

WILDLIFE RESOURCES RECODIFICATION CROSS**REFERENCES**

2023 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill addresses cross references related to the recodification of Title 23, Wildlife Resources Code of Utah.

Highlighted Provisions:

This bill:

- changes relevant cross references; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides revisor instructions.

Utah Code Sections Affected:**AMENDS:**

- 4-14-102**, as last amended by Laws of Utah 2018, Chapter 457
- 4-23-106**, as last amended by Laws of Utah 2020, Chapter 311
- 4-34-108**, as enacted by Laws of Utah 2022, Chapter 53
- 4-37-103**, as last amended by Laws of Utah 2017, Chapter 412
- 4-37-108**, as last amended by Laws of Utah 2017, Chapter 412
- 4-37-111**, as last amended by Laws of Utah 2017, Chapter 412
- 4-37-204**, as last amended by Laws of Utah 2022, Chapter 79
- 4-39-401**, as last amended by Laws of Utah 2018, Chapter 355
- 4-46-103**, as enacted by Laws of Utah 2022, Chapter 68
- 4-46-401**, as enacted by Laws of Utah 2022, Chapter 68
- 10-2-403**, as last amended by Laws of Utah 2021, Chapter 112

32 **11-3-10**, as last amended by Laws of Utah 1993, Chapter 234
33 **11-41-102**, as last amended by Laws of Utah 2022, Chapter 307
34 **11-46-302**, as enacted by Laws of Utah 2011, Chapter 130
35 **11-51a-201**, as enacted by Laws of Utah 2015, Chapter 419
36 **11-65-206**, as enacted by Laws of Utah 2022, Chapter 59
37 **17-27a-401**, as last amended by Laws of Utah 2022, Chapters 282, 406
38 **24-4-115**, as last amended by Laws of Utah 2022, Chapter 179
39 **41-1a-422**, as last amended by Laws of Utah 2022, Chapters 19, 48, 68, 255, 259, 335,
40 451, and 456
41 **51-9-402**, as last amended by Laws of Utah 2020, Chapter 230
42 **53-2a-208**, as last amended by Laws of Utah 2022, Chapter 39
43 **53-2a-1102**, as last amended by Laws of Utah 2022, Chapters 68, 73
44 **53-7-221**, as last amended by Laws of Utah 2018, Chapter 189
45 **53-13-103**, as last amended by Laws of Utah 2021, Chapter 349
46 **57-14-202**, as last amended by Laws of Utah 2021, Chapter 41
47 **57-14-204**, as last amended by Laws of Utah 2022, Chapter 68
48 **58-79-102**, as last amended by Laws of Utah 2020, Chapters 316, 376
49 **59-2-301.5**, as enacted by Laws of Utah 2013, Chapter 96
50 **63A-16-803**, as renumbered and amended by Laws of Utah 2021, Chapter 344
51 **63A-17-512**, as renumbered and amended by Laws of Utah 2021, Chapter 344
52 **63G-7-201**, as last amended by Laws of Utah 2021, Chapter 352
53 **63G-21-201**, as last amended by Laws of Utah 2022, Chapter 419
54 **63I-1-223**, as last amended by Laws of Utah 2020, Chapters 154, 232
55 **63I-2-223**, as last amended by Laws of Utah 2012, Chapter 369
56 **63J-1-602.1**, as last amended by Laws of Utah 2022, Chapters 48, 191, 255, 335, 415,
57 and 451
58 **63J-1-602.2**, as last amended by Laws of Utah 2022, Chapters 59, 68, 154, 224, 236,
59 242, and 447 and last amended by Coordination Clause, Laws of Utah 2022,
60 Chapter 154
61 **63L-7-106**, as enacted by Laws of Utah 2014, Chapter 323
62 **63L-8-303**, as enacted by Laws of Utah 2016, Chapter 317

63 **63L-8-304**, as last amended by Laws of Utah 2017, Chapter 451
64 **72-9-501**, as last amended by Laws of Utah 2021, Chapter 239
65 **73-3-30**, as last amended by Laws of Utah 2022, Chapter 43
66 **73-18-26**, as last amended by Laws of Utah 2020, Chapter 195
67 **73-29-102**, as enacted by Laws of Utah 2010, Chapter 410
68 **73-30-201**, as last amended by Laws of Utah 2020, Chapter 352
69 **76-9-301**, as last amended by Laws of Utah 2021, Chapter 57
70 **76-10-504**, as last amended by Laws of Utah 2021, Chapter 12
71 **76-10-508**, as last amended by Laws of Utah 2019, Chapter 39
72 **76-10-508.1**, as last amended by Laws of Utah 2019, Chapter 39
73 **76-10-1602**, as last amended by Laws of Utah 2022, Chapters 181, 185
74 **77-20-204**, as enacted by Laws of Utah 2021, Second Special Session, Chapter 4
75 **77-23-104**, as last amended by Laws of Utah 2001, Chapter 168
76 **78A-5-110**, as last amended by Laws of Utah 2022, Chapter 68
77 **78A-7-106**, as last amended by Laws of Utah 2022, Chapters 155, 318
78 **78A-7-120**, as last amended by Laws of Utah 2022, Chapters 68, 89
79 **79-2-102**, as enacted by Laws of Utah 2009, Chapter 344
80 **79-2-201**, as last amended by Laws of Utah 2022, Chapter 68
81 **79-2-601**, as enacted by Laws of Utah 2022, Chapter 51

82 **Utah Code Sections Affected by Revisor Instructions:**

83 **1-1-1**, Utah Code Annotated 1953

84

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

86 Section 1. Section **4-14-102** is amended to read:

87 **4-14-102. Definitions.**

88 As used in this chapter:

89 (1) "Active ingredient" means an ingredient that:

90 (a) prevents, destroys, repels, controls, or mitigates pests; or

91 (b) acts as a plant regulator, defoliant, or desiccant.

92 (2) "Adulterated pesticide" means a pesticide with a strength or purity that is below the

standard of quality expressed on the label under which the pesticide is offered for sale.

(3) "Animal" means all vertebrate or invertebrate species.

(4) "Beneficial insect" means an insect that is:

(a) an effective pollinator of plants;

(b) a parasite or predator of pests; or

(c) otherwise beneficial.

(5) "Certified applicator" means an individual who is licensed by the department to apply:

(a) a restricted use pesticide; or

(b) a general use pesticide for hire or in exchange for compensation.

(6) "Certified qualified applicator" means a certified applicator who is eligible to act as a qualifying party.

(7) "Defoliant" means a substance or mixture intended to cause leaves or foliage to drop from a plant, with or without causing abscission.

(8) "Desiccant" means a substance or mixture intended to artificially accelerate the drying of plant or animal tissue.

(9) "Distribute" means to offer for sale, sell, barter, ship, deliver for shipment, receive, deliver, or offer to deliver pesticides in this state.

(10) "Environment" means all living plants and animals, water, air, land, and the interrelationships that exist between them.

(11) (a) "Equipment" means any type of ground, water, or aerial equipment or contrivance using motorized, mechanical, or pressurized power to apply a pesticide.

(b) "Equipment" does not mean any pressurized hand-sized household apparatus used to apply a pesticide or any equipment or contrivance used to apply a pesticide that is dependent solely upon energy expelled by the person making the pesticide application.

(12) "EPA" means the United States Environmental Protection Agency.

(13) "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act.

(14) (a) "Fungus" means a nonchlorophyll-bearing thallophyte or a nonchlorophyll-bearing plant of an order lower than mosses and liverworts, including rust, smut, mildew, mold, yeast, and bacteria.

(b) "Fungus" does not include fungus existing on or in:

124 (i) a living person or other animal; or

125 (ii) processed food, beverages, or pharmaceuticals.

126 (15) "Herbicide" means a substance that is toxic to plants and is used to control or
127 eliminate unwanted vegetation.

128 (16) "Insect" means an invertebrate animal generally having a more or less obviously
129 segmented body:

130 (a) usually belonging to the Class Insecta, comprising six-legged, usually winged
131 forms, including beetles, bugs, bees, and flies; and

132 (b) allied classes of arthropods that are wingless usually having more than six legs,
133 including spiders, mites, ticks, centipedes, and wood lice.

134 (17) "Label" means any written, printed, or graphic matter on, or attached to, a
135 pesticide or a container or wrapper of a pesticide.

136 (18) (a) "Labeling" means all labels and all other written, printed, or graphic matter:

137 (i) accompanying a pesticide or equipment; or

138 (ii) to which reference is made on the label or in literature accompanying a pesticide or
139 equipment.

140 (b) "Labeling" does not include any written, printed, or graphic matter created by the
141 EPA, the United States Departments of Agriculture or Interior, the United States Department of
142 Health, Education, and Welfare, state experimental stations, state agricultural colleges, and
143 other federal or state institutions or agencies authorized by law to conduct research in the field
144 of pesticides.

145 (19) "Land" means land, water, air, and plants, animals, structures, buildings,
146 contrivances, and machinery appurtenant or situated thereon, whether fixed or mobile,
147 including any used for transportation.

148 (20) "Misbranded" means any label or labeling that is false or misleading or that does
149 not strictly comport with the label and labeling requirements set forth in Section 4-14-104.

150 (21) "Misuse" means use of any pesticide in a manner inconsistent with the pesticide's
151 label or labeling.

152 (22) "Nematode" means invertebrate animals of the Phylum Nematelminthes and
153 Class Nematoda, including unsegmented round worms with elongated, fusiform, or saclike
154 bodies covered with cuticle, also known as nemas or eelworms.

(23) "Ornamental and turf pest control" means the use of a pesticide to control ornamental and turf pests in the maintenance and protection of ornamental trees, shrubs, flowers, or turf.

(24) (a) "Pest" means:

(i) any insect, rodent, nematode, fungus, weed; or
(ii) any other form of terrestrial or aquatic plant or animal life, virus, bacteria, or other microorganism that is injurious to health or to the environment or that the department declares to be a pest.

(b) "Pest" does not include:

(i) viruses, bacteria, or other microorganisms on or in a living person or other living animal; or
(ii) protected wildlife species identified in Section ~~[23-13-2]~~ 23A-1-101 that are regulated by the Division of Wildlife Resources in accordance with Sections ~~[23-14-1 through 23-14-3]~~ 23A-2-102, 23A-2-201, 23A-2-301, 23A-2-302, and 23A-2-303.

(25) "Pesticide" means any:

(a) substance or mixture of substances, including a living organism, that is intended to prevent, destroy, control, repel, attract, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed, or other form of plant or animal life that is normally considered to be a pest or that the commissioner declares to be a pest;

(b) any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant;

(c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, or emulsifying agent with deflocculating properties of its own used with a pesticide to aid the pesticide's application or effect; and

(d) any other substance designated by the department by rule.

(26) "Pesticide applicator" is a person who:

(a) applies or supervises the application of a pesticide; and

(b) is required by this chapter to have a license.

(27) (a) "Pesticide applicator business" means an entity that:

(i) is authorized to do business in this state; and

(ii) offers pesticide application services.

(b) "Pesticide applicator business" does not include an individual licensed agricultural applicator who may work for hire.

(28) "Pesticide dealer" means any person who distributes restricted use pesticides.

(29) (a) "Plant regulator" means any substance or mixture intended, through physiological action, to accelerate or retard the rate of growth or rate of maturation, or otherwise alter the behavior of ornamental or crop plants.

(b) "Plant regulator" does not include plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

(30) "Qualifying party" means a certified qualified applicator who is the owner or employee of a pesticide applicator business and who is registered with the department as the individual responsible for ensuring the training, equipping, and supervision of all pesticide applicators who work for the pesticide applicator business.

(31) "Restricted use pesticide" means:

(a) a pesticide, including a highly toxic pesticide, that is a serious hazard to beneficial insects, animals, or land; or

(b) any pesticide or pesticide use restricted by the administrator of EPA or by the commissioner.

(32) "Spot treatment" means the limited application of an herbicide to an area that is no more than 5% of the potential treatment area or one-twentieth of an acre, whichever is smaller, using equipment that is designed to contain no more than five gallons of mixture.

(33) "Weed" means any plant that grows where not wanted.

(34) "Wildlife" means all living things that are neither human, domesticated, nor pests.

Section 2. Section **4-23-106** is amended to read:

4-23-106. Department to issue licenses and permits -- Department to issue aircraft use permits -- Aerial hunting.

(1) The department is responsible for the issuance of permits and licenses for the purposes of the federal Fish and Wildlife Act of 1956.

(2) A private person may not use an aircraft for the prevention of damage without first obtaining a use permit from the department.

(3) The department may issue an annual permit for aerial hunting to a private person for the protection of land, water, wildlife, livestock, domesticated animals, human life, or

217 crops, if the person shows that the person or the person's designated pilot, along with the
218 aircraft to be used in the aerial hunting, are licensed and qualified in accordance with the
219 requirements of the department set by rule.

220 (4) The department may predicate the issuance or retention of a permit for aerial
221 hunting upon the permittee's full and prompt disclosure of information as the department may
222 request for submission pursuant to rules made by the department.

223 (5) The department shall collect an annual fee, set in accordance with Section
224 63J-1-504, from a person who has an aircraft for which a permit is issued or renewed under this
225 section.

226 (6) Aerial hunting activity under a permit issued by the department is restricted to:

227 (a) (i) private lands that are owned or managed by the permittee;
228 (ii) state grazing allotments where the permittee is permitted by the state or the State
229 Institutional Trust Lands Administration to graze livestock; or

230 (iii) federal grazing allotments where the permittee is permitted by the United States
231 Bureau of Land Management or United States Forest Service to graze livestock; and

232 (b) only during the time period for which the private land owner has provided written
233 permission for the aerial hunting.

234 (7) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
235 Administrative Rulemaking Act, that are necessary to carry out the purpose of this section.

236 (8) The issuance of an aerial hunting permit or license under this section does not
237 authorize the holder to use aircraft to hunt, pursue, shoot, wound, kill, trap, capture, or collect
238 protected wildlife, as defined in Section ~~[23-13-2]~~ 23A-1-101, unless also authorized by the
239 Division of Wildlife Resources under Section ~~[23-20-12]~~ 23A-5-315.

240 Section 3. Section **4-34-108** is amended to read:

241 **4-34-108. Donation of wild game meat.**

242 (1) As used in this section:

243 (a) "Big game" means the same as that term is defined in Section ~~[23-13-2]~~ 23A-1-101.

244 (b) "Custom meat processor" means a person who processes meat but is exempt from
245 licensure under Section 4-32-106 as a licensed meat establishment.

246 (c) "Department" means the Department of Agriculture and Food.

247 (2) Wild game, including big game, lawfully taken by a licensed hunter may be

donated to a nonprofit charitable organization to feed individuals in need.

(3) Donated wild game meat shall meet the following conditions:

(a) come from an animal in apparent good health before harvest of the animal;

(b) come from an animal with intact intestines;

(c) be field-dressed immediately after harvest of the animal and be handled in a manner in keeping with generally accepted wild game handling procedures;

(d) be processed by a custom meat processor as soon as possible after harvest of the animal;

(e) be clearly marked as "not for sale";

(f) be clearly marked as "donated wild game meat" in letters not less than three-eighths of an inch in height; and

(g) may not come from a road-kill animal and a road-kill animal may not be donated under this section.

(4) (a) A donor or custom meat processor of the wild game meat being donated shall advise the nonprofit charitable organization receiving the donated wild game meat that the donated wild game meat should be thoroughly cooked before human consumption.

(b) Before serving donated wild game meat, the nonprofit charitable organization shall prominently post a sign indicating:

(i) that the donated wild game meat is donated wild game meat;

(ii) the type of meat processing used; and

(iii) that the meat has not been inspected.

(5) The Department of Natural Resources may donate wild game meat in the Department of Natural Resources' possession if this section is followed.

(6) A person may not buy, sell, or offer for sale or barter donated wild game meat.

(7) The department may examine, sample, seize, or condemn donated wild game meat if the department has reason to believe that the donated wild game meat is unwholesome under Chapter 5, Utah Wholesome Food Act.

Section 4. Section **4-37-103** is amended to read:

4-37-103. Definitions.

As used in this chapter:

(1) "Aquaculture" means the controlled cultivation of aquatic animals.

279 (2) (a) (i) "Aquaculture facility" means any tank, canal, raceway, pond, off-stream
280 reservoir, or other structure used for aquaculture.

281 (ii) "Aquaculture facility" does not include any public aquaculture facility or fee fishing
282 facility.

283 (b) Structures that are separated by more than 1/2 mile, or structures that drain to or are
284 modified to drain to, different drainages, are considered separate aquaculture facilities
285 regardless of ownership.

286 (3) (a) "Aquatic animal" means a member of any species of fish, mollusk, crustacean,
287 or amphibian.

288 (b) "Aquatic animal" includes a gamete of any species listed in Subsection (3)(a).

289 (4) "Fee fishing facility" means a body of water used for holding or rearing fish for the
290 purpose of providing fishing for a fee or for pecuniary consideration or advantage.

291 (5) "Natural flowing stream" means the same as that term is defined in Section
292 ~~[23-13-2]~~ 23A-1-101.

293 (6) "Natural lake" means the same as that term is defined in Section ~~[23-13-2]~~
294 23A-1-101.

295 (7) "Private fish pond" means the same as that term is defined in Section ~~[23-13-2]~~
296 23A-1-101.

297 (8) "Public aquaculture facility" means a tank, canal, raceway, pond, off-stream
298 reservoir, or other structure used for aquaculture by the Division of Wildlife Resources, U.S.
299 Fish and Wildlife Service, a mosquito abatement district, or an institution of higher education.

300 (9) "Public fishery resource" means fish produced in public aquaculture facilities and
301 wild and free ranging populations of fish in the surface waters of the state.

302 (10) "Reservoir constructed on a natural stream channel" means the same as that term
303 is defined in Section ~~[23-13-2]~~ 23A-1-101.

304 (11) "Short-term fishing event" means the same as that term is defined in Section
305 ~~[23-13-2]~~ 23A-1-101.

306 Section 5. Section **4-37-108** is amended to read:

307 **4-37-108. Prohibited activities.**

308 (1) Except as provided in this chapter, in the rules of the department made pursuant to
309 Section 4-37-109, rules of the Fish Health Policy Board made pursuant to Section 4-37-503, or

in the rules of the Wildlife Board governing species of aquatic animals which may be imported into, possessed, transported, or released within the state, a person may not:

(a) acquire, import, or possess aquatic animals intended for use in an aquaculture or fee fishing facility;

(b) transport aquatic animals to or from an aquaculture or fee fishing facility;

(c) stock or propagate aquatic animals in an aquaculture or fee fishing facility;

(d) harvest, transfer, or sell aquatic animals from an aquaculture or fee fishing facility;

or

(e) release aquatic animals into the waters of the state.

(2) If a person commits an act in violation of Subsection (1) and that same act constitutes wanton destruction of protected wildlife as provided in Section ~~[23-20-4]~~ 23A-5-311, the person is guilty of a violation of Section ~~[23-20-4]~~ 23A-5-311.

Section 6. Section ~~4-37-111~~ is amended to read:

~~4-37-111~~. Prohibited sites.

(1) Except as provided in Subsection (2), an aquaculture facility or a fee fishing facility may not be developed on:

(a) a natural lake;

(b) a natural flowing stream; or

(c) a reservoir constructed on a natural stream channel.

(2) The Division of Wildlife Resources may authorize an aquaculture facility, public aquaculture facility, or fee fishing facility on a natural lake or reservoir constructed on a natural stream channel upon inspecting and determining:

(a) the facility and inlet source of the facility neither contain wild game fish nor are likely to support such species in the future;

(b) the facility and the facility's intended use will not jeopardize conservation of aquatic wildlife or lead to the privatization or commercialization of aquatic wildlife;

(c) the facility is properly screened as provided in Subsection ~~[23-15-10(3)(c)]~~ 23A-9-203(3)(c) and otherwise in compliance with the requirements of this title, rules of the Wildlife Board, and applicable law; and

(d) the facility is not vulnerable to flood or high water events capable of compromising the facility's inlet or outlet screens and allowing escapement of privately owned fish into waters

of the state.

(3) Any authorization issued by the Division of Wildlife Resources under Subsection (2) shall be in the form of a certificate of registration.

Section 7. Section **4-37-204** is amended to read:

4-37-204. Sale of aquatic animals from aquaculture facilities.

(1) (a) Except as provided by Subsection (1)(c) and subject to Subsection (1)(b), a person holding a license for an aquaculture facility may take an aquatic animal as approved on the license from the facility at any time and offer the aquatic animal for sale.

(b) A live aquatic animal may be sold within Utah only to a person who:

(i) has been issued a license to possess the aquatic animal; or

(ii) is eligible to receive the aquatic animal without a certificate of registration under Wildlife Board rules.

(c) A person who owns or operates an aquaculture facility may sell live aquatic animals if the person:

(i) obtains a health approval number for the aquaculture facility;

(ii) inspects the pond or holding facility to verify that the pond or facility is in compliance with Subsections [~~23-15-10(2)~~] 23A-9-203(2) and (3)(c); and

(iii) stocks the species and reproductive capability of aquatic animals authorized by the Wildlife Board in accordance with Section [~~23-15-10~~] 23A-9-203 for stocking in the area where the pond or holding facility is located.

