

Casey Snider proposes the following substitute bill:

Great Salt Lake Related Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill addresses activities that benefit the Great Salt Lake.

Highlighted Provisions:

This bill:

- directs revenue generated by the brine shrimp tax to the Sovereign Lands Management Account instead of the Species Protection Account;
 - modifies a provision concerning calculation of severance tax related to certain Great Salt Lake extraction operators;
 - addresses the timing of certification of information related to severance taxes and certain Great Salt Lake extraction operators;
 - provides for how the revenue in the Sovereign Lands Management Account is to be spent;
- and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides retrospective operation.

Utah Code Sections Affected:

AMENDS:

23A-3-214 (Effective 07/01/27), as last amended by Laws of Utah 2025, Chapter 258

59-5-202 (Effective 05/06/26) (Applies beginning 01/01/25), as last amended by Laws of Utah 2024, Chapter 25

59-5-207 (Effective 05/06/26) (Applies beginning 01/01/25), as last amended by Laws of Utah 2024, Chapter 25

29 **59-23-4 (Effective 07/01/27)**, as last amended by Laws of Utah 2024, Chapter 88
 30 **65A-5-1 (Effective 07/01/27)**, as last amended by Laws of Utah 2025, Chapter 277
 31 **65A-17-306 (Effective 05/06/26) (Applies beginning 01/01/25)**, as enacted by Laws of
 32 Utah 2024, Chapter 25

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

35 Section 1. Section **23A-3-214** is amended to read:

36 **23A-3-214 (Effective 07/01/27). Species Protection Account -- Reporting.**

- 37 (1) There is created within the General Fund a restricted account known as the "Species
 38 Protection Account."
 39 (2) The Species Protection Account shall consist of:
 40 (a) revenue remitted by a county to the Division of Finance in accordance with:
 41 (i) ~~[Title 17, Chapter 56]~~ Title 17E, Chapter 4, Part 2, Species Protection Funding
 42 Act; or
 43 (ii) Section 59-2-924.5;
 44 ~~[(b) revenue generated by the brine shrimp tax provided for in Title 59, Chapter 23,~~
 45 ~~Brine Shrimp Royalty Act;]~~
 46 ~~[(e)]~~ (b) tax revenue deposited into the Species Protection Account in accordance with
 47 Section 59-24-105;
 48 ~~[(d)]~~ (c) tax revenue collected in accordance with Title 59, ~~[Chapter 32]~~ Chapter 33, Wind
 49 or Solar Electric Generation Facility Capacity Tax;
 50 ~~[(e)]~~ (d) revenue collected in accordance with Title 79, Chapter 6, ~~[Part 11]~~ Part 14,
 51 Energy Project Assessment; and
 52 ~~[(f)]~~ (e) interest earned on money in the Species Protection Account.
 53 (3) Money in the Species Protection Account may be appropriated by the Legislature to:
 54 (a) develop and implement species status assessments and species protection measures;
 55 (b) obtain biological opinions of proposed species protection measures;
 56 (c) conduct studies, investigations, and research into the effects of proposed species
 57 protection measures;
 58 (d) verify species protection proposals that are not based on valid biological data;
 59 (e) implement Great Salt Lake wetlands mitigation projects in connection with the
 60 western transportation corridor;
 61 (f) pay for the state's voluntary contributions to the Utah Reclamation Mitigation and
 62 Conservation Account under the Central Utah Project Completion Act, Pub. L. No.

