

Rex P. Shipp proposes the following substitute bill:

Department of Natural Resources Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rex P. Shipp

Senate Sponsor:

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- removes language related to determining the work period for certain Department of Natural Resources' employees;
- modifies provisions related to records kept by the Division of Water Rights, including to allow for the records to be kept in physical or electronic form;
- corrects citations;
- removes a cap on low-interest loans related to secondary water metering;
- clarifies rulemaking authority related to rules enforced by the Division of Law Enforcement;
- modifies the duties of the Utah Geological Survey;
- modifies the makeup of the Board of the Utah Geological Survey;
- changes the term "buffalo" to "bison" in certain circumstances;
- repeals section specifying funding sources of the Watershed Restoration Initiative;
- repeals the Alternative Energy Development Tax Credit Act; and
- makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

29 **63A-17-502**, as last amended by Laws of Utah 2024, Chapter 151
30 **63J-1-602.1**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9
31 **73-2-11**, as last amended by Laws of Utah 2024, Chapter 365
32 **73-10-34**, as last amended by Laws of Utah 2025, Chapter 102
33 **73-10-36**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15
34 **79-2-406**, as last amended by Laws of Utah 2024, Chapter 88
35 **79-2-702**, as enacted by Laws of Utah 2024, Chapter 80
36 **79-3-202**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15
37 **79-3-302**, as last amended by Laws of Utah 2025, Chapter 57
38 **79-4-402**, as last amended by Laws of Utah 2025, Chapters 77, 153
39 **79-4-1001**, as last amended by Laws of Utah 2025, Chapter 153

40 REPEALS:

41 **79-2-604**, as enacted by Laws of Utah 2022, Chapter 51
42 **79-6-501**, as renumbered and amended by Laws of Utah 2021, Chapter 280
43 **79-6-502**, as renumbered and amended by Laws of Utah 2021, Chapter 280
44 **79-6-503**, as last amended by Laws of Utah 2021, Chapter 64 and renumbered and
45 amended by Laws of Utah 2021, Chapter 280
46 **79-6-504**, as renumbered and amended by Laws of Utah 2021, Chapter 280
47 **79-6-505**, as last amended by Laws of Utah 2022, Chapter 68

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

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

51 **9-8a-205 . Cultural Site Stewardship Program -- Definitions -- Creation --**
52 **Objectives -- Administration -- Activities.**

53 (1) As used in this section:

- 54 (a)(i) "Cultural site" means a significant archaeological or paleontological site in the
55 state as determined by the office.
56 (ii) "Cultural site" may include a:
57 (A) site as defined in Section 9-8a-302; and
58 (B) site as defined in Section 79-3-102.
59 (b) "Stewardship program" means the Cultural Site Stewardship Program created in this
60 section.
61 (c) "Vandalism" means to damage, destroy, or commit any other act that defaces or
62 harms a cultural site without the consent of the owner or appropriate governmental

agency, including inscribing, marking, etching, scratching, drawing, painting on, or affixing to the cultural resource a mark, figure, or design.

(2) There is created within the office the Cultural Site Stewardship Program.

(3) The office shall seek to accomplish the following objectives through administration of the stewardship program:

- (a) protect cultural sites located in the state;
- (b) increase public awareness of the significance and value of cultural sites and the damage done to cultural sites by vandalism;
- (c) discourage vandalism and the unlawful sale and trade of archaeological artifacts and paleontological artifacts;
- (d) support and encourage improved standards for investigating and researching cultural sites in the state;
- (e) promote cooperation among governmental agencies, private landowners, Native American tribes, industry groups, and interested persons to protect cultural sites; and
- (f) increase the inventory of cultural sites maintained in accordance with Subsections 9-8a-304(2)(b) and ~~[79-3-202(1)(m)]~~ 79-3-202(1)(p).

(4) The office shall:

- (a) maintain a position to oversee the operation of the stewardship program; and
- (b) provide administrative services to the stewardship program.

(5) The office shall select, train, and certify volunteers to participate in the stewardship program, based on rules made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(6) To accomplish the stewardship program's objectives, the office shall:

- (a) enter into agreements with the entities described in Subsection (3)(e) to promote the protection of cultural sites;
- (b) establish a list of cultural sites suitable for monitoring, in cooperation with the entities described in Subsection (3)(e);
- (c) schedule periodic monitoring activities by volunteers of each cultural site included on the list described in Subsection (6)(b), after obtaining approval of the landowner or manager;
- (d) establish rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for reporting vandalism of a cultural site to the appropriate authority; and
- (e) establish programs for educating members of the public about the significance and

value of cultural sites and the loss to members of the public resulting from vandalism of cultural sites.

(7) The office shall coordinate the activities of governmental agencies, private landowners, and Native American tribes, as necessary, to carry out the stewardship program.

(8) A volunteer participating in the stewardship program may not receive compensation, benefits, per diem allowance, or travel expenses for the volunteer's service.

(9) The office may accept gifts, grants, donations, or contributions from any source to assist the division in the administration of the stewardship program.

(10) Nothing in this section may be construed to alter or affect the office's duties under Section 9-8a-404.

Section 2. Section **63A-17-502** is amended to read:

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

(1) As used in this section:

(a) "Accrued overtime hours" means:

- (i) for a nonexempt employee, overtime hours earned during a fiscal year that, at the end of the fiscal year, have not been paid and have not been taken as time off by the nonexempt state employee who accrued them; and
- (ii) for an exempt employee, overtime hours earned during an overtime year.

(b) "Appointed official" means:

- (i) each department executive director and deputy director, each division director, and each member of a board or commission; and
- (ii) any other person employed by a department who is appointed by, or whose appointment is required by law to be approved by, the governor and who:
 - (A) is paid a salary by the state; and
 - (B) who exercises managerial, policy-making, or advisory responsibility.

(c) "Department" means, except as otherwise provided in this section, the Department of Government Operations, the Department of Corrections, the Department of Financial Institutions, the Department of Alcoholic Beverage Services, the Insurance Department, the Public Service Commission, the Labor Commission, the Department of Agriculture and Food, the Department of Human Services, the Department of Natural Resources, the Department of Transportation, the Department of Commerce, the Department of Workforce Services, the State Tax Commission, the Department of Cultural and Community Engagement, the Department of Health, the National Guard, the Department of Environmental Quality, the Department of Public Safety, the

Commission on Criminal and Juvenile Justice, all merit employees except attorneys in the Office of the Attorney General, merit employees in the Office of the State Treasurer, merit employees in the Office of the State Auditor, Department of Veterans and Military Affairs, and the Board of Pardons and Parole.

