

HB0185S02 compared with HB0185

{Omitted text} shows text that was in HB0185 but was omitted in HB0185S02

inserted text shows text that was not in HB0185 but was inserted into HB0185S02

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1

Carbon Credit Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Troy Shelley

Senate Sponsor:

2

LONG TITLE

3

General Description:

4

This bill addresses requirements {relating to} related to {a} carbon credit {transaction} transactions.

5

Highlighted Provisions:

6

This bill:

7

▶ defines and modifies terms;

8

▶ **creates the Carbon Credit Investment Fund;**

9

▶ {creates a 25% tax for} imposes an assessment on the sale of a carbon credit, based on the length of the agreement, to be administered by the Office of Energy Development (office) and {includes penalties for a violation} the State Tax Commission;

10

▶ {creates a licensing requirement for a} deposits the revenue from the carbon credit {transaction} assessment into the Carbon Credit Investment Fund;

11

▶ **creates the Carbon Credit Litigation Fund and specifies the purpose of the fund;**

12

▶ {creates} authorizes the attorney general to establish a {tax credit for an in-state} volunteer task force to investigate issues related to carbon credittransactions;

▶ establishes reporting requirements for a person selling or exchanging an in-state carbon credit;

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- 20 ▶ creates a carbon credit broker licensing requirement for a carbon credit transaction;
- 21 ▶ establishes a criminal penalty for selling a carbon credit without a carbon credit broker
- 14 license;
 - 14 ▶ creates a right of first refusal for the {Office of Energy Development (office)} office to purchase an in-state carbon credit;
 - 16 ▶ requires the office to submit a proposal for purchasing an in-state carbon credit to:
 - 17 • {a committee or commission designated by the Legislative Management Committee; and}
 - 25 • the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee; and
 - 19 • the state treasurer;
 - 20 ▶ voids a sale or exchange of an in-state carbon credit that violates state requirements;
 - 21 ▶ requires a state entity that owns or controls a carbon credit to report a digital identification number and valuation of the carbon credit to the office;
 - 31 ▶ requires a state entity that sells a carbon credit to deposit the revenue from the sale into the General Fund, with certain exceptions;
 - 23 ▶ creates a restricted account for the office to purchase in-state carbon credits and administer licensing and assessment requirements; and
 - 24 ▶ makes technical and conforming changes.

36 Money Appropriated in this Bill:

37 None

38 Other Special Clauses:

39 None

40 Utah Code Sections Affected:

41 AMENDS:

42 **51-7-2 (Effective 05/06/26) (Partially Repealed 07/01/28), as last amended by Laws of Utah 2025, First Special Session, Chapter 9**

44 **59-1-306 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 258

45 **79-6-1301 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapters 146, 375

46 **79-6-1302 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapters 146, 375

47 **79-6-1303 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapters 146, 375

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48 ENACTS:

49 **51-14-101 (Effective 05/06/26), Utah Code Annotated 1953**

50 **51-14-201 (Effective 05/06/26), Utah Code Annotated 1953**

51 **51-14-202 (Effective 05/06/26), Utah Code Annotated 1953**

36 **{59-35-101, Utah Code Annotated 1953}**

37 **{59-35-201, Utah Code Annotated 1953}**

38 **{59-35-202, Utah Code Annotated 1953}**

39 **{59-35-203, Utah Code Annotated 1953}**

40 **{59-35-301, Utah Code Annotated 1953}**

41 **{59-35-302, Utah Code Annotated 1953}**

42 **{59-35-401, Utah Code Annotated 1953}**

43 **{59-35-501, Utah Code Annotated 1953}**

52 **67-5-41 (Effective 05/06/26), Utah Code Annotated 1953**

53 **79-6-1304 (Effective 05/06/26), Utah Code Annotated 1953**

54 **79-6-1305 (Effective 05/06/26), Utah Code Annotated 1953**

55 **79-6-1306 (Effective 05/06/26), Utah Code Annotated 1953**

56

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

57 **Section 1. Section 51-7-2 is amended to read:**

59 **51-7-2. Exemptions from chapter.**

61 (1) Except as provided in Subsection (2), the following funds are exempt from this chapter:

62 (a) funds invested in accordance with the participating employees' designation or direction pursuant to a
public employees' deferred compensation plan established and operated in compliance with Section
457 of the Internal Revenue Code of 1986, as amended;

66 (b) funds of the Utah State Retirement Board;

67 (c) funds of the Utah Housing Corporation;

