

Keven J. Stratton proposes the following substitute bill:

Department of Natural Resources Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rex P. Shipp

Senate Sponsor: Keven J. Stratton

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;
- ▶ addresses treatment of water rights after termination or noncompliance of certain royalty contracts or mineral leases;
- ▶ removes a cap on low-interest loans related to secondary water metering;
- ▶ modifies when certain applications may be filed with the state engineer under instream flow provisions;
- ▶ 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:

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **9-8a-205**, as renumbered and amended by Laws of Utah 2023, Chapter 160

33 **63A-17-502**, as last amended by Laws of Utah 2024, Chapter 151

34 **63J-1-602.1**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

35 **73-2-11**, as last amended by Laws of Utah 2024, Chapter 365

36 **73-3-8**, as last amended by Laws of Utah 2024, Chapter 233

37 **73-3-30**, as last amended by Laws of Utah 2023, Chapters 34, 253

38 **73-10-34**, as last amended by Laws of Utah 2025, Chapter 102

39 **73-10-36**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15

40 **79-2-406**, as last amended by Laws of Utah 2024, Chapter 88

41 **79-2-702**, as enacted by Laws of Utah 2024, Chapter 80

42 **79-3-202**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15

43 **79-3-302**, as last amended by Laws of Utah 2025, Chapter 57

44 **79-4-402**, as last amended by Laws of Utah 2025, Chapters 77, 153

45 **79-4-1001**, as last amended by Laws of Utah 2025, Chapter 153

46 REPEALS:

47 **79-2-604**, as enacted by Laws of Utah 2022, Chapter 51

48 **79-6-501**, as renumbered and amended by Laws of Utah 2021, Chapter 280

49 **79-6-502**, as renumbered and amended by Laws of Utah 2021, Chapter 280

50 **79-6-503**, as last amended by Laws of Utah 2021, Chapter 64 and renumbered and
51 amended by Laws of Utah 2021, Chapter 280

52 **79-6-504**, as renumbered and amended by Laws of Utah 2021, Chapter 280

53 **79-6-505**, as last amended by Laws of Utah 2022, Chapter 68

54

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

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

57 **9-8a-205 . Cultural Site Stewardship Program -- Definitions -- Creation --**
58 **Objectives -- Administration -- Activities.**

59 (1) As used in this section:

60 (a)(i) "Cultural site" means a significant archaeological or paleontological site in the
61 state as determined by the office.

62 (ii) "Cultural site" may include a:

- 63 (A) site as defined in Section 9-8a-302; and
64 (B) site as defined in Section 79-3-102.
- 65 (b) "Stewardship program" means the Cultural Site Stewardship Program created in this
66 section.
- 67 (c) "Vandalism" means to damage, destroy, or commit any other act that defaces or
68 harms a cultural site without the consent of the owner or appropriate governmental
69 agency, including inscribing, marking, etching, scratching, drawing, painting on, or
70 affixing to the cultural resource a mark, figure, or design.
- 71 (2) There is created within the office the Cultural Site Stewardship Program.
- 72 (3) The office shall seek to accomplish the following objectives through administration of
73 the stewardship program:
- 74 (a) protect cultural sites located in the state;
75 (b) increase public awareness of the significance and value of cultural sites and the
76 damage done to cultural sites by vandalism;
77 (c) discourage vandalism and the unlawful sale and trade of archaeological artifacts and
78 paleontological artifacts;
79 (d) support and encourage improved standards for investigating and researching cultural
80 sites in the state;
81 (e) promote cooperation among governmental agencies, private landowners, Native
82 American tribes, industry groups, and interested persons to protect cultural sites; and
83 (f) increase the inventory of cultural sites maintained in accordance with Subsections
84 9-8a-304(2)(b) and ~~[79-3-202(1)(m)]~~ 79-3-202(1)(p).
- 85 (4) The office shall:
- 86 (a) maintain a position to oversee the operation of the stewardship program; and
87 (b) provide administrative services to the stewardship program.
- 88 (5) The office shall select, train, and certify volunteers to participate in the stewardship
89 program, based on rules made by the office in accordance with Title 63G, Chapter 3,
90 Utah Administrative Rulemaking Act.
- 91 (6) To accomplish the stewardship program's objectives, the office shall:
- 92 (a) enter into agreements with the entities described in Subsection (3)(e) to promote the
93 protection of cultural sites;
94 (b) establish a list of cultural sites suitable for monitoring, in cooperation with the
95 entities described in Subsection (3)(e);
96 (c) schedule periodic monitoring activities by volunteers of each cultural site included

- 97 on the list described in Subsection (6)(b), after obtaining approval of the landowner
98 or manager;
- 99 (d) establish rules, in accordance with Title 63G, Chapter 3, Utah Administrative
100 Rulemaking Act, for reporting vandalism of a cultural site to the appropriate
101 authority; and
- 102 (e) establish programs for educating members of the public about the significance and
103 value of cultural sites and the loss to members of the public resulting from vandalism
104 of cultural sites.
- 105 (7) The office shall coordinate the activities of governmental agencies, private landowners,
106 and Native American tribes, as necessary, to carry out the stewardship program.
- 107 (8) A volunteer participating in the stewardship program may not receive compensation,
108 benefits, per diem allowance, or travel expenses for the volunteer's service.
- 109 (9) The office may accept gifts, grants, donations, or contributions from any source to assist
110 the division in the administration of the stewardship program.
- 111 (10) Nothing in this section may be construed to alter or affect the office's duties under
112 Section 9-8a-404.

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

114 **63A-17-502 . Overtime policies for state employees.**

- 115 (1) As used in this section:
- 116 (a) "Accrued overtime hours" means:
- 117 (i) for a nonexempt employee, overtime hours earned during a fiscal year that, at the
118 end of the fiscal year, have not been paid and have not been taken as time off by
119 the nonexempt state employee who accrued them; and
- 120 (ii) for an exempt employee, overtime hours earned during an overtime year.
- 121 (b) "Appointed official" means:
- 122 (i) each department executive director and deputy director, each division director, and
123 each member of a board or commission; and
- 124 (ii) any other person employed by a department who is appointed by, or whose
125 appointment is required by law to be approved by, the governor and who:
- 126 (A) is paid a salary by the state; and
- 127 (B) who exercises managerial, policy-making, or advisory responsibility.
- 128 (c) "Department" means, except as otherwise provided in this section, the Department of
129 Government Operations, the Department of Corrections, the Department of Financial
130 Institutions, the Department of Alcoholic Beverage Services, the Insurance

131 Department, the Public Service Commission, the Labor Commission, the Department
132 of Agriculture and Food, the Department of Human Services, the Department of
133 Natural Resources, the Department of Transportation, the Department of Commerce,
134 the Department of Workforce Services, the State Tax Commission, the Department of
135 Cultural and Community Engagement, the Department of Health, the National Guard,
136 the Department of Environmental Quality, the Department of Public Safety, the
137 Commission on Criminal and Juvenile Justice, all merit employees except attorneys
138 in the Office of the Attorney General, merit employees in the Office of the State
139 Treasurer, merit employees in the Office of the State Auditor, Department of
140 Veterans and Military Affairs, and the Board of Pardons and Parole.

141 (d) "Elected official" means any person who is an employee of the state because the
142 person was elected by the registered voters of Utah to a position in state government.

143 (e) "Exempt employee" means a state employee who is exempt as defined by the FLSA.

144 (f) "FLSA" means the Fair Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

145 (g) "FLSA agreement" means the agreement authorized by the FLSA by which a
146 nonexempt employee elects the form of compensation the nonexempt employee will
147 receive for overtime.

148 (h) "Nonexempt employee" means a state employee who is nonexempt as defined by the
149 division applying FLSA requirements.

150 (i) "Overtime" means actual time worked in excess of an employee's defined work
151 period.

152 (j) "Overtime year" means the year determined by a department under Subsection (5)(b)
153 at the end of which an exempt employee's accrued overtime lapses.

154 (k) "State employee" means every person employed by a department who is not:

155 (i) an appointed official;

156 (ii) an elected official; or

157 (iii) a member of a board or commission who is paid only for per diem or travel
158 expenses.

159 (l) "Uniform annual date" means the date when an exempt employee's accrued overtime
160 lapses.

