

# SB0254S03 compared with SB0254S02

~~{Omitted text}~~ shows text that was in SB0254S02 but was omitted in SB0254S03

inserted text shows text that was not in SB0254S02 but was inserted into SB0254S03

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1                    ~~{Critical Minerals}~~ Extracted Natural Resources Amendments

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: David Shallenberger



2

3 **LONG TITLE**

4 **General Description:**

5        This bill addresses ~~{critical minerals}~~ natural resources within the state.

6 **Highlighted Provisions:**

7        This bill:

8            ▶ facilitates faster permitting by the Department of Environmental Quality and the Division of Oil,  
Gas, and Mining;

10           ▶ modifies the tax credit for mining exploration;

11           ▶ creates the State Reinvestment Restricted Account and diverts various streams of income  
related to severance taxes into the State Reinvestment Restricted Account;

13           ▶ requires additional reporting regarding mineral severance taxes;

10           ▶ addresses property tax differentials based on critical minerals zones;

11           ▶ defines terms;

12           ▶ establishes the state critical minerals objectives and policy, including providing for annual  
reviews;

14           ▶

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creates the Critical Minerals Council (council), including establishing the council's operations, powers, and duties;

- 16       ▶ makes money appropriated to the council nonlapsing;
- 17       ▶ addresses areas of coordination by certain council members;
- 18       ▶ establishes a process to designate critical minerals zones, including providing for property tax differential revenue;
- 20       ▶ provides for the creation of a clearinghouse of data to be known as the "Critical Minerals Atlas";
- 22       ▶ addresses the creation of the Minerals for Industrial, National, and Economic Security Center;
- 24       ▶ creates the Critical Minerals Development Account;
- 25       ▶ coordinates with H.B. 373, Higher Education Innovation, to address inclusion of critical minerals projects in the eligible research areas for research grants; and
- 27       ▶ makes technical and conforming amendments.

### 32 **Money Appropriated in this Bill:**

- 33       ▶ **This bill appropriates \$14,016,200 in restricted fund and account transfers for fiscal year**
- 34               **2026, all of which is from the various sources as detailed in this bill.**

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- 35       ▶ This bill appropriates \$11,000,000 in operating and capital budgets for fiscal year 2027, all of
  - 36       which is from the various sources as detailed in this bill.

### 37 **Other Special Clauses:**

38       This bill provides a special effective date.

39       This bill provides coordination clauses.

40       This bill provides retrospective operation.

### 41 **Utah Code Sections Affected:**

42       AMENDS:

43               **40-6-24 (Effective 05/06/26) (Applies beginning 01/01/26) (Repealed 07/01/37), as repealed and reenacted by Laws of Utah 2025, Chapter 159**

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45               **51-9-202 (Effective 07/01/26), as last amended by Laws of Utah 2021, Chapter 401**

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46               **51-9-302 (Effective 07/01/26), as last amended by Laws of Utah 2010, Chapter 219**

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47               **51-9-305 (Effective 07/01/26), as last amended by Laws of Utah 2014, Chapter 241**

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50 **59-2-924** ~~{(Effective 05/06/26)}~~(Effective 05/06/26) (Applies beginning 01/01/26), as last  
amended by Laws of Utah 2025, First Special Session, Chapter 15

51 **59-5-115 (Effective 05/06/26) (Applies beginning 01/01/26), as last amended by Laws of  
Utah 2023, Chapters 446, 537**

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52 **59-5-116 (Effective 05/06/26) (Applies beginning 01/01/26), as last amended by Laws of  
Utah 2021, Chapter 401**

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53 **59-5-119 (Effective 05/06/26) (Applies beginning 01/01/26), as last amended by Laws of  
Utah 2021, Chapter 401**

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54 **59-5-204 (Effective 05/06/26) (Applies beginning 01/01/26), as last amended by Laws of  
Utah 2008, Chapter 382**

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55 **59-5-215 (Effective 05/06/26) (Applies beginning 01/01/26), as last amended by Laws of  
Utah 2024, Chapter 25**

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56 **59-5-304 (Effective 05/06/26) (Applies beginning 01/01/26) (Repealed 07/01/37), as  
renumbered and amended by Laws of Utah 2025, Chapter 159**

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57 **63J-1-602.2 (Effective 05/06/26) (Partially Repealed 07/01/29)**, as last amended by Laws of Utah  
2025, First Special Session, Chapter 17

58 **79-2-201 (Effective 05/06/26) (Partially Repealed 07/01/29)**, as last amended by Laws of Utah  
2025, Chapter 93

59 ENACTS:

60 **19-1-209 (Effective 05/06/26)**, Utah Code Annotated 1953

61 **40-8-5.5 (Effective 05/06/26)**, Utah Code Annotated 1953

62 **51-9-1001 (Effective 07/01/26), Utah Code Annotated 1953**

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63 **51-9-1002 (Effective 07/01/26), Utah Code Annotated 1953**

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64 **51-9-1003 (Effective 07/01/26), Utah Code Annotated 1953**

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65 **79-10-101 (Effective 05/06/26)**, Utah Code Annotated 1953

66 **79-10-201 (Effective 05/06/26)**, Utah Code Annotated 1953

67 **79-10-202 (Effective 05/06/26)**, Utah Code Annotated 1953

68 **79-10-301 (Effective 05/06/26)**, Utah Code Annotated 1953

69 **79-10-302 (Effective 05/06/26)**, Utah Code Annotated 1953

70 **79-10-303 (Effective 05/06/26)**, Utah Code Annotated 1953

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78 **79-10-401 (Effective 05/06/26)**, Utah Code Annotated 1953

79 **79-10-402 (Effective 05/06/26)**, Utah Code Annotated 1953

80 **79-10-403 (Effective 05/06/26)**, Utah Code Annotated 1953

81 **79-10-501 (Effective 05/06/26)**, Utah Code Annotated 1953

82 **79-10-601 (Effective 05/06/26)**, Utah Code Annotated 1953

83 **79-10-602 (Effective 05/06/26)**, Utah Code Annotated 1953

84 **79-10-701 (Effective 05/06/26)**, Utah Code Annotated 1953

85 REPEALS:

86 **51-9-301 (Effective 07/01/26), as last amended by Laws of Utah 2021, Chapter 401**

87 **51-9-303 (Effective 07/01/26), as last amended by Laws of Utah 2016, Chapter 128**

88 **51-9-307 (Effective 07/01/26), as last amended by Laws of Utah 2024, Chapter 25**

89 **Utah Code Sections affected by Coordination Clause:**

90 **53H-8-211 (07/01/26)** , Utah Code Annotated 1953

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

93 Section 1. Section 1 is enacted to read:

94 **19-1-209. Fast track permitting for critical minerals.**

63 (1) As used in this section:

64 (a) "Critical mineral" means the same as that term is defined in Section 79-10-101.

65 (b) "Critical minerals project" means an activity requiring one or more state permits related to the extraction or processing of a critical mineral.

67 (c) "Critical minerals zone" means the same as that term is defined in Section 79-10-101.

68 (d) "Permit" means the same as that term is defined in Section 79-10-101.

69 (2)

(a) A division within the department shall prioritize division resources to process a permit that is:

71 (i) requested to be issued by the division; and

72 (ii) related to a critical minerals project described in Subsection (2)(b).

73 (b) This Subsection (2) applies to a critical mineral project that is:

74 (i) for the extraction or processing of a critical mineral within a critical minerals zone; or

76 (ii) included in the strategic plan developed by the Critical Minerals Council under Subsection 79-10-302(1).

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- 78 (3) The department shall work cooperatively with the Division of Oil, Gas, and Mining to develop  
processes under which permits for a critical minerals project described in Subsection (2)(b) that are  
issued by a division within the department and the Division of Oil, Gas, and Mining:
- 82 (a) may be issued at parallel times rather than sequentially; and
- 83 (b) minimize the need for a person to comply with duplicative, overlapping, or conflicting requirements.
- 85 (4) Nothing in this section abrogates or interferes with the powers or duties of the Division of Oil, Gas,  
and Mining.

119 Section 2. Section 40-6-24 is amended to read:

120 **40-6-24. Tax credit for mining exploration -- Division to issue certificates.**

- 122 (1) As used in this section:
- 123 (a) "Activity" means:
- 124 (i) surveying by a geophysical method or by a geochemical method;
- 125 (ii) drilling one or more exploration holes;
- 126 (iii) conducting underground exploration;
- 127 (iv) surface trenching or bulk sampling;
- 128 (v) taking aerial photographs;
- 129 (vi) geological and geophysical logging;
- 130 (vii) sample analysis; or
- 131 (viii) metallurgical testing.
- 132 [(b) "Assigned tax credit certificate" means a tax credit certificate the division issues to a person to  
which a claimant assigns the claimant's tax credit.]
- 134 [(e)] (b)
- (i) "Certified expenditure" means a cost incurred for an activity in direct support of an eligible  
exploration activity conducted at a specific site.
- 136 (ii) "Certified expenditure" includes:
- 137 (A) the cost of obtaining an approval, a permit, a license, or a certificate for an eligible exploration  
activity;
- 139 (B) a direct labor cost and the cost of benefits for employees directly associated with work described in  
Subsection [(1)(e)(i)] (1)(b)(i);
- 141 (C) the cost of leasing equipment from a third party;
- 142 (D) the cost of owning, maintaining, or operating equipment;

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- 143 (E) insurance and bond premiums associated with the activities described in Subsections [~~(1)(e)(ii)~~  
144 ~~(A)~~] (1)(b)(ii)(A) through (D);
- 145 (F) the cost of a consultant or an independent contractor; and
- 146 (G) any general expense related to operating the business engaged in the eligible exploration activity to  
147 the extent the expense is directly attributable to the work described in Subsection [~~(1)(e)(i)~~] (1)(b)  
148 (i).
- 149 (iii) "Certified expenditure" does not include:
- 150 (A) return on investment; or
- 151 (B) insurance or bond premiums not described in Subsection [~~(1)(e)(ii)(E)~~] (1)(b)(ii)(E).
- 152 [~~(d)~~] (c)
- 153 (i) "Claimant" means a person that:
- 154 (A) is engaged in the business of mining or extracting minerals;
- 155 (B) is subject to a severance tax, for the taxable year in which the person applies for a tax credit  
156 certificate, under Title 59, Chapter 5, Part 2, Mining Severance Tax, as a direct result of  
157 minerals produced from eligible exploration activities; and
- 158 (C) makes a certified expenditure.
- 159 (ii) "Claimant" does not include a person in the business of mining or extracting minerals on the Great  
160 Salt Lake from:
- 161 (A) the brines of the Great Salt Lake, except for a person using a nonevaporative mining or extraction  
162 method; or
- 163 (B) a material or secondary source, including tails, slag, waste dumps, or another similar secondary  
164 source, derived from the brines of the Great Salt Lake.
- 165 [~~(e)~~] "~~Eligible claimant~~" ~~means a claimant or a person to which a claimant assigns a tax credit in~~  
166 ~~accordance with Subsections (4)(a)(vi) and (7).]~~
- 167 [~~(f)~~] (d) "Eligible exploration activity" means an activity performed in the state that is associated with:
- 168 (i) producing a mineral from a natural deposit that is not part of a mine that exists at the time the  
169 activity begins;
- 170 (ii) producing a mineral not under production within a mine that exists at the time the activity begins; or
- 171 (iii) recovering a mineral not under production from a secondary source at the time the activity begins,  
172 including tails, slag, waste dumps, or another similar secondary source, whether in solution or  
173 otherwise[~~;~~].