68 (d) endowment funds of higher education institutions, including funds of the Higher Education Student
Success Endowment, created in Section 53H-8-402;

70 (e) permanent and other land grant trust funds established pursuant to the Utah Enabling Act and the
Utah Constitution;

72 (f) the State Post-Retirement Benefits Trust Fund;

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73 (g) the funds of the Utah Educational Savings Plan;

74 (h) funds of the permanent state trust fund created by and operated under Utah

75 Constitution, Article XXII, Section 4;

76 (i) the funds in the Navajo Trust Fund;

77 (j) the funds in the Radioactive Waste Perpetual Care and Maintenance Account;

78 (k) the funds in the Employers' Reinsurance Fund;

79 (l) the funds in the Uninsured Employers' Fund;

80 (m) the Utah State Developmental Center Long-Term Sustainability Fund[.] created in Section
26B-1-331;

82 (n) the funds in the Risk Management Fund created in Section 63A-4-201;

83 (o) the Utah fund of funds created in Section 63N-6-401;

84 (p) the funds deposited into the Utah Homes Investment Program from the Transportation Infrastructure
General Fund Support Subfund created in Section 72-2-134;

87 (q) subject to Subsection 67-4-19(2), the portion of the funds in the following accounts invested by the
state treasurer in precious metals:

89 (i) the State Disaster Recovery Restricted Account[.] created in Section 53-2a-603;

90 (ii) the General Fund Budget Reserve Account[.] created in Section 63J-1-312;

91 (iii) the Income Tax Fund Budget Reserve Account[.] created in Section 63J-1-313; and

93 (iv) the Medicaid Growth Reduction and Budget Stabilization Account[.] created in Section 63J-1-315;

95 (r) except as provided in Section 11-13-533, the funds of a public agency insurance mutual as that term
is defined in Subsection 31A-1-103(7)(a);

97 (s) the State Sovereignty Fund created in Section 51-13-201;[and]

98 (t) the funds in the Opioid Litigation Proceeds Fund[.] created in Section 51-9-801[.] ; and

100 (u) the funds in the Carbon Credit Investment Fund created in Section 51-14-201.

101 (2) Except for the funds of the Utah State Retirement Board and the Utah Educational Savings Plan, the
funds described in Subsection (1) are not exempt from Subsections 51-7-14(2) and (3).

104 (3) Notwithstanding Title 52, Chapter 4, Open and Public Meetings Act, a public body that administers
a fund described in Subsection (1) may hold a closed meeting to discuss the sale or purchase of
identifiable securities, investment funds, or investment contracts.

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(4) A paper, electronic, or other depiction or record of information relating to investment activities of a fund described in Subsection (1) is not subject to Title 63G, Chapter 2, Government Records Access and Management Act.

110 Section 2. Section 2 is enacted to read:

CHAPTER 14. Carbon Credit Investment Fund

Part 1. General Provisions

51-14-101. Definitions.

As used in this chapter:

(1) "Degree granting institution" means the same as that term is defined in Section 53H-1-101.

(2) "Division" means the Division of Finance created in Section 63A-3-101.

(3) "Fund" means the Carbon Credit Investment Fund created in Section 51-14-201.

(4)

(a) "Principal" means money deposited into the fund in accordance with Section 51-14-201.

(b) "Principal" does not include earnings like interest, dividends, or asset appreciation credited to the fund.

(5) "Rural county" means a county with a population of 50,000 or less.

124 Section 3. Section 3 is enacted to read:

Part 2. Establishment of Carbon Credit Investment Fund

51-14-201. Carbon Credit Investment Fund -- Creation -- Distribution.

(1) There is created a Carbon Credit Investment Fund that consists of:

(a) revenue deposited into the fund from the carbon credit assessment described in Section 79-6-1306;

(b) interest and dividends earned on money in the fund; and

(c) appropriations from the Legislature.

(2) The state treasurer shall invest the money in the fund in accordance with Section 51-13-202.

(3) At the beginning of each fiscal year, subject to appropriation by the Legislature, the division shall distribute money from the fund, as follows:

(a) 5% to the Carbon Credit Litigation Fund created in Section 67-5-41; and

(b) 5% to degree granting institutions:

(i) located in a rural county; and

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140 (ii) with a student enrollment composition of at least 50% of students from a rural county.

142 (4) The division shall, subject to appropriation by the Legislature, distribute 50% of the annual earnings
from the investment in the fund to rural counties.