161 (m) "Work period" means:

162 (i) for a nonexempt employee, except a nonexempt law enforcement or hospital
163 employee, a consecutive seven day, 24 hour work period of 40 hours;

164 (ii) for an exempt employee, a 14 day, 80 hour payroll cycle;

- 165 (iii) for a nonexempt hospital employee, the period the division establishes by rule
166 according to the requirements of the FLSA; or
- 167 (iv) for a nonexempt law enforcement employee as defined in the FLSA[;]
168 [~~(A) who is employed by the Department of Natural Resources, the period the~~
169 ~~division establishes by rule according to the requirements of the FLSA; or]~~
170 [~~(B) who is employed by a department other than the Department of Natural~~
171 ~~Resources], the period the division establishes by rule in accordance with~~
172 ~~Subsection (2).~~
- 173 (2) [~~Except for the Department of Natural Resources, the~~] The division shall require each
174 department employing a nonexempt law enforcement employee to designate one of the
175 following work periods applicable to that employee:
- 176 (a) 80 hours in a 14 consecutive day payroll cycle; or
177 (b) 160 hours in a 28 consecutive day payroll cycle.
- 178 (3) Each department shall compensate each state employee who works overtime by
179 complying with the requirements of this section.
- 180 (4)(a) Each department shall negotiate and obtain a signed FLSA agreement from each
181 nonexempt employee.
- 182 (b) In the FLSA agreement, the nonexempt employee shall elect either to be
183 compensated for overtime by:
- 184 (i) taking time off work at the rate of one and one-half hour off for each overtime
185 hour worked; or
- 186 (ii) being paid for the overtime worked at the rate of one and one-half times the
187 employee's regular hourly wage.
- 188 (c) A nonexempt employee who elects to take time off under this Subsection (4) shall be
189 paid for any overtime worked in excess of the cap established by the division.
- 190 (d) Before working any overtime, a nonexempt employee shall obtain authorization to
191 work overtime from the employee's immediate supervisor.
- 192 (e) Each department shall:
- 193 (i) for an employee who elects to be compensated with time off for overtime, allow
194 overtime earned during a fiscal year to be accumulated; and
- 195 (ii) for an employee who elects to be paid for overtime worked, pay them for
196 overtime worked in the paycheck for the pay period in which the employee
197 worked the overtime.
- 198 (f) If a department pays a nonexempt employee for overtime, that department shall

- 199 charge that payment to that department's budget.
- 200 (g) At the end of each fiscal year, the Division of Finance shall total all the accrued
201 overtime hours for nonexempt employees and charge that total against the
202 appropriate fund or subfund.
- 203 (5)(a)(i) Except as provided in Subsection (5)(a)(ii), each department shall
204 compensate each exempt employee who works overtime by granting the employee
205 time off at the rate of one hour off for each hour of overtime worked.
- 206 (ii) The director of the division may grant limited exceptions to the compensation
207 requirement described in Subsection (5)(a)(i), where work circumstances dictate,
208 by authorizing a department to pay an exempt employee for overtime worked at
209 the employee's regular hourly wage if that department has funds available.
- 210 (b)(i) Each department shall:
- 211 (A) establish in its written human resource policies a uniform annual date for each
212 division that is at the end of any pay period; and
- 213 (B) communicate the uniform annual date to its employees.
- 214 (ii) If any department fails to establish a uniform annual date as required by this
215 Subsection (5), the director of the division, in conjunction with the director of the
216 Division of Finance, shall establish the date for that department.
- 217 (c) The overtime authorized for an exempt employee under this Subsection (5) is not an
218 entitlement, a benefit, or a vested right.
- 219 (d) At the end of the overtime year, upon transfer to another department at any time, and
220 upon termination, retirement, or other situations where the employee will not return
221 to work before the end of the overtime year:
- 222 (i) any of an exempt employee's overtime that is more than the maximum established
223 by division rule lapses; and
- 224 (ii) unless authorized by the director of the division under Subsection (5)(a)(ii), a
225 department may not compensate the exempt employee for that lapsed overtime by
226 paying the employee for the overtime or by granting the employee time off for the
227 lapsed overtime.
- 228 (e) Before working any overtime, each exempt employee shall obtain authorization to
229 work overtime from the exempt employee's immediate supervisor.
- 230 (f) If a department pays an exempt employee for overtime under authorization from the
231 director of the division, that department shall charge that payment to that
232 department's budget in the pay period earned.

- 233 (6) The division shall:
- 234 (a) ensure that the provisions of the FLSA and this section are implemented throughout
- 235 state government;
- 236 (b) determine, for each state employee, whether the employee is exempt, nonexempt,
- 237 law enforcement, or has some other status under the FLSA;
- 238 (c) in coordination with modifications to the systems operated by the Division of
- 239 Finance, make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
- 240 Rulemaking Act:
- 241 (i) establishing procedures for recording overtime worked that comply with FLSA
- 242 requirements;
- 243 (ii) establishing requirements governing overtime worked while traveling and
- 244 procedures for recording that overtime that comply with FLSA requirements;
- 245 (iii) establishing requirements governing overtime worked if the employee is "on
- 246 call" and procedures for recording that overtime that comply with FLSA
- 247 requirements;
- 248 (iv) establishing requirements governing overtime worked while an employee is
- 249 being trained and procedures for recording that overtime that comply with FLSA
- 250 requirements;
- 251 (v) subject to the FLSA and Subsection (2), establishing the maximum number of
- 252 hours that a nonexempt employee may accrue before a department is required to
- 253 pay the employee for the overtime worked;
- 254 (vi) subject to the FLSA, establishing the maximum number of overtime hours for an
- 255 exempt employee that do not lapse; and
- 256 (vii) establishing procedures for adjudicating appeals of an FLSA determination
- 257 made by the division as required by this section;
- 258 (d) monitor departments for compliance with the FLSA; and
- 259 (e) recommend to the Legislature and the governor any statutory changes necessary
- 260 because of federal government action.
- 261 (7)(a) In coordination with the procedures for recording overtime worked established in
- 262 rule by the division, the Division of Finance shall modify its payroll and human
- 263 resource systems to accommodate those procedures.
- 264 (b) Notwithstanding the procedures and requirements of Title 63G, Chapter 4,
- 265 Administrative Procedures Act, Section 63A-17-602, and Section 67-19a-301, an
- 266 employee who is aggrieved by the FLSA designation made by the division as

267 required by this section may appeal that determination to the director of the division
268 by following the procedures and requirements established in division rule.

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

271 (d) If the employee is aggrieved by the decision of the director, the employee shall
272 appeal that determination to the Department of Labor, Wage and Hour Division,
273 according to the procedures and requirements of federal law.

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

275 **63J-1-602.1 . List of nonlapsing appropriations from accounts and funds.**

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

- 277 (1) The Native American Repatriation Restricted Account created in Section 9-9-407.
278 (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as
279 provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.
280 (3) Funds collected for directing and administering the C-PACE district created in Section
281 11-42a-106.
282 (4) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.
283 (5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.
284 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section
285 19-2a-106.
286 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
287 Section 19-5-126.
288 (8) State funds for matching federal funds in the Children's Health Insurance Program as
289 provided in Section 26B-3-906.
290 (9) Funds collected from the program fund for local health department expenses incurred in
291 responding to a local health emergency under Section 26B-7-111.
292 (10) The Technology Development Restricted Account created in Section 31A-3-104.
293 (11) The Criminal Background Check Restricted Account created in Section 31A-3-105.
294 (12) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the
295 extent that Section 31A-3-304 makes the money received under that section free revenue.
296 (13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
297 (14) The Health Insurance Actuarial Review Restricted Account created in Section
298 31A-30-115.
299 (15) The State Mandated Insurer Payments Restricted Account created in Section
300 31A-30-118.

- 301 (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
302 (17) The Underage Drinking Prevention Media and Education Campaign Restricted
303 Account created in Section 32B-2-306.
304 (18) The School Readiness Restricted Account created in Section 35A-15-203.
305 (19) Money received by the Utah State Office of Rehabilitation for the sale of certain
306 products or services, as provided in Section 35A-13-202.
307 (20) The Property Loss Related to Homelessness Compensation Enterprise Fund created in
308 Section 35A-16-212.
309 (21) The Homeless Shelter Cities Mitigation Restricted Account created in Section
310 35A-16-402.
311 (22) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
312 (23) The Oil and Gas Conservation Account created in Section 40-6-14.5.
313 (24) The Division of Oil, Gas, and Mining Restricted account created in Section 40-6-23.
314 (25) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the
315 Motor Vehicle Division.
316 (26) The License Plate Restricted Account created by Section 41-1a-122.
317 (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
318 created by Section 41-3-110 to the State Tax Commission.
319 (28) The State Disaster Recovery Restricted Account to the Division of Emergency
320 Management, as provided in Section 53-2a-603.
321 (29) The Disaster Response, Recovery, and Mitigation Restricted Account created in
322 Section 53-2a-1302.
323 (30) The Emergency Medical Services Critical Needs Account created in Section 53-2d-110.
324 (31) The Department of Public Safety Restricted Account to the Department of Public
325 Safety, as provided in Section 53-3-106.
326 (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.
327 (33) The DNA Specimen Restricted Account created in Section 53-10-407.
328 (34) The Technical Colleges Capital Projects Fund created in Section 53H-9-605.
329 (35) The Higher Education Capital Projects Fund created in Section 53H-9-502.
330 (36) A certain portion of money collected for administrative costs under the School
331 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
332 (37) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject
333 to Subsection 54-5-1.5(4)(d).
334 (38) Funds collected from a surcharge fee to provide certain licensees with access to an