- 63 102-575, Titles II-VI, 106 Stat. 4605-4655; and
- 64 (g) pay for expenses of the State Tax Commission under Title 59, Chapter 23, Brine
- 65 Shrimp Royalty Act.
- 66 (4) The purposes specified in Subsections (3)(a) through (3)(d) may be accomplished by the
- 67 state or, in an appropriation act, the Legislature may authorize the department to award
- 68 grants to political subdivisions of the state to accomplish those purposes.
- 69 (5) Money in the Species Protection Account may not be used to develop or implement a
- 70 habitat conservation plan required under federal law unless the federal government pays
- 71 for at least 1/3 of the habitat conservation plan costs.
- 72 (6) The division shall report to the Natural Resources, Agriculture, and Environmental
- 73 Quality Appropriations Subcommittee by no later than November 30, 2026, concerning:
- 74 (a) the amount of revenue deposited into the Species Protection Account under each
- 75 revenue source outlined in Subsection (2); and
- 76 (b) how the division spent the money deposited.
- 77 Section 2. Section **59-5-202** is amended to read:
- 78 **59-5-202 (Effective 05/06/26) (Applies beginning 01/01/25). Severance tax -- Rate**
- 79 **-- Computation -- Annual exemption.**
- 80 (1) A person engaged in the business of mining or extracting metalliferous minerals in this
- 81 state shall pay to the state a severance tax equal to 2.6% of the taxable value of all
- 82 metals or metalliferous minerals sold or otherwise disposed of.
- 83 (2) If the metals or metalliferous minerals are shipped outside the state, this constitutes a
- 84 sale, and the finished metals or the recoverable units of finished metals from the
- 85 metalliferous minerals shipped are subject to the severance tax. If the metals or
- 86 metalliferous minerals are stockpiled, the tax is not applicable until they are sold or
- 87 shipped out of state. For purposes of the tax imposed by this chapter, uranium
- 88 concentrates shall be considered to be finished metals. The owner of the metals or
- 89 metalliferous minerals that are stockpiled shall report to the commission annually, in a
- 90 form acceptable to the commission, the amount of metalliferous minerals so stockpiled.
- 91 Metals or metalliferous minerals that are stockpiled for more than two years, however,
- 92 are subject to the severance tax.
- 93 (3) An annual exemption from the payment of the tax imposed by this chapter upon the first
- 94 \$50,000 in gross value of the metalliferous mineral is allowed to each mine.
- 95 (4) These taxes are in addition to all other taxes provided by law and are delinquent, unless
- 96 otherwise deferred, on June 1 next succeeding the calendar year when the metalliferous

97 mineral is produced and sold or delivered.

98 (5)(a) As used in this Subsection (5):

99 (i) "Great Salt Lake element or mineral" means a metalliferous mineral, metal, ore,
100 chloride compound, potash, or salt mined or extracted from the brines of the Great
101 Salt Lake.

102 (ii) "Great Salt Lake elevation" means the same as that term is defined in Section
103 65A-17-101.

104 (iii) "Great Salt Lake extraction operator" means a person who is engaged in the
105 business of mining or extracting Great Salt Lake elements or minerals or
106 metalliferous compounds from the brine of the Great Salt Lake.

107 (iv) For purposes of each tax imposed under Subsection (5)(b), "incremental revenue"
108 means the difference between the sum of the revenue collected for the fiscal year
109 from each of the tax rates imposed under Subsection (5)(b) and the revenue
110 collected for the fiscal year from the tax rate imposed under Subsection (1).

111 (v) "Metalliferous compound" means a metalliferous mineral or a chloride compound
112 or salt containing a metalliferous mineral.

113 (b) Notwithstanding the exclusion for chloride compounds or salts from the definition of
114 metalliferous minerals under Section 59-5-201 and in lieu of the severance tax
115 imposed under Subsection (1), beginning with calendar year 2025, a Great Salt Lake
116 extraction operator shall pay to the state a severance tax in accordance with the
117 following:

118 (i) for a Great Salt Lake extraction operator that is not a party or a third-party
119 beneficiary to a voluntary agreement for water rights with an approved beneficial
120 use by a division as defined in Section 73-3-30, a severance tax equal to 7.8% of
121 the taxable value of Great Salt Lake elements or minerals or metalliferous
122 compounds sold or otherwise disposed of;

123 (ii) for a Great Salt Lake extraction operator that is not a party or a third-party
124 beneficiary to a voluntary agreement for water rights with an approved beneficial
125 use by a division as defined in Section 73-3-30, but does not use evaporative
126 concentrations of Great Salt Lake brines in any stage of the extractive process, a
127 severance tax equal to 2.6% of the taxable value of Great Salt Lake elements or
128 minerals or metalliferous compounds sold or otherwise disposed of; [or]

129 (iii) for a Great Salt Lake extraction operator that is a party or a third-party
130 beneficiary to a voluntary agreement for water rights with an approved beneficial