(2) An aquatic animal sold or transferred by the owner or operator of an aquaculture facility shall be accompanied by the seller's receipt that contains the following information:

(a) date of transaction;

(b) name, address, license number, and health approval number;

(c) number and weight of aquatic animal by:

(i) species; and

(ii) reproductive capability; and

(d) name and address of the receiver.

(3) (a) A person holding a license for an aquaculture facility shall submit to the department an annual report of each sale of live aquatic animals or each transfer of live aquatic animals in Utah. The department shall forward the report to the Division of Wildlife

Resources. The department or Division of Wildlife Resources may request copies of receipts from an aquaculture facility.

(b) The report shall contain the following information:

(i) name, address, and license number of the seller or supplier;

(ii) number and weight of aquatic animals by species and reproductive capacity;

(iii) date of sale or transfer; and

(iv) name, address, phone number, and license number of the receiver.

(4) Geographic coordinates of the stocking location shall be provided if the receiver is eligible to stock the aquatic animal without a certificate of registration under Wildlife Board rules.

(5) A report required by Subsection (3) shall be submitted before:

(a) a license is renewed or a subsequent license is issued; or

(b) a health approval number is issued.

Section 8. Section **4-39-401** is amended to read:

4-39-401. Escape of domesticated elk -- Liability.

(1) The owner shall try to capture domesticated elk that escape.

(2) The escape of a domesticated elk shall be reported immediately to the domestic elk program manager, who shall notify the Division of Wildlife Resources.

(3) If the domesticated elk is not recovered within 72 hours of the escape, the department, in conjunction with the Division of Wildlife Resources, shall take whatever action is necessary to resolve the problem.

(4) The owner shall reimburse the state or a state agency for any reasonable recapture costs incurred in the recapture or destruction of an escaped domesticated elk.

(5) An escaped domesticated elk taken by a licensed hunter in a manner that complies with the provisions of [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife Resources Act, and the rules of the Wildlife Board shall be considered a legal taking and neither the licensed hunter, the state, nor a state agency shall be liable to the owner for the killing.

(6) The owner shall be responsible for containing the domesticated elk to ensure that there is no spread of disease from domesticated elk to wild elk and that the genetic purity of wild elk is protected.

Section 9. Section **4-46-103** is amended to read:

4-46-103. Application of chapter to wildlife issues.

This chapter may not be construed or applied to supersede or interfere with the powers and duties of the Division of Wildlife Resources or the Wildlife Board under [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife Resources Act, over:

- (1) conservation and management of protected wildlife within the state;
- (2) a program or initiative to restore and conserve habitat for fish and wildlife; or
- (3) acquisition, ownership, management, and control of real property or a real property interest, including a leasehold estate, an easement, a right-of-way, or a conservation easement.

Section 10. Section **4-46-401** is amended to read:

4-46-401. Division of Conservation created -- Director.

- (1) Within the department there is created the Division of Conservation.
- (2) (a) The director is the executive and administrative head of the division.
- (b) The director shall administer this part subject to the administration and general supervision of the commissioner.
- (3) The division shall coordinate state conservation efforts by:
 - (a) staffing the board created in Section 4-46-201;
 - (b) coordinating with a conservation district in accordance with Section 4-46-402;
 - (c) coordinating with an agency or division within the department, the Department of Natural Resources, other state agencies, counties, cities, towns, local land trust entities, and federal agencies;
 - (d) facilitating obtaining federal funds in addition to state funds used for state conservation efforts;
 - (e) monitoring and providing for the management of conservation easements on state lands, including coordination with the Division of Wildlife Resources in the Division of Wildlife Resources' administration of Section [~~23-14-14.2~~] 23A-3-204; and
 - (f) implementing rules made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and Section 4-46-403.
- (4) The division may cooperate with, or enter into agreements with, other agencies of this state and federal agencies in the administration and enforcement of this chapter.

Section 11. Section **10-2-403** is amended to read:

10-2-403. Annexation petition -- Requirements -- Notice required before filing.

(1) Except as provided in Section 10-2-418, the process to annex an unincorporated area to a municipality is initiated by a petition as provided in this section.

(2) (a) (i) Before filing a petition under Subsection (1), the person or persons intending to file a petition shall:

(A) file with the city recorder or town clerk of the proposed annexing municipality a notice of intent to file a petition; and

(B) send a copy of the notice of intent to each affected entity.

(ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the area that is proposed to be annexed.

(b) (i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be annexed is located shall:

(A) mail the notice described in Subsection (2)(b)(iii) to:

(I) each owner of real property located within the area proposed to be annexed; and

(II) each owner of real property located within 300 feet of the area proposed to be annexed; and

(B) send to the proposed annexing municipality a copy of the notice and a certificate indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

(ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20 days after receiving from the person or persons who filed the notice of intent:

(A) a written request to mail the required notice; and

(B) payment of an amount equal to the county's expected actual cost of mailing the notice.

(iii) Each notice required under Subsection (2)(b)(i)(A) shall:

(A) be in writing;

(B) state, in bold and conspicuous terms, substantially the following:

"Attention: Your property may be affected by a proposed annexation.

Records show that you own property within an area that is intended to be included in a proposed annexation to (state the name of the proposed annexing municipality) or that is within 300 feet of that area. If your property is within the area proposed for annexation, you may be asked to sign a petition supporting the annexation. You may choose whether to sign the

petition. By signing the petition, you indicate your support of the proposed annexation. If you sign the petition but later change your mind about supporting the annexation, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of (state the name of the proposed annexing municipality) within 30 days after (state the name of the proposed annexing municipality) receives notice that the petition has been certified.

There will be no public election on the proposed annexation because Utah law does not provide for an annexation to be approved by voters at a public election. Signing or not signing the annexation petition is the method under Utah law for the owners of property within the area proposed for annexation to demonstrate their support of or opposition to the proposed annexation.

You may obtain more information on the proposed annexation by contacting (state the name, mailing address, telephone number, and email address of the official or employee of the proposed annexing municipality designated to respond to questions about the proposed annexation), (state the name, mailing address, telephone number, and email address of the county official or employee designated to respond to questions about the proposed annexation), or (state the name, mailing address, telephone number, and email address of the person who filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the notice of intent, one of those persons). Once filed, the annexation petition will be available for inspection and copying at the office of (state the name of the proposed annexing municipality) located at (state the address of the municipal offices of the proposed annexing municipality)."; and

(C) be accompanied by an accurate map identifying the area proposed for annexation.

(iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any other information or materials related or unrelated to the proposed annexation.

(c) (i) After receiving the certificate from the county as provided in Subsection (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or persons who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation petition for the annexation proposed in the notice of intent.

(ii) An annexation petition provided by the proposed annexing municipality may be duplicated for circulation for signatures.

(3) Each petition under Subsection (1) shall:

(a) be filed with the applicable city recorder or town clerk of the proposed annexing municipality;

(b) contain the signatures of, if all the real property within the area proposed for annexation is owned by a public entity other than the federal government, the owners of all the publicly owned real property, or the owners of private real property that:

(i) is located within the area proposed for annexation;

(ii) (A) subject to Subsection (3)(b)(ii)(C), covers a majority of the private land area within the area proposed for annexation;

(B) covers 100% of rural real property within the area proposed for annexation; and

(C) covers 100% of the private land area within the area proposed for annexation, if the area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas, or a migratory bird production area created under ~~[Title 23, Chapter 28, Migratory Bird Production Area]~~ Title 23A, Chapter 13, Migratory Bird Production Area; and

(iii) is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation;

(c) be accompanied by:

(i) an accurate and recordable map, prepared by a licensed surveyor in accordance with Section 17-23-20, of the area proposed for annexation; and

(ii) a copy of the notice sent to affected entities as required under Subsection (2)(a)(i)(B) and a list of the affected entities to which notice was sent;

(d) contain on each signature page a notice in bold and conspicuous terms that states substantially the following:

"Notice:

- There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election.

- If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of (state the name of the proposed annexing municipality). If you choose to withdraw your signature, you shall do so no later than 30 days after (state the name of the proposed annexing municipality) receives notice that the petition has been certified.";

(e) if the petition proposes a cross-county annexation, as defined in Section 10-2-402.5, be accompanied by a copy of the resolution described in Subsection 10-2-402.5(4)(a)(iii)(A); and

(f) designate up to five of the signers of the petition as sponsors, one of whom shall be designated as the contact sponsor, and indicate the mailing address of each sponsor.

(4) A petition under Subsection (1) may not propose the annexation of all or part of an area proposed for annexation to a municipality in a previously filed petition that has not been denied, rejected, or granted.

(5) If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:

(a) along the boundaries of existing local districts and special service districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries, and along the boundaries of other taxing entities;

(b) to eliminate islands and peninsulas of territory that is not receiving municipal-type services;

(c) to facilitate the consolidation of overlapping functions of local government;

(d) to promote the efficient delivery of services; and

(e) to encourage the equitable distribution of community resources and obligations.

(6) On the date of filing, the petition sponsors shall deliver or mail a copy of the petition to the clerk of the county in which the area proposed for annexation is located.

(7) A property owner who signs an annexation petition may withdraw the owner's signature by filing a written withdrawal, signed by the property owner, with the city recorder or town clerk no later than 30 days after the municipal legislative body's receipt of the notice of certification under Subsection 10-2-405(2)(c)(i).

Section 12. Section **11-3-10** is amended to read:

11-3-10. Exemptions -- Limitation on chapter.

(1) This chapter does not apply to class A, class B, and class C explosives that are not for use in Utah, but are manufactured, stored, warehoused, or in transit for destinations outside of Utah.

(2) This chapter does not supersede Section ~~[23-13-7]~~ 23A-2-208, regarding use of

fireworks and explosives by the Division of Wildlife Resources and federal game agents.

(3) Provided that the display operators are properly licensed as required by Section 53-7-223, municipalities and counties for the unincorporated areas within the county may conduct, permit, or regulate:

(a) exhibitions of display fireworks; or

(b) pyrotechnic displays held inside public buildings.

Section 13. Section **11-41-102** is amended to read:

11-41-102. Definitions.

As used in this chapter:

(1) "Agreement" means an oral or written agreement between a public entity and a person.

(2) "Business entity" means a sole proprietorship, partnership, limited partnership, limited liability company, corporation, or other entity or association used to carry on a business for profit.

(3) "Determination of violation" means a determination by the Governor's Office of Economic Opportunity of substantial likelihood that a retail facility incentive payment has been made in violation of Section 11-41-103, in accordance with Section 11-41-104.

(4) "Environmental mitigation" means an action or activity intended to remedy known negative impacts to the environment.

(5) "Executive director" means the executive director of the Governor's Office of Economic Opportunity.

(6) "General plan" means the same as that term is defined in Section ~~[23-21-5]~~
23A-6-101.

(7) "Mixed-use development" means development with mixed land uses, including housing.

(8) "Moderate income housing plan" means the moderate income housing plan element of a general plan.

(9) "Office" means the Governor's Office of Economic Opportunity.

(10) "Political subdivision" means any county, city, town, metro township, school district, local district, special service district, community reinvestment agency, or entity created by an interlocal agreement adopted under Title 11, Chapter 13, Interlocal Cooperation Act.

- 589 (11) "Public entity" means:
- 590 (a) a political subdivision;
- 591 (b) a state agency as defined in Section 63J-1-220;
- 592 (c) a higher education institution as defined in Section 53B-1-201;
- 593 (d) the Military Installation Development Authority created in Section 63H-1-201;
- 594 (e) the Utah Inland Port Authority created in Section 11-58-201; or
- 595 (f) the Point of the Mountain State Land Authority created in Section 11-59-201.
- 596 (12) "Public funds" means any money received by a public entity that is derived from:
- 597 (a) a sales and use tax authorized under Title 59, Chapter 12, Sales and Use Tax Act;
- 598 or
- 599 (b) a property tax levy.
- 600 (13) "Public infrastructure" means:
- 601 (a) a public facility as defined in Section 11-36a-102; or
- 602 (b) public infrastructure included as part of an infrastructure master plan related to a
- 603 general plan.
- 604 (14) "Retail facility" means any facility operated by a business entity for the primary
- 605 purpose of making retail transactions.
- 606 (15) (a) "Retail facility incentive payment" means a payment of public funds:
- 607 (i) to a person by a public entity;
- 608 (ii) for the development, construction, renovation, or operation of a retail facility
- 609 within an area of the state; and
- 610 (iii) in the form of:
- 611 (A) a payment;
- 612 (B) a rebate;
- 613 (C) a refund;
- 614 (D) a subsidy; or
- 615 (E) any other similar incentive, award, or offset.
- 616 (b) "Retail facility incentive payment" does not include a payment of public funds for:
- 617 (i) the development, construction, renovation, or operation of:
- 618 (A) public infrastructure; or
- 619 (B) a structured parking facility;

(ii) the demolition of an existing facility;

(iii) assistance under a state or local:

(A) main street program; or

(B) historic preservation program;

(iv) environmental mitigation or sanitation, if determined by a state or federal agency under applicable state or federal law;

(v) assistance under a water conservation program or energy efficiency program, if any business entity located within the public entity's boundaries or subject to the public entity's jurisdiction is eligible to participate in the program;

(vi) emergency aid or assistance, if any business entity located within the public entity's boundaries or subject to the public entity's jurisdiction is eligible to receive the emergency aid or assistance; or

(vii) assistance under a public safety or security program, if any business entity located within the public entity's boundaries or subject to the public entity's jurisdiction is eligible to participate in the program.

(16) "Retail transaction" means any transaction subject to a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

(17) (a) "Small business" means a business entity that:

(i) has fewer than 30 full-time equivalent employees; and

(ii) maintains the business entity's principal office in the state.

(b) "Small business" does not include:

(i) a franchisee, as defined in 16 C.F.R. Sec. 436.1;

(ii) a dealer, as defined in Section 41-1a-102; or

(iii) a subsidiary or affiliate of another business entity that is not a small business.

Section 14. Section **11-46-302** is amended to read:

11-46-302. Definitions.

In addition to the definitions in Sections 11-46-102 and 11-46-202, as used in this part:

(1) "Community cat" means a feral or free-roaming cat that is without visibly discernable or microchip owner identification of any kind, and has been sterilized, vaccinated, and ear-tipped.

(2) "Community cat caretaker" means any person other than an owner who provides

food, water, or shelter to a community cat or community cat colony.

(3) "Community cat colony" means a group of cats that congregate together. Although not every cat in a colony may be a community cat, any cats owned by individuals that congregate with a colony are considered part of it.

(4) "Community cat program" means a program pursuant to which feral cats are sterilized, vaccinated against rabies, ear-tipped, and returned to the location where they congregate.

(5) "Ear-tipping" means removing approximately a quarter-inch off the tip of a cat's left ear while the cat is anesthetized for sterilization.

(6) "Feral" has the same meaning as in Section ~~[23-13-2]~~ 23A-1-101.

(7) "Sponsor" means any person or organization that traps feral cats, sterilizes, vaccinates against rabies, and ear-tips them before returning them to the location where they were trapped. A sponsor may be any animal humane society, non-profit organization, animal rescue, adoption organization, or a designated community cat caretaker that also maintains written records on community cats.

Section 15. Section **11-51a-201** is amended to read:

11-51a-201. Limitation.

Nothing in this chapter limits:

(1) the authority of the state to manage and protect wildlife under ~~[Title 23, Wildlife Resources Code of Utah]~~ Title 23A, Wildlife Resources Act; or

(2) the power of a municipality under Section 10-8-60.

Section 16. Section **11-65-206** is amended to read:

11-65-206. Applicability of other law -- Cooperation of state and local governments -- Authority of other agencies not affected -- Attorney general to provide legal services.

(1) The lake authority is subject to and governed by Sections 63E-2-106, 63E-2-107, 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed by Title 63E, Independent Entities Code.

(2) A department, division, or other agency of the state and a political subdivision of the state is encouraged, upon the board's request, to cooperate with the lake authority to provide the support, information, or other assistance reasonably necessary to help the lake authority

fulfill the lake authority's duties and responsibilities under this chapter.

(3) Nothing in this chapter may be construed to affect or impair:

(a) the authority of the Department of Environmental Quality, created in Section 19-1-104, to regulate under Title 19, Environmental Quality Code, consistent with the purposes of this chapter; or

(b) the authority of the Division of Wildlife Resources, created in Section ~~[23-14-1]~~ 23A-2-201, to regulate under ~~[Title 23, Wildlife Resources Code of Utah]~~ Title 23A, Wildlife Resources Act, consistent with the purposes of this chapter.

(4) In accordance with Utah Constitution, Article XVII, Section 1, nothing in this chapter may be construed to override, supersede, interfere with, or modify:

(a) any water right in the state;

(b) the operation of a water facility or project; or

(c) the role or authority of the state engineer.

(5) (a) Except as otherwise explicitly provided, nothing in this chapter may be construed to authorize the lake authority to interfere with or take the place of another governmental entity in that entity's process of considering an application or request for a license, permit, or other regulatory or governmental permission for an action relating to water of Utah Lake or land within the lake authority boundary.

(b) The lake authority shall respect and, if applicable and within the lake authority's powers, implement a license, permit, or other regulatory or governmental permission described in Subsection (5)(a).

(6) Nothing in this chapter may be construed to allow the authority to:

(a) consider an application for the disposal of land within the lake authority boundary under Title 65A, Chapter 15, Utah Lake Restoration Act; or

(b) issue bonding or other financing for a project under Title 65A, Chapter 15, Utah Lake Restoration Act.

(7) The attorney general shall provide legal services to the board.

Section 17. Section ~~17-27a-401~~ is amended to read:

17-27a-401. General plan required -- Content -- Resource management plan -- Provisions related to radioactive waste facility.

(1) To accomplish the purposes of this chapter, a county shall prepare and adopt a

713 comprehensive, long-range general plan:

714 (a) for present and future needs of the county;

715 (b) (i) for growth and development of all or any part of the land within the

716 unincorporated portions of the county; or

717 (ii) if a county has designated a mountainous planning district, for growth and

718 development of all or any part of the land within the mountainous planning district; and

719 (c) as a basis for communicating and coordinating with the federal government on land

720 and resource management issues.

721 (2) To promote health, safety, and welfare, the general plan may provide for:

722 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic

723 activities, aesthetics, and recreational, educational, and cultural opportunities;

724 (b) the reduction of the waste of physical, financial, or human resources that result

725 from either excessive congestion or excessive scattering of population;

726 (c) the efficient and economical use, conservation, and production of the supply of:

727 (i) food and water; and

728 (ii) drainage, sanitary, and other facilities and resources;

729 (d) the use of energy conservation and solar and renewable energy resources;

730 (e) the protection of urban development;

731 (f) the protection and promotion of air quality;

732 (g) historic preservation;

733 (h) identifying future uses of land that are likely to require an expansion or significant

734 modification of services or facilities provided by an affected entity; and

735 (i) an official map.

736 (3) (a) (i) The general plan of a specified county, as defined in Section 17-27a-408,

737 shall include a moderate income housing element that meets the requirements of Subsection

738 17-27a-403(2)(a)(iii).

739 (ii) On or before October 1, 2022, a specified county, as defined in Section 17-27a-408,

740 with a general plan that does not comply with Subsection (3)(a)(i) shall amend the general plan

741 to comply with Subsection (3)(a)(i).

742 (b) The general plan shall contain a resource management plan for the public lands, as

743 defined in Section 63L-6-102, within the county.

- 744 (c) The resource management plan described in Subsection (3)(b) shall address:
- 745 (i) mining;
- 746 (ii) land use;
- 747 (iii) livestock and grazing;
- 748 (iv) irrigation;
- 749 (v) agriculture;
- 750 (vi) fire management;
- 751 (vii) noxious weeds;
- 752 (viii) forest management;
- 753 (ix) water rights;
- 754 (x) ditches and canals;
- 755 (xi) water quality and hydrology;
- 756 (xii) flood plains and river terraces;
- 757 (xiii) wetlands;
- 758 (xiv) riparian areas;
- 759 (xv) predator control;
- 760 (xvi) wildlife;
- 761 (xvii) fisheries;
- 762 (xviii) recreation and tourism;
- 763 (xix) energy resources;
- 764 (xx) mineral resources;
- 765 (xxi) cultural, historical, geological, and paleontological resources;
- 766 (xxii) wilderness;
- 767 (xxiii) wild and scenic rivers;
- 768 (xxiv) threatened, endangered, and sensitive species;
- 769 (xxv) land access;
- 770 (xxvi) law enforcement;
- 771 (xxvii) economic considerations; and
- 772 (xxviii) air.
- 773 (d) For each item listed under Subsection (3)(c), a county's resource management plan
- 774 shall:

(i) establish findings pertaining to the item;

(ii) establish defined objectives; and

(iii) outline general policies and guidelines on how the objectives described in Subsection (3)(d)(ii) are to be accomplished.