- (d) "Elected official" means any person who is an employee of the state because the person was elected by the registered voters of Utah to a position in state government.
- (e) "Exempt employee" means a state employee who is exempt as defined by the FLSA.
- (f) "FLSA" means the Fair Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.
- (g) "FLSA agreement" means the agreement authorized by the FLSA by which a nonexempt employee elects the form of compensation the nonexempt employee will receive for overtime.
- (h) "Nonexempt employee" means a state employee who is nonexempt as defined by the division applying FLSA requirements.
- (i) "Overtime" means actual time worked in excess of an employee's defined work period.
- (j) "Overtime year" means the year determined by a department under Subsection (5)(b) at the end of which an exempt employee's accrued overtime lapses.
- (k) "State employee" means every person employed by a department who is not:
 - (i) an appointed official;
 - (ii) an elected official; or
 - (iii) a member of a board or commission who is paid only for per diem or travel expenses.
- (l) "Uniform annual date" means the date when an exempt employee's accrued overtime lapses.
- (m) "Work period" means:
 - (i) for a nonexempt employee, except a nonexempt law enforcement or hospital employee, a consecutive seven day, 24 hour work period of 40 hours;
 - (ii) for an exempt employee, a 14 day, 80 hour payroll cycle;
 - (iii) for a nonexempt hospital employee, the period the division establishes by rule according to the requirements of the FLSA; or
 - (iv) for a nonexempt law enforcement employee as defined in the FLSA[:]
[~~(A) who is employed by the Department of Natural Resources, the period the division establishes by rule according to the requirements of the FLSA; or~~
~~(B) who is employed by a department other than the Department of Natural~~

- Resources], the period the division establishes by rule in accordance with Subsection (2).
- (2) ~~[Except for the Department of Natural Resources, the]~~ The division shall require each department employing a nonexempt law enforcement employee to designate one of the following work periods applicable to that employee:
- (a) 80 hours in a 14 consecutive day payroll cycle; or
 - (b) 160 hours in a 28 consecutive day payroll cycle.
- (3) Each department shall compensate each state employee who works overtime by complying with the requirements of this section.
- (4)(a) Each department shall negotiate and obtain a signed FLSA agreement from each nonexempt employee.
- (b) In the FLSA agreement, the nonexempt employee shall elect either to be compensated for overtime by:
 - (i) taking time off work at the rate of one and one-half hour off for each overtime hour worked; or
 - (ii) being paid for the overtime worked at the rate of one and one-half times the employee's regular hourly wage.
 - (c) A nonexempt employee who elects to take time off under this Subsection (4) shall be paid for any overtime worked in excess of the cap established by the division.
 - (d) Before working any overtime, a nonexempt employee shall obtain authorization to work overtime from the employee's immediate supervisor.
 - (e) Each department shall:
 - (i) for an employee who elects to be compensated with time off for overtime, allow overtime earned during a fiscal year to be accumulated; and
 - (ii) for an employee who elects to be paid for overtime worked, pay them for overtime worked in the paycheck for the pay period in which the employee worked the overtime.
 - (f) If a department pays a nonexempt employee for overtime, that department shall charge that payment to that department's budget.
 - (g) At the end of each fiscal year, the Division of Finance shall total all the accrued overtime hours for nonexempt employees and charge that total against the appropriate fund or subfund.
- (5)(a)(i) Except as provided in Subsection (5)(a)(ii), each department shall compensate each exempt employee who works overtime by granting the employee

time off at the rate of one hour off for each hour of overtime worked.

- (ii) The director of the division may grant limited exceptions to the compensation requirement described in Subsection (5)(a)(i), where work circumstances dictate, by authorizing a department to pay an exempt employee for overtime worked at the employee's regular hourly wage if that department has funds available.

(b)(i) Each department shall:

- (A) establish in its written human resource policies a uniform annual date for each division that is at the end of any pay period; and

- (B) communicate the uniform annual date to its employees.

- (ii) If any department fails to establish a uniform annual date as required by this Subsection (5), the director of the division, in conjunction with the director of the Division of Finance, shall establish the date for that department.

(c) The overtime authorized for an exempt employee under this Subsection (5) is not an entitlement, a benefit, or a vested right.

(d) At the end of the overtime year, upon transfer to another department at any time, and upon termination, retirement, or other situations where the employee will not return to work before the end of the overtime year:

- (i) any of an exempt employee's overtime that is more than the maximum established by division rule lapses; and
- (ii) unless authorized by the director of the division under Subsection (5)(a)(ii), a department may not compensate the exempt employee for that lapsed overtime by paying the employee for the overtime or by granting the employee time off for the lapsed overtime.

(e) Before working any overtime, each exempt employee shall obtain authorization to work overtime from the exempt employee's immediate supervisor.

(f) If a department pays an exempt employee for overtime under authorization from the director of the division, that department shall charge that payment to that department's budget in the pay period earned.

(6) The division shall:

- (a) ensure that the provisions of the FLSA and this section are implemented throughout state government;
- (b) determine, for each state employee, whether the employee is exempt, nonexempt, law enforcement, or has some other status under the FLSA;
- (c) in coordination with modifications to the systems operated by the Division of

Finance, make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

- (i) establishing procedures for recording overtime worked that comply with FLSA requirements;
- (ii) establishing requirements governing overtime worked while traveling and procedures for recording that overtime that comply with FLSA requirements;
- (iii) establishing requirements governing overtime worked if the employee is "on call" and procedures for recording that overtime that comply with FLSA requirements;
- (iv) establishing requirements governing overtime worked while an employee is being trained and procedures for recording that overtime that comply with FLSA requirements;
- (v) subject to the FLSA and Subsection (2), establishing the maximum number of hours that a nonexempt employee may accrue before a department is required to pay the employee for the overtime worked;
- (vi) subject to the FLSA, establishing the maximum number of overtime hours for an exempt employee that do not lapse; and
- (vii) establishing procedures for adjudicating appeals of an FLSA determination made by the division as required by this section;

(d) monitor departments for compliance with the FLSA; and

(e) recommend to the Legislature and the governor any statutory changes necessary because of federal government action.