144 Section 4. Section 4 is enacted to read:

145 **51-14-202. Carbon Credit Investment Fund -- Investment -- Administrative costs.**

147 (1) The state treasurer shall:

148 (a) invest money in the fund to maximize the growth of the principal;

149 (b) invest and manage fund assets as a prudent investor would by:

150 (i) considering the purpose, terms, distribution requirements, and other circumstances of the fund; and

152 (ii) exercising reasonable care, skill, and caution in order to meet the standard of care of a prudent
investor; and

154 (c) except as provided in Subsection 51-14-201(4), deposit into the fund the interest, dividends, or other
earnings attributable to the fund.

156 (2) The state treasurer may deduct any administrative costs incurred by managing the fund from
earnings generated by investments in the fund.

158 Section 5. Section **59-1-306** is amended to read:

159 **59-1-306. (Effective 05/06/26)Definition -- State Tax Commission Administrative Charge**

Account -- Amount of administrative charge -- Deposit of revenue into the restricted account
-- Interest deposited into General Fund -- Expenditure of money deposited into the restricted
account.

52 (1) As used in this section, "qualifying tax, fee, or charge" means a tax, fee, or charge the commission
administers under:

54 (a) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

55 (b) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

56 (c) Section 19-6-714;

57 (d) Section 19-6-805;

58 (e) Chapter 12, Sales and Use Tax Act, other than a tax under Chapter 12, Part 1, Tax Collection, or
Chapter 12, Part 18, Additional State Sales and Use Tax Act;

60 (f) Section 59-27-105;

61 (g) Chapter 31, Cannabinoid Licensing and Tax Act;

62 (h) Chapter 32, Local Impact Mitigation Tax Act;

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63 (i) Chapter 33, Wind or Solar Electric Generation Facility Capacity Tax;
64 {~~Chapter 35, Carbon Credit Transaction License and Tax Act;~~}
65 {~~(j)~~} {~~(k)~~} Section 63H-1-205;
66 {~~(k)~~} {~~(l)~~} Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act; [or]
67 {~~(l)~~} {~~(m)~~} Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges; [

or

69 {~~(m)~~} {~~(n)~~} Title 79, Chapter 6, Part 11, Energy Project Assessment[.]; and
180 (n) Section 79-6-1306.

70 (2) There is created a restricted account within the General Fund known as the "State Tax Commission
Administrative Charge Account."
72 (3) Subject to the other provisions of this section, the restricted account shall consist of administrative
charges the commission retains and deposits in accordance with this section.
75 (4) For purposes of this section, the administrative charge is a percentage of revenue the commission
collects from each qualifying tax, fee, or charge of not to exceed the lesser of:
78 (a) 1.5%; or
79 (b) an equal percentage of revenue the commission collects from each qualifying tax, fee, or charge
sufficient to cover the cost to the commission of administering the qualifying taxes, fees, or charges.
82 (5) The commission shall deposit an administrative charge into the restricted account.
83 (6) Interest earned on the restricted account shall be deposited into the General Fund.
84 (7) The commission shall expend money appropriated by the Legislature to the commission from the
restricted account to administer qualifying taxes, fees, or charges or to offset general operational
expenses.

87 Section 2. Section 2 is enacted to read:

CHAPTER 35. Carbon Credit Transaction License and Tax Act

Part 1. General Provisions

59-35-101. Definitions.

As used in this chapter:

92 (1) "Carbon credit" means the same as that term is defined in Section 79-6-1301.
93 (2) "Carbon credit broker" means a person licensed under Part 2, Broker Licensing, that sells, attempts
to sell, or assists in the sale of a carbon credit.

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95 (3) "Regulatory carbon credit market" means a financial market regulated by a government entity in
which a person may purchase a carbon credit.

97 (4) "Voluntary carbon credit market" means a financial market not regulated by a government entity in
which a person may purchase a carbon credit.

99 Section 3. Section 3 is enacted to read:

100 **Part 2. Broker Licensing**

101 **59-35-201. Prohibition on the sale of a carbon credit without license.**

102 (1) A person may not sell, offer to sell, or assist in the sale of a carbon credit in this state without first:
104 (a) obtaining a license from the commission under Section 59-35-202; and
105 (b) complying with the bonding requirement described in Section 59-35-202.

106 (2) It is a class B misdemeanor for a person to violate Subsection (1).