(4) (a) (i) The general plan shall include specific provisions related to an area within, or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a county, which are proposed for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as these wastes are defined in Section 19-3-303.

(ii) The provisions described in Subsection (4)(a)(i) shall address the effects of the proposed site upon the health and general welfare of citizens of the state, and shall provide:

(A) the information identified in Section 19-3-305;

(B) information supported by credible studies that demonstrates that Subsection 19-3-307(2) has been satisfied; and

(C) specific measures to mitigate the effects of high-level nuclear waste and greater than class C radioactive waste and guarantee the health and safety of the citizens of the state.

(b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance indicating that all proposals for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within the county are rejected.

(c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

(d) The county shall send a certified copy of the ordinance described in Subsection (4)(b) to the executive director of the Department of Environmental Quality by certified mail within 30 days of enactment.

(e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

(i) comply with Subsection (4)(a) as soon as reasonably possible; and

(ii) send a certified copy of the repeal to the executive director of the Department of Environmental Quality by certified mail within 30 days after the repeal.

(5) The general plan may define the county's local customs, local culture, and the components necessary for the county's economic stability.

(6) Subject to Subsection 17-27a-403(2), the county may determine the

comprehensiveness, extent, and format of the general plan.

(7) If a county has designated a mountainous planning district, the general plan for the mountainous planning district is the controlling plan.

(8) Nothing in this part may be construed to limit the authority of the state to manage and protect wildlife under ~~[Title 23, Wildlife Resources Code of Utah]~~ Title 23A, Wildlife Resources Act.

(9) On or before December 31, 2025, a county that has a general plan that does not include a water use and preservation element that complies with Section 17-27a-403 shall amend the county's general plan to comply with Section 17-27a-403.

Section 18. Section **24-4-115** is amended to read:

24-4-115. Disposition and allocation of forfeited property.

(1) If a court finds that property is forfeited under this chapter, the court shall order the property forfeited to the state.

(2) (a) If the property is not currency, the agency shall authorize a public or otherwise commercially reasonable sale of that property if the property is not required by law to be destroyed and is not harmful to the public.

(b) If the property forfeited is an alcoholic product as defined in Section 32B-1-102, the property shall be disposed of as follows:

(i) an alcoholic product shall be sold if the alcoholic product is:

(A) unadulterated, pure, and free from any crude, unrectified, or impure form of ethylic alcohol, or any other deleterious substance or liquid; and

(B) otherwise in saleable condition; or

(ii) an alcoholic product and the alcoholic product's package shall be destroyed if the alcoholic product is impure, adulterated, or otherwise unfit for sale.

(c) If the property forfeited is a cigarette or other tobacco product as defined in Section 59-14-102, the property shall be destroyed, except that the lawful holder of the trademark rights in the cigarette or tobacco product brand is permitted to inspect the cigarette before the destruction of the cigarette or tobacco product.

(d) The proceeds of the sale of forfeited property shall remain segregated from other property, equipment, or assets of the agency until transferred in accordance with this chapter.

(3) Before transferring currency and the proceeds or revenue from the sale of the

property in accordance with this chapter, the agency shall:

(a) deduct the agency's direct costs, expense of reporting under Section 24-4-118, and expense of obtaining and maintaining the property pending a forfeiture proceeding; and

(b) if the prosecuting agency that employed the prosecuting attorney has met the requirements of Subsection 24-4-119(3), pay the prosecuting attorney the legal costs associated with the litigation of the forfeiture proceeding, and up to 20% of the value of the forfeited property in attorney fees.

(4) If the forfeiture arises from a violation relating to wildlife resources, the agency shall deposit any remaining currency and the proceeds or revenue from the sale of the property into the Wildlife Resources Account created in Section ~~[23-14-13]~~ 23A-3-201.

(5) The agency shall transfer any remaining currency, the proceeds, or revenue from the sale of the property to the commission and deposited into the account.

Section 19. Section ~~41-1a-422~~ is amended to read:

41-1a-422. Support special group license plates -- Contributor -- Voluntary contribution collection procedures.

(1) As used in this section:

(a) (i) except as provided in Subsection (1)(a)(ii), "contributor" means a person who has donated or in whose name at least \$25 has been donated to:

(A) a scholastic scholarship fund of a single named institution;

(B) the Department of Veterans and Military Affairs for veterans programs;

(C) the Division of Wildlife Resources for the Wildlife Resources Account created in Section ~~[23-14-13]~~ 23A-3-201, for conservation of wildlife and the enhancement, preservation, protection, access, and management of wildlife habitat;

(D) the Department of Agriculture and Food for the benefit of conservation districts;

(E) the Division of Outdoor Recreation for the benefit of snowmobile programs;

(F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with the donation evenly divided between the two;

(G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America council as specified by the contributor;

(H) No More Homeless Pets in Utah for distribution to organizations or individuals that provide spay and neuter programs that subsidize the sterilization of domestic animals;

- 868 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
869 development programs;
- 870 (J) the Utah Association of Public School Foundations to support public education;
- 871 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to
872 assist people who have severe housing needs;
- 873 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118
874 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
875 Safety employees;
- 876 (M) the Division of Outdoor Recreation for distribution to organizations that provide
877 support for Zion National Park;
- 878 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support
879 firefighter organizations;
- 880 (O) the Share the Road Bicycle Support Restricted Account created in Section
881 72-2-127 to support bicycle operation and safety awareness programs;
- 882 (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support
883 cancer research programs;
- 884 (Q) Autism Awareness Restricted Account created in Section 53F-9-401 to support
885 autism awareness programs;
- 886 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account
887 created in Section 9-17-102 to support humanitarian service and educational and cultural
888 programs;
- 889 (S) Upon renewal of a prostate cancer support special group license plate, to the
890 Cancer Research Restricted Account created in Section 26-21a-302 to support cancer research
891 programs;
- 892 (T) the Choose Life Adoption Support Restricted Account created in Section 80-2-502
893 to support programs that promote adoption;
- 894 (U) the National Professional Men's Basketball Team Support of Women and Children
895 Issues Restricted Account created in Section 26B-1-302;
- 896 (V) the Utah Law Enforcement Memorial Support Restricted Account created in
897 Section 53-1-120;
- 898 (W) the Children with Cancer Support Restricted Account created in Section

899 26-21a-304 for programs that provide assistance to children with cancer;
900 (X) the National Professional Men's Soccer Team Support of Building Communities
901 Restricted Account created in Section 9-19-102;
902 (Y) the Children with Heart Disease Support Restricted Account created in Section
903 26-58-102;
904 (Z) the Utah Intracurricular Student Organization Support for Agricultural Education
905 and Leadership Restricted Account created in Section 4-42-102;
906 (AA) the Division of Wildlife Resources for the Support for State-Owned Shooting
907 Ranges Restricted Account created in Section ~~[23-14-13.5]~~ 23A-3-203, for the creation of new,
908 and operation and maintenance of existing, state-owned firearm shooting ranges;
909 (BB) the Utah State Historical Society to further the mission and purpose of the Utah
910 State Historical Society;
911 (CC) the Motorcycle Safety Awareness Support Restricted Account created in Section
912 72-2-130;
913 (DD) clean air support causes, with half of the donation deposited into the Clean Air
914 Support Restricted Account created in Section 19-1-109, and half of the donation deposited
915 into the Clean Air Fund created in Section 59-10-1319;
916 (EE) the Latino Community Support Restricted Account created in Section 13-1-16;
917 (FF) the Allyson Gamble Organ Donation Contribution Fund created in Section
918 26-18b-101;
919 (GG) public education on behalf of the Kiwanis International clubs, with the amount of
920 the donation required to cover the costs of issuing, ordering, or reordering Kiwanis support
921 special group plates, as determined by the State Tax Commission, deposited into the Kiwanis
922 Education Support Fund created in Section 53F-9-403, and all remaining donation amounts
923 deposited into the Uniform School Fund;
924 (HH) the Governor's Suicide Prevention Fund created in Section 62A-15-1103 to
925 support the Live On suicide prevention campaign administered by the Division of Integrated
926 Healthcare; or
927 (II) the State Park Fees Restricted Account created in Section 79-4-402 to support the
928 Division of State Parks' dark sky initiative.
929 (ii) (A) For a veterans special group license plate described in Subsection (4) or

930 41-1a-421(1)(a)(v), "contributor" means a person who has donated or in whose name at least a
931 \$25 donation at the time of application and \$10 annual donation thereafter has been made.

932 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a
933 person who:

934 (I) has donated or in whose name at least \$30 has been donated at the time of
935 application and annually after the time of application; and

936 (II) is a member of a trade organization for real estate licensees that has more than
937 15,000 Utah members.

938 (C) For an Honoring Heroes special group license plate, "contributor" means a person
939 who has donated or in whose name at least \$35 has been donated at the time of application and
940 annually thereafter.

941 (D) For a firefighter support special group license plate, "contributor" means a person
942 who:

943 (I) has donated or in whose name at least \$15 has been donated at the time of
944 application and annually after the time of application; and

945 (II) is a currently employed, volunteer, or retired firefighter.

946 (E) For a cancer research special group license plate, "contributor" means a person who
947 has donated or in whose name at least \$35 has been donated at the time of application and
948 annually after the time of application.

949 (F) For a Utah Law Enforcement Memorial Support special group license plate,
950 "contributor" means a person who has donated or in whose name at least \$35 has been donated
951 at the time of application and annually thereafter.

952 (b) "Institution" means a state institution of higher education as defined under Section
953 53B-3-102 or a private institution of higher education in the state accredited by a regional or
954 national accrediting agency recognized by the United States Department of Education.

955 (2) (a) An applicant for original or renewal collegiate special group license plates under
956 Subsection (1)(a)(i) must be a contributor to the institution named in the application and
957 present the original contribution verification form under Subsection (2)(b) or make a
958 contribution to the division at the time of application under Subsection (3).

959 (b) An institution with a support special group license plate shall issue to a contributor
960 a verification form designed by the commission containing:

(i) the name of the contributor;

(ii) the institution to which a donation was made;

(iii) the date of the donation; and

(iv) an attestation that the donation was for a scholastic scholarship.

(c) The state auditor may audit each institution to verify that the money collected by the institutions from contributors is used for scholastic scholarships.

(d) After an applicant has been issued collegiate license plates or renewal decals, the commission shall charge the institution whose plate was issued, a fee determined in accordance with Section 63J-1-504 for management and administrative expenses incurred in issuing and renewing the collegiate license plates.

(e) If the contribution is made at the time of application, the contribution shall be collected, treated, and deposited as provided under Subsection (3).

(3) (a) (i) Except as provided in Subsection (3)(a)(ii), an applicant for original or renewal support special group license plates under this section must be a contributor to the sponsoring organization associated with the license plate.

(ii) An applicant for a historical special group license plate is not required to make a donation to the Utah State Historical Society if the historical special group license plate is for a vintage vehicle that has a model year of 1980 or older.

(b) This contribution shall be:

(i) unless collected by the named institution under Subsection (2), collected by the division;

(ii) considered a voluntary contribution for the funding of the activities specified under this section and not a motor vehicle registration fee;

(iii) deposited into the appropriate account less actual administrative costs associated with issuing the license plates; and

(iv) for a firefighter special group license plate, deposited into the appropriate account less:

(A) the costs of reordering firefighter special group license plate decals; and

(B) the costs of replacing recognition special group license plates with new license plates under Subsection 41-1a-1211(13).

(c) The donation described in Subsection (1)(a) must be made in the 12 months before

992 registration or renewal of registration.

993 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to
994 the division when issuing original:

995 (i) snowmobile license plates; or

996 (ii) conservation license plates.

997 (4) Veterans license plates shall display one of the symbols representing the Army,
998 Navy, Air Force, Marines, Coast Guard, or American Legion.

999 Section 20. Section **51-9-402** is amended to read:

1000 **51-9-402. Division of collected money retained by state treasurer and local**
1001 **governmental collecting entity.**

1002 (1) The amount of the surcharge imposed under this part by courts of record shall be
1003 collected before any fine and deposited with the state treasurer.

1004 (2) The amount of the surcharge and the amount of criminal fines, penalties, and
1005 forfeitures imposed under this part by courts not of record shall be collected concurrently.

1006 (a) As money is collected on criminal fines, penalties, and forfeitures subject to the
1007 90% surcharge, the money shall be divided pro rata so that the local governmental collecting
1008 entity retains 53% of the collected money and the state retains 47% of the collected money.

1009 (b) As money is collected on criminal fines, penalties, and forfeitures subject to the
1010 35% surcharge, the money shall be divided pro rata so that the local governmental collecting
1011 entity retains 74% of the collected money and the state retains 26% of the collected money.

1012 (c) The court shall deposit with the state treasurer the surcharge portion of all money as
1013 it is collected.

1014 (3) Courts of record, courts not of record, and administrative traffic proceedings shall
1015 collect financial information to determine:

1016 (a) the total number of cases in which:

1017 (i) a final judgment has been rendered;

1018 (ii) surcharges and fines are paid by partial or installment payment; and

1019 (iii) the judgment is fulfilled by an alternative method upon the court's order; and

1020 (b) the total dollar amounts of surcharges owed to the state and fines owed to the state
1021 and county or municipality, including:

1022 (i) waived surcharges;

1023 (ii) uncollected surcharges; and

1024 (iii) collected surcharges.

1025 (4) The courts of record, courts not of record, and administrative traffic proceedings
1026 shall report all collected financial information monthly to the Administrative Office of the
1027 Courts. The collected information shall be categorized by cases subject to the 90% and 35%
1028 surcharge.

1029 (5) The provisions of this section and Section 51-9-401 may not impact the distribution
1030 and allocation of fines and forfeitures imposed in accordance with Sections ~~[23-14-13]~~
1031 23A-3-201, 78A-5-110, and 78A-7-120.

1032 Section 21. Section **53-2a-208** is amended to read:

1033 **53-2a-208. Local emergency -- Declarations -- Termination of a local emergency.**

1034 (1) (a) Except as provided in Subsection (1)(b), a chief executive officer of a
1035 municipality or county may declare by proclamation a state of emergency if the chief executive
1036 officer finds:

1037 (i) a disaster has occurred or the occurrence or threat of a disaster is imminent in an
1038 area of the municipality or county; and

1039 (ii) the municipality or county requires additional assistance to supplement the
1040 response and recovery efforts of the municipality or county.

1041 (b) A chief executive officer of a municipality may not declare by proclamation a state
1042 of emergency in response to an epidemic or a pandemic.

1043 (2) A declaration of a local emergency:

1044 (a) constitutes an official recognition that a disaster situation exists within the affected
1045 municipality or county;

1046 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance
1047 from other political subdivisions or from the state or federal government;

1048 (c) activates the response and recovery aspects of any and all applicable local disaster
1049 emergency plans; and

1050 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.

1051 (3) A local emergency proclamation issued under this section shall state:

1052 (a) the nature of the local emergency;

1053 (b) the area or areas that are affected or threatened; and

(c) the conditions which caused the emergency.

(4) The emergency declaration process within the state shall be as follows:

(a) a city, town, or metro township shall declare to the county;

(b) a county shall declare to the state;

(c) the state shall declare to the federal government; and

(d) a tribe, as defined in Section ~~[23-13-12.5]~~ 23A-1-202, shall declare as determined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec. 5121 et seq.

(5) Nothing in this part affects:

(a) the governor's authority to declare a state of emergency under Section 53-2a-206; or

(b) the duties, requests, reimbursements, or other actions taken by a political subdivision participating in the state-wide mutual aid system pursuant to Title 53, Chapter 2a, Part 3, Statewide Mutual Aid Act.

(6) (a) Except as provided in Subsection (6)(b), a state of emergency described in Subsection (1) expires the earlier of:

(i) the day on which the chief executive officer finds that:

(A) the threat or danger has passed;

(B) the disaster reduced to the extent that emergency conditions no longer exist; or

(C) the municipality or county no longer requires state government assistance to supplement the response and recovery efforts of the municipality or county;

(ii) 30 days after the day on which the chief executive officer declares the state of emergency; or

(iii) the day on which the legislative body of the municipality or county terminates the state of emergency by majority vote.

(b) (i) (A) The legislative body of a municipality may at any time terminate by majority vote a state of emergency declared by the chief executive officer of the municipality.

(B) The legislative body of a county may at any time terminate by majority vote a state of emergency declared by the chief executive officer of the county.

(ii) The legislative body of a municipality or county may by majority vote extend a state of emergency for a time period stated in the motion.

(iii) If the legislative body of a municipality or county extends a state of emergency in

1085 accordance with this subsection, the state of emergency expires on the date designated by the
1086 legislative body in the motion.

1087 (iv) An action by a legislative body of a municipality or county to terminate a state of
1088 emergency as described in this Subsection (6)(b) is not subject to veto by the relevant chief
1089 executive officer.

1090 (c) Except as provided in Subsection (7), after a state of emergency expires in
1091 accordance with this Subsection (6), the chief executive officer may not declare a new state of
1092 emergency in response to the same disaster or occurrence as the expired state of emergency.

1093 (7) (a) After a state of emergency expires in accordance with Subsection (6), the chief
1094 executive officer may declare a new state of emergency in response to the same disaster or
1095 occurrence as the expired state of emergency, if the chief executive officer finds that exigent
1096 circumstances exist.

1097 (b) A state of emergency declared in accordance with Subsection (7)(a) expires in
1098 accordance with Subsections (6)(a) and (b).

1099 (c) After a state of emergency declared in accordance with Subsection (7)(a) expires,
1100 the chief executive officer may not declare a new state of emergency in response to the same
1101 disaster or occurrence as the expired state of emergency, regardless of whether exigent
1102 circumstances exist.

1103 Section 22. Section **53-2a-1102** is amended to read:

1104 **53-2a-1102. Search and Rescue Financial Assistance Program -- Uses --**
1105 **Rulemaking -- Distribution.**

1106 (1) As used in this section:

1107 (a) "Assistance card program" means the Utah Search and Rescue Assistance Card
1108 Program created within this section.

1109 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a
1110 participant.

1111 (c) "Participant" means an individual, family, or group who is registered pursuant to
1112 this section as having a valid card at the time search, rescue, or both are provided.

1113 (d) "Program" means the Search and Rescue Financial Assistance Program created
1114 within this section.

1115 (e) (i) "Reimbursable base expenses" means those reasonable expenses incidental to

1116 search and rescue activities.

1117 (ii) "Reimbursable base expenses" include:

1118 (A) rental for fixed wing aircraft, snowmobiles, boats, and generators;

1119 (B) replacement and upgrade of search and rescue equipment;

1120 (C) training of search and rescue volunteers;

1121 (D) costs of providing life insurance and workers' compensation benefits for volunteer

1122 search and rescue team members under Section 67-20-7.5; and

1123 (E) any other equipment or expenses necessary or appropriate for conducting search

1124 and rescue activities.

1125 (iii) "Reimbursable base expenses" do not include any salary or overtime paid to an

1126 individual on a regular or permanent payroll, including permanent part-time employees of any

1127 agency of the state.

1128 (f) "Rescue" means search services, rescue services, or both search and rescue services.

1129 (2) There is created the Search and Rescue Financial Assistance Program within the

1130 division.

1131 (3) (a) The financial program and the assistance card program shall be funded from the

1132 following revenue sources:

1133 (i) any voluntary contributions to the state received for search and rescue operations;

1134 (ii) money received by the state under Subsection (11) and under Sections ~~[23-19-42]~~

1135 23A-4-209, 41-22-34, and 73-18-24;

1136 (iii) money deposited under Subsection 59-12-103(14);

1137 (iv) contributions deposited in accordance with Section 41-1a-230.7; and

1138 (v) appropriations made to the program by the Legislature.

1139 (b) Money received from the revenue sources in Subsections (3)(a)(i), (ii), and (iv), and

1140 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the General Fund

1141 as a dedicated credit to be used solely for the program.

1142 (c) Ten percent of the money described in Subsection (3)(a)(iii) shall be deposited into

1143 the General Fund as a dedicated credit to be used solely to promote the assistance card

1144 program.

1145 (d) Funding for the program is nonlapsing.

1146 (4) Subject to Subsections (3)(b) and (c), the director shall use the money described in

1147 this section to reimburse counties for all or a portion of each county's reimbursable base
1148 expenses for search and rescue operations, subject to:

1149 (a) the approval of the Search and Rescue Advisory Board as provided in Section
1150 53-2a-1104;

1151 (b) money available in the program; and
1152 (c) rules made under Subsection (7).

1153 (5) Money described in Subsection (3) may not be used to reimburse for any paid
1154 personnel costs or paid man hours spent in emergency response and search and rescue related
1155 activities.

1156 (6) The Legislature finds that these funds are for a general and statewide public
1157 purpose.