(7)(a) In coordination with the procedures for recording overtime worked established in rule by the division, the Division of Finance shall modify its payroll and human resource systems to accommodate those procedures.

(b) Notwithstanding the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, Section 63A-17-602, and Section 67-19a-301, an employee who is aggrieved by the FLSA designation made by the division as required by this section may appeal that determination to the director of the division by following the procedures and requirements established in division rule.

(c) Upon receipt of an appeal under this section, the director shall notify the executive director of the employee's department that the appeal has been filed.

(d) If the employee is aggrieved by the decision of the director, the employee shall appeal that determination to the Department of Labor, Wage and Hour Division,

according to the procedures and requirements of federal law.

Section 3. Section **63J-1-602.1** is amended to read:

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

Appropriations made from the following accounts or funds are nonlapsing:

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

- 301 (20) The Property Loss Related to Homelessness Compensation Enterprise Fund created in
302 Section 35A-16-212.
- 303 (21) The Homeless Shelter Cities Mitigation Restricted Account created in Section
304 35A-16-402.
- 305 (22) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 306 (23) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 307 (24) The Division of Oil, Gas, and Mining Restricted account created in Section 40-6-23.
- 308 (25) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the
309 Motor Vehicle Division.
- 310 (26) The License Plate Restricted Account created by Section 41-1a-122.
- 311 (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
312 created by Section 41-3-110 to the State Tax Commission.
- 313 (28) The State Disaster Recovery Restricted Account to the Division of Emergency
314 Management, as provided in Section 53-2a-603.
- 315 (29) The Disaster Response, Recovery, and Mitigation Restricted Account created in
316 Section 53-2a-1302.
- 317 (30) The Emergency Medical Services Critical Needs Account created in Section 53-2d-110.
- 318 (31) The Department of Public Safety Restricted Account to the Department of Public
319 Safety, as provided in Section 53-3-106.
- 320 (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.
- 321 (33) The DNA Specimen Restricted Account created in Section 53-10-407.
- 322 (34) The Technical Colleges Capital Projects Fund created in Section 53H-9-605.
- 323 (35) The Higher Education Capital Projects Fund created in Section 53H-9-502.
- 324 (36) A certain portion of money collected for administrative costs under the School
325 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 326 (37) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject
327 to Subsection 54-5-1.5(4)(d).
- 328 (38) Funds collected from a surcharge fee to provide certain licensees with access to an
329 electronic reference library, as provided in Section 58-3a-105.
- 330 (39) Certain fines collected by the Division of Professional Licensing for violation of
331 unlawful or unprofessional conduct that are used for education and enforcement
332 purposes, as provided in Section 58-17b-505.
- 333 (40) Funds collected from a surcharge fee to provide certain licensees with access to an
334 electronic reference library, as provided in Section 58-22-104.

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

(c) Cottonwood Canyons Transportation Investment Fund;

(d) Active Transportation Investment Fund; and

(e) Commuter Rail Subaccount.

(60) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.

(61) Certain funds received by the Office of the State Engineer for well drilling fines or bonds, as provided in Section 73-3-25.

(62) The Water Resources Conservation and Development Fund, as provided in Section 73-23-2.

(63) Award money under the State Asset Forfeiture Grant Program, as provided under Section 77-11b-403.

(64) Funds donated or paid to a juvenile court by private sources, as provided in Subsection 78A-6-203(1)(c).

(65) Fees for certificate of admission created under Section 78A-9-102.

(66) Funds collected for adoption document access as provided in Sections 81-13-103, 81-13-504, and 81-13-505.

(67) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

(68) The Utah Geological Survey Restricted Account created in Section 79-3-403.

(69) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park, and Green River State Park, as provided under Section 79-4-403.

(70) Certain funds received by the Division of State Parks from the sale or disposal of [~~buffalo~~] bison, as provided under Section 79-4-1001.

Section 4. Section **73-2-11** is amended to read:

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

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

(a) a field note;

(b) a computation; or

(c) a fact.

(2) Subject to Subsection (3), a record, including a map or document, whether physical or electronic, recorded or filed in the office of the state engineer [shall be open to the public

~~during business hours~~] is a public record.

(3) A record described in Subsection (1) or (2) is:

(a) a record of the state engineer's office;

(b) property of the state; and

(c) made public by the state engineer, except a record classified as private, controlled, or protected in accordance with Title 63G, Chapter 2, Government Records Access and Management Act, and this title.

(4) The office of the state engineer is ~~[hereby declared to be]~~ an office of public record, and ~~[none of the files, records or documents shall be removed therefrom]~~ a file or record may not be removed from the office of the state engineer, except in the custody of the state engineer or one of the state engineer's deputies. ~~[Certified copies of any record or document shall be furnished by the state engineer]~~

(5)(a) The state engineer shall furnish a certified copy of a record on demand, upon payment of the reasonable cost of making the [same] certified copy, together with the legal fee for certification. ~~[Such copies shall be]~~

(b) A certified copy under this Subsection (5) is competent evidence, and [shall have] has the same force and effect as the [originals] original.

Section 5. Section **73-10-34** is amended to read:

73-10-34 . Secondary water metering -- Loans and grants.

(1) As used in this section:

(a) "Agriculture use" means water used on land assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

(b)(i) "Commercial user" means a secondary water user that is a place of business.

(ii) "Commercial user" does not include a multi-family residence, an agricultural user, or a customer that falls within the industrial or institutional classification.