107 Section 4. Section 4 is enacted to read:

108 **59-35-202. Issuance of carbon credit broker license -- Bond required.**

109 (1) The commission shall issue a license to sell, offer to sell, or assist in the sale of a carbon credit to a
person that submits an application, on a form created by the commission, that includes:
112 (a) the applicant's name;
113 (b) the applicant's business address;
114 (c) the applicant's affiliation or registration, if any, with a voluntary carbon credit market or regulatory
carbon credit market;
116 (d) payment of the fee amount described in Subsection (5); and
117 (e) any other information the commission requires to implement this chapter.

118 (2) A license is:
119 (a) valid for two years; and
120 (b) renewable if a carbon credit broker meets the criteria for licensing described in Subsection (1).

122 (3)
(a) The commission shall require a carbon credit broker to post a bond.
(b) Subject to Subsection (3)(c), the commission shall determine the form and amount of the bond.
(c) The minimum amount of the bond shall be \$500.

123 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission
may make rules to establish the additional information described in Subsection (1)(e) that a person
shall provide in the application described in Subsection (1).

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130 (5) The commission may not charge a fee of more than \$200 for a license under this section.

131 (6)

132 (a) The commission shall maintain a public list of each carbon credit broker.

133 (b) The commission shall update the list at least once annually.

134 Section 5. Section 5 is enacted to read:

59-35-203. License revocation and reinstatement.

135 (1) The commission shall revoke the license of a carbon credit broker that violates any provision of this chapter.

137 (2) A license may not be reissued to a carbon credit broker described in Subsection (1) until the carbon credit broker has complied with the requirements of this chapter, including paying any:

140 (a) tax due under Part 3, Carbon Credit Transaction Tax;

141 (b) penalty as provided in Section 59-1-401; and

142 (c) interest as provided in Section 59-1-402.

143 Section 6. Section 6 is enacted to read:

Part 3. Carbon Credit Transaction Tax

59-35-301. Taxation of a carbon credit transaction -- Exemption.

146 (1) A tax is imposed on a sale of carbon credit equal to 25% of the amount of the total purchase price of the carbon credit.

148 (2) A carbon credit broker shall collect the tax imposed under Subsection (1) from a purchaser at the time the carbon credit is sold.

150 (3) A carbon credit broker that collects a tax under Subsection (1) shall inform a purchaser of the tax credit described in Section 59-35-401.

152 (4) A sale of a carbon credit is exempt from the tax described in Subsection (1) if purchased under Subsection 79-6-1302(2).

154 Section 7. Section 7 is enacted to read:

59-35-302. Remittance of carbon credit transaction tax -- Deposit of revenue.

156 (1) A carbon credit broker that collects a tax imposed on a sale of a carbon credit described in Section 59-35-301 shall remit to the commission, in an electronic format approved by the commission:

159 (a) the tax due in the previous quarter; and

160 (b) the tax return.

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(2) A carbon credit broker shall file a return and remit the tax collected on or before the first day of April, July, October, and January.

163 (3) A carbon credit broker that sells or assists in the sale of a carbon credit shall:

164 (a) provide a receipt of sale to the purchaser of the carbon credit; and

165 (b) maintain records to determine the amount of tax due under this part for a period of three years.

167 (4)

(a) The commission shall deposit the revenue generated by the tax imposed under this chapter into the General Fund.

169 (b) The commission may retain and deposit an administrative charge in accordance with Section 59-1-306 from the revenues the commission collects from a tax under this chapter.

172 Section 8. Section 8 is enacted to read:

Part 4. Tax Credit

59-35-401. Tax credit -- Requirements -- Certification by Office of Energy Development.

(1) As used in this section:

(a) "Carbon credit transaction" means the sale of a carbon credit subject to the tax described in Section 59-35-301.

(b) "Carbon emission offset" means the same as that term is defined in Section 79-6-1301.

(c) "In-state carbon credit" means the same as that term is defined in Section 79-6-1301.

(d) "Office" means the Office of Energy Development created in Section 79-6-401.

(2) A taxpayer may claim a tax credit against a carbon credit transaction tax described in Section 59-35-301 if:

(a) the taxpayer is required to pay a tax on a carbon credit transaction under Section 59-35-301;

(b) the carbon credit transaction is for an in-state carbon credit;

(c) the taxpayer reports or causes to be reported to the office the information about the carbon credit transaction required under Subsection 79-6-1302(1)(b); and

(d) the carbon emission offset that is the subject of the carbon credit transaction:

(i) originated from a project within the state; and

(ii) is transferred to or applied to a project within the state.