1158 (7) The division, with the approval of the Search and Rescue Advisory Board, shall
1159 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
1160 consistent with this section:

1161 (a) specifying the costs that qualify as reimbursable base expenses;
1162 (b) defining the procedures of counties to submit expenses and be reimbursed;
1163 (c) defining a participant in the assistance card program, including:
1164 (i) individuals; and
1165 (ii) families and organized groups who qualify as participants;
1166 (d) defining the procedure for issuing a card to a participant;
1167 (e) defining excluded expenses that may not be reimbursed under the program,
1168 including medical expenses;

1169 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card
1170 Program;

1171 (g) establishing the frequency of review of the fee schedule;
1172 (h) providing for the administration of the program; and
1173 (i) providing a formula to govern the distribution of available money among the
1174 counties for uncompensated search and rescue expenses based on:

1175 (i) the total qualifying expenses submitted;
1176 (ii) the number of search and rescue incidents per county population;
1177 (iii) the number of victims that reside outside the county; and

(iv) the number of volunteer hours spent in each county in emergency response and search and rescue related activities per county population.

(8) (a) The division shall, in consultation with the Division of Outdoor Recreation, establish the fee schedule of the Utah Search and Rescue Assistance Card Program under Subsection 63J-1-504(7).

(b) The division shall provide a discount of not less than 10% of the card fee under Subsection (8)(a) to a person who has paid a fee under Section ~~[23-19-42]~~ 23A-4-209, 41-22-34, or 73-18-24 during the same calendar year in which the person applies to be a participant in the assistance card program.

(9) Counties may not bill reimbursable base expenses to an individual for costs incurred for the rescue of an individual, if the individual is a current participant in the Utah Search and Rescue Assistance Card Program at the time of rescue, unless:

(a) the rescuing county finds that the participant acted recklessly in creating a situation resulting in the need for the county to provide rescue services; or

(b) the rescuing county finds that the participant intentionally created a situation resulting in the need for the county to provide rescue services.

(10) (a) There is created the Utah Search and Rescue Assistance Card Program. The program is located within the division.

(b) The program may not be used to cover any expenses, such as medically related expenses, that are not reimbursable base expenses related to the rescue.

(11) (a) To participate in the program, a person shall purchase a search and rescue assistance card from the division by paying the fee as determined by the division in Subsection (8).

(b) The money generated by the fees shall be deposited into the General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program created in this section.

(c) Participation and payment of fees by a person under Sections ~~[23-19-42]~~ 23A-4-209, 41-22-34, and 73-18-24 do not constitute purchase of a card under this section.

(12) The division shall consult with the Division of Outdoor Recreation regarding:

(a) administration of the assistance card program; and

(b) outreach and marketing strategies.

1209 (13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance
1210 Card Program under this section is exempt from being considered insurance as that term is
1211 defined in Section 31A-1-301.

1212 Section 23. Section **53-7-221** is amended to read:

1213 **53-7-221. Exceptions from Utah Fireworks Act.**

1214 (1) Sections 53-7-220 through 53-7-225 do not apply to class A, class B, and class C
1215 explosives that are not for use in Utah, but are manufactured, stored, warehoused, or in transit
1216 for destinations outside of Utah.

1217 (2) Sections 53-7-220 through 53-7-225 do not supersede Section ~~[23-13-7]~~
1218 23A-2-208, regarding use of fireworks and explosives by the Division of Wildlife Resources
1219 and federal game agents.

1220 (3) Section 53-7-225 does not supersede Section 65A-8-212 regarding the authority of
1221 the state forester to close hazardous areas.

1222 Section 24. Section **53-13-103** is amended to read:

1223 **53-13-103. Law enforcement officer.**

1224 (1) (a) "Law enforcement officer" means a sworn and certified peace officer:

1225 (i) who is an employee of a law enforcement agency; and

1226 (ii) whose primary and principal duties consist of the prevention and detection of crime
1227 and the enforcement of criminal statutes or ordinances of this state or any of its political
1228 subdivisions.

1229 (b) "Law enforcement officer" includes the following:

1230 (i) a sheriff or deputy sheriff, chief of police, police officer, or marshal of any county,
1231 city, or town;

1232 (ii) the commissioner of public safety and any member of the Department of Public
1233 Safety certified as a peace officer;

1234 (iii) all persons specified in Sections ~~[23-20-1.5]~~ 23A-5-202 and 79-4-501;

1235 (iv) a police officer employed by a state institution of higher education;

1236 (v) investigators for the Motor Vehicle Enforcement Division;

1237 (vi) investigators for the Department of Insurance, Fraud Division;

1238 (vii) special agents or investigators employed by the attorney general, district attorneys,
1239 and county attorneys;

1240 (viii) employees of the Department of Natural Resources designated as peace officers
1241 by law;

1242 (ix) school district police officers as designated by the board of education for the
1243 school district;

1244 (x) the executive director of the Department of Corrections and any correctional
1245 enforcement or investigative officer designated by the executive director and approved by the
1246 commissioner of public safety and certified by the division;

1247 (xi) correctional enforcement, investigative, or adult probation and parole officers
1248 employed by the Department of Corrections serving on or before July 1, 1993;

1249 (xii) members of a law enforcement agency established by a private college or
1250 university if the agency is certified by the commissioner under Title 53, Chapter 19,
1251 Certification of Private Law Enforcement Agency;

1252 (xiii) airport police officers of any airport owned or operated by the state or any of its
1253 political subdivisions; and

1254 (xiv) transit police officers designated under Section 17B-2a-822.

1255 (2) Law enforcement officers may serve criminal process and arrest violators of any
1256 law of this state and have the right to require aid in executing their lawful duties.

1257 (3) (a) A law enforcement officer has statewide full-spectrum peace officer authority,
1258 but the authority extends to other counties, cities, or towns only when the officer is acting
1259 under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law enforcement officer is
1260 employed by the state.

1261 (b) (i) A local law enforcement agency may limit the jurisdiction in which its law
1262 enforcement officers may exercise their peace officer authority to a certain geographic area.

1263 (ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise
1264 authority outside of the limited geographic area, pursuant to Title 77, Chapter 9, Uniform Act
1265 on Fresh Pursuit, if the officer is pursuing an offender for an offense that occurred within the
1266 limited geographic area.

1267 (c) The authority of law enforcement officers employed by the Department of
1268 Corrections is regulated by Title 64, Chapter 13, Department of Corrections - State Prison.

1269 (4) A law enforcement officer shall, prior to exercising peace officer authority:

1270 (a) (i) have satisfactorily completed the requirements of Section 53-6-205; or

1271 (ii) have met the waiver requirements in Section 53-6-206; and
1272 (b) have satisfactorily completed annual certified training of at least 40 hours per year
1273 as directed by the director of the division, with the advice and consent of the council.

1274 Section 25. Section **57-14-202** is amended to read:

1275 **57-14-202. Use of private land without charge -- Effect.**

1276 (1) Except as provided in Subsection 57-14-204(1), an owner of land who either
1277 directly or indirectly invites or permits without charge, or for a nominal fee of no more than \$1
1278 per year, any person to use the owner's land for any recreational purpose, or an owner of a
1279 public access area open to public recreational access under Title 73, Chapter 29, Public Waters
1280 Access Act, does not:

1281 (a) make any representation or extend any assurance that the land is safe for any
1282 purpose;

1283 (b) confer upon the person the legal status of an invitee or licensee to whom a duty of
1284 care is owed;

1285 (c) assume responsibility for or incur liability for any injury to persons or property
1286 caused by an act or omission of the person or any other person who enters upon the land; or

1287 (d) owe any duty to curtail the owner's use of the land during its use for recreational
1288 purposes.

1289 (2) The limitations of liability provided in this part apply to the owner of land
1290 designated as a migratory bird production area under [~~Title 23, Chapter 28, Migratory Bird~~
1291 ~~Production Area~~] Title 23A, Chapter 13, Migratory Bird Production Area, that is owned and
1292 operated for any purpose allowed under [~~Title 23, Chapter 28, Migratory Bird Production Area~~]
1293 Title 23A, Chapter 13, Migratory Bird Production Area, if:

1294 (a) the owner allows a guest of the owner or, if the owner has shareholders, members,
1295 or partners, a guest of a shareholder, member, or partner of the owner to engage in an activity
1296 with a recreational purpose on that land; and

1297 (b) the guest is not charged.

1298 Section 26. Section **57-14-204** is amended to read:

1299 **57-14-204. Liability not limited where willful or malicious conduct involved or**
1300 **admission fee charged.**

1301 (1) Nothing in this part limits any liability that otherwise exists for:

(a) willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity;

(b) deliberate, willful, or malicious injury to persons or property; or

(c) an injury suffered where the owner of land charges a person to enter or go on the land or use the land for any recreational purpose.

(2) For purposes of Subsection (1)(c), if the land is leased to the state or a subdivision of the state, any consideration received by the owner for the lease is not a charge within the meaning of this section.

(3) Any person who hunts upon a cooperative wildlife management unit, as authorized by ~~[Title 23, Chapter 23, Cooperative Wildlife Management Units]~~ Title 23A, Chapter 7, Cooperative Wildlife Management Units, is not considered to have paid a fee within the meaning of this section.

(4) Owners of a dam or reservoir who allow recreational use of the dam or reservoir and its surrounding area and do not themselves charge a fee for that use, are considered not to have charged for that use within the meaning of Subsection (1)(c), even if the user pays a fee to the Division of State Parks or the Division of Outdoor Recreation for the use of the services and facilities at that dam or reservoir.

(5) The state or a subdivision of the state that owns property purchased for a railway corridor is considered not to have charged for use of the railway corridor within the meaning of Subsection (1)(c), even if the user pays a fee for travel on a privately owned rail car that crosses or travels over the railway corridor of the state or a subdivision of the state:

(a) allows recreational use of the railway corridor and its surrounding area; and

(b) does not charge a fee for that use.

Section 27. Section **58-79-102** is amended to read:

58-79-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) "Compensation" means anything of economic value in excess of \$100 that is paid, loaned, granted, given, donated, or transferred to a hunting guide or outfitter for or in consideration of personal services, materials, or property.

(2) "Hunting" means to locate, pursue, chase, catch, capture, trap, or kill wildlife.

(3) "Hunting guide" means an individual who:

1333 (a) offers or provides hunting guide services on public lands for compensation; and

1334 (b) is retained for compensation by an outfitter.

1335 (4) "Hunting guide services" means to guide, lead, or assist an individual in hunting
1336 wildlife.

1337 (5) "Outfitter" means an individual who offers or provides outfitting or hunting guide
1338 services for compensation to another individual for hunting wildlife on public lands.

1339 (6) (a) "Outfitting services" means providing, for hunting wildlife on public lands:

1340 (i) transportation of people, equipment, supplies, or wildlife to or from a location;

1341 (ii) packing, protecting, or supervising services; or

1342 (iii) hunting guide services.

1343 (b) "Outfitting services" does not include activities undertaken by the Division of
1344 Wildlife Resources or its employees, associates, volunteers, contractors, or agents under
1345 authority granted in [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife Resources
1346 Act.

1347 (7) (a) "Public lands" means any lands owned by the United States, the state, or a
1348 political subdivision or independent entity of the state that are open to the public for purposes
1349 of engaging in a wildlife related activity.

1350 (b) "Public lands" does not include lands owned by the United States, the state, or a
1351 political subdivision or independent entity of the state that are included in a cooperative
1352 wildlife management unit under Subsection [~~23-23-7(5)~~] 23A-7-204(5) so long as the guiding
1353 and outfitting services furnished by the cooperative wildlife management unit are limited to
1354 hunting species of wildlife specifically authorized by the Division of Wildlife Resources in the
1355 unit's management plan.

1356 (8) "Wildlife" means cougar, bear, and big game animals as defined in Subsection
1357 [~~23-13-2(6)~~] 23A-1-101(6).

1358 Section 28. Section **59-2-301.5** is amended to read:

1359 **59-2-301.5. Definitions -- Assessment of property if threatened or endangered**
1360 **species is present.**

1361 (1) As used in this section:

1362 (a) "Endangered" is as defined in Section [~~23-13-2~~] 23A-1-101.

1363 (b) "Threatened" is as defined in Section [~~23-13-2~~] 23A-1-101.

(2) In assessing the fair market value of property, a county assessor shall consider as part of the determination of fair market value whether a threatened or endangered species is present on any portion of the property, including any impacts the presence of the threatened or endangered species has on:

- (a) the functionality of the property;
- (b) the ability to use the property; and
- (c) property rights.

(3) This section does not prohibit a county assessor from including as part of a determination of the fair market value of property any other factor affecting the fair market value of the property.

Section 29. Section **63A-16-803** is amended to read:

63A-16-803. Single sign-on citizen portal -- Creation.

(1) The division shall, in consultation with the entities described in Subsection (4), design and create a single sign-on citizen portal that is:

- (a) a web portal through which an individual may access information and services described in Subsection (2), as agreed upon by the entities described in Subsection (4); and
- (b) secure, centralized, and interconnected.

(2) The division shall ensure that the single sign-on citizen portal allows an individual, at a single point of entry, to:

- (a) access and submit an application for:
 - (i) medical and support programs including:
 - (A) a medical assistance program administered under Title 26, Chapter 18, Medical Assistance Act, including Medicaid;
 - (B) the Children's Health Insurance Program under Title 26, Chapter 40, Utah Children's Health Insurance Act;
 - (C) the Primary Care Network as defined in Section 26-18-416; and
 - (D) the Women, Infants, and Children program administered under 42 U.S.C. Sec. 1786;
 - (ii) unemployment insurance under Title 35A, Chapter 4, Employment Security Act;
 - (iii) workers' compensation under Title 34A, Chapter 2, Workers' Compensation Act;
 - (iv) employment with a state agency;

1395 (v) a driver license or state identification card renewal under Title 53, Chapter 3,
1396 Uniform Driver License Act;

1397 (vi) a birth or death certificate under Title 26, Chapter 2, Utah Vital Statistics Act; and
1398 (vii) a hunting or fishing license under ~~[Title 23, Chapter 19, Licenses, Permits, and~~
1399 ~~Tags]~~ Title 23A, Chapter 4, Licenses, Permits, Certificates of Registration, and Tags;

1400 (b) access the individual's:

1401 (i) transcripts from an institution of higher education described in Section 53B-2-101;
1402 and

1403 (ii) immunization records maintained by the Utah Department of Health;

1404 (c) register the individual's vehicle under Title 41, Chapter 1a, Part 2, Registration,
1405 with the Motor Vehicle Division of the State Tax Commission;

1406 (d) file the individual's state income taxes under Title 59, Chapter 10, Individual
1407 Income Tax Act, beginning December 1, 2020;

1408 (e) access information about positions available for employment with the state; and
1409 (f) access any other service or information the department determines is appropriate in
1410 consultation with the entities described in Subsection (4).

1411 (3) The division shall develop the single sign-on citizen portal using an open platform
1412 that:

1413 (a) facilitates participation in the portal by a state entity;
1414 (b) allows for optional participation in the portal by a political subdivision of the state;
1415 and

1416 (c) contains a link to the State Tax Commission website.

1417 (4) In developing the single sign-on citizen portal, the department shall consult with:

1418 (a) each state executive branch agency that administers a program, provides a service,
1419 or manages applicable information described in Subsection (2);

1420 (b) the Utah League of Cities and Towns;
1421 (c) the Utah Association of Counties; and
1422 (d) other appropriate state executive branch agencies.

1423 (5) The division shall ensure that the single sign-on citizen portal is fully operational
1424 no later than January 1, 2025.

1425 Section 30. Section **63A-17-512** is amended to read:

63A-17-512. Leave of absence with pay for employees with a disability who are covered under other civil service systems.

(1) As used in this section:

(a) "Eligible officer" means a person who qualifies for a benefit under this section.

(b) (i) "Law enforcement officer" means a sworn and certified peace officer who is an employee of a law enforcement agency that is part of or administered by the state, and whose primary and principal duties consist of the prevention and detection of crime and the enforcement of criminal statutes of this state.

(ii) "Law enforcement officer" specifically includes the following:

(A) the commissioner of public safety and any member of the Department of Public Safety certified as a peace officer;

(B) all persons specified in Sections ~~[23-20-1.5]~~ 23A-5-202 and 79-4-501;

(C) investigators for the Motor Vehicle Enforcement Division;

(D) special agents or investigators employed by the attorney general;

(E) employees of the Department of Natural Resources designated as peace officers by law;

(F) the executive director of the Department of Corrections and any correctional enforcement or investigative officer designated by the executive director and approved by the commissioner of public safety and certified by the division; and

(G) correctional enforcement, investigative, or adult probation and parole officers employed by the Department of Corrections serving on or before July 1, 1993.

(c) "State correctional officer" means a correctional officer as defined in Section 53-13-104 who is employed by the Department of Corrections.

(2) (a) A law enforcement officer or state correctional officer who is injured in the course of employment shall be given a leave of absence with 100% of the officer's regular monthly salary and benefits during the period the employee has a temporary disability.

(b) The benefit provided under Subsection (2)(a):

(i) shall be offset as provided under Subsection (4); and

(ii) may not exceed 100% of the officer's regular monthly salary and benefits, including all offsets required under Subsection (4).

(3) (a) A law enforcement officer or state correctional officer who has a total disability

1457 as defined in Section 49-21-102, shall be given a leave of absence with 100% of the officer's
1458 regular monthly salary and benefits until the officer is eligible for an unreduced retirement
1459 under Title 49, Utah State Retirement and Insurance Benefit Act, or reaches the retirement age
1460 of 62 years, whichever occurs first, if:

1461 (i) the disability is a result of an injury sustained while in the lawful discharge of the
1462 officer's duties; and

1463 (ii) the injury is the result of:

1464 (A) a criminal act upon the officer; or

1465 (B) an aircraft, vehicle, or vessel accident and the officer was not negligent in causing
1466 the accident.

1467 (b) The benefit provided under Subsection (3)(a):

1468 (i) shall be offset as provided under Subsection (4); and

1469 (ii) may not exceed 100% of the officer's regular monthly salary and benefits, including
1470 all offsets required under Subsection (4).

1471 (4) (a) The agency shall reduce or require the reimbursement of the monthly benefit
1472 provided under this section by any amount received by, or payable to, the eligible officer for
1473 the same period of time during which the eligible officer is entitled to receive a monthly
1474 disability benefit under this section.

1475 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1476 division shall make rules establishing policies and procedures for the reductions required under
1477 Subsection (4)(a).

1478 Section 31. Section **63G-7-201** is amended to read:

1479 **63G-7-201. Immunity of governmental entities and employees from suit.**

1480 (1) Except as otherwise provided in this chapter, each governmental entity and each
1481 employee of a governmental entity are immune from suit for any injury that results from the
1482 exercise of a governmental function.

1483 (2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a
1484 governmental entity, its officers, and its employees are immune from suit:

1485 (a) as provided in Section 78B-4-517; and

1486 (b) for any injury or damage resulting from the implementation of or the failure to
1487 implement measures to:

1488 (i) control the causes of epidemic and communicable diseases and other conditions
1489 significantly affecting the public health or necessary to protect the public health as set out in
1490 Title 26A, Chapter 1, Local Health Departments;

1491 (ii) investigate and control suspected bioterrorism and disease as set out in Title 26,
1492 Chapter 23b, Detection of Public Health Emergencies Act;

1493 (iii) respond to a national, state, or local emergency, a public health emergency as
1494 defined in Section 26-23b-102, or a declaration by the President of the United States or other
1495 federal official requesting public health related activities, including the use, provision,
1496 operation, and management of:

1497 (A) an emergency shelter;

1498 (B) housing;

1499 (C) a staging place; or

1500 (D) a medical facility; and

1501 (iv) adopt methods or measures, in accordance with Section 26-1-30, for health care
1502 providers, public health entities, and health care insurers to coordinate among themselves to
1503 verify the identity of the individuals they serve.

1504 (3) A governmental entity, its officers, and its employees are immune from suit, and
1505 immunity is not waived, for any injury if the injury arises out of or in connection with, or
1506 results from:

1507 (a) a latent dangerous or latent defective condition of:

1508 (i) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, or
1509 viaduct; or

1510 (ii) another structure located on any of the items listed in Subsection (3)(a)(i); or

1511 (b) a latent dangerous or latent defective condition of any public building, structure,
1512 dam, reservoir, or other public improvement.