- 335 electronic reference library, as provided in Section 58-3a-105.
- 336 (39) Certain fines collected by the Division of Professional Licensing for violation of
337 unlawful or unprofessional conduct that are used for education and enforcement
338 purposes, as provided in Section 58-17b-505.
- 339 (40) Funds collected from a surcharge fee to provide certain licensees with access to an
340 electronic reference library, as provided in Section 58-22-104.
- 341 (41) Funds collected from a surcharge fee to provide certain licensees with access to an
342 electronic reference library, as provided in Section 58-55-106.
- 343 (42) Funds collected from a surcharge fee to provide certain licensees with access to an
344 electronic reference library, as provided in Section 58-56-3.5.
- 345 (43) Certain fines collected by the Division of Professional Licensing for use in education
346 and enforcement of the Security Personnel Licensing Act, as provided in Section
347 58-63-103.
- 348 (44) The Relative Value Study Restricted Account created in Section 59-9-105.
- 349 (45) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 350 (46) Funds paid to the Division of Real Estate for the cost of a criminal background check
351 for a mortgage loan license, as provided in Section 61-2c-202.
- 352 (47) Funds paid to the Division of Real Estate for the cost of a criminal background check
353 for principal broker, associate broker, and sales agent licenses, as provided in Section
354 61-2f-204.
- 355 (48) Certain funds donated to the Department of Health and Human Services, as provided
356 in Section 26B-1-202.
- 357 (49) Certain funds donated to the Division of Child and Family Services, as provided in
358 Section 80-2-404.
- 359 (50) Funds collected by the Office of Administrative Rules for publishing, as provided in
360 Section 63G-3-402.
- 361 (51) The Immigration Act Restricted Account created in Section 63G-12-103.
- 362 (52) Money received by the military installation development authority, as provided in
363 Section 63H-1-504.
- 364 (53) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.
- 365 (54) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.
- 366 (55) The Utah Capital Investment Restricted Account created in Section 63N-6-204.
- 367 (56) The Motion Picture Incentive Account created in Section 63N-8-103.
- 368 (57) Funds collected by the housing of state probationary inmates or state parole inmates, as

- 369 provided in Subsection 64-13e-104(2).
- 370 (58) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and
371 State Lands, as provided in Section 65A-8-103.
- 372 (59) The following funds or accounts created in Section 72-2-124:
- 373 (a) Transportation Investment Fund of 2005;
- 374 (b) Transit Transportation Investment Fund;
- 375 (c) Cottonwood Canyons Transportation Investment Fund;
- 376 (d) Active Transportation Investment Fund; and
- 377 (e) Commuter Rail Subaccount.
- 378 (60) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.
- 379 (61) Certain funds received by the Office of the State Engineer for well drilling fines or
380 bonds, as provided in Section 73-3-25.
- 381 (62) The Water Resources Conservation and Development Fund, as provided in Section
382 73-23-2.
- 383 (63) Award money under the State Asset Forfeiture Grant Program, as provided under
384 Section 77-11b-403.
- 385 (64) Funds donated or paid to a juvenile court by private sources, as provided in Subsection
386 78A-6-203(1)(c).
- 387 (65) Fees for certificate of admission created under Section 78A-9-102.
- 388 (66) Funds collected for adoption document access as provided in Sections 81-13-103,
389 81-13-504, and 81-13-505.
- 390 (67) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah
391 Indigent Defense Commission.
- 392 (68) The Utah Geological Survey Restricted Account created in Section 79-3-403.
- 393 (69) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park,
394 and Green River State Park, as provided under Section 79-4-403.
- 395 (70) Certain funds received by the Division of State Parks from the sale or disposal of [
396 ~~buffalo~~] bison, as provided under Section 79-4-1001.
- 397 Section 4. Section **73-2-11** is amended to read:
- 398 **73-2-11 . Records -- Certified copies -- Evidence.**
- 399 (1) The state engineer shall keep on file in the state engineer's office a full and proper [
400 records] record, in physical or electronic form, of the state engineer's work, including [all
401 field notes, computations and facts made or collected by the state engineer, all of which
402 shall be part of the records of the state engineer's office and the property of the state. All

- 403 records, maps and papers] the following made or collected by the state engineer:
- 404 (a) a field note;
- 405 (b) a computation; or
- 406 (c) a fact.
- 407 (2) Subject to Subsection (3), a record, including a map or document, whether physical or
- 408 electronic, recorded or filed in the office of the state engineer [shall be open to the public
- 409 during business hours] is a public record.
- 410 (3) A record described in Subsection (1) or (2) is:
- 411 (a) a record of the state engineer's office;
- 412 (b) property of the state; and
- 413 (c) made public by the state engineer, except a record classified as private, controlled, or
- 414 protected in accordance with Title 63G, Chapter 2, Government Records Access and
- 415 Management Act, and this title.
- 416 (4) The office of the state engineer is [hereby declared to be]an office of public record, and [
- 417 none of the files, records or documents shall be removed therefrom] a file or record may
- 418 not be removed from the office of the state engineer, except in the custody of the state
- 419 engineer or one of the state engineer's deputies.[Certified copies of any record or
- 420 document shall be furnished by the state engineer]
- 421 (5)(a) The state engineer shall furnish a certified copy of a record on demand, upon
- 422 payment of the reasonable cost of making the [same] certified copy, together with the
- 423 legal fee for certification.[Such copies shall be]
- 424 (b) A certified copy under this Subsection (5) is competent evidence, and [shall have] has
- 425 the same force and effect as the [originals] original.

426 Section 5. Section **73-3-8** is amended to read:

427 **73-3-8 . Approval or rejection of application -- Requirements for approval --**

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

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

- 430 (1)(a) ~~[It shall be the duty of the state engineer to]~~ The state engineer shall approve an
- 431 application if there is reason to believe that:
- 432 (i) for an application to appropriate, there is unappropriated water in the proposed
- 433 source;
- 434 (ii) the proposed use will not impair existing rights or interfere with the more
- 435 beneficial use of the water;
- 436 (iii) the proposed plan:

- 437 (A) is physically and economically feasible, unless the application is filed by the
438 United States Bureau of Reclamation; and
- 439 (B) would not prove detrimental to the public welfare;
- 440 (iv) the applicant has the financial ability to complete the proposed works;
- 441 (v) the application was filed in good faith and not for purposes of speculation or
442 monopoly; and
- 443 (vi) if applicable, the application complies with a groundwater management plan
444 adopted under Section 73-5-15.
- 445 (b) If the state engineer, because of information in the state engineer's possession
446 obtained either by the state engineer's own investigation or otherwise, has reason to
447 believe that an application will interfere with the water's more beneficial use for
448 irrigation, municipal and industrial, domestic or culinary, stock watering, power or
449 mining development, or manufacturing, or will unreasonably affect public recreation
450 or the natural stream environment, or will prove detrimental to the public welfare, the
451 state engineer shall withhold approval or rejection of the application until the state
452 engineer has investigated the matter.
- 453 (c) If an application does not meet the requirements of this section, it shall be rejected.
- 454 (2)(a) An application to appropriate water for industrial, power, mining development,
455 manufacturing purposes, agriculture, or municipal purposes may be approved for a
456 specific and certain period from the time the water is placed to beneficial use under
457 the application, but in no event may an application be granted for a period of time
458 less than that ordinarily needed to satisfy the essential and primary purpose of the
459 application or until the water is no longer available as determined by the state
460 engineer.
- 461 (b) At the expiration of the period fixed by the state engineer the water shall revert to the
462 public and is subject to appropriation as provided by this title.
- 463 (c) No later than 60 calendar days before the expiration date of the fixed time period, the
464 state engineer shall send notice by mail or by any form of electronic communication
465 through which receipt is verifiable, to the applicant of record.
- 466 (d) Except as provided by Subsection (2)(e), the state engineer may extend any limited
467 water right upon a showing that:
- 468 (i) the essential purpose of the original application has not been satisfied;
- 469 (ii) the need for an extension is not the result of any default or neglect by the
470 applicant; and

- 471 (iii) the water is still available.
- 472 (e) An extension may not exceed the time necessary to satisfy the primary purpose of the
473 original application.
- 474 (f) A request for extension of the fixed time period must be filed in writing in the office
475 of the state engineer on or before the expiration date of the application.
- 476 (3)(a) Before the approval of any application to divert water from navigable lakes or
477 streams of the state that contemplates the recovery of salts and other minerals or
478 elements, as defined in Section 65A-17-101, therefrom by precipitation or otherwise,
479 the applicant shall file with the state engineer a copy of:
- 480 (i) a contract for the payment of royalties to the state; and
481 (ii) any mineral lease.
- 482 [~~(b) The approval of an application shall be reversed if the applicant fails to comply with
483 terms of the royalty contract or mineral lease.~~]
- 484 (b) Upon written notice to the state engineer of termination or noncompliance of a
485 royalty contract or mineral lease described in Subsection (3)(a), the state engineer
486 shall:
- 487 (i) reverse the approval of an application; or
488 (ii) indicate on the water right in the records of the state engineer the default if the
489 written notice states that the royalty contract or mineral lease has a reversionary
490 provision related to the water right.
- 491 (4)(a) The state engineer shall investigate all temporary change applications.
- 492 (b) The state engineer shall:
- 493 (i) approve the temporary change if the state engineer finds there is reason to believe
494 that the temporary change will not impair an existing right; and
495 (ii) deny the temporary change if the state engineer finds there is reason to believe the
496 temporary change would impair an existing right.
- 497 (5)(a) With respect to a change application for a permanent or fixed time change:
- 498 (i) the state engineer shall follow the same procedures provided in this title for
499 approving an application to appropriate water; and
500 (ii) the rights and duties of a change applicant are the same as the rights and duties of
501 a person who applies to appropriate water under this title.
- 502 (b) The state engineer may waive notice for a permanent or fixed time change
503 application if the application only involves a change in point of diversion of 660 feet
504 or less.