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- 177 [~~(iv) expanding production of a mineral using a mining method not used within a mine that exists at the~~  
time the activity begins; or]
- 179 [~~(v) expanding existing production of a mineral that requires a new exploration or mining permit or the~~  
modification of a permit issued before the activity begins.]
- 181 [~~(g)~~ (e) "Geochemical method" means a method of gathering geochemical data, including collecting  
soil, rock, water, air, vegetation, or any other similar item and performing a chemical analysis on the  
item.
- 184 [~~(h)~~ (f) "Geophysical method" means a method of gathering geophysical data that is used in mineral  
exploration, including seismic, gravity, magnetic, radiometric, radar, electromagnetic, and other  
remote sensing measurements.
- 187 [~~(i)~~ (g) "Mine" means the same as that term is defined in Section 59-5-201.
- 188 [~~(j)~~ (h) "Mineral" means:
- 189 (i) a metalliferous mineral as defined in Section 59-5-201; or
- 190 (ii) a metalliferous compound as defined in Section 59-5-202.
- 191 [~~(k)~~ (i) "Tax credit certificate" means a certificate the division issues that:
- 192 (i) lists the claimant's name and taxpayer identification number;
- 193 (ii) lists the amount of the claimant's tax credit authorized under this section for a taxable year; and
- 195 (iii) includes other information as determined by the division.
- 196 (2) Before claiming a tax credit under Section 59-5-304, a person shall apply to the division to enter  
into an agreement and, upon becoming [~~an eligible~~] a claimant, to receive a tax credit certificate.
- 199 (3)
- [~~(a) Except as provided in Subsection (3)(b), a~~] A person shall enter into an agreement with the  
division before beginning eligible exploration activities.
- 201 [~~(b) A person that has certified expenditures from an eligible exploration activity for a taxable year~~  
beginning on or after January 1, 2025, and beginning before January 1, 2026, shall enter an  
agreement with the division as provided by rule.]
- 204 (4)
- (a) The agreement shall provide:
- 205 (i) the eligible exploration activities for which the person may incur certified expenditures eligible  
to receive a tax credit certificate, which may include certified expenditures from a taxable year  
beginning on or after January 1, 2025, and beginning before January 1, 2027;

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- 209 (ii) the type of mineral the person intends to produce;
- 210 (iii) the maximum number of years a person has between the beginning of eligible exploration  
activities and the production of minerals as a direct result of the eligible exploration activities;
- 213 (iv) the maximum number of years, which may not exceed [20] five years, that a person may  
receive a tax credit certificate; and
- 215 (v) the requirements for reporting certified expenditures and production of minerals as a direct  
result of eligible exploration activity, including:
- 217 (A) a description of the mine where the eligible exploration activity occurred;
- 218 (B) evidence that the certified expenditure occurred and the amount of the certified expenditure; and
- 220 (C) the means for verifying that severance tax liability occurs as a direct result of an eligible exploration  
activity[; ~~and~~] .
- 222 [~~(vi) a requirement that, if a claimant intends to assign a tax credit, the claimant shall provide to  
the division a written notice of intent to assign the tax credit to another person, in a form the  
division approves, that includes:]~~
- 225 [~~(A) written certification or other proof that the claimant irrevocably elects not to claim the tax credit  
authorized by the tax credit certificate; and]~~
- 227 [~~(B) contact information for the person to which the claimant is assigning the tax credit.]~~
- 229 (b) The parties to the agreement may modify the terms of the agreement.
- 230 (c)
- (i) The division shall approve certified expenditures upon receiving a report of a certified expenditure  
unless the division determines that the expenditure does not meet the definition of certified  
expenditure.
- 233 (ii) If the division determines that an expenditure does not meet the definition of certified expenditure,  
the division shall provide the person a written explanation that states each reason the division denied  
the expenditure and give the person an opportunity to correct any deficiency or provide additional  
information.
- 237 (5)
- (a) A person with an agreement may apply for a tax credit certificate:
- 238 (i) upon becoming [~~an eligible~~] a claimant; and
- 239 (ii) for a taxable year beginning on or after January 1, 2027.
- 240

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- (b) The person shall include in the application for a tax credit certificate the following information for the taxable year in which the person seeks a tax credit certificate:
- 242 (i) proof that the person is [~~an eligible~~] a claimant;
- 243 (ii) a description of the mineral that the [~~eligible~~] claimant produced and evidence to support that the mineral is produced from an eligible exploration activity;
- 245 (iii) the amount of severance tax liability as a direct result of minerals produced from an eligible exploration activity that the [~~eligible~~] claimant incurred for the taxable year; and
- 248 (iv) any other information the division requests.
- 249 (6)
- (a) After the division receives an application for a tax credit certificate, the division shall:
- 251 (i) verify that the person is [~~an eligible~~] a claimant; and
- 252 (ii) determine whether the [~~eligible~~] claimant has approved certified expenditures.
- 253 (b) Subject to Subsection (6)(c), the division shall issue a tax credit certificate in an amount equal to the lesser of:
- 255 (i) 50% of the amount of certified expenditures minus any certified expenditures for which the division previously issued a tax credit certificate; or
- 257 (ii) 50% of the claimant's severance tax liability as a direct result of minerals produced from an eligible exploration activity for the taxable year.
- 259 (c)
- (i) The division may not issue a tax credit certificate if the aggregate value of tax credit certificates issued for certified expenditures related to eligible exploration activities at the same mine exceeds [~~\$20,000,000~~] \$10,000,000.
- 262 (ii) Notwithstanding Subsection (6)(c)(i), the division may issue a tax credit certificate up to an aggregate value of [~~\$30,000,000~~] \$15,000,000 for certified expenditures related to eligible exploration activities at the same mine if the certified expenditures that exceed [~~\$20,000,000~~] \$10,000,000 are for eligible exploration activities undertaken to produce a mineral for which the United States is greater than 50% net import reliant, as provided in the Mineral Commodity Summaries published by the United States Geological Survey, in the calendar year in which an eligible exploration activity commences.
- 270 [(7)]

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- (a) If the claimant meets the requirements of Subsection (4)(a)(vi), the division shall issue an assigned tax credit certificate to the person identified by the claimant in an amount equal to the lesser of:]
- 273 [(i) the amount of the claimant's certified expenditures minus any certified expenditures for which  
the division previously issued a tax credit certificate; or]
- 275 [(ii) the person's severance tax liability as a direct result of minerals produced from an eligible  
exploration activity for the taxable year.]
- 277 [(b) A person that receives an assigned tax credit certificate may claim the tax credit under Section  
59-5-304 as if the person met the requirements of Section 59-5-304, if the person files a return under  
Title 59, Chapter 5, Part 2, Mining Severance Tax.]
- 280 [(8)] (7) [An eligible] A claimant that receives a tax credit certificate [or assigned tax credit certificate  
]in accordance with this section shall retain the tax credit certificate [or assigned tax credit  
ertificate-]for the same time period that a person is required to keep books and records under  
Section 59-1-1406.
- 284 [(9)] (8) The division shall submit annually to the State Tax Commission an electronic list that includes:
- 286 (a) the name and identifying information for[:]
- 287 [(i)] each claimant to which the division issues a tax credit certificate; and
- 288 [(ii) each person to which the division issues an assigned tax credit certificate in accordance with  
Subsection (7);]
- 290 (b) for each [person described in Subsection (9)(a)] claimant, the amount of tax credit stated on the tax  
credit certificate[ or assigned tax credit certificate; and] .
- 292 [(e) for each person described in Subsection (9)(a)(ii), information necessary to identify the original tax  
credit certificate and the assigned tax credit certificate.]
- 294 [(10)] (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division  
may make rules governing the administration of the agreement and tax credit certificate process  
described in this section.
- 297 Section 3. Section 3 is enacted to read:
- 298 **40-8-5.5. Fast track permitting for critical minerals.**
- 89 (1) As used in this section:
- 90 (a) "Critical mineral" means the same as that term is defined in Section 79-10-101.
- 91 (b) "Critical minerals project" means an activity requiring one or more state permits related to the  
extraction or processing of a critical mineral.

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93 (c) "Critical minerals zone" means the same as that term is defined in Section 79-10-101.

94 (d) "Permit" means the same as that term is defined in Section 79-10-101.

95 (2)

(a) The division shall prioritize division resources to process a permit that is:

96 (i) requested to be issued by the division; and

97 (ii) related to a critical minerals project described in Subsection (2)(b).

98 (b) This Subsection (2) applies to a critical minerals project that is:

99 (i) for the extraction or processing of a critical mineral within a critical minerals zone; or

101 (ii) included in the strategic plan developed by the Critical Minerals Council under Subsection 79-10-302(1).

103 (3) The division shall work cooperatively with the Department of Environmental Quality to develop processes under which permits for a critical minerals project described in Subsection (2)(b) that are issued by the division and the Department of Environmental Quality:

107 (a) may be issued at parallel times rather than sequentially; and

108 (b) minimize the need for a person to comply with duplicative, overlapping, or conflicting requirements.

110 (4) Nothing in this section abrogates or interferes with the powers or duties of the Department of Environmental Quality.

322 Section 4. Section 51-9-202 is amended to read:

323 **51-9-202. Permanent state trust fund.**

324 (1) Until July 1, 2003, 50% of all funds of every kind that are received by the state that are related to the settlement agreement that the state entered into with leading tobacco manufacturers on November 23, 1998, shall be deposited into the permanent state trust fund created by and operated under Utah Constitution, Article XXII, Section 4.

328 (2) On and after July 1, 2003, and until July 1, 2004, 20% of the funds of any kind received by the state that are related to the settlement agreement that the state entered into with leading tobacco manufacturers shall be deposited into the permanent state trust fund created by and operated under Utah Constitution, Article XXII, Section 4.

332 (3) On and after July 1, 2004, and until July 1, 2005, 30% of all funds of any kind received by the state that are related to the settlement agreement that the state entered into with leading tobacco manufacturers shall be deposited into the General Fund Budget Reserve Account created in Section 63J-1-312.

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- 336 (4) On and after July 1, 2005, and until July 1, 2007, 25% of all funds of any kind received by the  
state that are related to the settlement agreement that the state entered into with leading tobacco  
manufacturers shall be deposited into the permanent state trust fund created by and operated under  
Utah Constitution, Article XXII, Section 4.
- 340 (5) On and after July 1, 2007, 40% of all funds of every kind that are received by the state that are  
related to the settlement agreement that the state entered into with leading tobacco manufacturers on  
November 23, 1998, shall be deposited into the General Fund and the remaining funds deposited as  
directed.
- 344 (6) Funds in the permanent state trust fund shall be deposited or invested [~~pursuant to~~] in accordance  
with Chapter 7b, Investment of Permanent State Trust Fund Money.
- 346 (7)
- (a) In accordance with Utah Constitution, Article XXII, Section 4, the interest and dividends earned  
annually from the permanent state trust fund shall be deposited in the General Fund. There shall  
be transferred on an ongoing basis from the General Fund to the permanent state trust fund created  
under Utah Constitution, Article XXII, Section 4, an amount equal to 50% of the interest and  
dividends earned annually from the permanent state trust fund. The amount transferred into the fund  
under this Subsection (7)(a) shall be treated as principal.
- 353 (b) Any annual interest or dividends earned from the permanent state trust fund that remain in the  
General Fund after Subsection (7)(a) may be appropriated by the Legislature.
- 356 (c) Any realized or unrealized gains or losses on investments in the permanent state trust fund shall  
remain in the permanent state trust fund.
- 358 (8) This section does not apply to funds deposited under [~~Chapter 9, Part 3, Infrastructure and~~  
~~Economic Diversification Investment Account and Deposit or Credit of Certain Severance Taxes~~  
~~Act]~~ Part 3, Deposit or Credit of Certain Severance Taxes and Interest and Dividends, into the  
permanent state trust fund.

362 Section 5. Section 51-9-302 is amended to read:

### 363 **Part 3. Deposit or Credit of Certain Severance Taxes and Interest and Dividends**

#### 364 **51-9-302. Definitions.**

As used in this part[;]

- 366 [(1) "~~Infrastructure and Economic Diversification Investment Account~~" means the ~~Infrastructure and~~  
~~Economic Diversification Investment Account created in Section 51-9-303.~~]

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369 [(2) "~~Permanent~~], "permanent state trust fund" means the permanent state trust fund created under  
Utah Constitution, Article XXII, Section 4.

371 Section 6. Section 51-9-305 is amended to read:

372 **51-9-305. Deposit and credit of certain severance tax revenue.**

374 (1) As used in this section, "aggregate annual revenue" means the aggregate annual revenue collected  
in a fiscal year from the taxes imposed under Title 59, Chapter 5, Severance Tax on Oil, Gas,  
and Mining, after subtracting the amounts required to be distributed under Sections 59-5-116 and  
59-5-119.

