for at least one year.

1400 (2) Neither the owner of a boat livery nor the owner's agent, independent contractor, or
1401 employee may permit [~~any~~] a vessel to depart from the premises of the boat livery unless
1402 the owner [~~has equipped it~~] :

1403 (a) equips the vessel as required under this chapter [~~and unless the owner has advised~~] ;
1404 and

1405 (b) advises the lessee or renter of the vessel of [all rules promulgated under this chapter
1406 which] the rules made under this chapter that the lessee or renter [~~must~~] shall obey.

1407 (3) The owner of a boat livery and the owner's agent, independent contractor, or employee
1408 shall comply with Section 23A-10-306.

1409 Section 21. Section **79-2-406** is amended to read:

1410 **79-2-406 . Wetlands -- In-lieu fee program study.**

1411 (1) As used in this section, "committee" means the Natural Resources, Agriculture, and
1412 Environment Interim Committee.

1413 (2) The department shall publish, on the department's website, the land use permits
1414 collected by the Utah Geological Survey pursuant to Subsection [~~79-3-202(1)(q)~~]
1415 79-3-202(1)(t).

- 1416 (3)(a) The department shall study and make recommendations to the committee on the
1417 viability of an in-lieu fee program for wetland mitigation, including:
- 1418 (i) the viability of the state establishing and administering an in-lieu fee program; and
 - 1419 (ii) the viability of the state partnering with a private organization to establish and
1420 administer an in-lieu fee program.
- 1421 (b) As part of the study described in Subsection (3)(a), the department shall consult with
1422 public and private individuals and entities that may be necessary or helpful to the
1423 establishment or administration of an in-lieu fee program for wetland mitigation,
1424 which may include:
- 1425 (i) the Utah Department of Environmental Quality;
 - 1426 (ii) the United States Army Corps of Engineers;
 - 1427 (iii) the United States Fish and Wildlife Service;
 - 1428 (iv) the United States Environmental Protection Agency; or
 - 1429 (v) a non-profit entity that has experience with the establishment and administration
1430 of in-lieu fee programs.
- 1431 (c) The department shall provide a report on the status of the department's study during
1432 or before the committee's November interim meeting in 2022.
- 1433 (d) The department shall provide a final report of the department's study and
1434 recommendations, including any recommended legislation, during or before the
1435 committee's first interim meeting in 2023.

1436 Section 22. Section **79-2-702** is amended to read:

1437 **79-2-702 . Division creation -- Purpose.**

- 1438 (1) There is created within the department a Division of Law Enforcement.
- 1439 (2) Subject to the priorities defined by the director, the primary function of the division is to
1440 enforce:
- 1441 (a) Title 23A, Wildlife Resources Act;
 - 1442 (b) Title 41, Chapter 22, Off-highway Vehicles;
 - 1443 (c) Title 65A, Forestry, Fire, and State Lands;
 - 1444 (d) Title 73, Chapter 18, State Boating Act;
 - 1445 (e) this title; and
 - 1446 (f) an administrative rule enacted by ~~[an advisory]~~ a board within ~~[any]~~ one of the
1447 department's divisions or by one of the department's divisions.
- 1448 (3) The division shall coordinate with county sheriffs, police, and other law enforcement
1449 officers within a law enforcement jurisdiction the division operates to enforce this part.

1450 (4) This part does not limit or modify the powers and duties of other law enforcement
1451 officers in the state.

1452 Section 23. Section **79-3-202** is amended to read:

1453 **79-3-202 . Powers and duties of survey.**

1454 (1) The survey shall:

- 1455 (a) assist and advise state and local agencies and state educational institutions on
1456 geologic, paleontologic, and mineralogic subjects;
- 1457 (b) collect and distribute reliable information regarding the mineral industry and mineral
1458 resources, topography, paleontology, and geology of the state;
- 1459 (c) survey the geology of the state, including mineral occurrences and the ores of metals,
1460 energy resources, industrial minerals and rocks, mineral-bearing waters, and surface
1461 and ground water resources, with special reference to ~~[their-]~~economic contents,
1462 values, uses, kind, and availability ~~[in order-]~~to facilitate ~~[their-]~~economic use;
- 1463 (d) investigate the kind, amount, and availability of mineral substances contained in
1464 lands owned and controlled by the state, to contribute to the most effective and
1465 beneficial administration of ~~[these]~~ the lands for the state;
- 1466 (e) determine and investigate areas of geologic and topographic hazards that could affect
1467 the safety of, or cause economic loss to, the citizens of the state;
- 1468 (f) assist local and state agencies in ~~[their-]~~planning, zoning, and building regulation
1469 functions by publishing maps, delineating appropriately wide special earthquake risk
1470 areas, and, at the request of state agencies or other governmental agencies, review the
1471 siting of critical facilities;
- 1472 (g) cooperate with state agencies, political subdivisions of the state, quasi-governmental
1473 agencies, federal agencies, schools of higher education, and others in fields of mutual
1474 concern, which may include field investigations and preparation, publication, and
1475 distribution of reports and maps;
- 1476 (h) collect and preserve data pertaining to mineral resource exploration and development
1477 programs and construction activities, such as claim maps, location of drill holes,
1478 location of surface and underground workings, geologic plans and sections, drill logs,
1479 and assay and sample maps, including the maintenance of a sample library of cores
1480 and cuttings;
- 1481 (i) assist as requested by a state or local agency to measure, analyze, and report on the
1482 quantity, quality, and seasonal and long-term viability of a groundwater and surface
1483 water resource in the state;