- 505 (c) The state engineer may condition approval of a change application, including to:
- 506 (i) prevent an enlargement of the quantity of water depleted by the nature of the
- 507 proposed use when compared with the nature of the currently approved use of
- 508 water proposed to be changed; and
- 509 (ii) ensure that the recognition and subsequent use of saved water, as defined in
- 510 Section 73-3-3:
- 511 (A) is quantified, reported, and verified;
- 512 (B) does not lead to an enlargement of the depletion or diversion amounts in the
- 513 underlying water right that serves as the basis of the saved water, or an increase
- 514 in the authorized number of irrigated acres unless depletion is accounted for
- 515 and regulated in the condition;
- 516 (C) is limited to the net decrease in depletion and net reduction in diversion of the
- 517 underlying water right that serves as the basis of the saved water;
- 518 (D) is limited to the volume of water that will be sustained over time from the net
- 519 decrease in depletion or net reduction in diversion of the underlying water right
- 520 that serves as the basis of the saved water;
- 521 (E) does not violate an existing water agreement; and
- 522 (F) when based solely on a net reduction in diversion, the subsequent use is
- 523 limited to nonconsumptive beneficial uses and does not increase the depletion
- 524 allowed by the underlying water right that serves as the basis of the saved
- 525 water or otherwise cause quantity impairment to an existing water right when
- 526 the saved water is beneficially used separate from the underlying water right.
- 527 (d) Except for an application proposing to quantify saved water, a condition described in
- 528 Subsection (5)(c) may not include a reduction in the currently approved diversion
- 529 rate of water under the water right identified in the change application solely to
- 530 account for the difference in depletion under the nature of the proposed use when
- 531 compared with the nature of the currently approved use.
- 532 (6)(a) Except as provided in Subsection (6)(b), the state engineer shall reject a
- 533 permanent or fixed time change application if the person proposing to make the
- 534 change is unable to meet the burden described in Subsection 73-3-3(5).
- 535 (b) If otherwise proper, the state engineer may approve a change application upon one or
- 536 more of the following conditions:
- 537 (i) for part of the water involved;
- 538 (ii) that the applicant acquire a conflicting right; or

- 539 (iii) that the applicant provide and implement a plan approved by the state engineer to
540 mitigate impairment of an existing right.
- 541 (c)(i) There is a rebuttable presumption of quantity impairment, as defined in Section
542 73-3-3, to the extent that, for a period of at least seven consecutive years, a portion
543 of the right identified in a change application has not been:
- 544 (A) diverted from the approved point of diversion; or
 - 545 (B) beneficially used at the approved place of use.
- 546 (ii) The rebuttable presumption described in Subsection (6)(c)(i) does not apply if the
547 beneficial use requirement is excused by:
- 548 (A) Subsection 73-1-4(2)(e);
 - 549 (B) an approved nonuse application under Subsection 73-1-4(2)(b);
 - 550 (C) Subsection 73-3-30(7); or
 - 551 (D) the passage of time under Subsection 73-1-4(2)(c)(i).
- 552 (d) The state engineer may not consider quantity impairment based on the conditions
553 described in Subsection (6)(c) unless the issue is raised in a:
- 554 (i) timely protest that identifies which of the protestant's existing rights the protestant
555 reasonably believes will experience quantity impairment; or
 - 556 (ii) written notice provided by the state engineer to the applicant within 90 days after
557 the change application is filed.
- 558 (e) The written notice described in Subsection (6)(d)(ii) shall:
- 559 (i) specifically identify an existing right the state engineer reasonably believes may
560 experience quantity impairment; and
 - 561 (ii) be mailed to the owner of an identified right, as shown by the state engineer's
562 records, if the owner has not protested the change application.
- 563 (f) The state engineer is not required to include all rights the state engineer believes may
564 be impaired by the proposed change in the written notice described in Subsection
565 (6)(d)(ii).
- 566 (g) The owner of a right who receives the written notice described in Subsection
567 (6)(d)(ii) may not become a party to the administrative proceeding if the owner has
568 not filed a timely protest.
- 569 (h) If a change applicant, the protestants, and the persons identified by the state engineer
570 under Subsection [~~(6)(d)(ii)~~] (6)(d)(i) come to a written agreement regarding how the
571 issue of quantity impairment shall be mitigated, the state engineer may incorporate
572 the terms of the agreement into a change application approval.

573 Section 6. Section **73-3-30** is amended to read:

574 **73-3-30 . Change application for an instream flow -- Change application for**
575 **delivery to a reservoir.**

576 (1) As used in this section:

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

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

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

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

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

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

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

593 (ii) use on sovereign lands.

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

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

596 (i) the propagation or maintenance of wildlife;

597 (ii) the management of state parks; or

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

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

600 (i) a [perfected] water right:

601 (A) presently owned by the division;

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

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

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

- 607 division.
- 608 (d) A division may:
- 609 (i) purchase a water right for the purposes described in Subsection (2)(a) only with
- 610 funds specifically appropriated by the Legislature for water rights purchases; or
- 611 (ii) accept a donated water right without legislative approval.
- 612 (e) A division may not acquire water rights by eminent domain for an instream flow, use
- 613 on sovereign lands, or for any other purpose.
- 614 (3)(a) A person entitled to the use of water shall obtain a division director's approval of
- 615 the proposed change before filing a fixed time change application or a temporary
- 616 change application with the state engineer.
- 617 (b) By approving a proposed fixed time change application or temporary change
- 618 application, a division director attests that the water that is the subject of the
- 619 application can be used consistent with the statutory mandates of the director's
- 620 division.
- 621 (4)(a) Pursuant to Section 73-3-3, a person entitled to the use of water may file a fixed
- 622 time change application or a temporary change application for a project to deliver
- 623 water to a reservoir located partially or entirely within the Colorado River System in
- 624 the state in accordance with:
- 625 (i) Colorado River Drought Contingency Plan Authorization Act, Public Law 116-14;
- 626 (ii) a water conservation program funded by the Bureau of Reclamation; or
- 627 (iii) a water conservation program authorized by the state.
- 628 (b) Before filing a change application under this Subsection (4), a person entitled to the
- 629 use of water shall obtain the approval from the executive director of the Colorado
- 630 River Authority of Utah, appointed under Section 63M-14-401.
- 631 (c) By approving a proposed fixed time change application or temporary change
- 632 application, the executive director of the Colorado River Authority of Utah attests
- 633 that the water that is the subject of the application can be used consistent with this
- 634 section.
- 635 (5) In addition to the requirements of Section 73-3-3, an application authorized by this
- 636 section shall include:
- 637 (a) a legal description of:
- 638 (i) the segment of the natural or altered stream that will be the place of use for an
- 639 instream flow;
- 640 (ii) the location where the water will be used on sovereign lands; or

- 641 (iii) the reservoir located partially or entirely within the Colorado River System in the
 642 state that the water will be delivered to; and
- 643 (b) appropriate studies, reports, or other information required by the state engineer
 644 demonstrating:
- 645 (i) the projected benefits to the public resulting from the change; and
 646 (ii) the necessity for the proposed instream flow or use on sovereign lands.
- 647 (6) A person may not appropriate unappropriated water under Section 73-3-2 for the
 648 purpose of providing an instream flow or use on sovereign lands.
- 649 (7) Water used in accordance with this section is considered to be beneficially used, as
 650 required by Section 73-3-1.
- 651 (8) A physical structure or physical diversion from the stream is not required to implement
 652 a change under this section.
- 653 (9) An approved change application described in this section does not create a right of
 654 access across private property or allow any infringement of a private property right.