(3) The taxpayer may claim a tax credit equal to the amount of tax that the taxpayer owes under Section 59-35-301.

(4)

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(a) To claim a tax credit, a taxpayer shall follow the procedures and requirements of this Subsection (4).

(b) The taxpayer shall submit a request to the office to verify, in a form and manner designated by the office, that:

(i) the taxpayer completed a carbon credit transaction for an in-state carbon credit;

(ii) the taxpayer reported the carbon credit transaction to the office in accordance with Subsection 79-6-1302(1)(b); and

(iii) the carbon emission offset that is the subject of the carbon credit transaction:

(A) originated from a project within the state; and

(B) is transferred to or applied to a project within the state.

(5) The office shall submit to the commission an electronic certificate that includes the name and identifying information of each taxpayer for which the office completes the verification described in Subsection (4).

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

Part 5. Violations

59-35-501. Report of violation to Office of Energy Development.

(1) If the commission suspects that a person is selling or offering for sale a carbon credit in the state in violation of this chapter, the commission shall report the person's identifying information:

(a) to the Office of Energy Development created in Section 79-6-401; and

(b) within 30 days after the day on which the commission becomes aware of the suspected violation.

Section 6. Section **6** is enacted to read:

67-5-41. Carbon Credit Litigation Fund -- Volunteer task force -- Report.

(1) As used in this section:

(a) "Carbon credit" means the same as that term is defined in Section 79-6-1301.

(b) "Fund" means the Carbon Credit Litigation Fund created in Subsection (2).

(c) "Greenhouse gas" means the same as that term is defined in Section 79-6-1301.

(2) There is created an expendable special revenue account called the Carbon Credit Litigation Fund.

(3) The fund consists of:

(a) money deposited into the fund from the Carbon Credit Investment Fund created in Section 51-14-201;

(b) interest and dividends earned on money in the fund; and

(c) money appropriated to the fund by the Legislature.

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212 (4)

(a) The state treasurer shall invest money in the fund in accordance with Title 51, Chapter 7, State Money Management Act.

214 (b) The state treasurer shall deposit interest or other earnings derived from investment of fund money into the fund.

216 (5) Notwithstanding Section 67-5-40, the following shall be deposited into the fund after reimbursement to the attorney general for expenses related to the litigation described in Subsection (5)(a) or (b):

219 (a) all money received by the attorney general as a result of any judgment, settlement, or compromise of claims pertaining to alleged violations of law related to the sale or marketing of carbon credits; and

222 (b) all money received by the attorney general as a result of any judgment, settlement, or compromise of claims pertaining to alleged violations of law under Title 79, Chapter 6, Part 13, Carbon Credit Transactions.

225 (6)

(a) The attorney general or the attorney general's designee shall authorize the expenditure of fund money in accordance with this section.

227 (b) The money in the fund may not be used for an administrative expense of the Office of the Attorney General, unless the administrative expense is directly related to a purpose described in Subsection (7).

230 (7) The attorney general may use money in the fund to:

231 (a) investigate violations of Title 79, Chapter 6, Part 13, Carbon Credit Transactions;

232 (b) prevent a federal requirement for the state to adopt or participate in:

233 (i) a cap and trade program for carbon credits;

234 (ii) mandatory carbon emissions reporting;

235 (iii) a claim against the state related to greenhouse gas emissions; or

236 (iv) a climate remediation program; and

237 (c) recover a carbon credit or the profit of a carbon credit transferred out of the state in a fraudulent sale.

239 (8)

(a) The attorney general may establish a volunteer task force consisting of representatives from public and private agencies or organizations in the state to address any of the activities described in Subsection (7).

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(b) The attorney general may employ necessary support staff to implement and administer the fund and the activities of a task force.

244 (9)

(a) By November 30 of each year, the attorney general shall submit an annual report to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee regarding the status of the fund.

247 (b) The report shall include:

248 (i) contributions received, expenditures made, and programs and services funded; and

249 (ii) if the attorney general establishes a task force under Subsection (8), all activities and programs initiated through the task force.

251 Section 7. Section **79-6-1301** is amended to read:

Part 13. Carbon Credit Transactions

79-6-1301. (Effective 05/06/26)Definitions.

As used in this part:

220 (1)

(a) "Carbon credit" means a payment or offer of payment, or other financial compensation or benefit, for a carbon emission offset.

222 (b) "Carbon credit" does not include a payment or offer of payment related to:

223 (i) a right or interest associated with a regulated pollutant, as that term is defined in Title V of the 1990 Clean Air Act; or

225 (ii) an industrial or commercial use of liquefied carbon dioxide.