(c) "Critical area" means an area:

(i) serviced by one of the four largest water conservancy districts, as defined in Section 17B-1-102, measured by operating budgets; or

(ii) within the Great Salt Lake basin, which includes:

(A) the surveyed meander line of the Great Salt Lake;

(B) the drainage areas of the Bear River or the Bear River's tributaries;

(C) the drainage areas of Bear Lake or Bear Lake's tributaries;

(D) the drainage areas of the Weber River or the Weber River's tributaries;

(E) the drainage areas of the Jordan River or the Jordan River's tributaries;

- 437 (F) the drainage areas of Utah Lake or Utah Lake's tributaries;
438 (G) other water drainages lying between the Bear River and the Jordan River that
439 are tributary to the Great Salt Lake and not included in the drainage areas
440 described in Subsections (1)(c)(ii)(B) through (F); and
441 (H) the drainage area of Tooele Valley.
- 442 (d) "Full metering" means that use of secondary water is accurately metered by a meter
443 that is installed and maintained on every secondary water connection of a secondary
444 water supplier.
- 445 (e)(i) "Industrial user" means a secondary water user that manufactures or produces
446 materials.
- 447 (ii) "Industrial user" includes a manufacturing plant, an oil and gas producer, and a
448 mining company.
- 449 (f)(i) "Institutional user" means a secondary water user that is dedicated to public
450 service, regardless of ownership.
- 451 (ii) "Institutional user" includes a school, church, hospital, park, golf course, and
452 government facility.
- 453 (g) "Power generation use" means water used in the production of energy, such as use in
454 an electric generation facility, natural gas refinery, or coal processing plant.
- 455 (h)(i) "Residential user" means a secondary water user in a residence.
- 456 (ii) "Residential user" includes a single-family or multi-family home, apartment,
457 duplex, twin home, condominium, or planned community.
- 458 (i) "Secondary water" means water that is:
- 459 (i) not culinary or water used on land assessed under Title 59, Chapter 2, Part 5,
460 Farmland Assessment Act; and
- 461 (ii) delivered to and used by an end user for the irrigation of landscaping or a garden.
- 462 (j) "Secondary water connection" means the location at which the water leaves the
463 secondary water supplier's pipeline and enters into the remainder of the pipes that are
464 owned by another person to supply water to an end user.
- 465 (k) "Secondary water supplier" means an entity that supplies pressurized secondary
466 water.
- 467 (l) "Small secondary water retail supplier" means an entity that:
- 468 (i) supplies pressurized secondary water only to the end user of the secondary water;
469 and
- 470 (ii)(A) is a city or town; or

- 471 (B) supplies 5,000 or fewer secondary water connections.
- 472 (2)(a)(i) A secondary water supplier that supplies secondary water within a county of
473 the first or second class and begins design work for new service on or after April
474 1, 2020, to a commercial, industrial, institutional, or residential user shall meter
475 the use of pressurized secondary water by the users receiving that new service.
- 476 (ii) A secondary water supplier that supplies secondary water within a county of the
477 third, fourth, fifth, or sixth class and begins design work for new service on or
478 after May 4, 2022, to a commercial, industrial, institutional, or residential user
479 shall meter the use of pressurized secondary water by the users receiving that new
480 service.
- 481 (b) By no later than January 1, 2030, a secondary water supplier shall install and
482 maintain a meter of the use of pressurized secondary water by each user receiving
483 secondary water service from the secondary water supplier.
- 484 (c) Beginning January 1, 2022, a secondary water supplier shall establish a meter
485 installation reserve for metering installation and replacement projects.
- 486 (d) A secondary water supplier, including a small secondary water retail supplier, may
487 not raise the rates charged for secondary water:
- 488 (i) by more than 10% in a calendar year for costs associated with metering secondary
489 water unless the rise in rates is necessary because the secondary water supplier
490 experiences a catastrophic failure or other similar event; or
- 491 (ii) unless, before raising the rates on the end user, the entity charging the end user
492 provides a statement explaining the basis for why the needs of the secondary
493 water supplier required an increase in rates.
- 494 (e)(i) A secondary water supplier that provides pressurized secondary water to a
495 commercial, industrial, institutional, or residential user shall develop a plan, or if
496 the secondary water supplier previously filed a similar plan, update the plan for
497 metering the use of the pressurized water.
- 498 (ii) The plan required by this Subsection (2)(e) shall be filed or updated with the
499 Division of Water Resources by no later than December 31, 2025, and address the
500 process the secondary water supplier will follow to implement metering, including:
- 501 (A) the costs of full metering by the secondary water supplier;
- 502 (B) how long it would take the secondary water supplier to complete full
503 metering, including an anticipated beginning date and completion date, except
504 a secondary water supplier shall achieve full metering by no later than January

- 505 1, 2030; and
- 506 (C) how the secondary water supplier will finance metering.
- 507 (3) A secondary water supplier shall on or before March 31 of each year, report to the
- 508 Division of Water Rights:
- 509 (a) for commercial, industrial, institutional, and residential users whose pressurized
- 510 secondary water use is metered, the number of acre feet of pressurized secondary
- 511 water the secondary water supplier supplied to the commercial, industrial,
- 512 institutional, and residential users during the preceding 12-month period;
- 513 (b) the number of secondary water meters within the secondary water supplier's service
- 514 boundary;
- 515 (c) a description of the secondary water supplier's service boundary;
- 516 (d) the number of secondary water connections in each of the following categories
- 517 through which the secondary water supplier supplies pressurized secondary water:
- 518 (i) commercial;
- 519 (ii) industrial;
- 520 (iii) institutional; and
- 521 (iv) residential;
- 522 (e) the total volume of water that the secondary water supplier receives from the
- 523 secondary water supplier's sources; and
- 524 (f) the dates of service during the preceding 12-month period in which the secondary
- 525 water supplier supplied pressurized secondary water.
- 526 (4)(a) Beginning July 1, 2019, the Board of Water Resources may make ~~up to~~
- 527 ~~\$10,000,000 in~~ low-interest loans available each year:
- 528 (i) from the Water Resources Conservation and Development Fund, created in
- 529 Section 73-10-24; and
- 530 (ii) for financing the cost of secondary water metering.
- 531 (b) The Division of Water Resources and the Board of Water Resources shall make rules
- 532 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 533 establishing the criteria and process for receiving a loan described in this Subsection
- 534 (4), except the rules may not include prepayment penalties.
- 535 (5)(a) Beginning July 1, 2021, subject to appropriation, the Division of Water Resources
- 536 may make matching grants each year for financing the cost of secondary water
- 537 metering for a commercial, industrial, institutional, or residential user by a small
- 538 secondary water retail supplier that:

