

- 31 ▸ repeals outdated emergency water resources chapter; and
32 ▸ makes technical and conforming amendments.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **4-18-106 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 91

40 **4-18-201 (Effective 05/06/26)**, as enacted by Laws of Utah 2017, Chapter 345

41 **4-26-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2017, Chapter 345

42 **4-46-303 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 271

43 **11-13-228 (Effective 05/06/26)**, as enacted by Laws of Utah 2024, Chapter 522

44 **11-65-202 (Effective 05/06/26)**, as enacted by Laws of Utah 2022, Chapter 59

45 **19-1-105 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 14

46 **19-1-108 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 336

47 **19-1-403.3 (Effective 05/06/26)**, as enacted by Laws of Utah 2016, Chapter 369

48 **19-2-101 (Effective 05/06/26) (Repealed 07/01/29)**, as renumbered and amended by
49 Laws of Utah 1991, Chapter 112

50 **19-4-103 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah
51 2025, Chapter 57

52 **19-4-106 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah
53 2023, Chapter 238

54 **19-5-122 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah
55 2009, Chapter 183

56 **19-6-102.1 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah
57 2020, Chapters 256, 354

58 **19-6-118.5 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah
59 2010, Chapter 17

60 **19-6-119 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah
61 2021, Chapter 64

62 **19-10-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2006, Chapter 51

63 **19-10-102 (Effective 05/06/26)**, as enacted by Laws of Utah 2003, Chapter 44

64 **23A-3-205 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 147

65 **23A-4-702 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 345
66 and renumbered and amended by Laws of Utah 2023, Chapter 103
67 **23A-6-205 (Effective 05/06/26)**, as enacted by Laws of Utah 2023, Chapter 345
68 **23A-11-302 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 116
69 **23A-12-303 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 140
70 **63A-1-116 (Effective 05/06/26)**, as last amended by Laws of Utah 2016, Chapter 187
71 **63A-9-401 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 16
72 **63G-4-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 14,
73 260 and 340
74 **63I-1-219 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 14, 121
75 and 522
76 **63I-1-265 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Third Special
77 Session, Chapter 5
78 **63J-1-602.2 (Effective 05/06/26) (Partially Repealed 07/01/29)**, as last amended by Laws
79 of Utah 2025, Chapter 172
80 **63J-8-106 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 382
81 **63L-11-305 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 140,
82 148
83 **65A-6-4 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 151
84 **65A-16-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 93
85 **73-10-33 (Effective 05/06/26)**, as last amended by Laws of Utah 2014, Chapter 355
86 **73-10g-204 (Effective 05/06/26) (Repealed 07/01/28)**, as last amended by Laws of Utah
87 2025, Chapter 99
88 **73-10g-305 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 335
89 **73-10g-703 (Effective 05/06/26) (Repealed 07/01/34)**, as last amended by Laws of Utah
90 2025, Chapter 93
91 **73-32-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 93
92 **73-32-204 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 25
93 **73-32-303 (Effective 05/06/26) (Repealed 07/01/27)**, as last amended by Laws of Utah
94 2025, Chapter 93
95 **76-17-401 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
96 Chapter 173
97 **79-2-406 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 88
98 **79-2-408 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 38

99 **79-2-504 (Effective 05/06/26)**, as enacted by Laws of Utah 2016, Chapter 358
100 **79-8-203 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 83, 271

101 REPEALS:

102 **4-1-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,
103 Chapter 345
104 **4-2-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2017, Chapter 345
105 **4-2-501 (Effective 05/06/26)**, as enacted by Laws of Utah 2015, Chapter 128
106 **4-3-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2017, Chapter 345
107 **4-4-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,
108 Chapter 345
109 **4-4a-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2021, Chapter 323
110 **4-5-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,
111 Chapter 345
112 **4-5a-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2018, Chapter 377
113 **4-7-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,
114 Chapter 345
115 **4-8-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,
116 Chapter 345
117 **4-9-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2017, Chapter 345
118 **4-10-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,
119 Chapter 345
120 **4-11-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,
121 Chapter 345
122 **4-12-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2018,
123 Chapter 355
124 **4-14-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,
125 Chapter 345
126 **4-15-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,
127 Chapter 345
128 **4-16-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,
129 Chapter 345
130 **4-17-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,
131 Chapter 345
132 **4-18-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2013,

133 Chapter 227
134 **4-18-301 (Effective 05/06/26) (Repealed 07/01/26)**, as enacted by Laws of Utah 2021,
135 Chapter 178
136 **4-19-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2017, Chapter 345
137 **4-20-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,
138 Chapter 345
139 **4-21-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2018, Chapter 393
140 **4-22-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2017, Chapter 345
141 **4-23-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,
142 Chapter 345
143 **4-24-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,
144 Chapter 345
145 **4-25-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2017, Chapter 345
146 **4-30-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2017, Chapter 345
147 **4-31-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2012, Chapter 331
148 **4-32-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,
149 Chapter 345
150 **4-32a-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2019, Chapter 315
151 **4-34-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2017, Chapter 345
152 **4-35-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapter 326
153 **4-37-101 (Effective 05/06/26)**, as enacted by Laws of Utah 1994, Chapter 153
154 **4-38-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2017,
155 Chapter 345
156 **4-39-101 (Effective 05/06/26)**, as enacted by Laws of Utah 1997, Chapter 302
157 **4-41-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapter 14
158 **4-41-401 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, Chapter 23
159 **4-41a-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2018,
160 Third Special Session, Chapter 1
161 **4-44-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2019, Chapter 81
162 **4-45-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2019, Chapter 329
163 **19-1-101 (Effective 05/06/26)**, as enacted by Laws of Utah 1991, Chapter 112
164 **19-1-207 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 178
165 **19-1-501 (Effective 05/06/26)**, as enacted by Laws of Utah 2010, Chapter 170
166 **19-1-601 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Chapter 281