378 (2) After making the deposits of oil and gas severance tax revenue as required under Sections 59-5-116  
and 59-5-119, the Division of Finance shall make the credit required under Subsection (3).

381 (3) Beginning on July 1, 2016, the Division of Finance shall credit to the permanent state trust fund the  
following aggregate annual revenue:

383 (a) 25% of the first \$50,000,000 of aggregate annual revenue;

384 (b) 50% of the next \$50,000,000 of aggregate annual revenue; and

385 (c) 75% of the aggregate annual revenue that exceeds \$100,000,000.

386 (4) The state treasurer shall invest and separately account for the earnings on funds that are credited to  
the permanent state trust fund under this section.

388 (5)

(a) In accordance with Utah Constitution, Article XXII, Section 4, the interest and dividends earned  
annually on revenue from severance taxes that are credited to the permanent state trust fund shall be  
credited to the General Fund.

391 (b) Interest and dividends earned on revenue from severance taxes that are credited to the General  
Fund [~~pursuant to~~] in accordance with Subsection (5)(a) shall be credited to the [~~Infrastructure and  
Economic Diversification Investment Account created in Section 51-9-303~~] State Reinvestment  
Restricted Account created in Section 51-9-1002.

396 Section 7. Section 7 is enacted to read:

397 **Part 10. State Reinvestment Restricted Account**

398 **51-9-1001. Definitions.**

As used in this part:

400 (1) "Account" means the State Reinvestment Restricted Account created in Section 51-9-1002.

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(2) "Generational water infrastructure" means physical facilities or other physical assets designed to meet generational demands for water.

404 (3) "New revenue" means revenue collected above \$100,000,000 from the taxes imposed under Title 59, Chapter 5, Severance Tax on Oil, Gas, and Mining, after subtracting the amounts required to be distributed under Sections 51-9-305, 51-9-306, 59-5-116, 59-5-119, and 59-5-121 and under Subsection 59-5-202(5)(c).

408 Section 8. Section **8** is enacted to read:

409 **51-9-1002. State Reinvestment Restricted Account created.**

410 (1) There is created within the General Fund a restricted account known as the "State Reinvestment Restricted Account."

412 (2) The account shall consist of:

413 (a) new revenue that the State Tax Commission shall deposit into the account until the new revenue equals or exceeds \$200,000,000 in a fiscal year;

415 (b) revenue credited to the account in accordance with Section 59-5-215;

416 (c) revenue credited to the account in accordance with Section 51-9-305; and

417 (d) interest and earnings on money in the account.

418 (3) The state treasurer shall invest the money in the fund according to Title 51, Chapter 7, State Money Management Act, except that interest or other earnings derived from those investments shall be deposited into the account.

421 Section 9. Section **9** is enacted to read:

422 **51-9-1003. Authorized use of the State Reinvestment Restricted Account.**

424 (1) Money in the account is to be used, subject to appropriation, for:

425 (a) income tax relief;

426 (b) development of generational water infrastructure;

427 (c) facilitating preservation of the Great Salt Lake watershed, as described in Title 73, Chapter 10g, Part 4, Great Salt Lake Watershed Integrated Water Assessment;

429 (d) regionally significant transit development and regionally significant transit infrastructure;

431 (e) development of energy resources, as described in Title 79, Chapter 6, Utah Energy Act; and

433 (f) development of critical mineral resources, as described in Title 79, Chapter 10, Critical Minerals Strategic Act.

435

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(2) Money in the account that is derived from a local source may not be used in an area outside the area in which the money was generated unless the money is used for a purpose described in Subsection (1).

438 Section 10. Section **59-2-924** is amended to read:

439 **59-2-924. ~~{(Effective 05/06/26)}~~(Effective 05/06/26) (Applies beginning**

**01/01/26)Definitions -- Report of valuation of property to county auditor and commission --  
Transmittal by auditor to governing bodies -- Calculation of certified tax rate -- Rulemaking  
authority -- Adoption of tentative budget -- Notice provided by the commission.**

117 (1) As used in this section:

118 (a)

(i) "Ad valorem property tax revenue" means revenue collected in accordance with this chapter.

120 (ii) "Ad valorem property tax revenue" does not include:

121 (A) interest;

122 (B) penalties;

123 (C) collections from redemptions; or

124 (D) revenue received by a taxing entity from personal property that is semiconductor manufacturing  
equipment assessed by a county assessor in accordance with Part 3, County Assessment.

127 (b) "Adjusted tax increment" means the same as that term is defined in Section 17C-1-102.

129 (c)

(i) "Aggregate taxable value of all property taxed" means:

130 (A) the aggregate taxable value of all real property a county assessor assesses in accordance with  
Part 3, County Assessment, for the current year;

132 (B) the aggregate taxable value of all real and personal property the commission assesses in  
accordance with Part 2, Assessment of Property, for the current year; and

135 (C) the aggregate year end taxable value of all personal property a county assessor assesses in  
accordance with Part 3, County Assessment, contained on the prior year's tax rolls of the taxing  
entity.

138 (ii) "Aggregate taxable value of all property taxed" does not include the aggregate year end taxable  
value of personal property that is:

140 (A) semiconductor manufacturing equipment assessed by a county assessor in accordance with Part 3,  
County Assessment; and

## SB0254S02 compared with SB0254S03

- 142 (B) contained on the prior year's tax rolls of the taxing entity.
- 143 (d) "Base taxable value" means:
- 144 (i) for an authority created under Section 11-58-201, the same as that term is defined in Section  
11-58-102;
- 146 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, the same as that  
term is defined in Section 11-59-207;
- 148 (iii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the  
same as that term is defined in Section 11-70-101;
- 150 (iv) for an agency created under Section 17C-1-201.5, the same as that term is defined in Section  
17C-1-102;
- 152 (v) for an authority created under Section 63H-1-201, the same as that term is defined in Section  
63H-1-102;
- 154 (vi) for a host local government, the same as that term is defined in Section 63N-2-502;
- 156 (vii) for a housing and transit reinvestment zone or convention center reinvestment zone created under  
Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the same as that term is  
defined in Section 63N-3-602;
- 159 (viii) for a home ownership promotion zone created under Title 10, Chapter 21, Part 5, Home  
Ownership Promotion Zone for Municipalities, or Title 17, Chapter 80, Part 5, Home Ownership  
Promotion Zone, a property's taxable value as shown upon the assessment roll last equalized during  
the base year, as that term is defined in Section 10-21-101 or Section 17-80-101;
- 164 (ix) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home  
Investment Zone Act, a property's taxable value as shown upon the assessment roll last equalized  
during the base year, as that term is defined in Section 63N-3-1601;
- 168 (x) for a major sporting event venue zone created under Title 63N, Chapter 3, Part 17, Major Sporting  
Event Venue Zone Act, a property's taxable value as shown upon the assessment roll last equalized  
during the property tax base year, as that term is defined in Section 63N-3-1701;~~[-or]~~
- 172 (xi) for an electrical energy development zone created under Section 79-6-1104, the value of the  
property within an electrical energy development zone, as shown on the assessment roll last  
equalized before the creation of the electrical development zone, as that term is defined in Section  
79-6-1104~~[-]~~ ; or

176

## SB0254S02 compared with SB0254S03

(xii) for a critical minerals zone created under Title 79, Chapter 10, Part 4, Critical Minerals Zone, the value of the property within a critical minerals zone, as shown on the assessment { ~~rule~~ } roll last equalized before the creation of the critical minerals zone, as that term is defined in Section 79-10-101.

180 (e) "Centrally assessed benchmark value" means an amount equal to the average year end taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the previous three calendar years, adjusted for taxable value attributable to:

184 (i) an annexation to a taxing entity;

185 (ii) an incorrect allocation of taxable value of real or personal property the commission assesses in accordance with Part 2, Assessment of Property; or

187 (iii) a change in value as a result of a change in the method of apportioning the value prescribed by the Legislature, a court, or the commission in an administrative rule or administrative order.

190 (f) "Centrally assessed industry" means the following industry classes the commission assesses in accordance with Part 2, Assessment of Property:

192 (i) air carrier;

193 (ii) coal;

194 (iii) coal load out property;

195 (iv) electric generation;

196 (v) electric rural;

197 (vi) electric utility;

198 (vii) gas utility;

199 (viii) ground access property;

200 (ix) land only property;

201 (x) liquid pipeline;

202 (xi) metalliferous mining;

203 (xii) nonmetalliferous mining;

204 (xiii) oil and gas gathering;

205 (xiv) oil and gas production;

206 (xv) oil and gas water disposal;

207 (xvi) railroad;

208 (xvii) sand and gravel; and

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- 209 (xviii) uranium.
- 210 (g)
- (i) "Centrally assessed new growth" means the greater of:
- 211 (A) for each centrally assessed industry, zero; or
- 212 (B) the amount calculated by subtracting the centrally assessed benchmark value for each centrally assessed industry, adjusted for prior year end incremental value, from the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for each centrally assessed industry for the current year, adjusted for current year incremental value.
- 218 (ii) "Centrally assessed new growth" does not include a change in value for a centrally assessed industry as a result of a change in the method of apportioning the value prescribed by the Legislature, a court, or the commission in an administrative rule or administrative order.
- 222 (h) "Certified tax rate" means a tax rate that will provide the same ad valorem property tax revenue for a taxing entity as was budgeted by that taxing entity for the prior year.
- 224 (i) "Community reinvestment agency" means the same as that term is defined in Section 17C-1-102.
- 226 (j) "Eligible new growth" means the greater of:
- 227 (i) zero; or
- 228 (ii) the sum of:
- 229 (A) locally assessed new growth;
- 230 (B) centrally assessed new growth; and
- 231 (C) project area new growth or hotel property new growth.
- 232 (k) "Host local government" means the same as that term is defined in Section 63N-2-502.
- 234 (l) "Hotel property" means the same as that term is defined in Section 63N-2-502.
- 235 (m) "Hotel property new growth" means an amount equal to the incremental value that is no longer provided to a host local government as incremental property tax revenue.
- 237 (n) "Incremental property tax revenue" means the same as that term is defined in Section 63N-2-502.
- 239 (o) "Incremental value" means:
- 240 (i) for an authority created under Section 11-58-201, the amount calculated by multiplying:
- 242 (A) the difference between the taxable value and the base taxable value of the property that is located within a project area and on which property tax differential is collected; and
- 245

## SB0254S02 compared with SB0254S03

- (B) the number that represents the percentage of the property tax differential that is paid to the authority;
- 247 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, an amount calculated by multiplying:
- 249 (A) the difference between the current assessed value of the property and the base taxable value; and
- 251 (B) the number that represents the percentage of the property tax augmentation, as defined in Section 11-59-207, that is paid to the Point of the Mountain State Land Authority;
- 254 (iii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the amount calculated by multiplying:
- 256 (A) the difference between the taxable value for the current year and the base taxable value of the property that is located within a project area; and
- 258 (B) the number that represents the percentage of enhanced property tax revenue, as defined in Section 11-70-101;
- 260 (iv) for an agency created under Section 17C-1-201.5, the amount calculated by multiplying:
- 262 (A) the difference between the taxable value and the base taxable value of the property located within a project area and on which tax increment is collected; and
- 265 (B) the number that represents the adjusted tax increment from that project area that is paid to the agency;
- 267 (v) for an authority created under Section 63H-1-201, the amount calculated by multiplying:
- 269 (A) the difference between the taxable value and the base taxable value of the property located within a project area and on which property tax allocation is collected; and
- 272 (B) the number that represents the percentage of the property tax allocation from that project area that is paid to the authority;
- 274 (vi) for a housing and transit reinvestment zone or convention center reinvestment zone created in accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount calculated by multiplying:
- 277 (A) the difference between the taxable value and the base taxable value of the property that is located within a housing and transit reinvestment zone or convention center reinvestment zone and on which tax increment is collected; and
- 281 (B) the number that represents the percentage of the tax increment that is paid to the housing and transit reinvestment zone or convention center reinvestment zone;