- 539 (i) is not for new service described in Subsection (2)(a); and
540 (ii) matches the amount of the grant.
- 541 (b) For purposes of issuing grants under this section, the division shall prioritize the
542 small secondary water retail suppliers that can demonstrate the greatest need or
543 greatest inability to pay the entire cost of installing secondary water meters.
- 544 (c) The amount of a grant under this Subsection (5) may not:
545 (i) exceed 50% of the small secondary water retail supplier's cost of installing
546 secondary water meters; or
547 (ii) supplant federal, state, or local money previously allocated to pay the small
548 secondary water retail supplier's cost of installing secondary water meters.
- 549 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
550 Board of Water Resources shall make rules establishing:
551 (i) the procedure for applying for a grant under this Subsection (5); and
552 (ii) how a small secondary water retail supplier can establish that the small secondary
553 water retail supplier meets the eligibility requirements of this Subsection (5).
- 554 (6) Nothing in this section affects a water right holder's obligation to measure and report
555 water usage as described in Sections 73-5-4 and 73-5-8.
- 556 (7) If a secondary water supplier fails to comply with Subsection (2)(b), the secondary
557 water supplier:
558 (a) beginning January 1, 2030, may not receive state money for water related purposes
559 until the secondary water supplier completes full metering; and
560 (b) is subject to an enforcement action of the state engineer in accordance with
561 Subsection (8).
- 562 (8)(a)(i) The state engineer shall commence an enforcement action under this
563 Subsection (8) if the state engineer receives a referral from the director of the
564 Division of Water Resources.
565 (ii) The director of the Division of Water Resources shall submit a referral to the state
566 engineer if the director:
567 (A) finds that a secondary water supplier fails to fully meter secondary water as
568 required by this section; and
569 (B) determines an enforcement action is necessary to conserve or protect a water
570 resource in the state.
- 571 (b) To commence an enforcement action under this Subsection (8), the state engineer
572 shall issue a notice of violation that includes notice of the administrative fine to

573 which a secondary water supplier is subject.

574 (c) The state engineer's issuance and enforcement of a notice of violation is exempt from
575 Title 63G, Chapter 4, Administrative Procedures Act.

576 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
577 state engineer shall make rules necessary to enforce a notice of violation, that
578 includes:

579 (i) provisions consistent with this Subsection (8) for enforcement of the notice if a
580 secondary water supplier to whom a notice is issued fails to respond to the notice
581 or abate the violation;

582 (ii) the right to a hearing, upon request by a secondary water supplier against whom
583 the notice is issued; and

584 (iii) provisions for timely issuance of a final order after the secondary water supplier
585 to whom the notice is issued fails to respond to the notice or abate the violation, or
586 after a hearing held under Subsection (8)(d)(ii).

587 (e) A person may not intervene in an enforcement action commenced under this section.

588 (f) After issuance of a final order under rules made pursuant to Subsection (8)(d), the
589 state engineer shall serve a copy of the final order on the secondary water supplier
590 against whom the order is issued by:

591 (i) personal service under Utah Rules of Civil Procedure, Rule 5; or

592 (ii) certified mail.

593 (g)(i) The state engineer's final order may be reviewed by trial de novo by the court
594 with jurisdiction in Salt Lake County or the county where the violation occurred.

595 (ii) A secondary water supplier shall file a petition for judicial review of the state
596 engineer's final order issued under this section within 20 days from the day on
597 which the final order was served on the secondary water supplier.

598 (h) The state engineer may bring suit in a court [~~of competent~~] with jurisdiction to
599 enforce a final order issued under this Subsection (8).

600 (i) If the state engineer prevails in an action brought under Subsection (8)(g) or (h), the
601 state may recover court costs and a reasonable attorney fee.

602 (j) As part of a final order issued under this Subsection (8), the state engineer shall order
603 that a secondary water supplier to whom an order is issued pay an administrative fine
604 equal to:

605 (i) \$10 for each non-metered secondary water connection of the secondary water
606 supplier for failure to comply with full metering by January 1, 2030;

- 607 (ii) \$20 for each non-metered secondary water connection of the secondary water
608 supplier for failure to comply with full metering by January 1, 2031;
- 609 (iii) \$30 for each non-metered secondary water connection of the secondary water
610 supplier for failure to comply with full metering by January 1, 2032;
- 611 (iv) \$40 for each non-metered secondary water connection of the secondary water
612 supplier for failure to comply with full metering by January 1, 2033; and
- 613 (v) \$50 for each non-metered secondary water connection of the secondary water
614 supplier for failure to comply with full metering by January 1, 2034, and for each
615 subsequent year the secondary water supplier fails to comply with full metering.
- 616 (k) Money collected under this Subsection (8) shall be deposited into the Water
617 Resources Conservation and Development Fund, created in Section 73-10-24.
- 618 (9) A secondary water supplier located within a county of the fifth or sixth class is exempt
619 from Subsections (2)(a), (2)(b), (2)(c), (2)(e), (7), and (8) if:
- 620 (a) the owner or operator of the secondary water supplier seeks an exemption under this
621 Subsection (9) by establishing with the Division of Water Resources that the cost of
622 purchasing, installing, and upgrading systems to accept meters exceeds 25% of the
623 total operating budget of the owner or operator of the secondary water supplier;
- 624 (b) the secondary water supplier agrees to not add a new secondary water connection to
625 the secondary water supplier's system on or after May 4, 2022;
- 626 (c) within six months of when the secondary water supplier seeks an exemption under
627 Subsection (9)(a), the secondary water supplier provides to the Division of Water
628 Resources a plan for conservation within the secondary water supplier's service area
629 that does not require metering;
- 630 (d) the secondary water supplier annually reports to the Division of Water Resources on
631 the results of the plan described in Subsection (9)(c); and
- 632 (e) the secondary water supplier submits to evaluations by the Division of Water
633 Resources of the effectiveness of the plan described in Subsection (9)(c).
- 634 (10) A secondary water supplier is exempt from Subsections (2)(a), (2)(b), (2)(c), (2)(e),
635 (7), and (8) to the extent that the secondary water supplier:
- 636 (a) is unable to obtain a meter that a meter manufacturer will warranty because of the
637 water quality within a specific location served by the secondary water supplier;
- 638 (b) submits reasonable proof to the Division of Water Resources that the secondary
639 water supplier is unable to obtain a meter as described in Subsection (10)(a);
- 640 (c) within six months of when the secondary water supplier submits reasonable proof

under Subsection (10)(b), provides to the Division of Water Resources a plan for conservation within the secondary water supplier's service area that does not require metering;

(d) annually reports to the Division of Water Resources on the results of the plan described in Subsection (10)(c); and

(e) submits to evaluations by the Division of Water Resources of the effectiveness of the plan described in Subsection (10)(c).