- 131 use by a division as defined in Section 73-3-30 or beginning with calendar year
132 2025, for a Great Salt Lake extraction operator that enters a voluntary agreement
133 with the state relating to water rights owned by the state:
- 134 (A) a severance tax equal to 2.6% of the taxable value of Great Salt Lake elements
135 or minerals sold or otherwise disposed of, if the Great Salt Lake elements or
136 minerals are extracted during a calendar year when the Great Salt Lake
137 elevation recorded [~~pursuant to~~] in accordance with Section 65A-17-306 was at
138 or above 4,198 feet in the prior calendar year; or
- 139 (B) a severance tax does not apply to the taxable value of Great Salt Lake
140 elements or minerals sold or otherwise disposed of, if those Great Salt Lake
141 elements or minerals are sold or otherwise disposed of in a calendar year when
142 the Great Salt Lake elevation recorded [~~pursuant to~~] in accordance with Section
143 65A-17-306 was below 4,198 feet in the prior calendar year; [~~and~~] or
- 144 (iv) notwithstanding Subsection (5)(b)(iii), for a Great Salt Lake extraction operator
145 that is a party or third-party beneficiary to a voluntary agreement for water rights
146 with an approved beneficial use by a division as defined in Section 73-3-30, a
147 severance tax equal to 2.6% of the taxable value of a metalliferous compound sold
148 or otherwise disposed of under a royalty agreement issued under Subsection
149 65A-6-4(2)(d), entered into on or after May 1, 2024.
- 150 (c)(i) Subject to Subsection (5)(c)(ii), the Division of Finance shall deposit the
151 incremental revenue in accordance with Section 51-9-305.
- 152 (ii) The Division of Finance shall consider the incremental revenue required to be
153 deposited under Subsection (5)(c)(i) to be the first revenue collected under this
154 chapter for the fiscal year.
- 155 (iii) The Division of Finance shall deposit the incremental revenue that remains after
156 making the deposit required by Subsection (5)(c)(i) into the Sovereign Lands
157 Management Account created in Section 65A-5-1.
- 158 (d) This Subsection (5) may not be interpreted to:
- 159 (i) excuse a person from paying a severance tax in accordance with the other
160 provisions of this part; or
- 161 (ii) void a mineral lease or royalty agreement.
- 162 (e) A person extracting metalliferous minerals, including a metalliferous compound,
163 from the brine of the Great Salt Lake is subject to the payment of a royalty agreement
164 under Section 65A-6-4 and the payment of a severance tax under this part.

165 Section 3. Section **59-5-207** is amended to read:

166 **59-5-207 (Effective 05/06/26) (Applies beginning 01/01/25). Date tax due --**

167 **Extensions -- Installment payments -- Penalty on delinquencies -- Audit.**

168 (1) The tax imposed by this chapter is due and payable on or before June 1 of the year next
169 succeeding the calendar year when the mineral is produced and sold or delivered.

170 (2) The commission may, for good cause shown upon a written application by the taxpayer,
171 extend the time of payment of the whole or any part of the tax for a period not to exceed
172 six months. If an extension is granted, interest at the rate and in the manner prescribed
173 in Section 59-1-402 shall be charged and added to the amount of the deferred payment
174 of the tax.

175 (3) Every taxpayer subject to this chapter whose total tax obligation for the preceding
176 calendar year was \$3,000 or more shall pay the taxes assessed under this chapter in
177 quarterly installments. Each installment shall be based on the estimated gross value
178 received by the taxpayer during the quarter preceding the date on which the installment
179 is due.

180 (4) The quarterly installments are due as follows:

181 (a) for January 1 through March 31, on or before June 1;

182 (b) for April 1 through June 30, on or before September 1;

183 (c) for July 1 through September 30, on or before December 1; and

184 (d) for October 1 through December 31, on or before March 1 of the next year.

185 (5)(a) If the taxpayer fails to report and pay any tax when due, the taxpayer is subject to
186 the penalties provided under Section 59-1-401, unless otherwise provided in
187 Subsection (6).

188 (b) An underpayment exists if less than 80% of the tax due for a quarter is paid.

189 (6) The penalty for failure to pay the tax due or underpayment of tax may not be assessed if
190 the taxpayer's quarterly tax installment payment equals 25% of the tax reported and paid
191 by the taxpayer for the preceding taxable year.

192 (7) There shall be no interest added to any estimated tax payments subject to a penalty
193 under this section.

194 (8) The commission may conduct audits to determine whether any tax is owed under this
195 section.

196 (9) [~~For~~] Subject to Subsection 65A-17-306(7), for purposes of a Great Salt Lake extraction
197 operator under Subsection 59-5-202(5), the Division of Forestry, Fire, and State Lands
198 shall provide the commission by January 15 of each year the information required by

199 Section 65A-17-306, that the commission shall use to determine the amount due and
200 payable on June 1 of the year next succeeding the calendar year.

201 Section 4. Section **59-23-4** is amended to read:

202 **59-23-4 (Effective 07/01/27). Brine shrimp royalty -- Royalty rate -- Commission**
203 **to prepare billing statement -- Deposit of revenue.**

204 (1) A person shall pay for each tax year a brine shrimp royalty of 3.25 cents multiplied by
205 the total number of pounds of unprocessed brine shrimp eggs that the person harvests
206 within the state during the tax year.