## SB0254S02 compared with SB0254S03

- 284 (vii) for a host local government, an amount calculated by multiplying:  
285 (A) the difference between the taxable value and the base taxable value of the hotel property on which  
incremental property tax revenue is collected; and  
287 (B) the number that represents the percentage of the incremental property tax revenue from that hotel  
property that is paid to the host local government;
- 289 (viii) for a home ownership promotion zone created under Title 10, Chapter 21, Part 5, Home  
Ownership Promotion Zone for Municipalities, or Title 17, Chapter 80, Part 5, Home Ownership  
Promotion Zone, an amount calculated by multiplying:  
292 (A) the difference between the taxable value and the base taxable value of the property that is located  
within a home ownership promotion zone and on which tax increment is collected; and  
295 (B) the number that represents the percentage of the tax increment that is paid to the home ownership  
promotion zone;
- 297 (ix) for a first home investment zone created in accordance with Title 63N, Chapter 3, Part 16, First  
Home Investment Zone Act, an amount calculated by multiplying:  
299 (A) the difference between the taxable value and the base taxable value of the property that is located  
within a first home investment zone and on which tax increment is collected; and  
302 (B) the number that represents the percentage of the tax increment that is paid to the first home  
investment zone;
- 304 (x) for a major sporting event venue zone created [~~pursuant to~~] in accordance with Title 63N, Chapter 3,  
Part 17, Major Sporting Event Venue Zone Act, an amount calculated by multiplying:  
307 (A) the difference between the taxable value and the base taxable value of the property located within  
a qualified development zone for a major sporting event venue zone and upon which property tax  
increment is collected; and  
310 (B) the number that represents the percentage of tax increment that is paid to the major sporting event  
venue zone, as approved by a major sporting event venue zone committee described in Section  
63N-1a-1706;[~~or~~]
- 313 (xi) for an electrical energy development zone created under Section 79-6-1104, the amount calculated  
by multiplying:  
315 (A) the difference between the taxable value and the base taxable value of the property that is located  
within the electrical energy developmental zone; and  
317

## SB0254S02 compared with SB0254S03

- (B) the number that represents the percentage of the tax increment that is paid to a community reinvestment agency and the Electrical Energy Development Investment Fund created in Section 79-6-1105[-] ; or
- 320 (xii) for a critical minerals zone created under Section 79-10-403, the amount calculated by multiplying:
- 322 (A) the difference between the taxable value and the base taxable value of the property that is located  
within the critical minerals zone; and
- 324 (B) the number that represents the percentage of the tax increment that is paid to a community  
reinvestment agency or a state land use authority, as defined in Section 79-10-401, and the Critical  
Minerals Development Account created in Section 79-10-701.
- 328 (p)
- (i) "Locally assessed new growth" means the greater of:
- 329 (A) zero; or
- 330 (B) the amount calculated by subtracting the year end taxable value of real property the county  
assessor assesses in accordance with Part 3, County Assessment, for the previous year, adjusted  
for prior year end incremental value from the taxable value of real property the county assessor  
assesses in accordance with Part 3, County Assessment, for the current year, adjusted for current  
year incremental value.
- 336 (ii) "Locally assessed new growth" does not include a change in:
- 337 (A) value as a result of factoring in accordance with Section 59-2-704, reappraisal, or another  
adjustment;
- 339 (B) assessed value based on whether a property is allowed a residential exemption for a primary  
residence under Section 59-2-103;
- 341 (C) assessed value based on whether a property is assessed under Part 5, Farmland Assessment Act; or
- 343 (D) assessed value based on whether a property is assessed under Part 17, Urban Farming Assessment  
Act.
- 345 (q) "Project area" means:
- 346 (i) for an authority created under Section 11-58-201, the same as that term is defined in Section  
11-58-102;
- 348 (ii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the  
same as that term is defined in Section 11-70-101;
- 350

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- (iii) for an agency created under Section 17C-1-201.5, the same as that term is defined in Section 17C-1-102;
- 352 (iv) for an authority created under Section 63H-1-201, the same as that term is defined in Section 63H-1-102;
- 354 (v) for a housing and transit reinvestment zone or convention center reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the same as that term is defined in Section 63N-3-602;
- 357 (vi) for a home ownership promotion zone created under Title 10, Chapter 21, Part 5, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter 80, Part 5, Home Ownership Promotion Zone, the same as that term is defined in Section 10-21-101 or Section 17-80-101;
- 361 (vii) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, the same as that term is defined in Section 63N-3-1601; or
- 364 (viii) for a major sporting event venue zone established under Title 63N, Chapter 3, Part 17, Major Sporting Event Venue Zone Act, the qualified development zone, as defined in Section 63N-3-1701.
- 367 (r) "Project area new growth" means:
- 368 (i) for an authority created under Section 11-58-201, an amount equal to the incremental value that is no longer provided to an authority as property tax differential;
- 371 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, an amount equal to the incremental value that is no longer provided to the Point of the Mountain State Land Authority as property tax augmentation, as defined in Section 11-59-207;
- 375 (iii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, an amount equal to the incremental value that is no longer provided to the Utah Fairpark Area Investment and Restoration District;
- 378 (iv) for an agency created under Section 17C-1-201.5, an amount equal to the incremental value that is no longer provided to an agency as tax increment;
- 380 (v) for an authority created under Section 63H-1-201, an amount equal to the incremental value that is no longer provided to an authority as property tax allocation;
- 383 (vi) for a housing and transit reinvestment zone or convention center reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount equal to the incremental value that is no longer provided to a housing and transit reinvestment zone or convention center reinvestment zone as tax increment;

## SB0254S02 compared with SB0254S03

- 388 (vii) for a home ownership promotion zone created under Title 10, Chapter 21, Part 5, Home Ownership  
Promotion Zone for Municipalities, or Title 17, Chapter 80, Part 5, Home Ownership Promotion  
Zone, an amount equal to the incremental value that is no longer provided to a home ownership  
promotion zone as tax increment;
- 392 (viii) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home  
Investment Zone Act, an amount equal to the incremental value that is no longer provided to a first  
home investment zone as tax increment; or
- 395 (ix) for a major sporting event venue zone created under Title 63N, Chapter 3, Part 17, Major Sporting  
Event Venue Zone Act, an amount equal to the incremental value that is no longer provided to the  
creating entity of a major sporting event venue zone as property tax increment.
- 399 (s) "Project area incremental revenue" means the same as that term is defined in Section 17C-1-1001.
- 401 (t) "Property tax allocation" means the same as that term is defined in Section 63H-1-102.
- 402 (u) "Property tax differential" means the same as that term is defined in Sections 11-58-102[~~and~~] ,  
79-6-1104, and 79-10-401.
- 404 (v) "Tax increment" means:
- 405 (i) for a project created under Section 17C-1-201.5, the same as that term is defined in Section  
17C-1-102;
- 407 (ii) for a housing and transit reinvestment zone or convention center reinvestment zone created under  
Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the same as the term  
"property tax increment" is defined in Section 63N-3-602;
- 411 (iii) for a home ownership promotion zone created under Title 10, Chapter 21, Part 5, Home Ownership  
Promotion Zone for Municipalities, or Title 17, Chapter 80, Part 5, Home Ownership Promotion  
Zone, the same as that term is defined in Section 10-21-101 or Section 17-80-101;
- 415 (iv) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home  
Investment Zone Act, the same as that term is defined in Section 63N-3-1601; or
- 418 (v) for a major sporting event venue zone created under Title 63N, Chapter 3, Part 17, Major Sporting  
Event Venue Zone Act, property tax increment, as that term is defined in Section 63N-3-1701.
- 421 (2) Before June 1 of each year, each county assessor shall deliver to the county auditor and the  
commission the following statements:
- 423 (a) a statement containing the aggregate valuation of all taxable real property a county assessor assesses  
in accordance with Part 3, County Assessment, for each taxing entity; and

## SB0254S02 compared with SB0254S03

- 426 (b) a statement containing the taxable value of all personal property a county assessor assesses in  
accordance with Part 3, County Assessment, from the prior year end values.
- 429 (3) The county auditor shall, on or before June 8, transmit to the governing body of each taxing entity:
- 431 (a) the statements described in Subsections (2)(a) and (b);
- 432 (b) an estimate of the revenue from personal property;
- 433 (c) the certified tax rate; and
- 434 (d) all forms necessary to submit a tax levy request.
- 435 (4)
- (a) Except as otherwise provided in this section, the certified tax rate shall be calculated by dividing  
the ad valorem property tax revenue that a taxing entity budgeted for the prior year by the amount  
calculated under Subsection (4)(b).
- 438 (b) For purposes of Subsection (4)(a), the legislative body of a taxing entity shall calculate an amount as  
follows:
- 440 (i) calculate for the taxing entity the difference between:
- 441 (A) the aggregate taxable value of all property taxed; and
- 442 (B) any adjustments for current year incremental value;
- 443 (ii) after making the calculation required by Subsection (4)(b)(i), calculate an amount determined by  
increasing or decreasing the amount calculated under Subsection (4)(b)(i) by the average of the  
percentage net change in the value of taxable property for the equalization period for the three  
calendar years immediately preceding the current calendar year;
- 448 (iii) after making the calculation required by Subsection (4)(b)(ii), calculate the product of:
- 450 (A) the amount calculated under Subsection (4)(b)(ii); and
- 451 (B) the percentage of property taxes collected for the five calendar years immediately preceding the  
current calendar year; and
- 453 (iv) after making the calculation required by Subsection (4)(b)(iii), calculate an amount determined by:
- 455 (A) multiplying the percentage of property taxes collected for the five calendar years immediately  
preceding the current calendar year by eligible new growth; and
- 458 (B) subtracting the amount calculated under Subsection (4)(b)(iv)(A) from the amount calculated under  
Subsection (4)(b)(iii).
- 460 (5) A certified tax rate for a taxing entity described in this Subsection (5) shall be calculated as follows:
- 462 (a) except as provided in Subsection (5)(b) or (c), for a new taxing entity, the certified tax rate is zero;

## SB0254S02 compared with SB0254S03

- 464 (b) for a municipality incorporated on or after July 1, 1996, the certified tax rate is:
- 465 (i) in a county of the first, second, or third class, the levy imposed for municipal-type services under  
Title 17, Chapter 78, Part 5, Provision of Municipal-Type Services to Unincorporated Areas; and
- 468 (ii) in a county of the fourth, fifth, or sixth class, the levy imposed for general county purposes and  
such other levies imposed solely for the municipal-type services identified in Section 17-78-501 and  
Subsection 17-63-101(23);
- 471 (c) for a community reinvestment agency that received all or a portion of a taxing entity's project area  
incremental revenue in the prior year under Title 17C, Chapter 1, Part 10, Agency Taxing Authority,  
the certified tax rate is calculated as described in Subsection (4) except that the commission shall  
treat the total revenue transferred to the community reinvestment agency as ad valorem property tax  
revenue that the taxing entity budgeted for the prior year; and
- 477 (d) for debt service voted on by the public, the certified tax rate is the actual levy imposed by that  
section, except that a certified tax rate for the following levies shall be calculated in accordance with  
Section 59-2-913 and this section:
- 480 (i) a school levy provided for under Section 53F-8-301, 53F-8-302, or 53F-8-303; and
- 481 (ii) a levy to pay for the costs of state legislative mandates or judicial or administrative orders under  
Section 59-2-1602.
- 483 (6)
- (a) A taxing entity may impose a judgment levy under Section 59-2-1328 or 59-2-1330 at a rate that is  
sufficient to generate only the revenue required to satisfy one or more eligible judgments.
- 486 (b) The ad valorem property tax revenue generated by a judgment levy described in Subsection (6)(a)  
may not be considered in establishing a taxing entity's aggregate certified tax rate.
- 489 (7)
- (a) For the purpose of calculating the certified tax rate, the county auditor shall use:
- 490 (i) the taxable value of real property:
- 491 (A) the county assessor assesses in accordance with Part 3, County Assessment; and
- 493 (B) contained on the assessment roll;
- 494 (ii) the year end taxable value of personal property:
- 495 (A) a county assessor assesses in accordance with Part 3, County Assessment; and
- 496 (B) contained on the prior year's assessment roll; and
- 497

## SB0254S02 compared with SB0254S03

- (iii) the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property.
- 499 (b) For purposes of Subsection (7)(a), taxable value does not include eligible new growth.  
501 (8)
- (a) On or before June 30 of each year, a taxing entity shall adopt a tentative budget.
- 502 (b) If a taxing entity intends to exceed the certified tax rate, the taxing entity shall notify the county auditor of:
- 504 (i) the taxing entity's intent to exceed the certified tax rate; and  
505 (ii) the amount by which the taxing entity proposes to exceed the certified tax rate.
- 506 (c) The county auditor shall notify property owners of any intent to levy a tax rate that exceeds the certified tax rate in accordance with Sections 59-2-919 and 59-2-919.1.
- 508 (9)
- (a) Subject to Subsection (9)(d), the commission shall provide notice, through electronic means on or before July 31, to a taxing entity and the Revenue and Taxation Interim Committee if:
- 511 (i) the amount calculated under Subsection (9)(b) is 10% or more of the year end taxable value of the real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental value; and  
515 (ii) the amount calculated under Subsection (9)(c) is 50% or more of the total year end taxable value of the real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the previous year.
- 518 (b) For purposes of Subsection (9)(a)(i), the commission shall calculate an amount by subtracting the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the current year, adjusted for current year incremental value, from the year end taxable value of the real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental value.
- 524 (c) For purposes of Subsection (9)(a)(ii), the commission shall calculate an amount by subtracting the total taxable value of real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the current year, from the total year end taxable value of the real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the previous year.