(11) A secondary water supplier that is located within a critical management area that is subject to a groundwater management plan adopted or amended under Section 73-5-15 on or after May 1, 2006, is exempt from Subsections (2)(a), (2)(b), (2)(c), (2)(e), (7), and (8).

(12) If a secondary water supplier is required to have a water conservation plan under Section 73-10-32, that water conservation plan satisfies the requirements of Subsection (9)(c) or (10)(c).

(13)(a) Notwithstanding the other provisions of this section and unless exempt under Subsection (9), (10), or (11), to comply with this section, a secondary water supplier is not required to meter every secondary water connection of the secondary water supplier's system, but shall meter at strategic points of the system as approved by the state engineer under this Subsection (13) if:

(i) the system has no or minimal storage and relies primarily on stream flow;

(ii)(A) the majority of secondary water users on the system are associated with agriculture use or power generation use; and

(B) less than 50% of the secondary water is used by residential secondary water users; or

(iii) the system has a mix of pressurized lines and open ditches and:

(A) 1,000 or fewer users if any part of the system is within a critical area; or

(B) 2,500 or fewer users for a system not described in Subsection (13)(a)(iii)(A).

(b)(i) A secondary water supplier may obtain the approval by the state engineer of strategic points where metering is to occur as required under this Subsection (13) by filing an application with the state engineer in the form established by the state engineer.

(ii) The state engineer may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish procedures for approving strategic points for metering under this Subsection (13).

- (14)(a) A contract entered into or renewed on or after July 1, 2025, between a secondary water supplier and an end user shall allow for billing by tiered conservation rates.
- (b) Except as provided in Subsection (14)(f), by no later than July 1, 2030, regardless of whether the secondary water supplier is fully metered or has modified existing contracts with end users, a secondary water supplier shall begin billing an end user using a tiered conservation rate that considers:
- (i) revenue stability;
 - (ii) water conservation; and
 - (iii) cost of service.
- (c) A secondary water supplier may comply with Subsection (14)(b) by entering into a contract with a third-party, including the public water system that serves an end user of the secondary water supplier, to bill the end user according to end user's usage of secondary water and the secondary water supplier's tiered conservation rate.
- (d) By no later than April 1, 2030, a secondary water supplier shall provide an educational component for end users as determined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, either on a monthly statement or by an end user specific Internet portal that provides information on the end user's usage more frequently than monthly.
- (e) A public water system:
- (i) shall enter into a contract with a secondary water supplier described in Subsection (14)(c) upon request from the secondary water supplier if the secondary water supplier agrees to provide water use and other data necessary for accurate billing in a file format compatible with the public water supplier's billing system;
 - (ii) may collect the costs associated with billing on behalf of a secondary water supplier under this section from the secondary water end users, including reasonable administrative and overhead expenses; and
 - (iii) shall, as the public water supplier and the secondary water supplier find necessary or convenient, exchange with the secondary water supplier, for the purpose of maintaining accurate records, relevant information with regard to an end user of the secondary water supplier, such as:
 - (A) a billing address;
 - (B) an address where the secondary water is delivered;
 - (C) a parcel identification number; and
 - (D) ownership information.

- (f)(i) A secondary water supplier is not required to bill an end user a tiered conservation rate if the secondary water supplier is:
- (A) exempt from metering under Subsection (9), (10), or (11); or
 - (B) authorized to meter at strategic points of the system under Subsection (13).
- (ii) Notwithstanding the other provisions of this section, on or after July 1, 2030, a secondary water supplier with a tiered conservation rate under this Subsection (14) shall charge an end user at the lowest rate of the tiered conservation rate if the end user is using a portion of the water to grow food, including growing a garden, fruit trees, or pasture for grazing.
- (g)(i) If a secondary water supplier violates this Subsection (14) on or after April 1, 2030, the secondary water supplier:
- (A) may not receive state money for water related purposes until the secondary water supplier complies with this Subsection (14); and
 - (B) is subject to an enforcement action of the state engineer in accordance with this Subsection (14)(g).
- (ii) The state engineer shall commence an enforcement action under this Subsection (14)(g) if the state engineer receives a referral from the director of the Division of Water Resources.
- (iii) The director of the Division of Water Resources shall submit a referral to the state engineer if the director:
- (A) finds that a secondary water supplier fails to comply with this Subsection (14); and
 - (B) determines an enforcement action is necessary to conserve or protect a water resource in the state.
- (iv) To commence an enforcement action under this Subsection (14)(g), the state engineer shall issue a notice of violation that includes notice of the administrative fine described in Subsection (14)(g)(xiii) to which a secondary water supplier is subject.
- (v) The state engineer's issuance and enforcement of a notice of violation is exempt from Title 63G, Chapter 4, Administrative Procedures Act.
- (vi) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state engineer shall make rules necessary to enforce a notice of violation, that includes:
- (A) provisions consistent with this Subsection (14)(g) for enforcement of the

- 743 notice if a secondary water supplier to whom a notice is issued fails to respond
744 to the notice or abate the violation;
- 745 (B) the right to a hearing, upon request by a secondary water supplier against
746 whom the notice is issued; and
- 747 (C) provisions for timely issuance of a final order after the secondary water
748 supplier to whom the notice is issued fails to respond to the notice or abate the
749 violation, or after a hearing held under Subsection (14)(g)(vi)(B).
- 750 (vii) A person may not intervene in an enforcement action commenced under this
751 Subsection (14)(g).
- 752 (viii) After issuance of a final order under rules made pursuant to Subsection
753 (14)(g)(vi), the state engineer shall serve a copy of the final order on the
754 secondary water supplier against whom the order is issued by:
- 755 (A) personal service under Utah Rules of Civil Procedure, Rule 5; or
756 (B) certified mail.
- 757 (ix) The state engineer's final order may be reviewed by trial de novo by a court with
758 jurisdiction in Salt Lake County or the county where the violation occurred.
- 759 (x) A secondary water supplier shall file a petition for judicial review of the state
760 engineer's final order issued under this Subsection (14)(g) within 20 days from the
761 day on which the final order was served on the secondary water supplier.
- 762 (xi) The state engineer may bring suit in a court to enforce a final order issued under
763 this Subsection (14)(g).
- 764 (xii) If the state engineer prevails in an action brought under Subsection (14)(g)(x) or
765 (xi), the state may recover court costs and reasonable attorney fees.
- 766 (xiii) The administrative fine imposed under this section shall be an amount not to
767 exceed the sum of any money received by the secondary water supplier under this
768 section or Section 73-10-34.5 to fund costs related to metering.
- 769 (xiv) Money collected under this Subsection (14) shall be deposited into the Water
770 Resources Conservation and Development Fund, created in Section 73-10-24.
- 771 Section 6. Section **73-10-36** is amended to read:
- 772 **73-10-36 . Division to provide technical assistance in local government planning.**
- 773 (1) As used in this section:
- 774 (a) "Division" means the Division of Water Resources.
- 775 (b) "General plan":
776 (i) for a municipality, means the same as that term is defined in Section 10-20-102;

777 and

778 (ii) for a county, means the same as that term is defined in Section 17-79-102.