226 (2) "Carbon credit broker" means a person licensed under Section 79-6-1305, that sells, attempts to sell, or assists in the sale of a carbon credit.

227 (2){(3)} "Carbon emission offset" means:

228 (a) a reduction in the amount of greenhouse gas present in the atmosphere; or

229 (b) an amount of greenhouse gas prevented from entering the atmosphere.

233 [(4)] (3){(4)} "Digital identification number" means an identification number assigned to [an environmental commodity] a carbon credit by a governmental or accredited third-party verification entity that certifies or registers [an environmental commodity] a carbon credit for sale or exchange.

[{(2)}

(a) "Environmental commodity" means a representation of the financial value of:]

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234 [(i) a reduction in the amount of greenhouse gas present in the atmosphere; or]
235 [(ii) an amount of greenhouse gas prevented from entering the atmosphere.]

236 [(b) "Environmental commodity" does not include a right or interest associated with a regulated
pollutant, as that term is defined in Title V of the 1990 Clean Air Act.]

238 [(3)] (4){(5)} "Greenhouse gas" means:

239 (a) carbon dioxide or a gas emission converted into a carbon dioxide equivalent; or
240 (b) methane.

241 (5){(6)} "In-state carbon credit" means a carbon credit generated from:

242 (a) a carbon emission offset related to a resource or facility located in the state; or
243 (b) activities receiving state funds.

244 {[4]} (6) "Regulatory carbon credit market" means a financial market regulated by a government
entity in which a person may purchase a carbon credit.

283 [(4)] (8) "State entity" means a department, commission, board, council, agency, institution of higher
education, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit,
bureau, panel, or other administrative unit of the state.

247 [(5)] (7){(9)}

(a) "State funds" means:

287 (i) money appropriated by the Legislature~~;~~ ; and

288 (ii) a bond issued by a state entity that creates a carbon emission offset.

248 (b) "State funds" does not include money or financial benefit in the form of:

249 (i) a tax incentive;

250 (ii) a permit or an activity related to the development of a permit issued by a state entity; or

252 (iii) a federal grant administered by a state entity.

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

295 (11) "Voluntary carbon credit market" means a financial market not regulated by a government entity in
which a person may purchase a carbon credit.

297 Section 8. Section 79-6-1302 is amended to read:

298 79-6-1302. (Effective 05/06/26){Reporting requirement -- Waiting period } Requirements
for sale -- Right to purchase -- Sale or exchange in violation void-- Exemption.

256 [(1) Except as provided in Subsection (2), before a state entity may sell or exchange an environmental
commodity, the state entity shall:]

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258 [({a}) obtain a digital identification number for the environmental commodity;]
259 [({b}) report a digital identification number for the environmental commodity to the office; and]
261 [({e}) report to the office any state funds that the state entity used for the creation of the environmental commodity.]

263 (1) Before a person may sell or exchange an in-state carbon credit, the person shall:

308 (a) obtain a carbon credit broker license described in Section 79-6-1305 or hire a carbon credit broker;
264 (a){(b)} obtain a digital identification number for the in-state carbon credit;
265 (b){(c)} report to the office, in a form and manner approved by the office:
266 (i) a digital identification number for the in-state carbon credit;
267 (ii) a description of the carbon emission offset, including the source of the carbon emission offset, that is the subject of the in-state carbon credit;
269 (iii) any state funds or facilities that the person used for the creation of the in-state carbon credit;
271 (iv) the terms of a negotiated sale or exchange of the in-state carbon credit with an attempted buyer; and
273 (v) any information required by the office related to a negotiated sale or exchange of an in-state carbon credit with an attempted buyer; and

275 (c){(d)} wait at least {90} 45 days after the day on which the person reports a negotiated sale or exchange of an in-state carbon credit under Subsection {(1)(b)} (1)(c) before completing the sale or exchange, subject to the {requirements} office's right of first refusal described in Subsection (2).

278 (2)

327 (a) The office may exercise a right of first refusal to purchase an in-state carbon credit reported to the office under Subsection {(1)(b) for the amount agreed upon between the attempted seller of the in-state carbon credit and the attempted buyer.} (1)(c) if:

329 (i) the purchase agreement between the attempted seller and the attempted buyer is for a period of 10 years or greater; and
329 (ii) the office pays the amount agreed upon between the attempted seller and the attempted buyer reported in accordance with Subsection (1)(c)(iv).