655 Section 7. Section **73-10-34** is amended to read:

656 **73-10-34 . Secondary water metering -- Loans and grants.**

- 657 (1) As used in this section:
- 658 (a) "Agriculture use" means water used on land assessed under Title 59, Chapter 2, Part
 659 5, Farmland Assessment Act.
- 660 (b)(i) "Commercial user" means a secondary water user that is a place of business.
 661 (ii) "Commercial user" does not include a multi-family residence, an agricultural
 662 user, or a customer that falls within the industrial or institutional classification.
- 663 (c) "Critical area" means an area:
- 664 (i) serviced by one of the four largest water conservancy districts, as defined in
 665 Section 17B-1-102, measured by operating budgets; or
- 666 (ii) within the Great Salt Lake basin, which includes:
- 667 (A) the surveyed meander line of the Great Salt Lake;
 668 (B) the drainage areas of the Bear River or the Bear River's tributaries;
 669 (C) the drainage areas of Bear Lake or Bear Lake's tributaries;
 670 (D) the drainage areas of the Weber River or the Weber River's tributaries;
 671 (E) the drainage areas of the Jordan River or the Jordan River's tributaries;
 672 (F) the drainage areas of Utah Lake or Utah Lake's tributaries;
 673 (G) other water drainages lying between the Bear River and the Jordan River that
 674 are tributary to the Great Salt Lake and not included in the drainage areas

- 675 described in Subsections (1)(c)(ii)(B) through (F); and
676 (H) the drainage area of Tooele Valley.
- 677 (d) "Full metering" means that use of secondary water is accurately metered by a meter
678 that is installed and maintained on every secondary water connection of a secondary
679 water supplier.
- 680 (e)(i) "Industrial user" means a secondary water user that manufactures or produces
681 materials.
682 (ii) "Industrial user" includes a manufacturing plant, an oil and gas producer, and a
683 mining company.
- 684 (f)(i) "Institutional user" means a secondary water user that is dedicated to public
685 service, regardless of ownership.
686 (ii) "Institutional user" includes a school, church, hospital, park, golf course, and
687 government facility.
- 688 (g) "Power generation use" means water used in the production of energy, such as use in
689 an electric generation facility, natural gas refinery, or coal processing plant.
- 690 (h)(i) "Residential user" means a secondary water user in a residence.
691 (ii) "Residential user" includes a single-family or multi-family home, apartment,
692 duplex, twin home, condominium, or planned community.
- 693 (i) "Secondary water" means water that is:
694 (i) not culinary or water used on land assessed under Title 59, Chapter 2, Part 5,
695 Farmland Assessment Act; and
696 (ii) delivered to and used by an end user for the irrigation of landscaping or a garden.
- 697 (j) "Secondary water connection" means the location at which the water leaves the
698 secondary water supplier's pipeline and enters into the remainder of the pipes that are
699 owned by another person to supply water to an end user.
- 700 (k) "Secondary water supplier" means an entity that supplies pressurized secondary
701 water.
- 702 (l) "Small secondary water retail supplier" means an entity that:
703 (i) supplies pressurized secondary water only to the end user of the secondary water;
704 and
705 (ii)(A) is a city or town; or
706 (B) supplies 5,000 or fewer secondary water connections.
- 707 (2)(a)(i) A secondary water supplier that supplies secondary water within a county of
708 the first or second class and begins design work for new service on or after April

- 709 1, 2020, to a commercial, industrial, institutional, or residential user shall meter
710 the use of pressurized secondary water by the users receiving that new service.
- 711 (ii) A secondary water supplier that supplies secondary water within a county of the
712 third, fourth, fifth, or sixth class and begins design work for new service on or
713 after May 4, 2022, to a commercial, industrial, institutional, or residential user
714 shall meter the use of pressurized secondary water by the users receiving that new
715 service.
- 716 (b) By no later than January 1, 2030, a secondary water supplier shall install and
717 maintain a meter of the use of pressurized secondary water by each user receiving
718 secondary water service from the secondary water supplier.
- 719 (c) Beginning January 1, 2022, a secondary water supplier shall establish a meter
720 installation reserve for metering installation and replacement projects.
- 721 (d) A secondary water supplier, including a small secondary water retail supplier, may
722 not raise the rates charged for secondary water:
- 723 (i) by more than 10% in a calendar year for costs associated with metering secondary
724 water unless the rise in rates is necessary because the secondary water supplier
725 experiences a catastrophic failure or other similar event; or
- 726 (ii) unless, before raising the rates on the end user, the entity charging the end user
727 provides a statement explaining the basis for why the needs of the secondary
728 water supplier required an increase in rates.
- 729 (e)(i) A secondary water supplier that provides pressurized secondary water to a
730 commercial, industrial, institutional, or residential user shall develop a plan, or if
731 the secondary water supplier previously filed a similar plan, update the plan for
732 metering the use of the pressurized water.
- 733 (ii) The plan required by this Subsection (2)(e) shall be filed or updated with the
734 Division of Water Resources by no later than December 31, 2025, and address the
735 process the secondary water supplier will follow to implement metering, including:
736 (A) the costs of full metering by the secondary water supplier;
737 (B) how long it would take the secondary water supplier to complete full
738 metering, including an anticipated beginning date and completion date, except
739 a secondary water supplier shall achieve full metering by no later than January
740 1, 2030; and
741 (C) how the secondary water supplier will finance metering.
- 742 (3) A secondary water supplier shall on or before March 31 of each year, report to the

- 743 Division of Water Rights:
- 744 (a) for commercial, industrial, institutional, and residential users whose pressurized
745 secondary water use is metered, the number of acre feet of pressurized secondary
746 water the secondary water supplier supplied to the commercial, industrial,
747 institutional, and residential users during the preceding 12-month period;
- 748 (b) the number of secondary water meters within the secondary water supplier's service
749 boundary;
- 750 (c) a description of the secondary water supplier's service boundary;
- 751 (d) the number of secondary water connections in each of the following categories
752 through which the secondary water supplier supplies pressurized secondary water:
- 753 (i) commercial;
- 754 (ii) industrial;
- 755 (iii) institutional; and
- 756 (iv) residential;
- 757 (e) the total volume of water that the secondary water supplier receives from the
758 secondary water supplier's sources; and
- 759 (f) the dates of service during the preceding 12-month period in which the secondary
760 water supplier supplied pressurized secondary water.
- 761 (4)(a) Beginning July 1, 2019, the Board of Water Resources may make ~~up to~~
762 ~~\$10,000,000 in~~ low-interest loans available each year:
- 763 (i) from the Water Resources Conservation and Development Fund, created in
764 Section 73-10-24; and
- 765 (ii) for financing the cost of secondary water metering.
- 766 (b) The Division of Water Resources and the Board of Water Resources shall make rules
767 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
768 establishing the criteria and process for receiving a loan described in this Subsection
769 (4), except the rules may not include prepayment penalties.
- 770 (5)(a) Beginning July 1, 2021, subject to appropriation, the Division of Water Resources
771 may make matching grants each year for financing the cost of secondary water
772 metering for a commercial, industrial, institutional, or residential user by a small
773 secondary water retail supplier that:
- 774 (i) is not for new service described in Subsection (2)(a); and
- 775 (ii) matches the amount of the grant.
- 776 (b) For purposes of issuing grants under this section, the division shall prioritize the

- 777 small secondary water retail suppliers that can demonstrate the greatest need or
778 greatest inability to pay the entire cost of installing secondary water meters.
- 779 (c) The amount of a grant under this Subsection (5) may not:
- 780 (i) exceed 50% of the small secondary water retail supplier's cost of installing
781 secondary water meters; or
- 782 (ii) supplant federal, state, or local money previously allocated to pay the small
783 secondary water retail supplier's cost of installing secondary water meters.
- 784 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
785 Board of Water Resources shall make rules establishing:
- 786 (i) the procedure for applying for a grant under this Subsection (5); and
787 (ii) how a small secondary water retail supplier can establish that the small secondary
788 water retail supplier meets the eligibility requirements of this Subsection (5).
- 789 (6) Nothing in this section affects a water right holder's obligation to measure and report
790 water usage as described in Sections 73-5-4 and 73-5-8.
- 791 (7) If a secondary water supplier fails to comply with Subsection (2)(b), the secondary
792 water supplier:
- 793 (a) beginning January 1, 2030, may not receive state money for water related purposes
794 until the secondary water supplier completes full metering; and
- 795 (b) is subject to an enforcement action of the state engineer in accordance with
796 Subsection (8).
- 797 (8)(a)(i) The state engineer shall commence an enforcement action under this
798 Subsection (8) if the state engineer receives a referral from the director of the
799 Division of Water Resources.
- 800 (ii) The director of the Division of Water Resources shall submit a referral to the state
801 engineer if the director:
- 802 (A) finds that a secondary water supplier fails to fully meter secondary water as
803 required by this section; and
- 804 (B) determines an enforcement action is necessary to conserve or protect a water
805 resource in the state.
- 806 (b) To commence an enforcement action under this Subsection (8), the state engineer
807 shall issue a notice of violation that includes notice of the administrative fine to
808 which a secondary water supplier is subject.
- 809 (c) The state engineer's issuance and enforcement of a notice of violation is exempt from
810 Title 63G, Chapter 4, Administrative Procedures Act.