1513 (4) A governmental entity, its officers, and its employees are immune from suit, and
1514 immunity is not waived, for any injury proximately caused by a negligent act or omission of an
1515 employee committed within the scope of employment, if the injury arises out of or in
1516 connection with, or results from:

1517 (a) the exercise or performance, or the failure to exercise or perform, a discretionary
1518 function, whether or not the discretion is abused;

1519 (b) except as provided in Subsections 63G-7-301(2)(j), (3), and (4), assault, battery,
1520 false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of process,
1521 libel, slander, deceit, interference with contract rights, infliction of mental anguish, or violation
1522 of civil rights;

1523 (c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue,
1524 deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar
1525 authorization;

1526 (d) a failure to make an inspection or making an inadequate or negligent inspection;

1527 (e) the institution or prosecution of any judicial or administrative proceeding, even if
1528 malicious or without probable cause;

1529 (f) a misrepresentation by an employee whether or not the misrepresentation is
1530 negligent or intentional;

1531 (g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;

1532 (h) the collection or assessment of taxes;

1533 (i) an activity of the Utah National Guard;

1534 (j) the incarceration of a person in a state prison, county or city jail, or other place of
1535 legal confinement;

1536 (k) a natural condition on publicly owned or controlled land;

1537 (l) a condition existing in connection with an abandoned mine or mining operation;

1538 (m) an activity authorized by the School and Institutional Trust Lands Administration
1539 or the Division of Forestry, Fire, and State Lands;

1540 (n) the operation or existence of a pedestrian or equestrian trail that is along a ditch,
1541 canal, stream, or river, regardless of ownership or operation of the ditch, canal, stream, or river,
1542 if:

1543 (i) the trail is designated under a general plan adopted by a municipality under Section
1544 10-9a-401 or by a county under Section 17-27a-401;

1545 (ii) the trail right-of-way or the right-of-way where the trail is located is open to public
1546 use as evidenced by a written agreement between:

1547 (A) the owner or operator of the trail right-of-way or of the right-of-way where the trail
1548 is located; and

1549 (B) the municipality or county where the trail is located; and

1550 (iii) the written agreement:

1551 (A) contains a plan for operation and maintenance of the trail; and

1552 (B) provides that an owner or operator of the trail right-of-way or of the right-of-way

1553 where the trail is located has, at a minimum, the same level of immunity from suit as the

1554 governmental entity in connection with or resulting from the use of the trail;

1555 (o) research or implementation of cloud management or seeding for the clearing of fog;

1556 (p) the management of flood waters, earthquakes, or natural disasters;

1557 (q) the construction, repair, or operation of flood or storm systems;

1558 (r) the operation of an emergency vehicle, while being driven in accordance with the

1559 requirements of Section 41-6a-212;

1560 (s) the activity of:

1561 (i) providing emergency medical assistance;

1562 (ii) fighting fire;

1563 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;

1564 (iv) an emergency evacuation;

1565 (v) transporting or removing an injured person to a place where emergency medical

1566 assistance can be rendered or where the person can be transported by a licensed ambulance

1567 service; or

1568 (vi) intervening during a dam emergency;

1569 (t) the exercise or performance, or the failure to exercise or perform, any function

1570 pursuant to Title 73, Chapter 10, Board of Water Resources - Division of Water Resources;

1571 (u) an unauthorized access to government records, data, or electronic information

1572 systems by any person or entity;

1573 (v) an activity of wildlife, as defined in Section ~~[23-13-2]~~ 23A-1-101, that arises during

1574 the use of a public or private road; or

1575 (w) a communication between employees of one or more law enforcement agencies

1576 related to the employment, disciplinary history, character, professional competence, or physical

1577 or mental health of a peace officer, or a former, current, or prospective employee of a law

1578 enforcement agency, including any communication made in accordance with Section

1579 53-14-101.

1580 Section 32. Section **63G-21-201** is amended to read:

63G-21-201. Limited authorization to provide state services at post office locations.

(1) If allowed by federal law, a designated agency may negotiate and enter into an agreement with USPS that allows USPS to provide one or more state services at one or more post office locations within the state.

(2) The designated agency shall ensure that the agreement described in Subsection (1) includes:

- (a) the term of the agreement, which may not extend beyond July 1, 2028;
- (b) provisions to ensure the security of state data and resources;
- (c) provisions to provide training to USPS employees on how to provide each state service in the agreement;
- (d) except as provided in Subsection (2)(e), provisions authorizing compensation to USPS for at least 100% of attributable costs of all property and services that USPS provides under the agreement; and
- (e) if the agreement is between USPS and the Division of Wildlife Resources to sell fishing, hunting, or trapping licenses, provisions requiring compliance with Section ~~[23-19-15]~~ 23A-4-501 and 23A-4-502 regarding wildlife license agents, including remuneration for services rendered.

(3) After one or more designated agencies enter into an agreement described in Subsection (1), the Governor's Office of Economic Opportunity shall create a marketing campaign to advertise and promote the availability of state services at each selected USPS location.

Section 33. Section **63I-1-223** is amended to read:

63I-1-223. Repeal dates: Title 23A.

(1) Section ~~[23-14-2.5]~~ 23A-2-302, which creates the Wildlife Board Nominating Committee, is repealed July 1, 2023.

(2) Section ~~[23-14-2.6]~~ 23A-2-303, which creates regional advisory councils for the Wildlife Board, is repealed July 1, 2023.

Section 34. Section **63I-2-223** is amended to read:

63I-2-223. Repeal dates: Title 23A.

1611 Section 35. Section **63J-1-602.1** is amended to read:

1612 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

1613 Appropriations made from the following accounts or funds are nonlapsing:

1614 (1) The Utah Intracurricular Student Organization Support for Agricultural Education

1615 and Leadership Restricted Account created in Section 4-42-102.

1616 (2) The Native American Repatriation Restricted Account created in Section 9-9-407.

1617 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in

1618 Section 9-18-102.

1619 (4) The National Professional Men's Soccer Team Support of Building Communities

1620 Restricted Account created in Section 9-19-102.

1621 (5) Funds collected for directing and administering the C-PACE district created in

1622 Section 11-42a-106.

1623 (6) Money received by the Utah Inland Port Authority, as provided in Section

1624 11-58-105.

1625 (7) The "Latino Community Support Restricted Account" created in Section 13-1-16.

1626 (8) The Clean Air Support Restricted Account created in Section 19-1-109.

1627 (9) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in

1628 Section 19-2a-106.

1629 (10) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in

1630 Section 19-5-126.

1631 (11) The "Support for State-Owned Shooting Ranges Restricted Account" created in

1632 Section [~~23-14-13.5~~] 23A-3-203.

1633 (12) Award money under the State Asset Forfeiture Grant Program, as provided under

1634 Section 24-4-117.

1635 (13) Funds collected from the program fund for local health department expenses

1636 incurred in responding to a local health emergency under Section 26-1-38.

1637 (14) The Children with Cancer Support Restricted Account created in Section

1638 26-21a-304.

1639 (15) State funds for matching federal funds in the Children's Health Insurance Program

1640 as provided in Section 26-40-108.

1641 (16) The Children with Heart Disease Support Restricted Account created in Section

- 1642 26-58-102.
- 1643 (17) The Technology Development Restricted Account created in Section 31A-3-104.
- 1644 (18) The Criminal Background Check Restricted Account created in Section
- 1645 31A-3-105.
- 1646 (19) The Captive Insurance Restricted Account created in Section 31A-3-304, except
- 1647 to the extent that Section 31A-3-304 makes the money received under that section free revenue.
- 1648 (20) The Title Licensee Enforcement Restricted Account created in Section
- 1649 31A-23a-415.
- 1650 (21) The Health Insurance Actuarial Review Restricted Account created in Section
- 1651 31A-30-115.
- 1652 (22) The Insurance Fraud Investigation Restricted Account created in Section
- 1653 31A-31-108.
- 1654 (23) The Underage Drinking Prevention Media and Education Campaign Restricted
- 1655 Account created in Section 32B-2-306.
- 1656 (24) The Drinking While Pregnant Prevention Media and Education Campaign
- 1657 Restricted Account created in Section 32B-2-308.
- 1658 (25) The School Readiness Restricted Account created in Section 35A-15-203.
- 1659 (26) Money received by the Utah State Office of Rehabilitation for the sale of certain
- 1660 products or services, as provided in Section 35A-13-202.
- 1661 (27) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 1662 (28) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 1663 (29) The Division of Oil, Gas, and Mining Restricted account created in Section
- 1664 40-6-23.
- 1665 (30) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to
- 1666 the Motor Vehicle Division.
- 1667 (31) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
- 1668 created by Section 41-3-110 to the State Tax Commission.
- 1669 (32) The Utah Law Enforcement Memorial Support Restricted Account created in
- 1670 Section 53-1-120.
- 1671 (33) The State Disaster Recovery Restricted Account to the Division of Emergency
- 1672 Management, as provided in Section 53-2a-603.

- 1673 (34) The Post Disaster Recovery and Mitigation Restricted Account created in Section
1674 53-2a-1302.
- 1675 (35) The Department of Public Safety Restricted Account to the Department of Public
1676 Safety, as provided in Section 53-3-106.
- 1677 (36) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
1678 53-8-303.
- 1679 (37) The DNA Specimen Restricted Account created in Section 53-10-407.
- 1680 (38) The Canine Body Armor Restricted Account created in Section 53-16-201.
- 1681 (39) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.
- 1682 (40) The Higher Education Capital Projects Fund created in Section 53B-22-202.
- 1683 (41) A certain portion of money collected for administrative costs under the School
1684 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 1685 (42) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5,
1686 subject to Subsection 54-5-1.5(4)(d).
- 1687 (43) Funds collected from a surcharge fee to provide certain licensees with access to an
1688 electronic reference library, as provided in Section 58-3a-105.
- 1689 (44) Certain fines collected by the Division of Professional Licensing for violation of
1690 unlawful or unprofessional conduct that are used for education and enforcement purposes, as
1691 provided in Section 58-17b-505.
- 1692 (45) Funds collected from a surcharge fee to provide certain licensees with access to an
1693 electronic reference library, as provided in Section 58-22-104.
- 1694 (46) Funds collected from a surcharge fee to provide certain licensees with access to an
1695 electronic reference library, as provided in Section 58-55-106.
- 1696 (47) Funds collected from a surcharge fee to provide certain licensees with access to an
1697 electronic reference library, as provided in Section 58-56-3.5.
- 1698 (48) Certain fines collected by the Division of Professional Licensing for use in
1699 education and enforcement of the Security Personnel Licensing Act, as provided in Section
1700 58-63-103.
- 1701 (49) The Relative Value Study Restricted Account created in Section 59-9-105.
- 1702 (50) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 1703 (51) Funds paid to the Division of Real Estate for the cost of a criminal background

1704 check for a mortgage loan license, as provided in Section 61-2c-202.

1705 (52) Funds paid to the Division of Real Estate for the cost of a criminal background
1706 check for principal broker, associate broker, and sales agent licenses, as provided in Section
1707 61-2f-204.

1708 (53) Certain funds donated to the Department of Health and Human Services, as
1709 provided in Section 26B-1-202.

1710 (54) The National Professional Men's Basketball Team Support of Women and
1711 Children Issues Restricted Account created in Section 26B-1-302.

1712 (55) Certain funds donated to the Division of Child and Family Services, as provided
1713 in Section 80-2-404.

1714 (56) The Choose Life Adoption Support Restricted Account created in Section
1715 80-2-502.

1716 (57) Funds collected by the Office of Administrative Rules for publishing, as provided
1717 in Section 63G-3-402.

1718 (58) The Immigration Act Restricted Account created in Section 63G-12-103.

1719 (59) Money received by the military installation development authority, as provided in
1720 Section 63H-1-504.

1721 (60) The Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.

1722 (61) The Unified Statewide 911 Emergency Service Account created in Section
1723 63H-7a-304.

1724 (62) The Utah Statewide Radio System Restricted Account created in Section
1725 63H-7a-403.

1726 (63) The Utah Capital Investment Restricted Account created in Section 63N-6-204.

1727 (64) The Motion Picture Incentive Account created in Section 63N-8-103.

1728 (65) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
1729 as provided under Section 63N-10-301.

1730 (66) Funds collected by the housing of state probationary inmates or state parole
1731 inmates, as provided in Subsection 64-13e-104(2).

1732 (67) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
1733 and State Lands, as provided in Section 65A-8-103.

1734 (68) The Amusement Ride Safety Restricted Account, as provided in Section

1735 72-16-204.

1736 (69) Certain funds received by the Office of the State Engineer for well drilling fines or

1737 bonds, as provided in Section 73-3-25.

1738 (70) The Water Resources Conservation and Development Fund, as provided in

1739 Section 73-23-2.

1740 (71) Funds donated or paid to a juvenile court by private sources, as provided in

1741 Subsection 78A-6-203(1)(c).

1742 (72) Fees for certificate of admission created under Section 78A-9-102.

1743 (73) Funds collected for adoption document access as provided in Sections 78B-6-141,

1744 78B-6-144, and 78B-6-144.5.

1745 (74) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,

1746 Utah Indigent Defense Commission.

1747 (75) The Utah Geological Survey Oil, Gas, and Mining Restricted Account created in

1748 Section 79-3-403.

1749 (76) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State

1750 Park, and Green River State Park, as provided under Section 79-4-403.

1751 (77) Funds donated as described in Section 41-1a-422 for the State Park Fees

1752 Restricted Account created in Section 79-4-402 for support of the Division of State Parks' dark

1753 sky initiative.

1754 (78) Certain funds received by the Division of State Parks from the sale or disposal of

1755 buffalo, as provided under Section 79-4-1001.

1756 Section 36. Section **63J-1-602.2** is amended to read:

1757 **63J-1-602.2. List of nonlapsing appropriations to programs.**

1758 Appropriations made to the following programs are nonlapsing:

1759 (1) The Legislature and the Legislature's committees.

1760 (2) The State Board of Education, including all appropriations to agencies, line items,

1761 and programs under the jurisdiction of the State Board of Education, in accordance with

1762 Section 53F-9-103.

1763 (3) The Percent-for-Art Program created in Section 9-6-404.

1764 (4) The LeRay McAllister Critical Land Conservation Program created in Section

1765 4-46- 301.

1766 (5) The Utah Lake Authority created in Section 11-65-201.

1767 (6) Dedicated credits accrued to the Utah Marriage Commission as provided under

1768 Subsection 17-16-21(2)(d)(ii).

1769 ~~[(7) The Division of Wildlife Resources for the appraisal and purchase of lands under~~

1770 ~~the Pelican Management Act, as provided in Section 23-21a-6.]~~

1771 ~~[(8)]~~ (7) The Emergency Medical Services Grant Program in Section 26-8a-207.

1772 ~~[(9)]~~ (8) The primary care grant program created in Section 26-10b-102.

1773 ~~[(10)]~~ (9) Sanctions collected as dedicated credits from Medicaid providers under

1774 Subsection 26-18-3(7).

1775 ~~[(11)]~~ (10) The Utah Health Care Workforce Financial Assistance Program created in

1776 Section 26-46-102.

1777 ~~[(12)]~~ (11) The Rural Physician Loan Repayment Program created in Section

1778 26-46a-103.

1779 ~~[(13)]~~ (12) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.

1780 ~~[(14)]~~ (13) The Utah Medical Education Council for the:

1781 (a) administration of the Utah Medical Education Program created in Section

1782 26-69-403;

1783 (b) provision of medical residency grants described in Section 26-69-407; and

1784 (c) provision of the forensic psychiatric fellowship grant described in Section

1785 26-69-408.

1786 ~~[(15)]~~ (14) Funds that the Department of Alcoholic Beverage Services retains in

1787 accordance with Subsection 32B-2-301(8)(a) or (b).

1788 ~~[(16)]~~ (15) The General Assistance program administered by the Department of

1789 Workforce Services, as provided in Section 35A-3-401.

1790 ~~[(17)]~~ (16) The Utah National Guard, created in Title 39, Militia and Armories.

1791 ~~[(18)]~~ (17) The State Tax Commission under Section 41-1a-1201 for the:

1792 (a) purchase and distribution of license plates and decals; and

1793 (b) administration and enforcement of motor vehicle registration requirements.

1794 ~~[(19)]~~ (18) The Search and Rescue Financial Assistance Program, as provided in

1795 Section 53-2a-1102.

1796 ~~[(20)]~~ (19) The Motorcycle Rider Education Program, as provided in Section 53-3-905.

1797 ~~[(21)]~~ (20) The Utah Board of Higher Education for teacher preparation programs, as
1798 provided in Section 53B-6-104.

1799 ~~[(22)]~~ (21) Innovation grants under Section 53G-10-608, except as provided in
1800 Subsection 53G-10-608(6).

1801 ~~[(23)]~~ (22) The Division of Services for People with Disabilities, as provided in
1802 Section 62A-5-102.

1803 ~~[(24)]~~ (23) The Division of Fleet Operations for the purpose of upgrading underground
1804 storage tanks under Section 63A-9-401.

1805 ~~[(25)]~~ (24) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.

1806 ~~[(26)]~~ (25) The Division of Technology Services for technology innovation as provided
1807 under Section 63A-16-903.

1808 ~~[(27)]~~ (26) The Office of Administrative Rules for publishing, as provided in Section
1809 63G-3-402.

1810 ~~[(28)]~~ (27) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
1811 Colorado River Authority of Utah Act.

1812 ~~[(29)]~~ (28) The Governor's Office of Economic Opportunity to fund the Enterprise
1813 Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

1814 ~~[(30)]~~ (29) The Governor's Office of Economic Opportunity's Rural Employment
1815 Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment
1816 Expansion Program.

1817 ~~[(31)]~~ (30) Programs for the Jordan River Recreation Area as described in Section
1818 65A-2-8.

1819 ~~[(32)]~~ (31) The Division of Human Resource Management user training program, as
1820 provided in Section 63A-17-106.

1821 ~~[(33)]~~ (32) A public safety answering point's emergency telecommunications service
1822 fund, as provided in Section 69-2-301.

1823 ~~[(34)]~~ (33) The Traffic Noise Abatement Program created in Section 72-6-112.

1824 ~~[(35)]~~ (34) The money appropriated from the Navajo Water Rights Negotiation
1825 Account to the Division of Water Rights, created in Section 73-2-1.1, for purposes of
1826 participating in a settlement of federal reserved water right claims.

1827 ~~[(36)]~~ (35) The Judicial Council for compensation for special prosecutors, as provided

1828 in Section 77-10a-19.

1829 ~~[(37)]~~ (36) A state rehabilitative employment program, as provided in Section
1830 78A-6-210.

1831 ~~[(38)]~~ (37) The Utah Geological Survey, as provided in Section 79-3-401.

1832 ~~[(39)]~~ (38) The Bonneville Shoreline Trail Program created under Section 79-5-503.

1833 ~~[(40)]~~ (39) Adoption document access as provided in Sections 78B-6-141, 78B-6-144,
1834 and 78B-6-144.5.

1835 ~~[(41)]~~ (40) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
1836 Defense Commission.

1837 ~~[(42)]~~ (41) The program established by the Division of Facilities Construction and
1838 Management under Section 63A-5b-703 under which state agencies receive an appropriation
1839 and pay lease payments for the use and occupancy of buildings owned by the Division of
1840 Facilities Construction and Management.

1841 ~~[(43)]~~ (42) The State Tax Commission for reimbursing counties for deferred property
1842 taxes in accordance with Section 59-2-1802.

1843 Section 37. Section **63L-7-106** is amended to read:

1844 **63L-7-106. Use of protected wilderness areas.**

1845 (1) Except as otherwise provided in this chapter, each agency administering any area
1846 designated as a protected wilderness area shall be responsible for preserving the wilderness
1847 character of the area and shall administer such area for the purposes for which it may have been
1848 established to preserve its wilderness character.

1849 (2) Except as specifically provided in this chapter, and subject to valid existing rights,
1850 there shall be:

1851 (a) no commercial enterprise and no permanent road within any protected wilderness
1852 area designated by this chapter; and

1853 (b) no temporary road, no use of motor vehicles, motorized equipment or motorboats,
1854 no landing of aircraft, no other form of mechanical transport, and no structure or installation
1855 with any such area except as necessary to meet minimum requirements for the administration
1856 of the area for the purpose of this chapter, including measures required in emergencies
1857 involving the health and safety of persons within the area.

1858 (3) Except as otherwise provided in this chapter, a protected wilderness area shall be

devoted to the public purposes of:

- (a) recreation, including hunting, trapping, and fishing;
- (b) conservation; and
- (c) scenic, scientific, educational, and historical use.
- (4) Commercial services may be performed within a protected wilderness area to the extent necessary to support the activities described in Subsection (3).
- (5) Within an area designated as a protected wilderness area by this chapter:
 - (a) subject to the rules established by DNR, the use of a motor vehicle, aircraft, or motorboat is authorized where:
 - (i) the use of a motor vehicle, aircraft, or motorboat is already established;
 - (ii) the motor vehicle, aircraft, or motorboat is used by the Division of Wildlife Resources in furtherance of its wildlife management responsibilities, as described in ~~[Title 23, Wildlife Resources Code of Utah]~~ Title 23A, Wildlife Resources Act; or
 - (iii) the use of a motor vehicle, aircraft, or motorboat is necessary for emergency services or law enforcement purposes; and
 - (b) measures may be taken, under the direction of the director of the Division of Forestry, Fire, and State Lands, as necessary to manage fire, insects, habitat, and diseases.
- (6) Nothing in this chapter shall prevent, within a designated protected wilderness area, any activity, including prospecting, if the activity is conducted in a manner compatible with the preservation of the wilderness environment, subject to such conditions as the executive director of DNR considers desirable.
- (7) The executive director of DNR shall develop and conduct surveys of wilderness areas:
 - (a) on a planned, recurring basis;
 - (b) in a manner consistent with wildlife management and preservation principles;
 - (c) in order to determine the mineral values, if any, that may be present in wilderness areas; and
 - (d) make a completed survey available to the public, the governor, and the Legislature.
- (8) Notwithstanding any other provision of this chapter, until midnight December 31, 2034:
 - (a) state laws pertaining to mining and mineral leasing shall, to the extent applicable

1890 before May 13, 2014, extend to wilderness areas designated under this chapter, subject to
1891 reasonable regulation governing ingress and egress as may be prescribed by the executive
1892 director of DNR, consistent with the use of the land for:

1893 (i) mineral location and development;
1894 (ii) exploration, drilling, and production; and
1895 (iii) use of land for transmission lines, waterlines, telephone lines, or facilities
1896 necessary in exploring, drilling, producing, mining, and processing operations, including the
1897 use of mechanized ground or air equipment when necessary, if restoration of the disturbed land
1898 is practicable and performed as soon as the land has served its purpose; and

1899 (b) mining locations lying within the boundaries of a protected wilderness area that
1900 existed as of the date of acquisition shall be held and used solely for mining or processing
1901 operations, and uses that are reasonably related to an underlying mining or processing
1902 operation.