281 (b) If the office exercises a right of first refusal under Subsection (2)(a), the office shall provide written notification of the office's decision to exercise the right of first refusal:

284 (i) to the person that reports the negotiated sale to the office under Subsection {(1)(b)} (1)(c); and
286 (ii) within {90} 45 days after the day on which the negotiated sale is reported to the office.

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(c) If the office fails to provide notification in accordance with Subsection (2)(b), the office may not exercise the right of first refusal described in Subsection (2)(a).

289 (3) Subject to the reporting requirements described in Subsection {~~(1)(b)~~} (1)(c) and the office's right of first refusal described in Subsection (2), the seller of an in-state carbon credit shall execute the sale or exchange of the in-state carbon credit in accordance with the terms the seller reports to the office under Subsection {~~(1)(b)(iv)~~} (1)(c)(iv) no later than:

293 (a) 30 days after the day on which the seller receives notification that the office waives the office's right of first refusal; or

295 (b) if the office does not provide the notification described in Subsection (2)(b), ~~{120}~~ 75 days after the day on which the seller reports the terms of the negotiated sale to the office.

298 (4) Before purchasing an in-state carbon credit under Subsection (2)(a), the office shall submit a proposal for review to:

300 {~~(a) a committee or commission designated by the Legislative Management Committee; and~~} (a) the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee; and

349 (a) the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee; and

302 (b) the state treasurer.

303 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules regarding:

305 (a) the form and manner of reporting an in-state carbon credit to the office under Subsection {~~(1)(b)~~} (1)(c); and

307 (b) the office's right of first refusal described in Subsection (2).

308 (6) A sale or exchange of an in-state carbon credit that violates a requirement of this part is void.

310 [~~(2)~~] (7) {This section does not apply to }[an environmental commodity] a carbon credit{ created from an activity on school and institutional trust lands, as that term is defined in Section 53C-1-103}, if the purchase agreement for the carbon credit is for a period of less than 10 years{.}

363 Section 79-6-1303 is amended to read:

364 **79-6-1303. (Effective 05/06/26)Property of the state -- Management -- Valuation of state-owned carbon credit required-- Deposit of proceeds from sale.**

315 (1) If the state or a state entity appropriates or expends state funds [for the creation of {~~f~~} an environmental commodity] that create a carbon credit, the state owns a portion of [an environmental commodity] the carbon credit that is proportional to the amount of state funds appropriated or expended[for the creation of the environmental commodity].

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319 (2)

(a) Except as provided in Subsection (3), the state treasurer may sell, exchange, or hold [an environmental commodity] a carbon credit, or any portion thereof, owned by the state in accordance with Subsection (2)(b).

322 (b) The state treasurer shall ensure that [an environmental commodity] a carbon credit owned by the state is sold, exchanged, or held:

324 (i) for the benefit of the citizens of the state;

325 (ii) to promote energy independence for the state;

326 (iii) to maximize the natural resources of the state; and

327 (iv) consistent with Part 3, State Energy Policy.

328 (3) [An environmental commodity] A carbon credit created or purchased by a state entity shall remain under the control of the state entity.

330 (4) A state entity that owns or controls a carbon credit shall:

331 (a) obtain a digital identification number for the carbon credit;

332 (b) obtain a valuation of the carbon credit from a governmental or accredited third-party verification entity that appraises a carbon credit for sale or exchange; and

334 (c) report the digital identification number and valuation for the carbon credit to the office.

387 (5)

(a) Except as provided in Subsection (5)(b), a state entity that sells a carbon credit shall deposit the proceeds of the sale into the General Fund.

389 (b) Notwithstanding Subsection (5)(a), any revenue the state generates from the sale of a carbon credit on school and institutional trust lands, as that term is defined in Section 53C-1-103, shall be deposited in accordance with Subsections 53C-3-101(4), (5), and (6).

393 Section 10. Section 10 is enacted to read:

394 **79-6-1304. (Effective 05/06/26) Carbon Credit Restricted Account.**

338 (1) There is created {a restricted} an account known as the Carbon Credit Restricted Account.

339 (2) The account consists of:

340 (a) appropriations made to the account by the Legislature;

398 (b) the revenue from the broker licensing fee described in Section 79-6-1305;

341 (b) {(c)} private donations, grants, gifts, bequests, or money made available from any other source to implement this part; and

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343 (c) {(d)} interest or earnings on the money in the restricted account.