- 811 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
812 state engineer shall make rules necessary to enforce a notice of violation, that
813 includes:
- 814 (i) provisions consistent with this Subsection (8) for enforcement of the notice if a
815 secondary water supplier to whom a notice is issued fails to respond to the notice
816 or abate the violation;
- 817 (ii) the right to a hearing, upon request by a secondary water supplier against whom
818 the notice is issued; and
- 819 (iii) provisions for timely issuance of a final order after the secondary water supplier
820 to whom the notice is issued fails to respond to the notice or abate the violation, or
821 after a hearing held under Subsection (8)(d)(ii).
- 822 (e) A person may not intervene in an enforcement action commenced under this section.
- 823 (f) After issuance of a final order under rules made pursuant to Subsection (8)(d), the
824 state engineer shall serve a copy of the final order on the secondary water supplier
825 against whom the order is issued by:
- 826 (i) personal service under Utah Rules of Civil Procedure, Rule 5; or
827 (ii) certified mail.
- 828 (g)(i) The state engineer's final order may be reviewed by trial de novo by the court
829 with jurisdiction in Salt Lake County or the county where the violation occurred.
- 830 (ii) A secondary water supplier shall file a petition for judicial review of the state
831 engineer's final order issued under this section within 20 days from the day on
832 which the final order was served on the secondary water supplier.
- 833 (h) The state engineer may bring suit in a court [~~of competent~~] with jurisdiction to
834 enforce a final order issued under this Subsection (8).
- 835 (i) If the state engineer prevails in an action brought under Subsection (8)(g) or (h), the
836 state may recover court costs and a reasonable attorney fee.
- 837 (j) As part of a final order issued under this Subsection (8), the state engineer shall order
838 that a secondary water supplier to whom an order is issued pay an administrative fine
839 equal to:
- 840 (i) \$10 for each non-metered secondary water connection of the secondary water
841 supplier for failure to comply with full metering by January 1, 2030;
- 842 (ii) \$20 for each non-metered secondary water connection of the secondary water
843 supplier for failure to comply with full metering by January 1, 2031;
- 844 (iii) \$30 for each non-metered secondary water connection of the secondary water

- 845 supplier for failure to comply with full metering by January 1, 2032;
- 846 (iv) \$40 for each non-metered secondary water connection of the secondary water
847 supplier for failure to comply with full metering by January 1, 2033; and
- 848 (v) \$50 for each non-metered secondary water connection of the secondary water
849 supplier for failure to comply with full metering by January 1, 2034, and for each
850 subsequent year the secondary water supplier fails to comply with full metering.
- 851 (k) Money collected under this Subsection (8) shall be deposited into the Water
852 Resources Conservation and Development Fund, created in Section 73-10-24.
- 853 (9) A secondary water supplier located within a county of the fifth or sixth class is exempt
854 from Subsections (2)(a), (2)(b), (2)(c), (2)(e), (7), and (8) if:
- 855 (a) the owner or operator of the secondary water supplier seeks an exemption under this
856 Subsection (9) by establishing with the Division of Water Resources that the cost of
857 purchasing, installing, and upgrading systems to accept meters exceeds 25% of the
858 total operating budget of the owner or operator of the secondary water supplier;
- 859 (b) the secondary water supplier agrees to not add a new secondary water connection to
860 the secondary water supplier's system on or after May 4, 2022;
- 861 (c) within six months of when the secondary water supplier seeks an exemption under
862 Subsection (9)(a), the secondary water supplier provides to the Division of Water
863 Resources a plan for conservation within the secondary water supplier's service area
864 that does not require metering;
- 865 (d) the secondary water supplier annually reports to the Division of Water Resources on
866 the results of the plan described in Subsection (9)(c); and
- 867 (e) the secondary water supplier submits to evaluations by the Division of Water
868 Resources of the effectiveness of the plan described in Subsection (9)(c).
- 869 (10) A secondary water supplier is exempt from Subsections (2)(a), (2)(b), (2)(c), (2)(e),
870 (7), and (8) to the extent that the secondary water supplier:
- 871 (a) is unable to obtain a meter that a meter manufacturer will warranty because of the
872 water quality within a specific location served by the secondary water supplier;
- 873 (b) submits reasonable proof to the Division of Water Resources that the secondary
874 water supplier is unable to obtain a meter as described in Subsection (10)(a);
- 875 (c) within six months of when the secondary water supplier submits reasonable proof
876 under Subsection (10)(b), provides to the Division of Water Resources a plan for
877 conservation within the secondary water supplier's service area that does not require
878 metering;

- 879 (d) annually reports to the Division of Water Resources on the results of the plan
880 described in Subsection (10)(c); and
- 881 (e) submits to evaluations by the Division of Water Resources of the effectiveness of the
882 plan described in Subsection (10)(c).
- 883 (11) A secondary water supplier that is located within a critical management area that is
884 subject to a groundwater management plan adopted or amended under Section 73-5-15
885 on or after May 1, 2006, is exempt from Subsections (2)(a), (2)(b), (2)(c), (2)(e), (7), and
886 (8).
- 887 (12) If a secondary water supplier is required to have a water conservation plan under
888 Section 73-10-32, that water conservation plan satisfies the requirements of Subsection
889 (9)(c) or (10)(c).
- 890 (13)(a) Notwithstanding the other provisions of this section and unless exempt under
891 Subsection (9), (10), or (11), to comply with this section, a secondary water supplier
892 is not required to meter every secondary water connection of the secondary water
893 supplier's system, but shall meter at strategic points of the system as approved by the
894 state engineer under this Subsection (13) if:
- 895 (i) the system has no or minimal storage and relies primarily on stream flow;
896 (ii)(A) the majority of secondary water users on the system are associated with
897 agriculture use or power generation use; and
898 (B) less than 50% of the secondary water is used by residential secondary water
899 users; or
900 (iii) the system has a mix of pressurized lines and open ditches and:
901 (A) 1,000 or fewer users if any part of the system is within a critical area; or
902 (B) 2,500 or fewer users for a system not described in Subsection (13)(a)(iii)(A).
- 903 (b)(i) A secondary water supplier may obtain the approval by the state engineer of
904 strategic points where metering is to occur as required under this Subsection (13)
905 by filing an application with the state engineer in the form established by the state
906 engineer.
- 907 (ii) The state engineer may by rule, made in accordance with Title 63G, Chapter 3,
908 Utah Administrative Rulemaking Act, establish procedures for approving strategic
909 points for metering under this Subsection (13).
- 910 (14)(a) A contract entered into or renewed on or after July 1, 2025, between a secondary
911 water supplier and an end user shall allow for billing by tiered conservation rates.
- 912 (b) Except as provided in Subsection (14)(f), by no later than July 1, 2030, regardless of

- 913 whether the secondary water supplier is fully metered or has modified existing
914 contracts with end users, a secondary water supplier shall begin billing an end user
915 using a tiered conservation rate that considers:
- 916 (i) revenue stability;
 - 917 (ii) water conservation; and
 - 918 (iii) cost of service.
- 919 (c) A secondary water supplier may comply with Subsection (14)(b) by entering into a
920 contract with a third-party, including the public water system that serves an end user
921 of the secondary water supplier, to bill the end user according to end user's usage of
922 secondary water and the secondary water supplier's tiered conservation rate.
- 923 (d) By no later than April 1, 2030, a secondary water supplier shall provide an
924 educational component for end users as determined by the division by rule made in
925 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, either
926 on a monthly statement or by an end user specific Internet portal that provides
927 information on the end user's usage more frequently than monthly.
- 928 (e) A public water system:
- 929 (i) shall enter into a contract with a secondary water supplier described in Subsection
930 (14)(c) upon request from the secondary water supplier if the secondary water
931 supplier agrees to provide water use and other data necessary for accurate billing
932 in a file format compatible with the public water supplier's billing system;
 - 933 (ii) may collect the costs associated with billing on behalf of a secondary water
934 supplier under this section from the secondary water end users, including
935 reasonable administrative and overhead expenses; and
 - 936 (iii) shall, as the public water supplier and the secondary water supplier find
937 necessary or convenient, exchange with the secondary water supplier, for the
938 purpose of maintaining accurate records, relevant information with regard to an
939 end user of the secondary water supplier, such as:
 - 940 (A) a billing address;
 - 941 (B) an address where the secondary water is delivered;
 - 942 (C) a parcel identification number; and
 - 943 (D) ownership information.
- 944 (f)(i) A secondary water supplier is not required to bill an end user a tiered
945 conservation rate if the secondary water supplier is:
- 946 (A) exempt from metering under Subsection (9), (10), or (11); or