779 (c) "Local government" means a county or a municipality, as defined in Section 10-1-104.

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

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

784 (3) When consulted by a local government for information and technical resources
785 regarding regional water conservation goals under Subsection 10-20-404(2)(d) or [
786 ~~17-79-403(2)(c)~~] 17-79-403(2)(d), the division may seek input from the appropriate
787 watershed council or councils.

788 Section 7. Section **79-2-406** is amended to read:

789 **79-2-406 . Wetlands -- In-lieu fee program study.**

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

792 (2) The department shall publish, on the department's website, the land use permits
793 collected by the Utah Geological Survey pursuant to Subsection [~~79-3-202(1)(q)~~]
794 79-3-202(1)(t).

795 (3)(a) The department shall study and make recommendations to the committee on the
796 viability of an in-lieu fee program for wetland mitigation, including:

797 (i) the viability of the state establishing and administering an in-lieu fee program; and

798 (ii) the viability of the state partnering with a private organization to establish and
799 administer an in-lieu fee program.

800 (b) As part of the study described in Subsection (3)(a), the department shall consult with
801 public and private individuals and entities that may be necessary or helpful to the
802 establishment or administration of an in-lieu fee program for wetland mitigation,
803 which may include:

804 (i) the Utah Department of Environmental Quality;

805 (ii) the United States Army Corps of Engineers;

806 (iii) the United States Fish and Wildlife Service;

807 (iv) the United States Environmental Protection Agency; or

808 (v) a non-profit entity that has experience with the establishment and administration
809 of in-lieu fee programs.

810 (c) The department shall provide a report on the status of the department's study during

or before the committee's November interim meeting in 2022.

- (d) The department shall provide a final report of the department's study and recommendations, including any recommended legislation, during or before the committee's first interim meeting in 2023.

Section 8. Section **79-2-702** is amended to read:

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

- (1) There is created within the department a Division of Law Enforcement.
- (2) Subject to the priorities defined by the director, the primary function of the division is to enforce:
 - (a) Title 23A, Wildlife Resources Act;
 - (b) Title 41, Chapter 22, Off-highway Vehicles;
 - (c) Title 65A, Forestry, Fire, and State Lands;
 - (d) Title 73, Chapter 18, State Boating Act;
 - (e) this title; and
 - (f) an administrative rule enacted by ~~[an advisory]~~ a board within ~~[any]~~ one of the department's divisions or by one of the department's divisions.
- (3) The division shall coordinate with county sheriffs, police, and other law enforcement officers within a law enforcement jurisdiction the division operates to enforce this part.
- (4) This part does not limit or modify the powers and duties of other law enforcement officers in the state.

Section 9. Section **79-3-202** is amended to read:

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

- (1) The survey shall:
 - (a) assist and advise state and local agencies and state educational institutions on geologic, paleontologic, and mineralogic subjects;
 - (b) collect and distribute reliable information regarding the mineral industry and mineral resources, topography, paleontology, and geology of the state;
 - (c) survey the geology of the state, including mineral occurrences and the ores of metals, energy resources, industrial minerals and rocks, mineral-bearing waters, and surface and ground water resources, with special reference to ~~[their]~~ economic contents, values, uses, kind, and availability ~~[in order]~~ to facilitate ~~[their]~~ economic use;
 - (d) investigate the kind, amount, and availability of mineral substances contained in lands owned and controlled by the state, to contribute to the most effective and beneficial administration of ~~[these]~~ the lands for the state;

- (e) determine and investigate areas of geologic and topographic hazards that could affect the safety of, or cause economic loss to, the citizens of the state;
- (f) assist local and state agencies in ~~[their]~~ planning, zoning, and building regulation functions by publishing maps, delineating appropriately wide special earthquake risk areas, and, at the request of state agencies or other governmental agencies, review the siting of critical facilities;
- (g) cooperate with state agencies, political subdivisions of the state, quasi-governmental agencies, federal agencies, schools of higher education, and others in fields of mutual concern, which may include field investigations and preparation, publication, and distribution of reports and maps;
- (h) collect and preserve data pertaining to mineral resource exploration and development programs and construction activities, such as claim maps, location of drill holes, location of surface and underground workings, geologic plans and sections, drill logs, and assay and sample maps, including the maintenance of a sample library of cores and cuttings;
- (i) assist as requested by a state or local agency to measure, analyze, and report on the quantity, quality, and seasonal and long-term viability of a groundwater and surface water resource in the state;
- (j) provide data that supports scientific understanding, resource planning, and resource development related to groundwater and surface water;
- (k) assess the function, distribution, and ecological characteristic of a wetland to regional hydrology, historic change, and resource capacity to enhance resource management or a planning effort;
- ~~[(f)]~~ (l) study and analyze other scientific, economic, or aesthetic problems as, in the judgment of the board, should be undertaken by the survey to serve the needs of the state and to support the development of natural resources and ~~[utilization]~~ use of lands within the state;
- ~~[(f)]~~ (m) prepare, publish, distribute, and sell maps, reports, and bulletins, embodying the work accomplished by the survey, directly or in collaboration with others, and collect and prepare exhibits of the geological and mineral resources of this state and interpret ~~[their]~~ the geological and mineral resources' significance;
- ~~[(k)]~~ (n) collect, maintain, and preserve data and information~~[-in-order]~~ to accomplish the purposes of this section and act as a repository for information concerning the geology of this state;

- [~~(h)~~] (o) stimulate research, study, and activities in the field of paleontology;
- [~~(m)~~] (p) mark, protect, and preserve critical paleontological sites;
- [~~(n)~~] (q) collect, preserve, and administer critical paleontological specimens until the specimens are placed in a repository or curation facility;
- [~~(o)~~] (r) administer critical paleontological site excavation records;
- [~~(p)~~] (s) edit and publish critical paleontological records and reports; and
- [~~(q)~~] (t) collect the land use permits described in Sections 10-20-611 and 17-79-608.