530

## SB0254S02 compared with SB0254S03

- (d) The notification under Subsection (9)(a) shall include a list of taxpayers that meet the requirement under Subsection (9)(a)(ii).

858 Section 11. Section 59-5-115 is amended to read:

859 **59-5-115. Disposition of taxes collected -- Credit to General Fund.**

- 861 (1) As used in this section, "above-trend revenue" means the amount by which the actual revenue from  
the oil and gas severance tax deposited into the General Fund under Subsection (2) exceeds the  
long-term trend of oil and gas severance tax revenue to the General Fund as determined by the  
Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and Budget.
- 866 (2) Except as provided in Section 51-9-305, 51-9-306, [~~51-9-307,~~] 51-9-1002, 59-5-116, 59-5-119, or  
59-5-121, a tax imposed and collected under Section 59-5-102 shall be paid to the commission,  
promptly remitted to the state treasurer, and credited to the General Fund.
- 870 (3) The Division of Finance shall transfer above-trend revenue up to [~~\$20 million~~] \$20,000,000 from  
the General Fund into the Transportation Investment Fund each year beginning in the fiscal year  
beginning July 1, 2023, until the amount deposited into the Transportation Investment Fund totals  
[~~\$88.5 million~~] \$88,500,000.

874 Section 12. Section 59-5-116 is amended to read:

875 **59-5-116. Disposition of certain taxes collected on Ute Indian land.**

- 877 (1) Except as provided in Subsection (2), there shall be deposited into the Uintah Basin Revitalization  
Fund established in Section 35A-8-1602:
- 879 (a) for taxes imposed under this part, 33% of the taxes collected on oil, gas, or other hydrocarbon  
substances produced from a well:
- 881 (i) for which production began on or before June 30, 1995; and
- 882 (ii) attributable to interests:
- 883 (A) held in trust by the United States for the Tribe and [~~its~~] the Tribe's members; or
- 884 (B) on lands identified in Pub. L. No. 440, 62 Stat. 72 (1948);
- 885 (b) for taxes imposed under this part, 80% of taxes collected on oil, gas, or other hydrocarbon  
substances produced from a well:
- 887 (i) for which production began on or after July 1, 1995; and
- 888 (ii) attributable to interests:
- 889 (A) held in trust by the United States for the Tribe and [~~its~~] the Tribe's members; or
- 890 (B) on lands identified in Pub. L. No. 440, 62 Stat. 72 (1948); and

## SB0254S02 compared with SB0254S03

- 891 (c) for taxes imposed under this part, 80% of taxes collected on oil, gas, or other hydrocarbon  
substances produced from a well:
- 893 (i) for which production began on or after January 1, 2001; and
- 894 (ii) attributable to interests on lands conveyed to the tribe under the Ute-Moab Land Restoration Act,  
Pub. L. No. 106-398, Sec. 3303.
- 896 (2)
- (a) The maximum amount deposited in the Uintah Basin Revitalization Fund may not exceed:
- 898 (i) \$3,000,000 in fiscal year 2005-06;
- 899 (ii) \$5,000,000 in fiscal year 2006-07;
- 900 (iii) \$6,000,000 in fiscal years 2007-08 and 2008-09; and
- 901 (iv) for fiscal years beginning with fiscal year 2009-10, the amount determined by the commission  
as described in Subsection (2)(b).
- 903 (b)
- (i) The commission shall increase or decrease the dollar amount described in Subsection (2)(a)(iii) by  
a percentage equal to the percentage difference between the consumer price index for the preceding  
calendar year and the consumer price index for calendar year 2008; and
- 907 (ii) after making an increase or decrease under Subsection (2)(b)(i), round the dollar amount to the  
nearest whole dollar.
- 909 (c) For purposes of this Subsection (2), "consumer price index" is as described in Section 1(f)(4),  
Internal Revenue Code, and defined in Section (1)(f)(5), Internal Revenue Code.
- 912 (d) Any amounts in excess of the maximum described in Subsection (2)(a) shall be credited as provided  
in Sections 51-9-305, 51-9-306, [~~51-9-307~~] 51-9-1002, and 59-5-115.
- 915 Section 13. Section 59-5-119 is amended to read:
- 916 **59-5-119. Disposition of certain taxes collected on Navajo Nation land located in Utah.**
- 918 (1) Except as provided in Subsection (2), there shall be deposited into the Navajo Revitalization Fund  
established in Section 35A-8-1704 for taxes imposed under this part beginning on July 1, 1997:
- 921 (a) 33% of the taxes collected on oil, gas, or other hydrocarbon substances produced from a well:
- 923 (i) for which production began on or before June 30, 1996; and
- 924 (ii) attributable to interests in Utah held in trust by the United States for the Navajo Nation and [its] the  
Navajo Nation's members; and
- 926 (b) 80% of the taxes collected on oil, gas, or other hydrocarbon substances produced from a well:

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- 928 (i) for which production began on or after July 1, 1996; and  
929 (ii) attributable to interests in Utah held in trust by the United States for the Navajo Nation and [its] the  
Navajo Nation's members.
- 931 (2)
- (a) The maximum amount deposited in the Navajo Revitalization Fund may not exceed:
- 933 (i) \$2,000,000 in fiscal year 2006-07; and  
934 (ii) \$3,000,000 for fiscal years beginning with fiscal year 2007-08.
- 935 (b) Any amounts in excess of the maximum described in Subsection (2)(a) shall be credited as provided  
in Sections 51-9-305, 51-9-306, [~~51-9-307~~] 51-9-1002, and 59-5-115.
- 938 Section 14. Section 59-5-204 is amended to read:
- 939 **59-5-204. Statements filed -- Contents -- Verification -- Falsification as perjury.**
- 941 (1) Every person engaged in the business of mining or extracting metalliferous minerals shall make and  
file with the commission, on or before June 1 of each year on forms furnished by the commission, a  
statement containing:
- 944 (a) the name, description, and location of the mine owned and operated by the person during the  
preceding calendar year;
- 946 (b) the number of tons of minerals described in Subsection (2)(b)(ii) that are mined during the  
preceding calendar year and the disposition of the minerals;
- 948 (c) the total amount received during the preceding year from the sale of the minerals described in  
Subsection (1)(b);
- 950 [~~(b)~~] (d) the number of tons of [~~mineral~~] minerals not described in Subsection (1)(b) that are mined  
during the preceding calendar year and the disposition of the [~~mineral~~] minerals;
- 953 [~~(c)~~] (e) the total amount received during the preceding calendar year from the sale of minerals not  
described in Subsection (1)(b); and
- 955 [~~(d)~~] (f) such other reasonable and necessary information as the commission may require for the  
proper enforcement of this chapter as specified in a rule adopted under Title 63G, Chapter 3, Utah  
Administrative Rulemaking Act.
- 958 (2) The owner of the mine shall be responsible for the statement or report required by this section, but  
the principal lessee, contractor, or operator may, with the consent of the commission, report and pay  
the tax as agent for the owner. The owner shall be entitled to deduct and remit to the commission  
any tax chargeable upon the operations conducted by the lessees or other parties.

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963 (3) The statements or reports required to be filed with the commission shall be signed and sworn to by  
the person required to file the statements or reports, by a partner if a partnership, or by the president,  
secretary, or managing officer, if a corporation. Any willful false swearing as to the purported  
material facts set out in this report constitutes the crime of perjury and shall be punished as such  
under Title 76, Utah Criminal Code.

968 Section 15. Section 59-5-215 is amended to read:

969 **59-5-215. Disposition of taxes collected -- Credit to General Fund -- Transfer to State**  
**Reinvestment Restricted Account.**

971 (1) Except as provided in Section 51-9-305, 51-9-306, or [51-9-307] 51-9-1002, or Subsection  
59-5-202(5), a tax imposed and collected under Section 59-5-202 shall be paid to the commission,  
promptly remitted to the state treasurer, and credited to the General Fund.

975 (2)

(a) For fiscal year 2027, the Division of Finance shall transfer 50% of the revenue collected under  
Section 59-5-202 for calendar year 2026 that exceeds \$11,526,000 from the General Fund to the  
State Reinvestment Restricted Account created in Section 51-9-1002.

979 (b) For a fiscal year beginning on or after July 1, 2027, the Division of Finance shall:

980 (i) determine from the commission the amount of revenue that is collected for calendar year 2026 under  
Section 59-5-202 for a mineral for which the United States is greater than 50% net import reliant as  
provided in the Mineral Commodity Summaries published by the United States Geological Survey,  
as of the December 15 immediately proceeding the calendar year for which the tax is collected and  
published by the Division of Oil, Gas, and Mining under Subsection (3);

987 (ii) determine from the commission the amount of revenue that is collected for the previous calendar  
year for a mineral for which the United States is greater than 50% net import reliant as provided in  
the Mineral Commodity Summaries published by the United States Geological Survey, as of the  
December 15 immediately proceeding the calendar year for which the tax is collected and published  
by the Division of Oil, Gas, and Mining under Subsection (3); and

993 (iii) transfer from the General Fund to the State Reinvestment Restricted Account created in Section  
51-9-1002 the greater of 0 or the difference calculated by subtracting (2)(b)(i) from (ii).

996 (3) The Division of Oil, Gas, and Mining shall by no later than December 31 of each year:

997 (a) publish a list of minerals that meet the condition described in Subsection (1)(b)(ii); and

999 (b) submit an electronic copy of the list described in Subsection (3)(a) to the Division of Finance.

## SB0254S02 compared with SB0254S03

1001 Section 16. Section 59-5-304 is amended to read:

1002 **59-5-304. Tax credit for mining exploration.**

1004 (1) As used in this section:

1005 [(a) "Assigned tax credit certificate" means the same as that term is defined in Section 40-6-24.]

1007 [(b)] (a) "Eligible claimant" means a person[;]

1008 [(i)] that is a claimant as defined in Section 40-6-24 and obtains a tax credit certificate[; or] .

1010 [(ii) to which a person described in Subsection (1)(b)(i) assigns a tax credit certificate and that obtains  
an assigned tax credit certificate in accordance with Section 40-6-24.]

1013 [(e)] (b) "Tax credit certificate" means the same as that term is defined in Section 40-6-24.

1014 (2) For a taxable year beginning on or after January 1, 2027, an eligible claimant may claim a  
nonrefundable tax credit against severance tax otherwise due under Part 2, Mining Severance Tax,  
in an amount equal to the amount stated on[;] the tax credit certificate for the taxable year.