- 947 (B) authorized to meter at strategic points of the system under Subsection (13).
- 948 (ii) Notwithstanding the other provisions of this section, on or after July 1, 2030, a
949 secondary water supplier with a tiered conservation rate under this Subsection (14)
950 shall charge an end user at the lowest rate of the tiered conservation rate if the end
951 user is using a portion of the water to grow food, including growing a garden, fruit
952 trees, or pasture for grazing.
- 953 (g)(i) If a secondary water supplier violates this Subsection (14) on or after April 1,
954 2030, the secondary water supplier:
- 955 (A) may not receive state money for water related purposes until the secondary
956 water supplier complies with this Subsection (14); and
- 957 (B) is subject to an enforcement action of the state engineer in accordance with
958 this Subsection (14)(g).
- 959 (ii) The state engineer shall commence an enforcement action under this Subsection
960 (14)(g) if the state engineer receives a referral from the director of the Division of
961 Water Resources.
- 962 (iii) The director of the Division of Water Resources shall submit a referral to the
963 state engineer if the director:
- 964 (A) finds that a secondary water supplier fails to comply with this Subsection (14);
965 and
- 966 (B) determines an enforcement action is necessary to conserve or protect a water
967 resource in the state.
- 968 (iv) To commence an enforcement action under this Subsection (14)(g), the state
969 engineer shall issue a notice of violation that includes notice of the administrative
970 fine described in Subsection (14)(g)(xiii) to which a secondary water supplier is
971 subject.
- 972 (v) The state engineer's issuance and enforcement of a notice of violation is exempt
973 from Title 63G, Chapter 4, Administrative Procedures Act.
- 974 (vi) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
975 the state engineer shall make rules necessary to enforce a notice of violation, that
976 includes:
- 977 (A) provisions consistent with this Subsection (14)(g) for enforcement of the
978 notice if a secondary water supplier to whom a notice is issued fails to respond
979 to the notice or abate the violation;
- 980 (B) the right to a hearing, upon request by a secondary water supplier against

- 981 whom the notice is issued; and
- 982 (C) provisions for timely issuance of a final order after the secondary water
- 983 supplier to whom the notice is issued fails to respond to the notice or abate the
- 984 violation, or after a hearing held under Subsection (14)(g)(vi)(B).
- 985 (vii) A person may not intervene in an enforcement action commenced under this
- 986 Subsection (14)(g).
- 987 (viii) After issuance of a final order under rules made pursuant to Subsection
- 988 (14)(g)(vi), the state engineer shall serve a copy of the final order on the
- 989 secondary water supplier against whom the order is issued by:
- 990 (A) personal service under Utah Rules of Civil Procedure, Rule 5; or
- 991 (B) certified mail.
- 992 (ix) The state engineer's final order may be reviewed by trial de novo by a court with
- 993 jurisdiction in Salt Lake County or the county where the violation occurred.
- 994 (x) A secondary water supplier shall file a petition for judicial review of the state
- 995 engineer's final order issued under this Subsection (14)(g) within 20 days from the
- 996 day on which the final order was served on the secondary water supplier.
- 997 (xi) The state engineer may bring suit in a court to enforce a final order issued under
- 998 this Subsection (14)(g).
- 999 (xii) If the state engineer prevails in an action brought under Subsection (14)(g)(x) or

1000 (xi), the state may recover court costs and reasonable attorney fees.

1001 (xiii) The administrative fine imposed under this section shall be an amount not to

1002 exceed the sum of any money received by the secondary water supplier under this

1003 section or Section 73-10-34.5 to fund costs related to metering.

1004 (xiv) Money collected under this Subsection (14) shall be deposited into the Water

1005 Resources Conservation and Development Fund, created in Section 73-10-24.

1006 Section 8. Section **73-10-36** is amended to read:

1007 **73-10-36 . Division to provide technical assistance in local government planning.**

1008 (1) As used in this section:

1009 (a) "Division" means the Division of Water Resources.

1010 (b) "General plan":

1011 (i) for a municipality, means the same as that term is defined in Section 10-20-102;

1012 and

1013 (ii) for a county, means the same as that term is defined in Section 17-79-102.

1014 (c) "Local government" means a county or a municipality, as defined in Section 10-1-104.

1015 (d) "Watershed council" means a council created under Chapter 10g, Part 3, Watershed
1016 Councils Act.

1017 (2) The division shall provide technical assistance to a local government to support the
1018 local government's adoption of a water use and preservation element in a general plan.

1019 (3) When consulted by a local government for information and technical resources
1020 regarding regional water conservation goals under Subsection 10-20-404(2)(d) or [
1021 ~~17-79-403(2)(e)~~] 17-79-403(2)(d), the division may seek input from the appropriate
1022 watershed council or councils.

1023 Section 9. Section **79-2-406** is amended to read:

1024 **79-2-406 . Wetlands -- In-lieu fee program study.**

1025 (1) As used in this section, "committee" means the Natural Resources, Agriculture, and
1026 Environment Interim Committee.

1027 (2) The department shall publish, on the department's website, the land use permits
1028 collected by the Utah Geological Survey pursuant to Subsection [~~79-3-202(1)(q)~~]
1029 79-3-202(1)(t).

1030 (3)(a) The department shall study and make recommendations to the committee on the
1031 viability of an in-lieu fee program for wetland mitigation, including:

1032 (i) the viability of the state establishing and administering an in-lieu fee program; and

1033 (ii) the viability of the state partnering with a private organization to establish and
1034 administer an in-lieu fee program.

1035 (b) As part of the study described in Subsection (3)(a), the department shall consult with
1036 public and private individuals and entities that may be necessary or helpful to the
1037 establishment or administration of an in-lieu fee program for wetland mitigation,
1038 which may include:

1039 (i) the Utah Department of Environmental Quality;

1040 (ii) the United States Army Corps of Engineers;

1041 (iii) the United States Fish and Wildlife Service;

1042 (iv) the United States Environmental Protection Agency; or

1043 (v) a non-profit entity that has experience with the establishment and administration
1044 of in-lieu fee programs.

1045 (c) The department shall provide a report on the status of the department's study during
1046 or before the committee's November interim meeting in 2022.

1047 (d) The department shall provide a final report of the department's study and
1048 recommendations, including any recommended legislation, during or before the

1049 committee's first interim meeting in 2023.

1050 Section 10. Section **79-2-702** is amended to read:

1051 **79-2-702 . Division creation -- Purpose.**

1052 (1) There is created within the department a Division of Law Enforcement.

1053 (2) Subject to the priorities defined by the director, the primary function of the division is to
1054 enforce:

1055 (a) Title 23A, Wildlife Resources Act;

1056 (b) Title 41, Chapter 22, Off-highway Vehicles;

1057 (c) Title 65A, Forestry, Fire, and State Lands;

1058 (d) Title 73, Chapter 18, State Boating Act;

1059 (e) this title; and

1060 (f) an administrative rule enacted by ~~[an advisory]~~ a board within ~~[any]~~ one of the
1061 department's divisions or by one of the department's divisions.

1062 (3) The division shall coordinate with county sheriffs, police, and other law enforcement
1063 officers within a law enforcement jurisdiction the division operates to enforce this part.

1064 (4) This part does not limit or modify the powers and duties of other law enforcement
1065 officers in the state.

1066 Section 11. Section **79-3-202** is amended to read:

1067 **79-3-202 . Powers and duties of survey.**

1068 (1) The survey shall:

1069 (a) assist and advise state and local agencies and state educational institutions on
1070 geologic, paleontologic, and mineralogic subjects;

1071 (b) collect and distribute reliable information regarding the mineral industry and mineral
1072 resources, topography, paleontology, and geology of the state;

1073 (c) survey the geology of the state, including mineral occurrences and the ores of metals,
1074 energy resources, industrial minerals and rocks, mineral-bearing waters, and surface
1075 and ground water resources, with special reference to ~~[their]~~ economic contents,
1076 values, uses, kind, and availability ~~[in order]~~ to facilitate ~~[their]~~ economic use;

1077 (d) investigate the kind, amount, and availability of mineral substances contained in
1078 lands owned and controlled by the state, to contribute to the most effective and
1079 beneficial administration of ~~[these]~~ the lands for the state;

1080 (e) determine and investigate areas of geologic and topographic hazards that could affect
1081 the safety of, or cause economic loss to, the citizens of the state;

1082 (f) assist local and state agencies in ~~[their]~~ planning, zoning, and building regulation