- 1484 (j) provide data that supports scientific understanding, resource planning, and resource
1485 development related to groundwater and surface water;
- 1486 (k) assess the function, distribution, and ecological characteristic of a wetland to
1487 regional hydrology, historic change, and resource capacity to enhance resource
1488 management or a planning effort;
- 1489 [(+)] (l) study and analyze other scientific, economic, or aesthetic problems as, in the
1490 judgment of the board, should be undertaken by the survey to serve the needs of the
1491 state and to support the development of natural resources and [utilization] use of lands
1492 within the state;
- 1493 [(+)] (m) prepare, publish, distribute, and sell maps, reports, and bulletins, embodying the
1494 work accomplished by the survey, directly or in collaboration with others, and collect
1495 and prepare exhibits of the geological and mineral resources of this state and interpret [
1496 ~~their~~] the geological and mineral resources' significance;
- 1497 [(+)] (n) collect, maintain, and preserve data and information[~~in order~~] to accomplish the
1498 purposes of this section and act as a repository for information concerning the
1499 geology of this state;
- 1500 [(+)] (o) stimulate research, study, and activities in the field of paleontology;
- 1501 [(+)] (p) mark, protect, and preserve critical paleontological sites;
- 1502 [(+)] (q) collect, preserve, and administer critical paleontological specimens until the
1503 specimens are placed in a repository or curation facility;
- 1504 [(+)] (r) administer critical paleontological site excavation records;
- 1505 [(+)] (s) edit and publish critical paleontological records and reports; and
- 1506 [(+)] (t) collect the land use permits described in Sections 10-20-611 and 17-79-608.
- 1507 (2)(a) The survey may maintain as confidential, and not as a public record, information
1508 provided to the survey by any source.
- 1509 (b) The board shall adopt rules[~~in order~~] to determine whether to accept the information
1510 described in Subsection (2)(a) and to maintain the confidentiality of the accepted
1511 information.
- 1512 (c) The survey shall maintain information received from any source at the level of
1513 confidentiality assigned to [it] the information by the source.
- 1514 (3) Upon approval of the board, the survey shall undertake other activities consistent with
1515 Subsection (1).
- 1516 (4)(a) Subject to the authority granted to the department, the survey may enter into
1517 cooperative agreements with the entities specified in Subsection (1)(g), if approved

1518 by the board, and may accept or commit allocated or budgeted [~~funds~~] money in
 1519 connection with [~~those~~] the agreements.

1520 (b) The survey may undertake joint projects with private entities if:

1521 (i) the action is approved by the board;

1522 (ii) the projects are not inconsistent with the state's objectives; and

1523 (iii) the results of the projects are available to the public.

1524 Section 24. Section **79-3-302** is amended to read:

1525 **79-3-302 . Members of board -- Qualifications and appointment -- Vacancies --**

1526 **Organization -- Meetings -- Financial gain prohibited -- Expenses.**

1527 (1) The board consists of [~~seven~~] eight members appointed by the governor, with the advice
 1528 and consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies.

1529 (2) In addition to the requirements of Section 79-2-203, the members shall have the
 1530 following qualifications:

1531 (a) one member knowledgeable in the field of geology as applied to the practice of [~~civil~~]
 1532 engineering geology;

1533 (b) four members knowledgeable and representative of various segments of the mineral
 1534 industry or energy industry throughout the state, such as hydrocarbons, geothermal,
 1535 solid fuels, metals, and industrial minerals;

1536 (c) one member knowledgeable [~~of the economic or scientific interests of the mineral~~
 1537 industry in the state] about the economic and scientific focus of areas over which the
 1538 survey has duties or powers under Section 79-3-202;[~~and~~]

1539 (d) one member knowledgeable about groundwater or water resources; and

1540 [~~(d)~~] (e) one member[~~who is~~] :

1541 (i) interested in the goals of the survey; and

1542 (ii) from the public at large.