1018 [(a) the tax credit certificate for the taxable year for an eligible claimant described in Subsection (1)(b)  
(i); or]

1020 [(b) the assigned tax credit certificate for the taxable year for an eligible claimant described in  
Subsection (1)(b)(ii).]

1022 (3) An eligible claimant may carry forward to the next 15 taxable years the amount of the eligible  
claimant's tax credit that exceeds the amount described in Subsection (2).

1024 Section 17. Section **63J-1-602.2** is amended to read:

1025 **63J-1-602.2. List of nonlapsing appropriations to programs.**

Appropriations made to the following programs are nonlapsing:

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

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

540 (3) The Rangeland Improvement Act created in Section 4-20-101.

541 (4) The Percent-for-Art Program created in Section 9-6-404.

542 (5) The LeRay McAllister Working Farm and Ranch Fund Program created in Title 4, Chapter 46, Part  
3, LeRay McAllister Working Farm and Ranch Fund.

544 (6) The Utah Lake Authority created in Section 11-65-201.

545 (7) Dedicated credits accrued to the Utah Marriage Commission as provided under Subsection  
17-66-303(2)(d)(ii).

## SB0254S02 compared with SB0254S03

- 547 (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.
- 548 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection 26B-3-108(7).
- 550 (10) The primary care grant program created in Section 26B-4-310.
- 551 (11) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.
- 552 (12) The Utah Health Care Workforce Financial Assistance Program created in Section 26B-4-702.
- 554 (13) The Rural Physician Loan Repayment Program created in Section 26B-4-703.
- 555 (14) The Utah Medical Education Council for the:
- 556 (a) administration of the Utah Medical Education Program created in Section 26B-4-707;
- 557 (b) provision of medical residency grants described in Section 26B-4-711; and
- 558 (c) provision of the forensic psychiatric fellowship grant described in Section 26B-4-712.
- 559 (15) The Division of Services for People with Disabilities, as provided in Section 26B-6-402.
- 560 (16) The Communication Habits to reduce Adolescent Threats (CHAT) Pilot Program created in  
Section 26B-7-122.
- 562 (17) Funds that the Department of Alcoholic Beverage Services retains in accordance with Subsection  
32B-2-301(8)(a) or (b).
- 564 (18) The General Assistance program administered by the Department of Workforce Services, as  
provided in Section 35A-3-401.
- 566 (19) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 567 (20) The Search and Rescue Financial Assistance Program, as provided in Section 53-2a-1102.
- 569 (21) The Emergency Medical Services Grant Program, as provided in Section 53-2d-207.
- 570 (22) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 571 (23) The Utah Board of Higher Education for teacher preparation programs, as provided in Section  
53H-5-402.
- 573 (24) Innovation grants under Section 53G-10-608, except as provided in Subsection 53G-10-608(3).
- 575 (25) The Division of Fleet Operations for the purpose of upgrading underground storage tanks under  
Section 63A-9-401.
- 577 (26) The Division of Technology Services for technology innovation as provided under Section  
63A-16-903.
- 579 (27) The State Capitol Preservation Board created by Section 63O-2-201.
- 580 (28) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.
- 581

## SB0254S02 compared with SB0254S03

- (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14, Colorado River Authority of Utah Act.
- 583 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 585 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.
- 588 (32) County correctional facility contracting program for state inmates as described in Section 64-13e-103.
- 590 (33) County correctional facility reimbursement program for state probationary inmates and state parole inmates as described in Section 64-13e-104.
- 592 (34) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.
- 593 (35) The Division of Human Resource Management user training program, as provided in Section 63A-17-106.
- 595 (36) A public safety answering point's emergency telecommunications service fund, as provided in Section 69-2-301.
- 597 (37) The Traffic Noise Abatement Program created in Section 72-6-112.
- 598 (38) The money appropriated from the Navajo Water Rights Negotiation Account to the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a settlement of federal reserved water right claims.
- 601 (39) The Judicial Council for compensation for special prosecutors, as provided in Section 77-10a-19.
- 603 (40) A state rehabilitative employment program, as provided in Section 78A-6-210.
- 604 (41) The Utah Geological Survey, as provided in Section 79-3-401.
- 605 (42) The Bonneville Shoreline Trail Program created under Section 79-5-503.
- 606 (43) Adoption document access as provided in Sections 81-13-103, 81-13-504, and 81-13-505.
- 608 (44) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.
- 610 (45) The program established by the Division of Facilities Construction and Management under Section 63A-5b-703 under which state agencies receive an appropriation and pay lease payments for the use and occupancy of buildings owned by the Division of Facilities Construction and Management.
- 614 (46) The State Tax Commission for reimbursing counties for deferrals in accordance with Section 59-2-1802.5.
- 616 (47) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.

## SB0254S02 compared with SB0254S03

617 (48) The Critical Minerals Council created by Section 79-10-301.

1110 Section 18. Section **79-2-201** is amended to read:

1111 **79-2-201. Department of Natural Resources created.**

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

622 (2) The department comprises the following:

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

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

625 (c) Office of Energy Development, created in Section 79-6-401;

626 (d) Wildlife Board, created in Section 23A-2-301;

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

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

629 (g) Division of Water Rights, created in Section 73-2-1.1;

630 (h) Division of Water Resources, created in Section 73-10-18;

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

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

633 (k) Division of State Parks, created in Section 79-4-201;

634 (l) Division of Outdoor Recreation, created in Section 79-7-201;

635 (m) Division of Wildlife Resources, created in Section 23A-2-201;

636 (n) Utah Geological Survey, created in Section 79-3-201;

637 (o) Utah Outdoor Recreation Infrastructure Advisory Committee, created in Section 79-7-206;

639 (p)

(i) an advisory council that includes in the advisory council's duties advising on state boating policy, authorized by Section 73-18-3.5; or

641 (ii) an advisory council that includes in the advisory council's duties advising on off-highway vehicle use, authorized by Section 41-22-10;

643 (q) Wildlife Board Nominating Committee, created in Section 23A-2-302;

644 (r) Wildlife Regional Advisory Councils, created in Section 23A-2-303;

645 (s) Utah Watersheds Council, created in Section 73-10g-304;

646 (t) Public Lands Policy Coordinating Office created in Section 63L-11-201;[~~and~~]

647 (u) the Great Salt Lake commissioner, appointed under Section 73-32-201, and the Office of the Great Salt Lake Commissioner, created in Section 73-32-301[~~;~~] ; and

## SB0254S02 compared with SB0254S03

649 (v) the Critical Minerals Council, created in Section 79-10-301.

1142 Section 19. Section **19** is enacted to read:

1145 **79-10-101. Definitions.**

10. Critical Minerals Strategic Act

1. General Provisions

As used in this chapter:

655 (1) "Atlas" means a depository of geological data maintained in accordance with Part 5, Critical Minerals Atlas.

657 (2) "Center" means the Minerals for Industrial, National, and Economic Security Center created in accordance with Part 6, Minerals for Industrial, National, and Economic Security Center.

660 (3) "Council" means the Critical Minerals Council created in Section 79-10-301.

661 (4) "Critical mineral" means a mineral identified by the United States Geological Survey or the council as essential to the economic security of the state or national security.

663 (5) "Critical minerals zone" means a critical minerals zone designated by the council under Part 4, Critical Minerals Zone.

665 (6) "Permit" means one of the following issued by a state agency:

666 (a) a permit;

667 (b) a plan;

668 (c) a license;

669 (d) an approval order; or

670 (e) another administrative authorization.

1163 Section 20. Section **20** is enacted to read:

1165 **79-10-201. State critical mineral objectives and policy.**

2. State Critical Minerals Objectives and Policy

674 (1) The state's long-term objectives related to critical minerals are:

675 (a) to capture 20% to 25% of United States domestic critical minerals demand;

676 (b) to process within the state 50% of the critical minerals extracted from within the state;

678 (c) to reduce average permitting timelines to less than 18 months;

679 (d) to establish and build out the Minerals for Industrial, National, and Economic Security Center, as provided in Part 6, Minerals for Industrial, National, and Economic Security Center; and

682

## SB0254S02 compared with SB0254S03

(e) to secure federal designation of an entity within the state as a United States critical minerals national laboratory.

684 (2) The state's policy related to critical minerals is to:

685 (a) pursue market-based solutions while using public policy to accelerate market performance;

687 (b) foster the long-term viability of extraction and processing operations;

688 (c) foster the long-term health of marketplaces to ensure private parties can invest confidently in the critical minerals industry;

690 (d) maximize resources available across the state, including natural, talent, processing, financial, and technological resources;

692 (e) leverage the Utah System of Higher Education, including technical colleges, to create a specialized talent pipeline for mining, geology, and processing;

694 (f) create a positive regulatory framework, including streamlined permitting for critical minerals processes;

696 (g) create intrastate, interstate, and federal partnerships that leverage available resources for state, regional, and national benefit;

698 (h) accelerate development of critical minerals zones; and

699 (i) support applied research partnerships between higher education, industry, and the state that support commercialization.

701 (3) State agencies, academia, and industry are encouraged to conduct activities consistent with Subsections (1) and (2).

703 (4) This section does not create a cause of action against the state's or a state agency's action that is inconsistent with Subsections (1) and (2) and does not waive governmental immunity under Title 63G, Chapter 7, Governmental Immunity Act of Utah.

1198 Section 21. Section **21** is enacted to read:

1199 **79-10-202. Legislative review of objectives and policy.**

The Natural Resources, Agriculture, and Environment Interim Committee shall annually review the state's critical mineral objectives and policy under Section 79-10-201 and propose any changes to the Legislature.

1203 Section 22. Section **22** is enacted to read:

1205 **79-10-301. Critical Minerals Council created.**

3. Critical Minerals Coordinating Council

## SB0254S02 compared with SB0254S03

- 714 (1) There is created within the Department of Natural Resources a mixed purpose board known as the  
715 "Critical Minerals Council."
- 716 (2) The council consists of the following 11 members:
- 717 (a) the director of the Office of Energy Development, or the director's designee;
- 718 (b) the director of the Division of Oil, Gas, and Mining, or the director's designee;
- 719 (c) one of the following appointed by the governor:
- 720 (i) the executive director of the Governor's Office of Economic Opportunity; or
- 721 (ii) the executive director of the Nucleus Institute, created in Section 53H-16-202;
- 722 (d) a member of the House of Representatives, appointed by the speaker of the House of  
723 Representatives;
- 724 (e) a member of the Senate, appointed by the president of the Senate;
- 725 (f) the president of the University of Utah, or the president's designee;
- 726 (g) the president of an association representing Utah's mining industry, including hardrock operators,  
727 industrial mineral operators, coal operators, mineral processing operations, and mining services  
728 companies, appointed by the governor;
- 729 (h) a representative from an organization designed to create jobs in Utah by expanding international  
730 sales, attracting foreign investment, and facilitating international partnerships, appointed by the  
731 governor;
- 732 (i) a representative from a state land use authority, as defined in Section 79-10-401, appointed by the  
733 governor; and
- 734 (j) two at-large members who represent a relevant industry, represent a state research center, or have  
735 expertise in environmental regulation, appointed by the members of the council described in  
736 Subsections (2)(a) through (i).
- 737 (3)
- 738 (a)
- 739 (i) The director of the Office of Energy Development, or the director's designee, is the co-chair of  
740 the council.
- 741 (ii) The president of the Senate and the speaker of the House of Representatives shall jointly  
742 appoint a co-chair of the council from members of the council.
- 743 (b) The vice-chairs of the council are:
- 744 (i) the director of the Division of Oil, Gas, and Mining, or the director's designee; and

## SB0254S02 compared with SB0254S03

- 743 (ii) the individual appointed under Subsection (1)(c).  
744 (4)  
(a) The majority of the members constitutes a quorum of the council.  
745 (b) The majority vote of the members present when a quorum is present constitutes action of the  
council.  
747 (5) The council shall meet:  
748 (a) at the time and place designated by the chairs; and  
749 (b) no less than once every month or as frequently as the council determines.  
750 (6)  
(a) A member appointed under Subsections (2)(g) through (j) shall serve a term of four years.  
752 (b) The appointing authority may appoint an individual to a position under Subsections (2)(g) through  
(j) to more than one term.  
754 (c) Notwithstanding Subsection (6)(a), the council shall, at the time of appointment or reappointment,  
adjust the length of terms to ensure that the terms of the members appointed under Subsections (2)  
(g) through (j) are staggered so that approximately half of the members appointed under Subsections  
(2)(g) through (j) are appointed every two years.  
759 (7)  
(a) A vacancy that occurs on the council for any reason shall be filled in the same manner as the  
original appointment.  
761 (b) If an at-large representative vacates the position, the council shall appoint a new member for the  
unexpired term of the vacated member.  
763 (8) A member may not receive compensation or benefits for the member's service, but may receive per  
diem and travel expenses in accordance with:  
765 (a) Section 63A-3-106;  
766 (b) Section 63A-3-107; and  
767 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.  
769 (9)  
(a) A council member who has, will have, or later acquires an interest, direct or indirect, in a transaction  
with the council shall immediately disclose the nature and extent of that interest in writing to the  
council as soon as the council member has knowledge of the actual or prospective interest.  
773 (b) The council shall enter a disclosure described in this Subsection (9) upon the minutes of the council.