- (2)(a) The survey may maintain as confidential, and not as a public record, information provided to the survey by any source.
- (b) The board shall adopt rules[~~-in order~~] to determine whether to accept the information described in Subsection (2)(a) and to maintain the confidentiality of the accepted information.
- (c) The survey shall maintain information received from any source at the level of confidentiality assigned to [~~it~~] the information by the source.
- (3) Upon approval of the board, the survey shall undertake other activities consistent with Subsection (1).
- (4)(a) Subject to the authority granted to the department, the survey may enter into cooperative agreements with the entities specified in Subsection (1)(g), if approved by the board, and may accept or commit allocated or budgeted [~~funds~~] money in connection with [~~those~~] the agreements.
- (b) The survey may undertake joint projects with private entities if:
 - (i) the action is approved by the board;
 - (ii) the projects are not inconsistent with the state's objectives; and
 - (iii) the results of the projects are available to the public.

Section 10. Section **79-3-302** is amended to read:

79-3-302 . Members of board -- Qualifications and appointment -- Vacancies -- Organization -- Meetings -- Financial gain prohibited -- Expenses.

- (1) The board consists of seven members appointed by the governor, with the advice and consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- (2) In addition to the requirements of Section 79-2-203, the members shall have the following qualifications:
 - (a) one member knowledgeable in the field of geology as applied to the practice of [~~civil~~] engineering geology;
 - (b) [~~four~~] three members knowledgeable and representative of various segments of the

- 913 mineral industry or energy industry throughout the state, such as hydrocarbons,
914 geothermal, solid fuels, metals, and industrial minerals;
- 915 (c) one member knowledgeable [~~of the economic or scientific interests of the mineral~~
916 ~~industry in the state]~~ about the economic and scientific focus of areas over which the
917 survey has duties or powers under Section 79-3-202;[-and]
- 918 (d) one member knowledgeable about groundwater or water resources; and
919 [~~(d)~~] (e) one member [~~who is~~] :
920 (i) interested in the goals of the survey; and
921 (ii) from the public at large.
- 922 (3) The director of the School and Institutional Trust Lands Administration is an ex officio
923 member of the board but without~~[-any]~~ voting privileges.
- 924 (4)(a) Except as required by Subsection (4)(b), [~~members are appointed for terms]~~ the
925 governor shall appoint a member to a term of four years.
- 926 (b) Notwithstanding [~~the requirements of~~] Subsection (4)(a), the governor shall, at the
927 time of appointment or reappointment, adjust the length of terms to ensure that the
928 terms of board members are staggered so that approximately half of the board is
929 appointed every two years.
- 930 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
931 appointed for the unexpired term by the governor with the advice and consent of the
932 Senate.
- 933 (5) The board shall select from [~~its~~] the board's members a chair and such officers and
934 committees as [~~it~~] the board considers necessary.
- 935 (6)(a) The board shall hold meetings at least quarterly on [~~such dates as may be~~] dates set
936 by [~~its~~] the board's chair.
- 937 (b) Special meetings may be held upon notice of the chair or by a majority of [~~its~~] the
938 board's members.
- 939 (c) A majority of the members of the board present at a meeting constitutes a quorum for
940 the transaction of business.
- 941 (7)(a) [~~Members-~~] A member of the board may not obtain financial gain by reason of
942 information obtained during the course of [~~their~~] the member's official duties.
- 943 (b) A member shall comply with the conflict of interest provisions described in Title
944 63G, Chapter 24, Part 3, Conflicts of Interest.
- 945 (8) A member may not receive compensation or benefits for the member's service, but may
946 receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
(b) Section 63A-3-107; and
(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 11. Section **79-4-402** is amended to read:

79-4-402 . State Parks Restricted Account.

- (1) There is created within the General Fund a restricted account known as the State Parks Restricted Account.
- (2)(a) Except as provided in Subsection (2)(b), the account consists of revenue from:
- (i) ~~all~~ charges allowed under Section 79-4-203;
 - (ii) proceeds from the sale or disposal of ~~buffalo~~ bison under Subsection 79-4-1001(2)(b);
 - (iii) civil damages collected under Section 76-6-206.2; and
 - (iv) interest on money deposited in the account as follows:
 - (A) 25% of total interest beginning on July 1, 2025, through June 30, 2026;
 - (B) 50% of total interest beginning on July 1, 2026, through June 30, 2027;
 - (C) 75% of total interest beginning on July 1, 2027, through June 30, 2028; and
 - (D) 100% of total interest beginning on July 1, 2028, and each year thereafter.
- (b) The account ~~shall~~ may not include revenue the division receives under Section 79-4-403 and Subsection 79-4-1001(2)(a).
- (3) The division shall use funds in this account for the purposes described in Section 79-4-203.

Section 12. Section **79-4-1001** is amended to read:

79-4-1001 . Purchase, trade, sale, or disposal of bison -- Proceeds.

- (1) In accordance with a plan approved by the division to manage ~~buffalo~~ bison herds on Antelope Island, the division may purchase, trade, sell, or dispose of ~~buffalo~~ bison obtained from Antelope Island through:
- (a) competitive bidding; or
 - (b) a means as established by rule.
- (2) Proceeds received from the sale or disposal of ~~buffalo~~ bison under this section shall be deposited as follows:
- (a) the first \$75,000 shall accrue to the division for the management of Antelope Island [~~buffalo~~ bison herds as dedicated credits; and
 - (b) proceeds in excess of \$75,000 shall be deposited into the State Parks Restricted

981 Account created in Section 79-4-402.
982 Section 13. **Repealer.**
983 This bill repeals:
984 Section **79-2-604, Funding.**
985 Section **79-6-501, Title.**
986 Section **79-6-502, Definitions.**
987 Section **79-6-503, Tax credits.**
988 Section **79-6-504, Qualifications for tax credit -- Procedure.**
989 Section **79-6-505, Report to the Legislature.**
990 Section 14. **Effective Date.**
991 This bill takes effect on May 6, 2026.