- 1083 functions by publishing maps, delineating appropriately wide special earthquake risk
 1084 areas, and, at the request of state agencies or other governmental agencies, review the
 1085 siting of critical facilities;
- 1086 (g) cooperate with state agencies, political subdivisions of the state, quasi-governmental
 1087 agencies, federal agencies, schools of higher education, and others in fields of mutual
 1088 concern, which may include field investigations and preparation, publication, and
 1089 distribution of reports and maps;
- 1090 (h) collect and preserve data pertaining to mineral resource exploration and development
 1091 programs and construction activities, such as claim maps, location of drill holes,
 1092 location of surface and underground workings, geologic plans and sections, drill logs,
 1093 and assay and sample maps, including the maintenance of a sample library of cores
 1094 and cuttings;
- 1095 (i) assist as requested by a state or local agency to measure, analyze, and report on the
 1096 quantity, quality, and seasonal and long-term viability of a groundwater and surface
 1097 water resource in the state;
- 1098 (j) provide data that supports scientific understanding, resource planning, and resource
 1099 development related to groundwater and surface water;
- 1100 (k) assess the function, distribution, and ecological characteristic of a wetland to
 1101 regional hydrology, historic change, and resource capacity to enhance resource
 1102 management or a planning effort;
- 1103 [(†)] (l) study and analyze other scientific, economic, or aesthetic problems as, in the
 1104 judgment of the board, should be undertaken by the survey to serve the needs of the
 1105 state and to support the development of natural resources and ~~[utilization]~~ use of lands
 1106 within the state;
- 1107 [(†)] (m) prepare, publish, distribute, and sell maps, reports, and bulletins, embodying the
 1108 work accomplished by the survey, directly or in collaboration with others, and collect
 1109 and prepare exhibits of the geological and mineral resources of this state and interpret [
 1110 ~~their~~] the geological and mineral resources' significance;
- 1111 [(*)] (n) collect, maintain, and preserve data and information~~[-in order]~~ to accomplish the
 1112 purposes of this section and act as a repository for information concerning the
 1113 geology of this state;
- 1114 [(†)] (o) stimulate research, study, and activities in the field of paleontology;
- 1115 [(m)] (p) mark, protect, and preserve critical paleontological sites;
- 1116 [(n)] (q) collect, preserve, and administer critical paleontological specimens until the

- 1117 specimens are placed in a repository or curation facility;
- 1118 ~~[(t)]~~ (r) administer critical paleontological site excavation records;
- 1119 ~~[(s)]~~ (s) edit and publish critical paleontological records and reports; and
- 1120 ~~[(t)]~~ (t) collect the land use permits described in Sections 10-20-611 and 17-79-608.
- 1121 (2)(a) The survey may maintain as confidential, and not as a public record, information
- 1122 provided to the survey by any source.
- 1123 (b) The board shall adopt rules~~[-in order]~~ to determine whether to accept the information
- 1124 described in Subsection (2)(a) and to maintain the confidentiality of the accepted
- 1125 information.
- 1126 (c) The survey shall maintain information received from any source at the level of
- 1127 confidentiality assigned to ~~[(it)]~~ the information by the source.
- 1128 (3) Upon approval of the board, the survey shall undertake other activities consistent with
- 1129 Subsection (1).
- 1130 (4)(a) Subject to the authority granted to the department, the survey may enter into
- 1131 cooperative agreements with the entities specified in Subsection (1)(g), if approved
- 1132 by the board, and may accept or commit allocated or budgeted ~~[funds]~~ money in
- 1133 connection with ~~[those]~~ the agreements.
- 1134 (b) The survey may undertake joint projects with private entities if:
- 1135 (i) the action is approved by the board;
- 1136 (ii) the projects are not inconsistent with the state's objectives; and
- 1137 (iii) the results of the projects are available to the public.
- 1138 Section 12. Section **79-3-302** is amended to read:
- 1139 **79-3-302 . Members of board -- Qualifications and appointment -- Vacancies --**
- 1140 **Organization -- Meetings -- Financial gain prohibited -- Expenses.**
- 1141 (1) The board consists of ~~[seven]~~ eight members appointed by the governor, with the advice
- 1142 and consent of the Senate, in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 1143 (2) In addition to the requirements of Section 79-2-203, the members shall have the
- 1144 following qualifications:
- 1145 (a) one member knowledgeable in the field of geology as applied to the practice of ~~[civil]~~
- 1146 engineering geology;
- 1147 (b) four members knowledgeable and representative of various segments of the mineral
- 1148 industry or energy industry throughout the state, such as hydrocarbons, geothermal,
- 1149 solid fuels, metals, and industrial minerals;
- 1150 (c) one member knowledgeable ~~[of the economic or scientific interests of the mineral~~

- 1151 ~~industry in the state]~~ about the economic and scientific focus of areas over which the
1152 survey has duties or powers under Section 79-3-202;[-and]
- 1153 (d) one member knowledgeable about groundwater or water resources; and
1154 ~~[(d)]~~ (e) one member ~~[who is]~~ :
1155 (i) interested in the goals of the survey; and
1156 (ii) from the public at large.
- 1157 (3) The director of the School and Institutional Trust Lands Administration is an ex officio
1158 member of the board but without~~[-any]~~ voting privileges.
- 1159 (4)(a) Except as required by Subsection (4)(b), ~~[members are appointed for terms]~~ the
1160 governor shall appoint a member to a term of four years.
- 1161 (b) Notwithstanding ~~[the requirements of-]~~ Subsection (4)(a), the governor shall, at the
1162 time of appointment or reappointment, adjust the length of terms to ensure that the
1163 terms of board members are staggered so that approximately half of the board is
1164 appointed every two years.
- 1165 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
1166 appointed for the unexpired term by the governor with the advice and consent of the
1167 Senate.
- 1168 (5) The board shall select from ~~[its]~~ the board's members a chair and such officers and
1169 committees as ~~[it]~~ the board considers necessary.
- 1170 (6)(a) The board shall hold meetings at least quarterly on ~~[such dates as may be]~~ dates set
1171 by ~~[its]~~ the board's chair.
- 1172 (b) Special meetings may be held upon notice of the chair or by a majority of ~~[its]~~ the
1173 board's members.
- 1174 (c) A majority of the members of the board present at a meeting constitutes a quorum for
1175 the transaction of business.
- 1176 (7)(a) ~~[Members-]~~ A member of the board may not obtain financial gain by reason of
1177 information obtained during the course of ~~[their]~~ the member's official duties.
- 1178 (b) A member shall comply with the conflict of interest provisions described in Title
1179 63G, Chapter 24, Part 3, Conflicts of Interest.
- 1180 (8) A member may not receive compensation or benefits for the member's service, but may
1181 receive per diem and travel expenses in accordance with:
1182 (a) Section 63A-3-106;
1183 (b) Section 63A-3-107; and
1184 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

1185 63A-3-107.

1186 Section 13. Section **79-4-402** is amended to read:

1187 **79-4-402 . State Parks Restricted Account.**

1188 (1) There is created within the General Fund a restricted account known as the State Parks
1189 Restricted Account.

1190 (2)(a) Except as provided in Subsection (2)(b), the account consists of revenue from:

1191 (i) [all]charges allowed under Section 79-4-203;

1192 (ii) proceeds from the sale or disposal of [buffalo] bison under Subsection
1193 79-4-1001(2)(b);

1194 (iii) civil damages collected under Section 76-6-206.2; and

1195 (iv) interest on money deposited in the account as follows:

1196 (A) 25% of total interest beginning on July 1, 2025, through June 30, 2026;

1197 (B) 50% of total interest beginning on July 1, 2026, through June 30, 2027;

1198 (C) 75% of total interest beginning on July 1, 2027, through June 30, 2028; and

1199 (D) 100% of total interest beginning on July 1, 2028, and each year thereafter.

1200 (b) The account [shall] may not include revenue the division receives under Section
1201 79-4-403 and Subsection 79-4-1001(2)(a).

1202 (3) The division shall use funds in this account for the purposes described in Section
1203 79-4-203.

1204 Section 14. Section **79-4-1001** is amended to read:

1205 **79-4-1001 . Purchase, trade, sale, or disposal of bison -- Proceeds.**

1206 (1) In accordance with a plan approved by the division to manage [buffalo] bison herds on
1207 Antelope Island, the division may purchase, trade, sell, or dispose of [buffalo] bison
1208 obtained from Antelope Island through:

1209 (a) competitive bidding; or

1210 (b) a means as established by rule.

1211 (2) Proceeds received from the sale or disposal of [buffalo] bison under this section shall be
1212 deposited as follows:

1213 (a) the first \$75,000 shall accrue to the division for the management of Antelope Island [
1214 buffalo] bison herds as dedicated credits; and

1215 (b) proceeds in excess of \$75,000 shall be deposited into the State Parks Restricted
1216 Account created in Section 79-4-402.

1217 Section 15. **Repealer.**

1218 This bill repeals:

- 1219 Section **79-2-604, Funding.**
- 1220 Section **79-6-501, Title.**
- 1221 Section **79-6-502, Definitions.**
- 1222 Section **79-6-503, Tax credits.**
- 1223 Section **79-6-504, Qualifications for tax credit -- Procedure.**
- 1224 Section **79-6-505, Report to the Legislature.**
- 1225 Section 16. **Effective Date.**
- 1226 This bill takes effect on May 6, 2026.