## SB0254S02 compared with SB0254S03

- 775 (c) Upon disclosure, that council member may participate in an action by the council authorizing the  
776 transaction.
- 777 (10) The Department of Natural Resources shall provide staff support to the council.
- 1270 Section 23. Section 23 is enacted to read:
- 1271 **79-10-302. Powers and duties of the council.**
- 780 (1) The council shall:
- 781 (a) develop a strategic plan to prioritize activities and projects related to the exploration, development,  
782 production, and processing of critical minerals in the state consistent with the state's critical minerals  
783 objectives and policy as outlined in Section 79-10-201;
- 785 (b) ensure that efforts among Utah public, private, and academic partners regarding critical minerals are  
786 coordinated efficiently and effectively;
- 787 (c) act as a clearinghouse for information related to federal, state, or local grants and determine whether  
788 a grant application is consistent with the strategic plan developed under Subsection (1)(a);
- 790 (d) investigate and participate in studies of problems unique to the exploration, development,  
791 production, and processing of critical minerals in the state;
- 792 (e) oversee the development of the center in accordance with Part 6, Minerals for Industrial, National,  
793 and Economic Security Center;
- 794 (f) take actions consistent with this chapter to promote, protect, and stabilize the critical minerals  
795 industry;
- 796 (g) cooperate with local, state, or national organizations engaged in activities similar to those of the  
797 council;
- 798 (h) partner with other western states for the development of critical minerals mining and processing  
799 capabilities;
- 800 (i) accept grants, donations, or gifts for use consistent with this chapter;
- 801 (j) catalyze critical minerals extraction and processing for industries in the state;
- 802 (k) accelerate development of critical minerals zones in the state for extraction and processing of critical  
803 minerals;
- 804 (l) identify transportation and logistics needs and strategic investments to facilitate high-capacity,  
805 efficient handling of critical minerals; and
- 806 (m) advise the Legislature about the need, if any, for legislative action.
- 807 (2) The council may enter into agreements necessary to fulfill the council's duties.

## SB0254S02 compared with SB0254S03

- 808 (3) The council may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act, creating a dispute resolution process to resolve conflicts between agencies or  
private entities represented by a member of the council.
- 811 (4)
- (a) The council may organize standing or ad hoc committees that operate in accordance with guidelines  
established by the council, regarding specific state and industry needs related to critical minerals  
development, including:
- 814 (i) education and workforce needs;
- 815 (ii) research and commercialization;
- 816 (iii) entrepreneurship and investment;
- 817 (iv) aerospace and defense requirements;
- 818 (v) logistics and infrastructure;
- 819 (vi) international trade; or
- 820 (vii) other needs related to critical minerals development.
- 821 (b) The council may appoint a member of a standing or ad hoc committee that is not a member of the  
council.
- 823 (5)
- (a) The council shall report annually by no later than October 1 to the Natural Resources, Agriculture,  
and Environment Interim Committee.
- 825 (b) The report required by this Subsection (5) shall include information regarding:
- 826 (i) the state's progress towards the objectives described in Subsection 79-10-201(1);
- 827 (ii) critical minerals zones as required by Section 79-10-402;
- 828 (iii) the state's progress towards development of the center, including the center's activities and fiscal  
needs; and
- 830 (iv) the Critical Minerals Development Account required by Section 79-10-701.
- 831 (6) Notwithstanding the other provisions of this chapter, the council may not:
- 832 (a) interfere or impair with the statutory authority of a state agency to issue a permit; or
- 833 (b) vote on an individual permit.
- 1326 Section 24. Section 24 is enacted to read:
- 1327 **79-10-303. Areas for coordination.**
- 836

## SB0254S02 compared with SB0254S03

- (1) Council members are designated as area leads as provided in this section. In conducting the council's business, the council may assign a council member who is an area lead to coordinate on an issue within the council member's area.
- 839 (2) The council shall ensure:
- 840 (a) the coordination of state policy with federal policy; and
- 841 (b) the development of infrastructure within the state related to critical minerals.
- 842 (3)
- (a) The director of the Division of Oil, Gas, and Mining, or the director's designee, shall address regulation and permitting and coordinate with state agencies related to:
- 844 (i) permitting for extraction or reclamation projects; and
- 845 (ii) information gathering for extraction or reclamation projects.
- 846 (b) In coordinating under this Subsection (3), the director of the Division of Oil, Gas, and Mining, or the director's designee, shall at a minimum coordinate with:
- 848 (i) the Department of Environmental Quality; and
- 849 (ii) the Utah Geological Survey.
- 850 (4)
- (a) The council member appointed under Subsection 79-10-301(2)(c) shall address incentives and critical minerals zones and coordinate:
- 852 (i) implementation of state tax incentives;
- 853 (ii) domestic recruitment;
- 854 (iii) foreign investment;
- 855 (iv) accessing federal appropriations and other federal funding sources; and
- 856 (v) defense or national security requirements.
- 857 (b) In coordinating under this Subsection (4), the council member appointed under Subsection 79-10-301(2)(c) shall at a minimum coordinate with:
- 859 (i) the council member appointed under Subsection 79-10-301(2)(h); and
- 860 (ii) public and private entities that may act as a liaison with federal agencies that may provide funding for critical minerals.
- 862 (5)
- (a) The council member representing the University of Utah shall coordinate issues related to innovation including:

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- 864 (i) workforce training and talent pipelines;  
865 (ii) pilot technology testing;  
866 (iii) research and development; and  
867 (iv) industry concerns.
- 868 (b) In coordinating under this Subsection (5), the council member representing the University of Utah shall at a minimum coordinate with:
- 870 (i) the center;  
871 (ii) other institutions of higher education, including Utah State University;  
872 (iii) an association representing Utah's mining industry, including hardrock operators, industrial mineral operators, coal operators, mineral processing operations, and mining services companies; and  
875 (iv) the aerospace and defense industry.

1368 Section 25. Section **25** is enacted to read:

1370 **79-10-401. Definitions.**

4. Critical Minerals Zone

As used in this part:

- 880 (1) "Base taxable value" means the value of property within a critical minerals zone, as shown on the assessment roll last equalized before the creation of the critical minerals zone.
- 883 (2) "Community reinvestment agency" means the same as that term is defined in Section 17C-1-102.
- 885 (3) "Community reinvestment project area" means a project area under a community reinvestment project area plan as defined in Section 17C-1-102.
- 887 (4) "Property tax differential" means the difference between:
- 888 (a) the amount of property tax revenues generated each tax year by all taxing entities from a critical minerals zone, using the current assessed value of the property; and
- 890 (b) the amount of property tax revenues that would be generated from that same area using the base taxable value of the property.
- 892 (5) "Property tax differential revenue" means revenue generated based on the property tax differential.
- 894 (6) "State land use authority" means:
- 895 (a) the Utah Inland Port Authority created in Section 11-58-201;
- 896 (b) the Military Installation Development Authority created in Section 63H-1-201;
- 897 (c) the School and Institutional Trust Lands Administration created in Section 53C-1-201; or
- 899 (d) any other land use authority created by the state that has jurisdiction over state lands.

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1392 Section 26. Section 26 is enacted to read:

1393 **79-10-402. Council responsibilities and powers.**

902 (1) The council shall:

903 (a) establish and implement:

904 (i) processes for designating critical minerals zones; and

905 (ii) criteria for evaluating proposed critical minerals zones;

906 (b) consult with state land use authorities regarding:

907 (i) identification of state lands suitable for critical minerals extraction or processing;

908 (ii) designation of critical minerals zones; and

909 (iii) opportunities for coordinated development of extraction or processing projects on state lands;

911 (c) assess and address potential public health impacts of critical minerals zones;

912 (d) report annually by October 1 to the Natural Resources, Agriculture, and Environment Interim  
Committee regarding:

914 (i) infrastructure needs related to extraction and processing of critical minerals;

915 (ii) the status of designated critical minerals zones; and

916 (iii) recommendations for how the property tax differential revenue collected under this section should  
be divided and distributed between the state, counties, and municipalities; and

919 (e) negotiate with the applicable county or municipality regarding the distribution of property tax  
differential revenue.

921 (2) The council may enter agreements with state land use authorities to address the implementation of  
critical minerals zones and the administration of property tax differential revenue.

1416 Section 27. Section 27 is enacted to read:

1417 **79-10-403. Critical minerals zones designated.**

926 (1)

(a) Except as provided in Subsection (1)(b), a county or municipality may not offer financial incentives  
for a critical minerals extraction or processing project that is not located within a designated critical  
minerals zone.

929 (b) Subsection (1)(a) does not apply to a critical minerals extraction or processing project for which a  
project area plan has been approved before May 6, 2026.

931 (2) A county or municipality may:

932

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- (a) pass a resolution declaring an intent to establish within the county or municipality boundaries a critical minerals zone;
- 934 (b) enter into an interlocal agreement with the council outlining each parties' responsibilities relating to a critical minerals zone; and
- 936 (c) apply to the council for the designation of a critical minerals zone by submitting:
- 937 (i) a description of the proposed boundaries of the critical minerals zone;
- 938 (ii) an assessment of existing critical minerals extraction or processing infrastructure within and proximate to the proposed critical minerals zone;
- 940 (iii) a development plan that includes:
- 941 (A) proposed critical minerals extraction or processing projects;
- 942 (B) anticipated infrastructure improvements;
- 943 (C) projected economic benefits to the county; and
- 944 (D) evidence of local support including any interlocal agreement entered into between the county or municipality and the council, as applicable;
- 946 (iv) if the applicant is a municipality, evidence of coordination with the county in which the proposed critical minerals zone is located, including any interlocal agreement entered into between the county or municipality and the council, as applicable;
- 950 (v) if the applicant is a county and any portion of the proposed critical minerals zone is within the boundaries of a municipality, evidence of an agreement with the municipality regarding the establishment of the critical minerals zone; and
- 953 (vi) any other information required by the council.
- 954 (3) A state land use authority may:
- 955 (a) propose a critical minerals zone within lands under the state land use authority's jurisdiction; and
- 957 (b) apply to the council for the designation of a critical minerals zone by submitting:
- 958 (i) a description of the proposed boundaries of the critical minerals zone;
- 959 (ii) an assessment of existing critical minerals extraction or processing infrastructure within and proximate to the proposed critical minerals zone;
- 961 (iii) a development plan that includes:
- 962 (A) proposed critical minerals extraction or processing projects;
- 963 (B) anticipated infrastructure improvements; and
- 964 (C) projected economic benefits;

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- 965 (iv) evidence that the proposed critical minerals zone is consistent with applicable land use plans and  
regulations; and
- 967 (v) any other information required by the council.
- 968 (4) The council shall:
- 969 (a) approve an application for a critical minerals zone designation if the application demonstrates:
- 971 (i) the proposed critical minerals zone includes land suitable for critical minerals extraction or  
processing development based on:
- 973 (A) adequate transportation access; and
- 974 (B) sufficient land area for proposed development; and
- 975 (ii) the critical minerals zone plan:
- 976 (A) aligns with state critical minerals objectives and policy under Section 79-10-201;
- 978 (B) includes realistic timelines and milestones;
- 979 (C) identifies specific infrastructure improvements; and
- 980 (D) quantifies projected economic benefits;
- 981 (b) make a determination on an application within 60 days of submission;
- 982 (c) provide written notice to the applicant explaining the basis for approval or denial;
- 983 (d) if a critical minerals zone overlaps with an area designated by a community reinvestment agency  
as a community reinvestment project area as of May 6, 2026, enter into an agreement with the  
community reinvestment agency to determine the percentage division of the property tax differential  
between:
- 987 (i) the Critical Minerals Development Account; and
- 988 (ii) the community reinvestment agency; and
- 989 (e) if a critical minerals zone overlaps with a project area of a state land use authority, enter into an  
agreement with the state land use authority to determine the percentage division of the property tax  
differential between:
- 992 (i) the Critical Minerals Development Account; and
- 993 (ii) the state land use authority.
- 994 (5) Within 30 days after the council designates a critical minerals zone:
- 995 (a) the county auditor shall certify to the council the base taxable value of property within the critical  
minerals zone; and
- 997

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(b) the county shall transmit to the council copies of the property tax assessment rolls for the property within the critical minerals zone.