207 (2)(a) A person that harvests unprocessed brine shrimp eggs shall report to the Division
208 of Wildlife Resources the total number of pounds of unprocessed brine shrimp eggs
209 harvested by that person for that tax year on or before the February 15 immediately
210 following the last day of that tax year.

211 (b) The Division of Wildlife Resources shall provide the following information to the
212 commission on or before the March 1 immediately following the last day of a tax
213 year:

214 (i) the total number of pounds of unprocessed brine shrimp eggs harvested for that
215 tax year; and

216 (ii) for each person that harvested unprocessed brine shrimp eggs for that tax year:

217 (A) the total number of pounds of unprocessed brine shrimp eggs harvested by
218 that person for that tax year; and

219 (B) a current billing address for that person; and

220 (iii) any additional information required by the commission.

221 (c)(i) The commission shall prepare and mail a billing statement to each person that
222 harvested unprocessed brine shrimp eggs in a tax year by the March 30
223 immediately following the last day of a tax year.

224 (ii) The billing statement under Subsection (2)(c)(i) shall specify:

225 (A) the total number of pounds of unprocessed brine shrimp eggs harvested by
226 that person for that tax year;

227 (B) the brine shrimp royalty that the person owes; and

228 (C) the date that the brine shrimp royalty payment is due as provided in Section
229 59-23-5.

230 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
231 commission may make rules prescribing the information required under Subsection
232 (2)(b)(iii).

233 (3) Revenue generated by the brine shrimp royalty shall be deposited [as follows:]
 234 [(a) \$125,000 of the revenue generated by the brine shrimp royalty shall be deposited in
 235 the ~~Sovereign Lands Management Account created in Section 65A-5-1; and]~~
 236 [(b) the remainder of the revenue generated by the brine shrimp royalty shall be
 237 deposited in the ~~Species Protection Account created in Section 23A-3-214]~~ into the
 238 Sovereign Lands Management Account created in Section 65A-5-1.

239 Section 5. Section **65A-5-1** is amended to read:

240 **65A-5-1 (Effective 07/01/27). Sovereign Lands Management Account.**

- 241 (1) There is created within the General Fund a restricted account known as the "Sovereign
 242 Lands Management Account."
 243 (2) The Sovereign Lands Management Account shall consist of the following:
 244 (a) the revenues derived from sovereign lands, except for revenues deposited into the
 245 Great Salt Lake Account under Section 73-32-304;
 246 (b) that portion of the revenues derived from mineral leases on other lands managed by
 247 the division necessary to recover management costs;
 248 (c) revenues derived from the Great Salt Lake Preservation support special group license
 249 plate [~~described in Sections 41-1a-418 and 41-1a-422]~~ created in accordance with
 250 Title 41, Chapter 1a, Part 16, Sponsored Special Group License Plates;
 251 (d) fees deposited by the division;
 252 (e) amounts deposited into the account in accordance with Section 59-23-4; and
 253 (f) amounts deposited into the account in accordance with Section 59-5-202.
 254 (3)(a) The expenditures of the division relating directly to the management of sovereign
 255 lands shall be funded by appropriation by the Legislature from the Sovereign Lands
 256 Management Account or other sources.
 257 (b) Money in the Sovereign Lands Management Account may be used only for the direct
 258 benefit of sovereign lands, including the management of sovereign lands.
 259 (c) In appropriating money from the Sovereign Lands Management Account, the
 260 Legislature shall prefer appropriations that benefit the sovereign land from which the
 261 money is derived unless compelling circumstances require that money be
 262 appropriated for sovereign land other than the sovereign land from which the money
 263 is derived.
 264 (4) The division shall use the amount deposited into the [~~account]~~ Sovereign Lands
 265 Management Account under Subsection (2)(e) [~~for the Great Salt Lake as described in~~
 266 ~~Section 65A-17-201]~~ as follows:

- 267 (a) the division shall expend \$125,000 as directed by the Great Salt Lake Advisory
 268 Council created in Section 73-32-302 for the benefit of the Great Salt Lake; and
 269 (b) the division shall expend the remainder of the amount deposited under Subsection
 270 (2)(e) to benefit the Great Salt Lake by:
 271 (i) leasing a water right for water to be deposited into the Great Salt Lake; or
 272 (ii) funding a project that directly benefits or maintains the health of the Great Salt
 273 Lake brine shrimp population.