1903 (9) Any newly issued mineral lease, permit, or license for land within a wilderness area
1904 shall contain stipulations, as may be determined by the executive director of DNR in
1905 consultation with the director of the Division of Oil, Gas, and Mining, for the protection of the
1906 wilderness character of the land, consistent with the use of the land for the purpose for which it
1907 is leased, permitted, or licensed.

1908 (10) Subject to valid rights then existing, effective January 1, 2015, the minerals in all
1909 lands designated by this chapter as wilderness areas are withdrawn from disposition under all
1910 laws pertaining to mineral leasing.

1911 (11) Mineral leases shall not be permitted within protected wilderness areas.

1912 (12) The governor may, within protected wilderness areas, authorize:

1913 (a) prospecting for water resources;

1914 (b) the establishment and maintenance of reservoirs, water-conservation works, power
1915 projects, transmission lines, and other facilities needed in developing water resources,
1916 including road construction and essential maintenance; and

1917 (c) subject to Subsection (13), the grazing of livestock, if the practice of grazing
1918 livestock was established as of the effective date of this chapter.

1919 (13) The commissioner of the Department of Agriculture and Food may make
1920 regulations as necessary to govern the grazing of livestock on a protected wilderness area.

Section 38. Section **63L-8-303** is amended to read:

63L-8-303. Management of use, occupancy, and development of public land.

(1) As used in this section, "casual" means activity that:

(a) occurs irregularly; and

(b) is non-commercial.

(2) (a) Except as provided in Subsection (2)(b), the director shall manage the public land under principles of multiple use and sustained yield, in accordance with land use plans developed by the DLM.

(b) Where a tract of public land has been dedicated to a specific use according to a provision of law, legal encumbrance, or contractual obligation, it shall be managed in accordance with those provisions.

(3) (a) The director shall, subject to Subsection (3)(b) and other applicable law, authorize use of the public land through land use authorizations.

(b) The director may permit state departments, agencies, and local governments to use, occupy, and develop public land through rights-of-way or other cooperative agreements.

(c) The director may authorize use of the land through specific programs, such as:

(i) the collection of firewood, nuts, or the casual gathering of other organic products;

(ii) camping or other casual use;

(iii) rockhounding, building stone, or the gathering of other rock products; or

(iv) other casual uses.

(d) The programs described in Subsection (3)(c) may require the issuance of a permit and collection of a reasonable fee, if necessary.

(e) Nothing in this chapter shall be construed as:

(i) authorizing the director to:

(A) require permits to hunt and fish on public land and adjacent water beyond those approved by the Wildlife Board pursuant to ~~[Title 23, Wildlife Resources Code of Utah]~~ Title 23A, Wildlife Resources Act; or

(B) to close public land or areas of public land to hunting, fishing, or trapping, except as provided in Subsection (3)(f); or

(ii) enlarging or diminishing the responsibility and authority of the Wildlife Board or Division of Wildlife Resources for management of fish and resident wildlife on public land

1952 pursuant to [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife Resources Act.

1953 (f) The director may designate areas of public land where, and establish periods when,
1954 no hunting will be permitted on public land for reasons of public safety, administration, or
1955 compliance with provisions of applicable law.

1956 (4) Subject to Subsection (5), the director shall insert in any land use authorization
1957 providing for the use, occupancy, or development of the public land, a provision authorizing
1958 revocation or suspension, after notice and hearing, of the authorization upon a final
1959 administrative finding of a violation of any term or condition of the authorization.

1960 (5) (a) The director may immediately revoke or suspend a land use authorization if,
1961 after notice and administrative hearing, there is an administrative finding that the holder
1962 violated a term or condition of the authorization.

1963 (b) If a holder of an authorization rectifies the violation that formed the basis of the
1964 director's suspension under Subsection (5)(a), the director may terminate the suspension.

1965 (6) The director may order an immediate temporary suspension before a hearing or
1966 final administrative finding if the director determines that a suspension is necessary to protect:

- 1967 (a) health or safety; or
1968 (b) the environment.

1969 (7) Use of public land pursuant to a general authorization under this section shall be
1970 limited to areas where the use is consistent with the applicable land use plans prepared
1971 pursuant to Section 63L-8-202.

1972 (8) A general authorization for the use of public land shall be subject to:

1973 (a) a requirement that the using party shall be responsible for any necessary cleanup
1974 and decontamination of the land used; and

1975 (b) terms and conditions, including restrictions on use of off-road or all-terrain
1976 vehicles, as the director deems appropriate.

1977 (9) A general authorization issued pursuant to this section:

1978 (a) may not be for a term exceeding five years; and

1979 (b) shall be revoked in whole or in part, as the director finds necessary, upon a
1980 determination by the director that:

1981 (i) there has been a failure to comply with its terms and conditions; or

1982 (ii) activities permitted by the authorization have had, or might have, a significant

1983 adverse impact on the resources or values of the affected lands.

1984 (10) Each specific use of a particular area of public land pursuant to a general
1985 authorization under this section is subject to:

1986 (a) specific authorization by the director; and

1987 (b) appropriate terms and conditions, as described in this section.

1988 (11) An authorization under this section may not authorize the construction of
1989 permanent structures or facilities on the public land.

1990 (12) No one may use or occupy public land without appropriate authorization.

1991 Section 39. Section **63L-8-304** is amended to read:

1992 **63L-8-304. Enforcement authority.**

1993 (1) The director shall issue rules as necessary to implement the provisions of this
1994 chapter with respect to the management, use, and protection of the public land and property
1995 located on the public land.

1996 (2) At the request of the director, the attorney general may institute a civil action in a
1997 district court for an injunction or other appropriate remedy to prevent any person from utilizing
1998 public land in violation of this chapter or rules issued by the director under this chapter.

1999 (3) The use, occupancy, or development of any portion of the public land contrary to
2000 any rule issued by the DLM in accordance with this chapter, and without proper authorization,
2001 is unlawful and prohibited.

2002 (4) (a) The locally elected county sheriff is the primary law enforcement authority with
2003 jurisdiction on public land to enforce:

2004 (i) all the laws of this state; and

2005 (ii) this chapter and rules issued by the director pursuant to Subsection (1).

2006 (b) The governor may utilize the Department of Public Safety for the purposes of
2007 assisting the county sheriff in enforcing:

2008 (i) all the laws of this state and this chapter; and

2009 (ii) rules issued by the director pursuant to Subsection (1).

2010 (c) Conservation officers employed by the Division of Wildlife Resources have
2011 authority to enforce the laws and regulations under [~~Title 23, Wildlife Resources Code of Utah~~]
2012 Title 23A, Wildlife Resources Act, for the sake of any protected wildlife.

2013 (d) A conservation officer shall work cooperatively with the locally elected county

2014 sheriff to enforce the laws and regulations under [~~Title 23, Wildlife Resources Code of Utah~~]
2015 Title 23A, Wildlife Resources Act, for the sake of protected wildlife.

2016 (e) Nothing herein shall be construed as enlarging or diminishing the responsibility or
2017 authority of a state certified peace officer in performing the officer's duties on public land.

2018 Section 40. Section **72-9-501** is amended to read:

2019 **72-9-501. Construction, operation, and maintenance of ports-of-entry by the**
2020 **department -- Function of ports-of-entry -- Checking and citation powers of port-of-entry**
2021 **agents.**

2022 (1) (a) The department shall construct ports-of-entry for the purpose of checking motor
2023 carriers, drivers, vehicles, and vehicle loads for compliance with state and federal laws
2024 including laws relating to:

2025 (i) driver qualifications;

2026 (ii) Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act;

2027 (iii) vehicle registration;

2028 (iv) fuel tax payment;

2029 (v) vehicle size, weight, and load;

2030 (vi) security or insurance;

2031 (vii) this chapter;

2032 (viii) hazardous material as defined under 49 U.S.C. Sec. 5102; and

2033 (ix) safety.

2034 (b) The ports-of-entry shall be located on state highways at sites determined by the
2035 department.

2036 (2) (a) The ports-of-entry shall be operated and maintained by the department.

2037 (b) A port-of-entry agent or a peace officer may check, inspect, or test drivers, vehicles,
2038 and vehicle loads for compliance with state and federal laws specified in Subsection (1).

2039 (3) (a) A port-of-entry agent or a peace officer, in whose presence an offense described
2040 in this section is committed, may:

2041 (i) issue and deliver a misdemeanor or infraction citation under Section 77-7-18;

2042 (ii) request and administer chemical tests to determine blood alcohol concentration in
2043 compliance with Section 41-6a-515;

2044 (iii) place a driver out-of-service in accordance with Section 53-3-417; and

(iv) serve a driver with notice of the Driver License Division of the Department of Public Safety's intention to disqualify the driver's privilege to drive a commercial motor vehicle in accordance with Section 53-3-418.

(b) This section does not grant actual arrest powers as defined in Section 77-7-1 to a port-of-entry agent who is not a peace officer or special function officer designated under Title 53, Chapter 13, Peace Officer Classifications.

(4) (a) A port-of-entry agent, a peace officer, or the Division of Wildlife Resources may inspect, detain, or quarantine a conveyance or equipment in accordance with Sections ~~[23-27-301]~~ 23A-10-301 and ~~[23-27-302]~~ 23A-10-302.

(b) The department is not responsible for decontaminating a conveyance or equipment detained or quarantined.

(c) The Division of Wildlife Resources may decontaminate, as defined in Section ~~[23-27-102]~~ 23A-10-101, a conveyance or equipment at the port-of-entry if authorized by the department.

Section 41. Section **73-3-30** is amended to read:

73-3-30. Change application for an instream flow.

(1) As used in this section:

(a) "Division" means the Division of Wildlife Resources created in Section ~~[23-14-1]~~ 23A-2-201, the Division of State Parks created in Section 79-4-201, or the Division of Forestry, Fire, and State Lands created in Section 65A-1-4.

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

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

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

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

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

2076 (ii) use on sovereign lands.

2077 (b) The state engineer may not approve a change application filed under this section

2078 unless the proposed instream flow or use on sovereign lands will contribute to:

2079 (i) the propagation or maintenance of wildlife;

2080 (ii) the management of state parks; or

2081 (iii) the reasonable preservation or enhancement of the natural aquatic environment.

2082 (c) A division may file a change application on:

2083 (i) a perfected water right:

2084 (A) presently owned by the division;

2085 (B) purchased by the division for the purpose of providing water for an instream flow

2086 or use on sovereign lands, through funding provided for that purpose by legislative

2087 appropriation; or

2088 (C) secured by lease, agreement, gift, exchange, or contribution; or

2089 (ii) an appurtenant water right acquired with the acquisition of real property by the

2090 division.

2091 (d) A division may:

2092 (i) purchase a water right for the purposes described in Subsection (2)(a) only with

2093 funds specifically appropriated by the Legislature for water rights purchases; or

2094 (ii) accept a donated water right without legislative approval.

2095 (e) A division may not acquire water rights by eminent domain for an instream flow,

2096 use on sovereign lands, or for any other purpose.

2097 (3) (a) A person entitled to the use of water shall obtain a division director's approval

2098 of the proposed change before filing a fixed time change application or a temporary change

2099 application with the state engineer.

2100 (b) By approving a proposed fixed time change application or temporary change

2101 application, a division director attests that the water that is the subject of the application can be

2102 used consistent with the statutory mandates of the director's division.

2103 (4) In addition to the requirements of Section 73-3-3, an application authorized by this

2104 section shall include:

2105 (a) a legal description of:

2106 (i) the segment of the natural or altered stream that will be the place of use for an

2107 instream flow; or
2108 (ii) the location where the water will be used on sovereign lands; and
2109 (b) appropriate studies, reports, or other information required by the state engineer
2110 demonstrating:
2111 (i) the projected benefits to the public resulting from the change; and
2112 (ii) the necessity for the proposed instream flow or use on sovereign lands.
2113 (5) A person may not appropriate unappropriated water under Section 73-3-2 for the
2114 purpose of providing an instream flow or use on sovereign lands.
2115 (6) Water used in accordance with this section is considered to be beneficially used, as
2116 required by Section 73-3-1.
2117 (7) A physical structure or physical diversion from the stream is not required to
2118 implement a change under this section.
2119 (8) An approved change application described in this section does not create a right of
2120 access across private property or allow any infringement of a private property right.
2121 Section 42. Section **73-18-26** is amended to read:
2122 **73-18-26. Resident aquatic invasive species fee -- Amount -- Deposit.**
2123 (1) In addition to the registration fee imposed under Section 73-18-7, there is imposed
2124 an annual resident aquatic invasive species fee of \$10 on a motorboat or sailboat required to be
2125 registered under Section 73-18-7.
2126 (2) The fee imposed under Subsection (1) shall be deposited into the Aquatic Invasive
2127 Species Interdiction Account created in Section ~~[23-27-305]~~ 23A-3-211.
2128 Section 43. Section **73-29-102** is amended to read:
2129 **73-29-102. Definitions.**
2130 As used in this chapter:
2131 (1) "Division" means the Division of Wildlife Resources.
2132 (2) "Floating access" means the right to access public water flowing over private
2133 property for floating and fishing while floating upon the water.
2134 (3) "Impounded wetlands" means a wetland or wetland pond that is formed or the level
2135 of which is controlled by a dike, berm, or headgate that retains or manages the flow or depth of
2136 water, including connecting channels.
2137 (4) "Navigable water" means a water course that in its natural state without the aid of

2138 artificial means is useful for commerce and has a useful capacity as a public highway of
2139 transportation.

2140 (5) "Private property to which access is restricted" means privately owned real
2141 property:

2142 (a) that is cultivated land, as defined in Section ~~[23-20-14]~~ 23A-5-317;

2143 (b) that is:

2144 (i) properly posted, as defined in Section ~~[23-20-14]~~ 23A-5-317;

2145 (ii) posted as described in Subsection 76-6-206(2)(b)(iii); or

2146 (iii) posted as described in Subsection 76-6-206.3(2)(c);

2147 (c) that is fenced or enclosed as described in:

2148 (i) Subsection 76-6-206(2)(b)(ii); or

2149 (ii) Subsection 76-6-206.3(2)(b); or

2150 (d) that the owner or a person authorized to act on the owner's behalf has requested a
2151 person to leave as provided by:

2152 (i) Section ~~[23-20-14]~~ 23A-5-317;

2153 (ii) Subsection 76-6-206(2)(b)(i); or

2154 (iii) Subsection 76-6-206.3(2)(a).

2155 (6) "Public access area" means the limited part of privately owned property that:

2156 (a) lies beneath or within three feet of a public water or that is the most direct, least
2157 invasive, and closest means of portage around an obstruction in a public water; and

2158 (b) is open to public recreational access under Section 73-29-203; and

2159 (c) can be accessed from an adjoining public access area or public right-of-way.

2160 (7) "Public recreational access" means the right to engage in recreational access
2161 established in accordance with Section 73-29-203.

2162 (8) (a) "Public water" means water:

2163 (i) described in Section 73-1-1; and

2164 (ii) flowing or collecting on the surface:

2165 (A) within a natural or realigned channel; or

2166 (B) in a natural lake, pond, or reservoir on a natural or realigned channel.

2167 (b) "Public water" does not include water flowing or collecting:

2168 (i) on impounded wetland;

2169 (ii) on a migratory bird production area, as defined in Section [~~23-28-102~~]
2170 23A-13-101;

2171 (iii) on private property in a manmade:
2172 (A) irrigation canal;
2173 (B) irrigation ditch; or
2174 (C) impoundment or reservoir constructed outside of a natural or realigned channel; or
2175 (iv) on a jurisdictional wetland described in 33 C.F.R. 328.3.

2176 (9) (a) "Recreational access" means to use a public water and to touch a public access
2177 area incidental to the use of the public water for:
2178 (i) floating;
2179 (ii) fishing; or
2180 (iii) waterfowl hunting conducted:
2181 (A) in compliance with applicable law or rule, including Sections [~~23-20-8~~]
2182 23A-5-314, 73-29-203, and 76-10-508; and
2183 (B) so that the individual who engages in the waterfowl hunting shoots a firearm only
2184 while within a public access area and no closer than 600 feet of any dwelling.

2185 (b) "Recreational access" does not include:
2186 (i) hunting, except as provided in Subsection (9)(a)(iii);
2187 (ii) wading without engaging in activity described in Subsection (9)(a); or
2188 (iii) any other activity.

2189 Section 44. Section **73-30-201** is amended to read:
2190 **73-30-201. Advisory council created -- Staffing -- Per diem and travel expenses.**
2191 (1) There is created an advisory council known as the "Great Salt Lake Advisory
2192 Council" consisting of 11 members listed in Subsection (2).
2193 (2) (a) The governor shall appoint the following members, with the advice and consent
2194 of the Senate:
2195 (i) one representative of industry representing the extractive industry;
2196 (ii) one representative of industry representing aquaculture;
2197 (iii) one representative of conservation interests;
2198 (iv) one representative of a migratory bird protection area as defined in Section
2199 [~~23-28-102~~] 23A-13-101;

2200 (v) one representative who is an elected official from municipal government, or the
2201 elected official's designee;

2202 (vi) five representatives who are elected officials from county government, or the
2203 elected official's designee, one each representing:

2204 (A) Box Elder County;

2205 (B) Davis County;

2206 (C) Salt Lake County;

2207 (D) Tooele County; and

2208 (E) Weber County; and

2209 (vii) one representative of a publicly owned treatment works.

2210 (3) (a) Except as required by Subsection (3)(b), each member shall serve a four-year
2211 term.

2212 (b) Notwithstanding Subsection (3)(a), at the time of appointment or reappointment,
2213 the governor shall adjust the length of terms of voting members to ensure that the terms of
2214 council members are staggered so that approximately half of the council is appointed every two
2215 years.

2216 (c) When a vacancy occurs in the membership for any reason, the governor shall
2217 appoint a replacement for the unexpired term with the advice and consent of the Senate.

2218 (d) A member shall hold office until the member's successor is appointed and qualified.

2219 (4) The council shall determine:

2220 (a) the time and place of meetings; and

2221 (b) any other procedural matter not specified in this chapter.

2222 (5) (a) Attendance of six members at a meeting of the council constitutes a quorum.

2223 (b) A vote of the majority of the members present at a meeting when a quorum is
2224 present constitutes an action of the council.

2225 (6) A member may not receive compensation or benefits for the member's service, but
2226 may receive per diem and travel expenses in accordance with:

2227 (a) Section 63A-3-106;

2228 (b) Section 63A-3-107; and

2229 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2230 63A-3-107.

(7) The Department of Natural Resources and the Department of Environmental Quality shall coordinate and provide necessary staff assistance to the council.

Section 45. Section **76-9-301** is amended to read:

76-9-301. Cruelty to animals.

(1) As used in this section:

(a) (i) "Abandon" means to intentionally deposit, leave, or drop off any live animal:

(A) without providing for the care of that animal, in accordance with accepted animal husbandry practices or customary farming practices; or

(B) in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.

(ii) "Abandon" does not include returning wildlife to its natural habitat.

(b) (i) "Animal" means, except as provided in Subsection (1)(b)(ii), a live, nonhuman vertebrate creature.

(ii) "Animal" does not include:

(A) a live, nonhuman vertebrate creature, if:

(I) the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices; and

(II) the creature is:

(Aa) owned or kept by a zoological park that is accredited by, or a member of, the American Zoo and Aquarium Association;

(Bb) kept, owned, or used for the purpose of training hunting dogs or raptors; or

(Cc) temporarily in the state as part of a circus or traveling exhibitor licensed by the United States Department of Agriculture under 7 U.S.C. Sec. 2133;

(B) a live, nonhuman vertebrate creature that is owned, kept, or used for rodeo purposes, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted rodeo practices;

(C) livestock, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices or customary farming practices; or

(D) wildlife, as defined in Section ~~[23-13-2]~~ 23A-1-101, including protected and unprotected wildlife, if the conduct toward the wildlife is in accordance with lawful hunting, fishing, or trapping practices or other lawful practices.