999 (6)

(a) Each year, the county auditor shall:

1000 (i) determine the amount of the property tax differential for the critical minerals zone by comparing:

1002 (A) the current assessed value of property within the critical minerals zone; and

1003 (B) the base taxable value of property within the critical minerals zone;

1004 (ii) inform the county treasurer of the property tax differential amount; and

1005 (iii) provide notice to the council of the amount calculated under this Subsection (6)(a).

1007 (b) The county treasurer shall transfer the property tax differential to the council for deposit into the Critical Minerals Development Account created in Section 79-10-701, subject to any agreements entered into under Subsections (4)(d) and (4)(e).

1010 (c) The county treasurer shall make a distribution required under this section:

1011 (i) at the same time as regular annual property tax distributions; and

1012 (ii) using the same method as other property tax distributions.

1013 (d) For property tax differential not subject to Subsection (4)(d) or (4)(e), the council may enter into agreements with taxing entities regarding the allocation of the property tax differential.

1508 Section 28. Section **28** is enacted to read:

1510 **79-10-501. Critical Minerals Atlas created -- Processes to be developed.**

5. Critical Minerals Atlas

1020 (1)

(a) The Division of Oil, Gas, and Mining shall lead a joint effort with the Utah Geological Survey and Office of Energy Development to organize and maintain a clearinghouse of geological data related to critical minerals known as the "Critical Minerals Atlas."

1024 (b) The purpose of the atlas is to:

1025 (i) compile reliable data that can be used by:

1026 (A) the council, including the council using the data in developing the strategic plan required under Subsection 79-10-302(1);

1028 (B) other government agencies;

1029 (C) academia; and

1030 (D) private entities; and

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- 1031 (ii) reconcile differences in the data submitted to the atlas.
- 1032 (2)
- 1033 (a) The agencies described in Subsection (1)(a) shall:
- 1033 (i) develop a process by which a state agency, state institution of higher education, or private entity,  
including a nonprofit entity, may submit information to the atlas;
- 1035 (ii) recommend which state agencies and state institutions of higher education should be required to  
submit data to the atlas;
- 1037 (iii) develop a process by which differences in the data submitted to the atlas may be reconciled;  
and
- 1039 (iv) develop policies consistent with Title 63G, Chapter 2, Government Records Access and  
Management Act, related to confidentiality of information submitted to the atlas.
- 1042 (b) The Division of Oil, Gas, and Mining shall report the processes, recommendations, and policies  
described in Subsection (2)(a) to the Natural Resources, Agriculture, and Environment Interim  
Committee by no later than October 1, 2026.
- 1537 Section 29. Section **29** is enacted to read:
- 1539 **79-10-601. Minerals for Industrial, National, and Economic Security Center process for**  
**creation -- Governance.**
6. Minerals for Industrial, National, and Economic Security Center
- 1049 (1) There is created under the general supervision of the council a center known as the "Minerals for  
Industrial, National, and Economic Security Center," to serve the objectives described in Section  
79-10-602.
- 1052 (2) The council shall create a plan and budget for the center that address:
- 1053 (a) the governance of the center;
- 1054 (b) the operations of the center;
- 1055 (c) how the creation and activities of the center are to be funded; and
- 1056 (d) other issues the council determines are relevant to the governance and operations of the center.
- 1058 (3) The council shall report the council's development of a plan and budget under this section to:
- 1060 (a) the Executive Appropriations Committee by no later than the 2026 September meeting of the  
Executive Appropriations Committee; and
- 1062

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(b) the Natural Resources, Agriculture, and Environment Interim Committee by no later than the 2026 October interim meeting of the Natural Resources, Agriculture, and Environment Interim Committee.

1557 Section 30. Section **30** is enacted to read:

1558 **79-10-602. Center objectives.**

The center shall:

1068 (1) serve as the state's primary partner for issues related to developing critical mineral extraction and processing from research to commercialization, including:

1070 (a) workforce training;

1071 (b) the testing and piloting of technology;

1072 (c) federal grant coordination; and

1073 (d) development of processing capacity;

1074 (2) coordinate the center's operations with the strategic plan established by the council in accordance with Subsection 79-10-302(1);

1076 (3) partner with industry and academia to:

1077 (a) develop processing and separation processes;

1078 (b) provide technology benchmarking and performance validation;

1079 (c) provide pilot-scale demonstrations and scale-up;

1080 (d) integrate physical, chemical, electrochemical, and thermal processing; and

1081 (e) provide for autonomous sampling and real-time analysis; and

1082 (4) lay groundwork for securing federal designation of an entity within the state as a United States critical minerals national laboratory.

1576 Section 31. Section **31** is enacted to read:

1578 **79-10-701. Critical Minerals Development Account.**

7. Fiscal Matters

1087 (1) There is created within the General Fund a restricted account known as the "Critical Minerals Development Account."

1089 (2) Subject to appropriation, the council shall administer the Critical Minerals Development Account for the purposes described in Subsection (5).

1091 (3) The Critical Minerals Development Account consists of:

1092 (a) revenue deposited into the Critical Minerals Development Account under Section 79-10-403;

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- 1094 (b) money appropriated by the Legislature;  
1095 (c) federal money;  
1096 (d) donations or grants from public or private entities; and  
1097 (e) interest and other earnings earned on money in the Critical Minerals Development Account.  
1099 (4)  
(a) The Critical Minerals Development Account shall earn interest.  
1100 (b) The state treasurer shall invest account money in accordance with Title 51, Chapter 7, State Money Management Act, and credit the interest and earnings from the investments to the Critical Minerals Development Account.  
1103 (5) Subject to appropriation, the council may use account money to:  
1104 (a) pay the costs of administering this chapter;  
1105 (b) fund the operations of the center in accordance with the plan and budget developed by the council in accordance with Section 79-10-601;  
1107 (c) facilitate critical minerals extraction and processing infrastructure development within the state, including funding research, site selection, permitting, public outreach, and other activities related to the development of critical minerals extraction or processing infrastructure;  
1111 (d) provide matching funds for federal critical minerals grants;  
1112 (e) support critical minerals workforce development programs; and  
1113 (f) provide incentives for critical minerals extraction or processing projects.  
1114 (6) The council shall include a report of how money from the Critical Minerals Development Account was used in the annual report described in Section 79-10-302.

1608 Section 32. **Repealer.**

This Bill Repeals:

1609 This bill repeals:

1610 Section **51-9-301, Title.**

1611 Section **51-9-303, Creation of Infrastructure and Economic Diversification Investment**  
1612 **Account.**

1613 Section **51-9-307, New Severance Tax Revenue Special Revenue Fund.**

1614 Section . **FY 2026 Appropriations.**

1615 The following sums of money are appropriated for the fiscal year beginning July 1,  
1616 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for

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1617 fiscal year 2026.

1618 Subsection 33(a). **Restricted Fund and Account Transfers**

1619 The Legislature authorizes the State Division of Finance to transfer the following  
1620 amounts between the following funds or accounts as indicated. Expenditures and outlays from  
1621 the funds to which the money is transferred must be authorized by an appropriation.

1622 To General Fund Restricted - State Reinvestment Restricted Account

1623 14,016,200

1625 Schedule of Programs:

1626 14,016,200

1627 The Legislature intends that the Division of  
1628 Finance transfer any balances remaining in the  
1629 Infrastructure and Economic Diversification Investment  
1630 Account after fiscal year 2026 closeout to the State  
1631 Reinvestment Restricted Account.

1632 Section 34. **FY 2027 Appropriations.**

1633 The following sums of money are appropriated for the fiscal year beginning July 1,  
1634 2026, and ending June 30, 2027. These are additions to amounts previously appropriated for  
1635 fiscal year 2027.

1636 Subsection 34(a). **Operating and Capital Budgets**

1637 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the  
1638 Legislature appropriates the following sums of money from the funds or accounts indicated for  
1639 the use and support of the government of the state of Utah.

1640 ITEM 2 To Department of Natural Resources - Critical Minerals Council

1641 From State Reinvestment Restricted Account 1,000,000

1642 From State Reinvestment Restricted Account, One-time 10,000,000

1643 Schedule of Programs:

1644 Critical Minerals Council 11,000,000

1645 Section 35. **Effective date.**

Effective Date.

{~~This~~} Except as provided in Subsection (2), this bill takes effect {~~on~~} May 6, 2026.

1647 (2) The actions affecting the following sections take effect on July 1, 2026:

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- 1648 (a) Section 51-9-202 (Effective 07/01/26);  
1649 (b) Section 51-9-301;  
1650 (c) Section 51-9-302 (Effective 07/01/26);  
1651 (d) Section 51-9-303;  
1652 (e) Section 51-9-305 (Effective 07/01/26);  
1653 (f) Section 51-9-307;  
1654 (g) Section 51-9-1001 (Effective 07/01/26);  
1655 (h) Section 51-9-1002 (Effective 07/01/26); and  
1656 (i) Section 51-9-1003 (Effective 07/01/26).

1657 Section 36. **Retrospective Operation.**

The following sections have retrospective operation to January 1, 2026:

- 1659 (1) Section 40-6-24 (Effective 05/06/26) (Applies beginning 01/01/26) (Repealed 07/01/37);  
1660 (2) Section 59-2-924 (Effective 05/06/26) (Applies beginning 01/01/26);  
1661 (3) Section 59-5-115 (Effective 05/06/26) (Applies beginning 01/01/26);  
1662 (4) Section 59-5-116 (Effective 05/06/26) (Applies beginning 01/01/26);  
1663 (5) Section 59-5-119 (Effective 05/06/26) (Applies beginning 01/01/26);  
1664 (6) Section 59-5-204 (Effective 05/06/26) (Applies beginning 01/01/26);  
1665 (7) Section 59-5-215 (Effective 05/06/26) (Applies beginning 01/01/26); and  
1666 (8) Section 59-5-304 (Effective 05/06/26) (Applies beginning 01/01/26) (Repealed 07/01/37).

1667 Section 37. **Coordinating S.B. 254 with H.B. 373.**

If S.B. 254, Critical Minerals Amendments, and H.B. 373, Higher Education Innovation, ~~{Innovation,}~~ both pass and become law, the Legislature intends that, on July 1, 2026:

(1) Subsection 53H-8-211(4)(a)(ii)(C) enacted in H.B. 373 be amended to read:

"(C) ensure that the eligible research areas described in Subsection (4)(a)(ii)(A) reflect the state's priority industry clusters and public policy needs and include critical minerals projects that are consistent with the strategic plan of the Critical Minerals Council created under Subsection 79-10-302(1);"; and

(2) Subsection 53H-8-211(5)(a) enacted in H.B. 373 be amended to read:

"(a) the eligible research areas described in Subsection (4)(a)(ii) and the extent to which the areas reflect the state's priority industry clusters and public policy needs, including critical minerals projects described in Subsection (4)(a)(ii)(C); and".

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