344 (3)

(a) The state treasurer shall invest money in the restricted account consistent with Title 51, Chapter 7, State Money Management Act.

346 (b) The state treasurer shall deposit interest or other earnings derived from investment of restricted account money into the restricted account.

348 (4) Subject to appropriation by the Legislature, the office may use money in the restricted account to:

350 (a) purchase an in-state carbon credit in accordance with Subsection 79-6-1302(2); {and}

351 (b) record and track a digital identification number reported to the office under Subsection 79-6-1302(1){:};

411 (c) administer the broker license program described in Section 79-6-1305; and

412 (d) administer the carbon credit assessment described in Section 79-6-1306.

413 Section 11. Section 11 is enacted to read:

79-6-1305. Carbon credit broker license -- License required for sale -- Criminal penalty -- Revocation of license.

416 (1)

(a) A person may not sell, offer to sell, or assist in the sale of a carbon credit in this state without first obtaining a carbon credit broker license from the office.

418 (b) It is a class B misdemeanor for a person to violate Subsection (1)(a).

419 (2) The office shall issue a license to sell, offer to sell, or assist in the sale of a carbon credit to a person that submits an application, on a form created by the office, that includes:

421 (a) the applicant's name;

422 (b) the applicant's business address;

423 (c) the applicant's affiliation or registration, if any, with a voluntary carbon credit market or regulatory carbon credit market;

425 (d) payment of the fee described in Subsection (4); and

426 (e) any other information required by the office.

427 (3) A carbon credit broker license under this section is:

428 (a) valid for two years; and

429 (b) renewable if a carbon credit broker meets the criteria for licensing under this section.

430 (4)

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(a) The office may charge a fee of no more than \$200 for a license under this section.

431 (b) The office shall deposit the revenue from the fee into the Carbon Credit Restricted Account created
in Section 79-6-1304.

433 (5)

434 (a) The office shall maintain a public list of each carbon credit broker.

435 (b) The office shall update the list at least once annually.

436 (6)

437 (a) The office shall revoke the license of a carbon credit broker that violates any provision of this part.

438 (b) A license may not be reissued to a carbon credit broker until the carbon credit broker has complied
with the requirements of this section.

439 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may
make rules to administer the requirements of this section.

441 Section 12. Section 12 is enacted to read:

79-6-1306. Carbon credit transaction assessment -- Administration by State Tax

Commission -- Distribution -- Rulemaking.

442 (1)

443 (a) Except as provided in Subsection (2), beginning on July 1, 2027, a carbon credit broker shall pay a
carbon credit assessment for each sale of a carbon credit.

444 (b) The amount of a carbon credit assessment is equal to:

445 (i) if the carbon credit sale is for a period of less than 10 years, 5% of the amount of the total purchase
price of the carbon credit; or

446 (ii) if the carbon credit sale is for a period of 10 years or greater, 10% of the amount of the total
purchase price of the carbon credit.

447 (c) A carbon credit broker shall:

448 (i) collect the assessment from a purchaser at the time the carbon credit is sold;

449 (ii) maintain records to determine the amount of the carbon credit assessment due under this section for
a period of three years;

450 (iii) submit a quarterly notice to the office, in a form approved by the office, that includes the amount
collected under Subsection (1)(c)(i); and

451 (iv) on or before January 31 of each year:

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(A) remit to the tax commission the assessment collected in the previous calendar year in an amount determined by the office under Subsection (3); and

(B) in a form approved by the tax commission, file a return with the tax commission for the assessment collected in the previous calendar year.

(2) Notwithstanding Subsection (1), the office shall exempt a sale of a carbon credit from a carbon credit assessment if the carbon emission offset that is the subject of the carbon credit sale:

(a) originated from a project within the state; and

(b) is transferred to or applied to a project within the state.

(3) The office shall determine the annual amount of the carbon credit assessment that each carbon credit broker owes under this section and report the amount to the tax commission to be collected in accordance with Subsection (1).

(4)

(a) The tax commission shall:

(i) administer, collect, and enforce the carbon credit assessment collected under this section in accordance with Title 59, Chapter 1, General Taxation Policies; and

(ii) deposit revenue collected under this section into the Carbon Credit Investment Fund created in Section 51-14-201.

(b) The tax commission may retain and deposit an administrative charge, in accordance with Section 59-1-306, from the revenues the tax commission collects under this section.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules to create procedures for assessing and reporting the amounts to be collected under this section.

481 Section 13. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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