274 Section 6. Section **65A-17-306** is amended to read:

275 **65A-17-306 (Effective 05/06/26) (Applies beginning 01/01/25). Certification of**
 276 **eligibility for tax rates.**

277 (1) As used in this section:

- 278 (a) "Great Salt Lake element or mineral" means the same as that term is defined in
 279 Subsection 59-5-202(5).
 280 (b) "Great Salt Lake extraction operator" means the same as that term is defined in
 281 Subsection 59-5-202(5).

282 (2)(a) ~~[A-]~~ Subject to Subsection (7), a Great Salt Lake extraction operator shall by no
 283 later than December 31 of each year certify to the division for purposes of
 284 determining a severance tax imposed under Subsection 59-5-202(5) during the next
 285 succeeding calendar year, the information listed in Subsection (2)(b).

286 (b) The Great Salt Lake extraction operator shall certify the following for the calendar
 287 year ending on the date the Great Salt Lake extraction operator submits the
 288 certification for purposes of determining a severance tax imposed during the next
 289 succeeding calendar year:

- 290 (i) the Great Salt Lake extraction operator's name;
 291 (ii) the Great Salt Lake extraction operator's tax identification number;
 292 (iii) whether at the time a Great Salt Lake element or mineral is extracted, the Great
 293 Salt Lake extraction operator is a party or a third-party beneficiary to a voluntary
 294 agreement for water rights with an approved beneficial use by a division as
 295 defined in Section 73-3-30;
 296 (iv) if the Great Salt Lake extraction operator is not a party or third-party beneficiary
 297 to a voluntary agreement for water rights with an approved beneficial use by a
 298 division as defined in Section 73-3-30, whether the Great Salt Lake extraction
 299 operator uses evaporative concentrations of Great Salt Lake brines in any stage of
 300 the Great Salt Lake extraction operator's extractive process;

- 301 (v) whether the Great Salt Lake extraction operator extracted a Great Salt Lake
302 element or mineral when the Great Salt Lake elevation recorded under Subsection
303 (3) is at or above 4,198 feet, and what the Great Salt Lake element or mineral
304 extracted was; and
- 305 (vi) other information as determined by the division by rule made in accordance with
306 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 307 (c) A Great Salt Lake extraction operator shall submit the certification on a form
308 provided by the division and approved by the State Tax Commission.
- 309 (3) The division shall record the Great Salt Lake elevation for purposes of this section and
310 Subsection 59-5-202(5) as of June 15 to be applied during the next succeeding calendar
311 year.
- 312 (4) [The] Subject to Subsection (7), the division shall forward to the State Tax Commission
313 by no later than January 15 of the year for which the severance tax shall be determined:
314 (a) the Great Salt Lake elevation level recorded under Subsection (3);
315 (b) a list of the Great Salt Lake extraction operators who are subject to a severance tax
316 under Subsection 59-5-202(5);
317 (c) the Great Salt Lake extraction operator's tax identification number for each Great
318 Salt Lake extraction operator listed in Subsection (4)(b); and
319 (d) for each Great Salt Lake extraction operator subject to a severance tax under
320 Subsection 59-5-202(5):
321 (i) each Great Salt Lake element or mineral or metalliferous compound extracted by
322 the Great Salt Lake extraction operator that is subject to the severance tax; and
323 (ii) the rate of severance tax that is to be imposed under Subsection 59-5-202(5).
- 324 (5) The division may audit a certification submitted under this section for completeness and
325 accuracy.
- 326 (6) The division may take an enforcement action against a Great Salt Lake extraction
327 operator who violates this section.
- 328 (7) For the tax year 2025 and tax year 2026:
- 329 (a) a Great Salt Lake extraction operator that enters a voluntary agreement with the state
330 related to water rights owned by the state may make the certification required by
331 Subsection (2) on or before May 15, 2026; and
- 332 (b) the division shall forward to the State Tax Commission an updated report required
333 under Subsection (4) by no later than June 1, 2026, to reflect the certification made
334 by a Great Salt Lake extraction operator described in Subsection (7)(a).

335 Section 7. **Effective Date.**336 (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.337 (2) The actions affecting the following sections take effect on July 1, 2027:338 (a) Section 23A-3-214 (Effective 07/01/27);339 (b) Section 59-23-4 (Effective 07/01/27); and340 (c) Section 65A-5-1 (Effective 07/01/27).341 Section 8. **Retrospective operation.**342 The following sections have retrospective operation to January 1, 2025:343 (1) Section 59-5-202 (Effective 05/06/26) (Applies beginning 01/01/25);344 (2) Section 59-5-207 (Effective 05/06/26) (Applies beginning 01/01/25); and345 (3) Section 65A-17-306 (Effective 05/06/26) (Applies beginning 01/01/25).