1543 (3) The director of the School and Institutional Trust Lands Administration is an ex officio
 1544 member of the board but without[~~any~~] voting privileges.

1545 (4)(a) Except as required by Subsection (4)(b), [~~members are appointed for terms~~] the
 1546 governor shall appoint a member to a term of four years.

1547 (b) Notwithstanding [~~the requirements of~~] Subsection (4)(a), the governor shall, at the
 1548 time of appointment or reappointment, adjust the length of terms to ensure that the
 1549 terms of board members are staggered so that approximately half of the board is
 1550 appointed every two years.

1551 (c) When a vacancy occurs in the membership for any reason, the replacement shall be

1552 appointed for the unexpired term by the governor with the advice and consent of the
1553 Senate.

1554 (5) The board shall select from [its] the board's members a chair and such officers and
1555 committees as [it] the board considers necessary.

1556 (6)(a) The board shall hold meetings at least quarterly on [~~such dates as may be~~] dates set
1557 by [its] the board's chair.

1558 (b) Special meetings may be held upon notice of the chair or by a majority of [its] the
1559 board's members.

1560 (c) A majority of the members of the board present at a meeting constitutes a quorum for
1561 the transaction of business.

1562 (7)(a) [~~Members-~~] A member of the board may not obtain financial gain by reason of
1563 information obtained during the course of [~~their~~] the member's official duties.

1564 (b) A member shall comply with the conflict of interest provisions described in Title
1565 63G, Chapter 24, Part 3, Conflicts of Interest.

1566 (8) A member may not receive compensation or benefits for the member's service, but may
1567 receive per diem and travel expenses in accordance with:

1568 (a) Section 63A-3-106;

1569 (b) Section 63A-3-107; and

1570 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1571 63A-3-107.

1572 Section 25. Section **79-4-402** is amended to read:

1573 **79-4-402 . State Parks Restricted Account.**

1574 (1) There is created within the General Fund a restricted account known as the State Parks
1575 Restricted Account.

1576 (2)(a) Except as provided in Subsection (2)(b), the account consists of revenue from:

1577 (i) [~~all~~]charges allowed under Section 79-4-203;

1578 (ii) proceeds from the sale or disposal of [~~buffalo~~] bison under Subsection
1579 79-4-1001(2)(b);

1580 (iii) civil damages collected under Section 76-6-206.2; and

1581 (iv) interest on money deposited in the account as follows:

1582 (A) 25% of total interest beginning on July 1, 2025, through June 30, 2026;

1583 (B) 50% of total interest beginning on July 1, 2026, through June 30, 2027;

1584 (C) 75% of total interest beginning on July 1, 2027, through June 30, 2028; and

1585 (D) 100% of total interest beginning on July 1, 2028, and each year thereafter.

- 1586 (b) The account [~~shall~~] may not include revenue the division receives under Section
1587 79-4-403 and Subsection 79-4-1001(2)(a).
- 1588 (3) The division shall use funds in this account for the purposes described in Section
1589 79-4-203.
- 1590 Section 26. Section **79-4-1001** is amended to read:
- 1591 **79-4-1001 . Purchase, trade, sale, or disposal of bison -- Proceeds.**
- 1592 (1) In accordance with a plan approved by the division to manage [~~buffalo~~] bison herds on
1593 Antelope Island, the division may purchase, trade, sell, or dispose of [~~buffalo~~] bison
1594 obtained from Antelope Island through:
- 1595 (a) competitive bidding; or
1596 (b) a means as established by rule.
- 1597 (2) Proceeds received from the sale or disposal of [~~buffalo~~] bison under this section shall be
1598 deposited as follows:
- 1599 (a) the first \$75,000 shall accrue to the division for the management of Antelope Island [
1600 ~~buffalo~~] bison herds as dedicated credits; and
- 1601 (b) proceeds in excess of \$75,000 shall be deposited into the State Parks Restricted
1602 Account created in Section 79-4-402.
- 1603 Section 27. **Repealer.**
- 1604 This bill repeals:
- 1605 Section **73-18-25.3, Collection of the aquatic invasive species fee.**
- 1606 Section **79-2-604, Funding.**
- 1607 Section **79-6-501, Title.**
- 1608 Section **79-6-502, Definitions.**
- 1609 Section **79-6-503, Tax credits.**
- 1610 Section **79-6-504, Qualifications for tax credit -- Procedure.**
- 1611 Section **79-6-505, Report to the Legislature.**
- 1612 Section 28. **Effective Date.**
- 1613 This bill takes effect on May 6, 2026.