- 2262 (c) "Companion animal" means an animal that is a domestic dog or a domestic cat.
- 2263 (d) "Custody" means ownership, possession, or control over an animal.
- 2264 (e) "Legal privilege" means an act that:
- 2265 (i) is authorized by state law, including [~~Division of Wildlife Resources rules~~] rules
- 2266 made under Title 23A, Wildlife Resources Act; and
- 2267 (ii) is not in violation of a local ordinance.
- 2268 (f) "Livestock" means:
- 2269 (i) domesticated:
- 2270 (A) cattle;
- 2271 (B) sheep;
- 2272 (C) goats;
- 2273 (D) turkeys;
- 2274 (E) swine;
- 2275 (F) equines;
- 2276 (G) camelidae;
- 2277 (H) ratites; or
- 2278 (I) bison;
- 2279 (ii) domesticated elk, as defined in Section 4-39-102;
- 2280 (iii) a livestock guardian dog, as defined in Section 76-6-111; or
- 2281 (iv) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic
- 2282 poultry, raised, kept, or used for agricultural purposes.
- 2283 (g) "Necessary food, water, care, or shelter" means the following, taking into account
- 2284 the species, age, and physical condition of the animal:
- 2285 (i) appropriate and essential food and water;
- 2286 (ii) adequate protection, including appropriate shelter, against extreme weather
- 2287 conditions; and
- 2288 (iii) other essential care.
- 2289 (h) "Torture" means intentionally or knowingly causing or inflicting extreme physical
- 2290 pain to an animal in an especially heinous, atrocious, cruel, or exceptionally depraved manner.
- 2291 (2) Except as provided in Subsection (4) or (6), a person is guilty of cruelty to an
- 2292 animal if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or

2293 with criminal negligence:

2294 (a) fails to provide necessary food, water, care, or shelter for an animal in the person's
2295 custody;

2296 (b) abandons an animal in the person's custody;

2297 (c) injures an animal;

2298 (d) causes any animal, not including a dog or game fowl, to fight with another animal
2299 of like kind for amusement or gain; or

2300 (e) causes any animal, including a dog or game fowl, to fight with a different kind of
2301 animal or creature for amusement or gain.

2302 (3) Except as provided in Section 76-9-301.7, a violation of Subsection (2) is:

2303 (a) a class B misdemeanor if committed intentionally or knowingly; and

2304 (b) a class C misdemeanor if committed recklessly or with criminal negligence.

2305 (4) A person is guilty of aggravated cruelty to an animal if the person:

2306 (a) tortures an animal;

2307 (b) administers, or causes to be administered, poison or a poisonous substance to an
2308 animal; or

2309 (c) kills an animal or causes an animal to be killed without having a legal privilege to
2310 do so.

2311 (5) Except as provided in Subsection (6) or Section 76-9-301.7, a violation of
2312 Subsection (4) is:

2313 (a) a class A misdemeanor if committed intentionally or knowingly;

2314 (b) a class B misdemeanor if committed recklessly; and

2315 (c) a class C misdemeanor if committed with criminal negligence.

2316 (6) A person is guilty of a third degree felony if the person intentionally or knowingly
2317 tortures a companion animal.

2318 (7) It is a defense to prosecution under this section that the conduct of the actor towards
2319 the animal was:

2320 (a) by a licensed veterinarian using accepted veterinary practice;

2321 (b) directly related to bona fide experimentation for scientific research, provided that if
2322 the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless
2323 directly necessary to the veterinary purpose or scientific research involved;

2324 (c) permitted under Section 18-1-3;
2325 (d) by a person who humanely destroys any animal found suffering past recovery for
2326 any useful purpose; or
2327 (e) by a person who humanely destroys any apparently abandoned animal found on the
2328 person's property.

2329 (8) For purposes of Subsection (7)(d), before destroying the suffering animal, the
2330 person who is not the owner of the animal shall obtain:

2331 (a) the judgment of a veterinarian of the animal's nonrecoverable condition;
2332 (b) the judgment of two other persons called by the person to view the unrecoverable
2333 condition of the animal in the person's presence;
2334 (c) the consent from the owner of the animal to the destruction of the animal; or
2335 (d) a reasonable conclusion that the animal's suffering is beyond recovery, through the
2336 person's own observation, if the person is in a location or circumstance where the person is
2337 unable to contact another person.

2338 (9) This section does not affect or prohibit:

2339 (a) the training, instruction, and grooming of animals, if the methods used are in
2340 accordance with accepted animal husbandry practices or customary farming practices;
2341 (b) the use of an electronic locating or training collar by the owner of an animal for the
2342 purpose of lawful animal training, lawful hunting practices, or protecting against loss of that
2343 animal; or
2344 (c) the lawful hunting of, fishing for, or trapping of, wildlife.

2345 (10) County and municipal governments may not prohibit the use of an electronic
2346 locating or training collar.

2347 (11) Upon conviction under this section, the court may in its discretion, in addition to
2348 other penalties:

2349 (a) order the defendant to be evaluated to determine the need for psychiatric or
2350 psychological counseling, to receive counseling as the court determines to be appropriate, and
2351 to pay the costs of the evaluation and counseling;
2352 (b) require the defendant to forfeit any rights the defendant has to the animal subjected
2353 to a violation of this section and to repay the reasonable costs incurred by any person or agency
2354 in caring for each animal subjected to violation of this section;

(c) order the defendant to no longer possess or retain custody of any animal, as specified by the court, during the period of the defendant's probation or parole or other period as designated by the court; and

(d) order the animal to be placed for the purpose of adoption or care in the custody of a county or municipal animal control agency or an animal welfare agency registered with the state to be sold at public auction or humanely destroyed.

(12) This section does not prohibit the use of animals in lawful training.

(13) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement may not be held civilly liable for making the report.

Section 46. Section **76-10-504** is amended to read:

76-10-504. Carrying concealed firearm -- Penalties.

(1) Except as provided in Sections 76-10-503 and 76-10-523 and in Subsections (2), (3), and (4), a person who carries a concealed firearm, as defined in Section 76-10-501, including an unloaded firearm on his or her person or one that is readily accessible for immediate use which is not securely encased, as defined in this part, in or on a place other than the person's residence, property, a vehicle in the person's lawful possession, or a vehicle, with the consent of the individual who is lawfully in possession of the vehicle, or business under the person's control is guilty of a class B misdemeanor.

(2) A person who carries a concealed firearm that is a loaded firearm in violation of Subsection (1) is guilty of a class A misdemeanor.

(3) A person who carries concealed an unlawfully possessed short barreled shotgun or a short barreled rifle is guilty of a second degree felony.

(4) If the concealed firearm is used in the commission of a violent felony as defined in Section 76-3-203.5, and the person is a party to the offense, the person is guilty of a second degree felony.

(5) Nothing in Subsection (1) or (2) prohibits a person engaged in the lawful taking of protected or unprotected wildlife as defined in [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife Resources Act, from carrying a concealed firearm as long as the taking of wildlife does not occur:

(a) within the limits of a municipality in violation of that municipality's ordinances; or

(b) upon the highways of the state as defined in Section 41-6a-102.

2386 Section 47. Section **76-10-508** is amended to read:

2387 **76-10-508. Discharge of firearm from a vehicle, near a highway, or in direction of**
2388 **specified items -- Penalties.**

2389 (1) (a) An individual may not discharge a dangerous weapon or firearm:

2390 (i) from an automobile or other vehicle;

2391 (ii) from, upon, or across a highway;

2392 (iii) at a road sign placed upon a highway of the state;

2393 (iv) at communications equipment or property of public utilities including facilities,

2394 lines, poles, or devices of transmission or distribution;

2395 (v) at railroad equipment or facilities including a sign or signal;

2396 (vi) within a Utah State Park building, designated camp or picnic sites, overlooks, golf
2397 courses, boat ramps, and developed beaches; or

2398 (vii) without written permission to discharge the dangerous weapon from the owner or
2399 person in charge of the property within 600 feet of:

2400 (A) a house, dwelling, or any other building; or

2401 (B) any structure in which a domestic animal is kept or fed, including a barn, poultry
2402 yard, corral, feeding pen, or stockyard.

2403 (b) It is a defense to any charge for violating this section that the individual being
2404 accused had actual permission of the owner or person in charge of the property at the time in
2405 question.

2406 (2) A violation of any provision of Subsection (1) is a class B misdemeanor.

2407 (3) In addition to any other penalties, the court shall:

2408 (a) notify the Driver License Division of the conviction for purposes of any revocation,
2409 denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi);
2410 and

2411 (b) specify in court at the time of sentencing the length of the revocation under
2412 Subsection 53-3-225(1)(c).

2413 (4) This section does not apply to an individual who:

2414 (a) discharges a firearm when that individual is in lawful defense of self or others;

2415 (b) is performing official duties as provided in Section ~~[23-20-1.5]~~ 23A-5-202 and

2416 Subsections 76-10-523(1)(a) through (f) and as otherwise provided by law; or

- (c) discharges a dangerous weapon or firearm from an automobile or other vehicle, if:
- (i) the discharge occurs at a firing range or training ground;
 - (ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location other than within the boundaries of the firing range or training ground described in Subsection (4)(c)(i);
 - (iii) the discharge is made as practice or training for a lawful purpose;
 - (iv) the discharge and the location, time, and manner of the discharge are approved by the owner or operator of the firing range or training ground before the discharge; and
 - (v) the discharge is not made in violation of Subsection (1).

Section 48. Section **76-10-508.1** is amended to read:

76-10-508.1. Felony discharge of a firearm -- Penalties.

(1) Except as provided under Subsection (2) or (3), an individual who discharges a firearm is guilty of a third degree felony punishable by imprisonment for a term of not less than three years nor more than five years if:

(a) the actor discharges a firearm in the direction of one or more individuals, knowing or having reason to believe that any individual may be endangered by the discharge of the firearm;

(b) the actor, with intent to intimidate or harass another or with intent to damage a habitable structure as defined in Section 76-6-101, discharges a firearm in the direction of any individual or habitable structure; or

(c) the actor, with intent to intimidate or harass another, discharges a firearm in the direction of any vehicle.

(2) A violation of Subsection (1) that causes bodily injury to any individual is a second degree felony punishable by imprisonment for a term of not less than three years nor more than 15 years.

(3) A violation of Subsection (1) that causes serious bodily injury to any individual is a first degree felony.

(4) In addition to any other penalties for a violation of this section, the court shall:

(a) notify the Driver License Division of the conviction for purposes of any revocation, denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi); and

(b) specify in court at the time of sentencing the length of the revocation under Subsection 53-3-225(1)(c).

(5) This section does not apply to an individual:

(a) who discharges a firearm when that individual is in lawful defense of self or others;

(b) who is performing official duties as provided in Section ~~[23-20-1.5]~~ 23A-5-202 or Subsections 76-10-523(1)(a) through (f) or as otherwise authorized by law; or

(c) who discharges a dangerous weapon or firearm from an automobile or other vehicle, if:

(i) the discharge occurs at a firing range or training ground;

(ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location other than within the boundaries of the firing range or training ground described in Subsection (5)(c)(i);

(iii) the discharge is made as practice or training for a lawful purpose;

(iv) the discharge and the location, time, and manner of the discharge are approved by the owner or operator of the firing range or training ground before the discharge; and

(v) the discharge is not made in violation of Subsection (1).

Section 49. Section **76-10-1602** is amended to read:

76-10-1602. Definitions.

As used in this part:

(1) "Enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity, and includes illicit as well as licit entities.

(2) "Pattern of unlawful activity" means engaging in conduct which constitutes the commission of at least three episodes of unlawful activity, which episodes are not isolated, but have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall demonstrate continuing unlawful conduct and be related either to each other or to the enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful activity as defined by this part shall have occurred within five years of the commission of the next preceding act alleged as part of the pattern.

(3) "Person" includes any individual or entity capable of holding a legal or beneficial interest in property, including state, county, and local governmental entities.

(4) "Unlawful activity" means to directly engage in conduct or to solicit, request, command, encourage, or intentionally aid another person to engage in conduct which would constitute any offense described by the following crimes or categories of crimes, or to attempt or conspire to engage in an act which would constitute any of those offenses, regardless of whether the act is in fact charged or indicted by any authority or is classified as a misdemeanor or a felony:

(a) any act prohibited by the criminal provisions of Title 13, Chapter 10, Unauthorized Recording Practices Act;

(b) any act prohibited by the criminal provisions of Title 19, Environmental Quality Code, Sections 19-1-101 through 19-7-109;

(c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose of sale, trade, or other pecuniary gain, in violation of [~~Title 23, Wildlife Resources Code of Utah, or Section 23-20-4;~~] Title 23A, Wildlife Resources Act, or Section 23A-5-311;

(d) false claims for medical benefits, kickbacks, and any other act prohibited by Title 26, Chapter 20, Utah False Claims Act, Sections 26-20-1 through 26-20-12;

(e) any act prohibited by the criminal provisions of Title 32B, Chapter 4, Criminal Offenses and Procedure Act;

(f) any act prohibited by the criminal provisions of Title 57, Chapter 11, Utah Uniform Land Sales Practices Act;

(g) any act prohibited by the criminal provisions of Title 58, Chapter 37, Utah Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d, Clandestine Drug Lab Act;

(h) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform Securities Act;

(i) any act prohibited by the criminal provisions of Title 63G, Chapter 6a, Utah Procurement Code;

(j) assault or aggravated assault, Sections 76-5-102 and 76-5-103;

(k) a threat of terrorism, Section 76-5-107.3;

- 2510 (l) a criminal homicide offense, as described in Section 76-5-201;
- 2511 (m) kidnapping or aggravated kidnapping, Sections 76-5-301 and 76-5-302;
- 2512 (n) human trafficking, human trafficking of a child, human smuggling, or aggravated
- 2513 human trafficking, Sections 76-5-308, 76-5-308.1, 76-5-308.3, 76-5-308.5, 76-5-309, and
- 2514 76-5-310;
- 2515 (o) sexual exploitation of a minor or aggravated sexual exploitation of a minor,
- 2516 Sections 76-5b-201 and 76-5b-201.1;
- 2517 (p) arson or aggravated arson, Sections 76-6-102 and 76-6-103;
- 2518 (q) causing a catastrophe, Section 76-6-105;
- 2519 (r) burglary or aggravated burglary, Sections 76-6-202 and 76-6-203;
- 2520 (s) burglary of a vehicle, Section 76-6-204;
- 2521 (t) manufacture or possession of an instrument for burglary or theft, Section 76-6-205;
- 2522 (u) robbery or aggravated robbery, Sections 76-6-301 and 76-6-302;
- 2523 (v) theft, Section 76-6-404;
- 2524 (w) theft by deception, Section 76-6-405;
- 2525 (x) theft by extortion, Section 76-6-406;
- 2526 (y) receiving stolen property, Section 76-6-408;
- 2527 (z) theft of services, Section 76-6-409;
- 2528 (aa) forgery, Section 76-6-501;
- 2529 (bb) fraudulent use of a credit card, Sections 76-6-506.2, 76-6-506.3, 76-6-506.5, and
- 2530 76-6-506.6;
- 2531 (cc) deceptive business practices, Section 76-6-507;
- 2532 (dd) bribery or receiving bribe by person in the business of selection, appraisal, or
- 2533 criticism of goods, Section 76-6-508;
- 2534 (ee) bribery of a labor official, Section 76-6-509;
- 2535 (ff) defrauding creditors, Section 76-6-511;
- 2536 (gg) acceptance of deposit by insolvent financial institution, Section 76-6-512;
- 2537 (hh) unlawful dealing with property by fiduciary, Section 76-6-513;
- 2538 (ii) bribery or threat to influence contest, Section 76-6-514;
- 2539 (jj) making a false credit report, Section 76-6-517;
- 2540 (kk) criminal simulation, Section 76-6-518;

2541 (ll) criminal usury, Section 76-6-520;
2542 (mm) fraudulent insurance act, Section 76-6-521;
2543 (nn) retail theft, Section 76-6-602;
2544 (oo) computer crimes, Section 76-6-703;
2545 (pp) identity fraud, Section 76-6-1102;
2546 (qq) mortgage fraud, Section 76-6-1203;
2547 (rr) sale of a child, Section 76-7-203;
2548 (ss) bribery to influence official or political actions, Section 76-8-103;
2549 (tt) threats to influence official or political action, Section 76-8-104;
2550 (uu) receiving bribe or bribery by public servant, Section 76-8-105;
2551 (vv) receiving bribe or bribery for endorsement of person as public servant, Section
2552 76-8-106;
2553 (ww) official misconduct, Sections 76-8-201 and 76-8-202;
2554 (xx) obstruction of justice, Section 76-8-306;
2555 (yy) acceptance of bribe or bribery to prevent criminal prosecution, Section 76-8-308;
2556 (zz) false or inconsistent material statements, Section 76-8-502;
2557 (aaa) false or inconsistent statements, Section 76-8-503;
2558 (bbb) written false statements, Section 76-8-504;
2559 (ccc) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;
2560 (ddd) retaliation against a witness, victim, or informant, Section 76-8-508.3;
2561 (eee) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;
2562 (fff) tampering with evidence, Section 76-8-510.5;
2563 (ggg) falsification or alteration of government record, Section 76-8-511, if the record is
2564 a record described in Title 20A, Election Code, Title 36, Chapter 11, Lobbyist Disclosure and
2565 Regulation Act, or Title 36, Chapter 11a, Local Government and Board of Education Lobbyist
2566 Disclosure and Regulation Act;
2567 (hhh) public assistance fraud in violation of Section 76-8-1203, 76-8-1204, or
2568 76-8-1205;
2569 (iii) unemployment insurance fraud, Section 76-8-1301;
2570 (jjj) intentionally or knowingly causing one animal to fight with another, Subsection
2571 76-9-301(2)(d) or (e), or Section 76-9-301.1;

2572 (kkk) possession, use, or removal of explosives, chemical, or incendiary devices or
2573 parts, Section 76-10-306;

2574 (lll) delivery to common carrier, mailing, or placement on premises of an incendiary
2575 device, Section 76-10-307;

2576 (mmm) possession of a deadly weapon with intent to assault, Section 76-10-507;

2577 (nnn) unlawful marking of pistol or revolver, Section 76-10-521;

2578 (ooo) alteration of number or mark on pistol or revolver, Section 76-10-522;

2579 (ppp) forging or counterfeiting trademarks, trade name, or trade device, Section
2580 76-10-1002;

2581 (qqq) selling goods under counterfeited trademark, trade name, or trade devices,
2582 Section 76-10-1003;

2583 (rrr) sales in containers bearing registered trademark of substituted articles, Section
2584 76-10-1004;

2585 (sss) selling or dealing with article bearing registered trademark or service mark with
2586 intent to defraud, Section 76-10-1006;

2587 (ttt) gambling, Section 76-10-1102;

2588 (uuu) gambling fraud, Section 76-10-1103;

2589 (vvv) gambling promotion, Section 76-10-1104;

2590 (www) possessing a gambling device or record, Section 76-10-1105;

2591 (xxx) confidence game, Section 76-10-1109;

2592 (yyy) distributing pornographic material, Section 76-10-1204;

2593 (zzz) inducing acceptance of pornographic material, Section 76-10-1205;

2594 (aaaa) dealing in harmful material to a minor, Section 76-10-1206;

2595 (bbbb) distribution of pornographic films, Section 76-10-1222;

2596 (cccc) indecent public displays, Section 76-10-1228;

2597 (dddd) prostitution, Section 76-10-1302;

2598 (eeee) aiding prostitution, Section 76-10-1304;

2599 (ffff) exploiting prostitution, Section 76-10-1305;

2600 (gggg) aggravated exploitation of prostitution, Section 76-10-1306;

2601 (hhhh) communications fraud, Section 76-10-1801;

2602 (iiii) any act prohibited by the criminal provisions of Part 19, Money Laundering and

2603 Currency Transaction Reporting Act;

2604 (jjjj) vehicle compartment for contraband, Section 76-10-2801;

2605 (kkkk) any act prohibited by the criminal provisions of the laws governing taxation in

2606 this state; and

2607 (llll) any act illegal under the laws of the United States and enumerated in 18 U.S.C.

2608 Sec. 1961(1)(B), (C), and (D).

2609 Section 50. Section **77-20-204** is amended to read:

2610 **77-20-204. Bail commissioner authority to release an individual from jail on**

2611 **monetary bail.**

2612 (1) As used in this section, "eligible felony offense" means a third degree felony

2613 violation under:

2614 (a) Section ~~[23-19-15]~~ 23A-4-501 or 23A-4-502;

2615 (b) Section ~~[23-20-4]~~ 23A-5-311;

2616 (c) Section ~~[23-20-4.7]~~ 23A-5-313;

2617 (d) Title 76, Chapter 6, Part 4, Theft;

2618 (e) Title 76, Chapter 6, Part 5, Fraud;

2619 (f) Title 76, Chapter 6, Part 6, Retail Theft;

2620 (g) Title 76, Chapter 6, Part 7, Utah Computer Crimes Act;

2621 (h) Title 76, Chapter 6, Part 8, Library Theft;

2622 (i) Title 76, Chapter 6, Part 9, Cultural Sites Protection;

2623 (j) Title 76, Chapter 6, Part 10, Mail Box Damage and Mail Theft;

2624 (k) Title 76, Chapter 6, Part 11, Identity Fraud Act;

2625 (l) Title 76, Chapter 6, Part 12, Utah Mortgage Fraud Act;

2626 (m) Title 76, Chapter 6, Part 13, Utah Automated Sales Suppression Device Act;

2627 (n) Title 76, Chapter 6, Part 14, Regulation of Metal Dealers;

2628 (o) Title 76, Chapter 6a, Pyramid Scheme Act;

2629 (p) Title 76, Chapter 7, Offenses Against the Family;

2630 (q) Title 76, Chapter 7a, Abortion Prohibition;

2631 (r) Title 76, Chapter 9, Part 2, Electronic Communication and Telephone Abuse;

2632 (s) Title 76, Chapter 9, Part 3, Cruelty to Animals;

2633 (t) Title 76, Chapter 9, Part 4, Offenses Against Privacy;

- 2634 (u) Title 76, Chapter 9, Part 5, Libel; or
- 2635 (v) Title 76, Chapter 9, Part 6, Offenses Against the Flag.
- 2636 (2) Except as provided in Subsection (7)(a), a bail commissioner may fix a financial
- 2637 condition for an individual if:
- 2638 (a) (i) the individual is ineligible to be released on the individual's own recognizance
- 2639 under Section 77-20-203;
- 2640 (ii) the individual is arrested for, or charged with:
- 2641 (A) a misdemeanor offense under state law; or
- 2642 (B) a violation of a city or county ordinance that is classified as a class B or C
- 2643 misdemeanor offense;
- 2644 (iii) the individual agrees in writing to appear for any future criminal proceedings
- 2645 related to the arrest; and
- 2646 (iv) law enforcement has not submitted a probable cause statement to a magistrate; or
- 2647 (b) (i) the individual is arrested for, or charged with, an eligible felony offense;
- 2648 (ii) the individual is not on pretrial release for a separate criminal offense;
- 2649 (iii) the individual is not on probation or parole;
- 2650 (iv) the primary risk posed by the individual is the risk of failure to appear;
- 2651 (v) the individual agrees in writing to appear for any future criminal proceedings
- 2652 related to the arrest; and
- 2653 (vi) law enforcement has not submitted a probable cause statement to a magistrate.
- 2654 (3) A bail commissioner may not fix a financial condition at a monetary amount that
- 2655 exceeds:
- 2656 (a) \$5,000 for an eligible felony offense;
- 2657 (b) \$1,950 for a class A misdemeanor offense;
- 2658 (c) \$680 for a class B misdemeanor offense;
- 2659 (d) \$340 for a class C misdemeanor offense;
- 2660 (e) \$150 for a violation of a city or county ordinance that is classified as a class B
- 2661 misdemeanor; or
- 2662 (f) \$80 for a violation of a city or county ordinance that is classified as a class C
- 2663 misdemeanor.
- 2664 (4) If an individual is arrested for more than one offense, and the bail commissioner

2665 fixes a financial condition for release:

2666 (a) the bail commissioner shall fix the financial condition at a single monetary amount;
2667 and

2668 (b) the single monetary amount may not exceed the monetary amount under Subsection
2669 (3) for the highest level of offense for which the individual is arrested.

2670 (5) Except as provided in Subsection (7)(b), an individual shall be released if the
2671 individual posts a financial condition fixed by a bail commissioner in accordance with this
2672 section.

2673 (6) If a bail commissioner fixes a financial condition for an individual, law
2674 enforcement shall submit a probable cause statement in accordance with Rule 9 of the Utah
2675 Rules of Criminal Procedure after the bail commissioner fixes the financial condition.

2676 (7) Once a magistrate begins a review of an individual's case under Rule 9 of the Utah
2677 Rules of Criminal Procedure:

2678 (a) a bail commissioner may not fix or modify a financial condition for an individual;
2679 and

2680 (b) if a bail commissioner fixed a financial condition for the individual before the
2681 magistrate's review, the individual may no longer be released on the financial condition.

2682 (8) Nothing in this section prohibits a court and a county from entering into an
2683 agreement regarding release.

2684 Section 51. Section **77-23-104** is amended to read:

2685 **77-23-104. Written plan -- Approval of magistrate.**

2686 (1) An administrative traffic checkpoint may be established and operated upon written
2687 authority of a magistrate.

2688 (2) A magistrate may issue written authority to establish and operate an administrative
2689 traffic checkpoint if:

2690 (a) a command level officer submits to the magistrate a written plan signed by the
2691 command level officer describing:

2692 (i) the location of the checkpoint including geographical and topographical
2693 information;

2694 (ii) the date, time, and duration of the checkpoint;

2695 (iii) the sequence of traffic to be stopped;

2696 (iv) the purpose of the checkpoint, including the inspection or inquiry to be conducted;
2697 (v) the minimum number of personnel to be employed in operating the checkpoint,
2698 including the rank of the officer or officers in charge at the scene;
2699 (vi) the configuration and location of signs, barriers, and other means of informing
2700 approaching motorists that they must stop and directing them to the place to stop;
2701 (vii) any advance notice to the public at large of the establishment of the checkpoint;
2702 and
2703 (viii) the instructions to be given to the enforcement officers operating the checkpoint;
2704 (b) the magistrate makes an independent judicial determination that the plan
2705 appropriately:
2706 (i) minimizes the length of time the motorist will be delayed;
2707 (ii) minimizes the intrusion of the inspection or inquiry;
2708 (iii) minimizes the fear and anxiety the motorist will experience;
2709 (iv) minimizes the degree of discretion to be exercised by the individual enforcement
2710 officers operating the checkpoint; and
2711 (v) maximizes the safety of the motorist and the enforcement officers; and
2712 (c) the administrative traffic checkpoint has the primary purpose of inspecting,
2713 verifying, or detecting:
2714 (i) drivers that may be under the influence of alcohol or drugs;
2715 (ii) license plates, registration certificates, insurance certificates, or driver licenses;
2716 (iii) violations of [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife
2717 Resources Act; or
2718 (iv) other circumstances that are specifically distinguishable by the magistrate from a
2719 general interest in crime control.
2720 (3) Upon determination by the magistrate that the plan meets the requirements of
2721 Subsection (2), the magistrate shall sign the authorization and issue it to the command level
2722 officer, retaining a copy for the court's file.
2723 (4) A copy of the plan and signed authorization shall be issued to the checkpoint
2724 command level officer participating in the operation of the checkpoint.
2725 (5) Any enforcement officer participating in the operation of the checkpoint shall
2726 conform [~~his~~] the enforcement officer's activities as nearly as practicable to the procedures

2727 outlined in the plan.

2728 (6) The checkpoint command level officer shall be available to exhibit a copy of the
2729 plan and signed authorization to any motorist who has been stopped at the checkpoint upon
2730 request of the motorist.

2731 Section 52. Section **78A-5-110** is amended to read:

2732 **78A-5-110. Allocation of district court fees and forfeitures.**

2733 (1) Except as provided in this section, district court fines and forfeitures collected for
2734 violation of state statutes shall be paid to the state treasurer.

2735 (2) Fines and forfeitures collected by the court for violation of a state statute or county
2736 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the
2737 state treasurer and 1/2 to the treasurer of the state or local governmental entity which
2738 prosecutes or which would prosecute the violation.

2739 (3) (a) Fines and forfeitures collected for violations of [~~Title 23, Wildlife Resources~~
2740 ~~Code of Utah~~] Title 23A, Wildlife Resources Act, Title 41, Chapter 22, Off-highway Vehicles,
2741 or Title 73, Chapter 18, State Boating Act, shall be paid to the state treasurer.

2742 (b) For violations of [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife
2743 Resources Act, the state treasurer shall allocate 85% to the Division of Wildlife Resources and
2744 15% to the General Fund.

2745 (c) For violations of Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter
2746 18, State Boating Act, the state treasurer shall allocate 85% to the Division of Outdoor
2747 Recreation and 15% to the General Fund.

2748 (4) (a) The state treasurer shall allocate fines and forfeitures collected for a violation of
2749 Section 72-7-404 or 72-7-406, less fees established by the Judicial Council, to the Department
2750 of Transportation for use on class B and class C roads.

2751 (b) Fees established by the Judicial Council shall be deposited in the state General
2752 Fund.

2753 (c) Money allocated for class B and class C roads is supplemental to the money
2754 appropriated under Section 72-2-107 but shall be expended in the same manner as other class B
2755 and class C road funds.

2756 (5) (a) Fines and forfeitures collected by the court for a second or subsequent violation
2757 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

2758 (i) 60% to the state treasurer to be deposited into the Transportation Fund; and

2759 (ii) 40% in accordance with Subsection (2).

2760 (b) Fines and forfeitures collected by the court for a second or subsequent violation
2761 under Subsection 72-7-409(6)(d) shall be remitted:

2762 (i) 50% to the state treasurer to be deposited into the Transportation Fund; and

2763 (ii) 50% in accordance with Subsection (2).

2764 (6) For fines and forfeitures collected by the court for a violation of Section
2765 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic
2766 enforcement safety device as described in Section 41-6a-1310, the court shall allocate 20% to
2767 the school district or private school that owns or contracts for the use of the bus, and the state
2768 treasurer shall allocate 40% to the treasurer of the state or local governmental entity that
2769 prosecutes or that would prosecute the violation, and 40% to the General Fund.

2770 (7) Fines and forfeitures collected for any violations not specified in this chapter or
2771 otherwise provided for by law shall be paid to the state treasurer.

2772 (8) Fees collected in connection with civil actions filed in the district court shall be
2773 paid to the state treasurer.

2774 (9) The court shall remit money collected in accordance with Title 51, Chapter 7, State
2775 Money Management Act.

2776 Section 53. Section **78A-7-106** is amended to read:

2777 **78A-7-106. Jurisdiction.**

2778 (1) (a) Except for an offense for which the district court has original jurisdiction under
2779 Subsection 78A-5-102(8) or an offense for which the juvenile court has original jurisdiction
2780 under Subsection 78A-6-103(1)(c), a justice court has original jurisdiction over class B and C
2781 misdemeanors, violation of ordinances, and infractions committed within the justice court's
2782 territorial jurisdiction by an individual who is 18 years old or older.

2783 (b) A justice court has original jurisdiction over the following offenses committed
2784 within the justice court's territorial jurisdiction by an individual who is 18 years old or older:

2785 (i) class C misdemeanor and infraction violations of Title 53, Chapter 3, Part 2, Driver
2786 Licensing Act; and

2787 (ii) class B and C misdemeanor and infraction violations of:

2788 (A) [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife Resources Act;

2789 (B) Title 41, Chapter 1a, Motor Vehicle Act;
2790 (C) Title 41, Chapter 6a, Traffic Code, except Title 41, Chapter 6a, Part 5, Driving
2791 Under the Influence and Reckless Driving;
2792 (D) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and
2793 Operators Act;
2794 (E) Title 41, Chapter 22, Off-highway Vehicles;
2795 (F) Title 73, Chapter 18, State Boating Act, except Section 73-18-12;
2796 (G) Title 73, Chapter 18a, Boating - Litter and Pollution Control;
2797 (H) Title 73, Chapter 18b, Water Safety; and
2798 (I) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and Operators
2799 Act.
2800 (2) Except for an offense for which the district court has exclusive jurisdiction under
2801 Section 78A-5-102.5 or an offense for which the juvenile court has exclusive jurisdiction under
2802 Section 78A-6-103.5, a justice court has original jurisdiction over the following offenses
2803 committed within the justice court's territorial jurisdiction by an individual who is 16 or 17
2804 years old:
2805 (a) class C misdemeanor and infraction violations of Title 53, Chapter 3, Part 2, Driver
2806 Licensing Act; and
2807 (b) class B and C misdemeanor and infraction violations of:
2808 (i) [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife Resources Act;
2809 (ii) Title 41, Chapter 1a, Motor Vehicle Act;
2810 (iii) Title 41, Chapter 6a, Traffic Code, except Title 41, Chapter 6a, Part 5, Driving
2811 Under the Influence and Reckless Driving;
2812 (iv) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and
2813 Operators Act;
2814 (v) Title 41, Chapter 22, Off-highway Vehicles;
2815 (vi) Title 73, Chapter 18, State Boating Act, except for an offense under Section
2816 73-18-12;
2817 (vii) Title 73, Chapter 18a, Boating - Litter and Pollution Control;
2818 (viii) Title 73, Chapter 18b, Water Safety; and
2819 (ix) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and

2820 Operators Act.

2821 (3) (a) As used in this Subsection (3), "body of water" includes any stream, river, lake,
2822 or reservoir, whether natural or man-made.

2823 (b) An offense is committed within the territorial jurisdiction of a justice court if:

2824 (i) conduct constituting an element of the offense or a result constituting an element of
2825 the offense occurs within the court's jurisdiction, regardless of whether the conduct or result is
2826 itself unlawful;

2827 (ii) either an individual committing an offense or a victim of an offense is located
2828 within the court's jurisdiction at the time the offense is committed;

2829 (iii) either a cause of injury occurs within the court's jurisdiction or the injury occurs
2830 within the court's jurisdiction;

2831 (iv) an individual commits any act constituting an element of an inchoate offense
2832 within the court's jurisdiction, including an agreement in a conspiracy;

2833 (v) an individual solicits, aids, or abets, or attempts to solicit, aid, or abet another
2834 individual in the planning or commission of an offense within the court's jurisdiction;

2835 (vi) the investigation of the offense does not readily indicate in which court's
2836 jurisdiction the offense occurred, and:

2837 (A) the offense is committed upon or in any railroad car, vehicle, watercraft, or aircraft
2838 passing within the court's jurisdiction;

2839 (B) the offense is committed on or in any body of water bordering on or within this
2840 state if the territorial limits of the justice court are adjacent to the body of water;

2841 (C) an individual who commits theft exercises control over the affected property within
2842 the court's jurisdiction; or

2843 (D) the offense is committed on or near the boundary of the court's jurisdiction;

2844 (vii) the offense consists of an unlawful communication that was initiated or received
2845 within the court's jurisdiction; or

2846 (viii) jurisdiction is otherwise specifically provided by law.

2847 (4) If in a criminal case the defendant is 16 or 17 years old, a justice court judge may
2848 transfer the case to the juvenile court for further proceedings if the justice court judge
2849 determines and the juvenile court concurs that the best interests of the defendant would be
2850 served by the continuing jurisdiction of the juvenile court.

(5) Justice courts have jurisdiction of small claims cases under Title 78A, Chapter 8, Small Claims Courts, if a defendant resides in or the debt arose within the territorial jurisdiction of the justice court.

(6) (a) As used in this Subsection (6), "domestic violence offense" means the same as that term is defined in Section 77-36-1.

(b) If a justice court has jurisdiction over a criminal action involving a domestic violence offense and the criminal action is set for trial, the prosecuting attorney or the defendant may file a notice of transfer in the justice court to transfer the criminal action from the justice court to the district court.

(c) If a justice court receives a notice of transfer from the prosecuting attorney or the defendant as described in Subsection (6)(b), the justice court shall transfer the criminal action to the district court.

Section 54. Section **78A-7-120** is amended to read:

78A-7-120. Disposition of fines.

(1) (a) Except as otherwise specified by this section, fines and forfeitures collected by a justice court shall be remitted as follows:

(i) 50% to the treasurer of the local government responsible for the court; and

(ii) 50% to the treasurer of the local government which prosecutes or which would prosecute the violation.

(b) An interlocal agreement created pursuant to Title 11, Chapter 13, Interlocal Cooperation Act, and related to justice courts may alter the ratio described in Subsection (1)(a) if the parties agree.

(2) (a) For violation of [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife Resources Act, the court shall allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the local government responsible for the justice court.

(b) For violation of Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter 18, State Boating Act, the court shall allocate 85% to the Division of Outdoor Recreation and 15% to the general fund of the local government responsible for the justice court.

(c) Fines and forfeitures collected by the court for a violation of Section 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic enforcement safety device as described in Section 41-6a-1310 shall be remitted:

2882 (i) 20% to the school district or private school that owns or contracts for the use of the
2883 school bus; and

2884 (ii) 80% in accordance with Subsection (1).

2885 (3) The surcharge established by Section 51-9-401 shall be paid to the state treasurer
2886 and deposited into the General Fund.

2887 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice
2888 court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations
2889 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial
2890 Council, shall be paid to the state treasurer and allocated to the Department of Transportation
2891 for class B and class C roads.

2892 (5) Revenue allocated for class B and class C roads pursuant to Subsection (4) or
2893 Subsection (7) is supplemental to the money appropriated under Section 72-2-107 but shall be
2894 expended in the same manner as other class B and class C road funds.

2895 (6) (a) Fines and forfeitures collected by the court for a second or subsequent violation
2896 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

2897 (i) 60% to the state treasurer to be deposited into the Transportation Fund; and

2898 (ii) 40% in accordance with Subsection (1).

2899 (b) Fines and forfeitures collected by the court for a second or subsequent violation
2900 under Subsection 72-7-409(6)(d) shall be remitted:

2901 (i) 50% to the state treasurer to be deposited into the Transportation Fund; and

2902 (ii) 50% in accordance with Subsection (1).

2903 (7) (a) Revenue from traffic fines may not exceed 25% of a local government's total
2904 general fund revenue for a fiscal year.

2905 (b) No later than 30 days after the day on which a local government's fiscal year ends, a
2906 local government that receives traffic fine revenue shall:

2907 (i) for the immediately preceding fiscal year, determine the amount of traffic fine
2908 revenue that exceeds the amount described in Subsection (7)(a); and

2909 (ii) transfer the amount calculated under Subsection (7)(b)(i) to the state treasurer to be
2910 allocated to the Department of Transportation for class B and class C roads.

2911 Section 55. Section **79-2-102** is amended to read:

2912 **79-2-102. Definitions.**

2913 As used in this chapter:

2914 (1) "Conservation officer" is as defined in Section ~~[23-13-2]~~ 23A-1-101.

2915 (2) "Species protection" means an action to protect a plant or animal species identified
2916 as:

2917 (a) sensitive by the state; or

2918 (b) threatened or endangered under the Endangered Species Act of 1973, 16 U.S.C.
2919 Sec. 1531 et seq.

2920 (3) "Volunteer" means a person who donates a service to the department or a division
2921 of the department without pay or other compensation.

2922 Section 56. Section **79-2-201** is amended to read:

2923 **79-2-201. Department of Natural Resources created.**

2924 (1) There is created the Department of Natural Resources.

2925 (2) The department comprises the following:

2926 (a) Board of Water Resources, created in Section 73-10-1.5;

2927 (b) Board of Oil, Gas, and Mining, created in Section 40-6-4;

2928 (c) Board of State Parks, created in Section 79-4-301;

2929 (d) Office of Energy Development, created in Section 79-6-401;

2930 (e) Wildlife Board, created in Section ~~[23-14-2]~~ 23A-2-301;

2931 (f) Board of the Utah Geological Survey, created in Section 79-3-301;

2932 (g) Water Development Coordinating Council, created in Section 73-10c-3;

2933 (h) Division of Water Rights, created in Section 73-2-1.1;

2934 (i) Division of Water Resources, created in Section 73-10-18;

2935 (j) Division of Forestry, Fire, and State Lands, created in Section 65A-1-4;

2936 (k) Division of Oil, Gas, and Mining, created in Section 40-6-15;

2937 (l) Division of State Parks, created in Section 79-4-201;

2938 (m) Division of Outdoor Recreation, created in Section 79-7-201;

2939 (n) Division of Wildlife Resources, created in Section ~~[23-14-1]~~ 23A-2-201;

2940 (o) Utah Geological Survey, created in Section 79-3-201;

2941 (p) Heritage Trees Advisory Committee, created in Section 65A-8-306;

2942 (q) Utah Outdoor Recreation Infrastructure Advisory Committee, created in Section
2943 79-7-206;

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

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

(s) Wildlife Board Nominating Committee, created in Section ~~[23-14-2.5]~~ 23A-2-302;

(t) Wildlife Regional Advisory Councils, created in Section ~~[23-14-2.6]~~ 23A-2-303;

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

(v) Utah Natural Resources Legacy Fund Board, created in Section ~~[23-31-202]~~ 23A-3-305; and

(w) Public Lands Policy Coordinating Office created in Section 63L-11-201.

Section 57. Section **79-2-601** is amended to read:

79-2-601. Definitions.

As used in this part:

(1) "Administrative costs" means the costs of administering the initiative, including costs for staffing, rent, data processing, legal, finance, accounting, travel, maintenance, and office supplies.

(2) "Director" means the director of the initiative who is appointed under Section 79-2-602.

(3) "Division" means the Division of Wildlife Resources created in Section ~~[23-14-1]~~ 23A-2-201.

(4) "Initiative" means the Watershed Restoration Initiative created in Section 79-2-602.

(5) "Restoration" means to assist the recovery of ecosystems and ecosystem services that have been mismanaged, degraded, or destroyed.

(6) "Watershed" means the geographical surface area that drains water into a stream, river, or other body of water.

Section 58. Effective date.

This bill takes effect on July 1, 2023.

Section 59. Revisor instructions.

The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, not enroll this bill if X.B. XXX, Wildlife Resources Code Recodification, does not pass.