167 **19-2-201 (Effective 05/06/26) (Repealed 07/01/29)**, as enacted by Laws of Utah 2014,
168 Chapter 295

169 **19-2-301 (Effective 05/06/26) (Repealed 07/01/29)**, as enacted by Laws of Utah 2015,
170 Chapter 381

171 **19-2a-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2018, Chapter 120

172 **19-3-101 (Effective 05/06/26)**, as enacted by Laws of Utah 1991, Chapter 112

173 **19-3-320 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 184

174 **19-4-101 (Effective 05/06/26) (Repealed 07/01/29)**, as renumbered and amended by
175 Laws of Utah 1991, Chapter 112

176 **19-5-101 (Effective 05/06/26) (Repealed 07/01/29)**, as renumbered and amended by
177 Laws of Utah 1991, Chapter 112

178 **19-5-203 (Effective 05/06/26) (Repealed 07/01/29)**, as enacted by Laws of Utah 2022,
179 Chapter 66

180 **19-6-101 (Effective 05/06/26) (Repealed 07/01/29)**, as renumbered and amended by
181 Laws of Utah 1991, Chapter 112

182 **19-6-201 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 1991,
183 Chapter 112

184 **19-6-301 (Effective 05/06/26) (Repealed 07/01/30)**, as renumbered and amended by
185 Laws of Utah 1991, Chapter 112

186 **19-6-501 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 1991,
187 Chapter 112

188 **19-6-701 (Effective 05/06/26) (Repealed 07/01/29)**, as enacted by Laws of Utah 1993,
189 Chapter 283

190 **19-6-801 (Effective 05/06/26) (Repealed 07/01/30)**, as renumbered and amended by
191 Laws of Utah 2000, Chapter 51

192 **19-6-901 (Effective 05/06/26)**, as enacted by Laws of Utah 2004, Chapter 249

193 **19-6-1001 (Effective 05/06/26) (Repealed 07/01/27)**, as enacted by Laws of Utah 2006,
194 Chapter 187

195 **19-6-1002 (Effective 05/06/26) (Repealed 07/01/27)**, as last amended by Laws of Utah
196 2015, Chapter 451

197 **19-6-1003 (Effective 05/06/26) (Repealed 07/01/27)**, as last amended by Laws of Utah
198 2012, Chapter 360

199 **19-6-1004 (Effective 05/06/26) (Repealed 07/01/27)**, as last amended by Laws of Utah
200 2012, Chapter 360

201 **19-6-1005 (Effective 05/06/26) (Repealed 07/01/27)**, as last amended by Laws of Utah
202 2012, Chapter 360

203 **19-6-1006 (Effective 05/06/26) (Repealed 07/01/27)**, as enacted by Laws of Utah 2006,
204 Chapter 187

205 **19-6-1101 (Effective 05/06/26)**, as enacted by Laws of Utah 2009, Chapter 340

206 **19-6-1201 (Effective 05/06/26)**, as enacted by Laws of Utah 2011, Chapter 213

207 **19-7-101 (Effective 05/06/26)**, as enacted by Laws of Utah 1995, Chapter 304

208 **19-8-101 (Effective 05/06/26)**, as enacted by Laws of Utah 1997, Chapter 247

209 **19-12-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2014, Chapter 24

210 **19-13-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2020,
211 Chapter 360

212 **40-2-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2008, Chapter 113

213 **54-17-701 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 178

214 **65A-8a-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2001, Chapter 80

215 **65A-10-5 (Effective 05/06/26) (Repealed 07/01/27)**, as enacted by Laws of Utah 2024,
216 Chapter 384

217 **65A-14-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2010, Chapter 21

218 **73-2-1.7 (Effective 05/06/26)**, as enacted by Laws of Utah 2022, Chapter 75

219 **73-3b-101 (Effective 05/06/26)**, as enacted by Laws of Utah 1991, Chapter 146

220 **73-3c-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2006, Chapter 179

221 **73-10-35 (Effective 05/06/26)**, as enacted by Laws of Utah 2020, Chapter 204

222 **73-10g-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Chapter 143

223 **73-10g-201 (Effective 05/06/26) (Repealed 07/01/28)**, as enacted by Laws of Utah 2018,
224 Chapter 143

225 **73-10g-309 (Effective 05/06/26)**, as enacted by Laws of Utah 2020, Chapter 309

226 **73-10g-405 (Effective 05/06/26)**, as enacted by Laws of Utah 2022, Chapter 81

227 **73-18c-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2006, Chapter 211

228 **73-20-1 (Effective 05/06/26)**, as enacted by Laws of Utah 1977, First Special Session,
229 Chapters 6, 6

230 **73-20-2 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 126

231 **73-20-3 (Effective 05/06/26)**, as enacted by Laws of Utah 1977, First Special Session,
232 Chapters 6, 6

233 **73-20-4 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 126

234 **73-20-5 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 126

235 **73-20-6 (Effective 05/06/26)**, as enacted by Laws of Utah 1977, First Special Session,
 236 Chapters 6, 6
 237 **73-20-7 (Effective 05/06/26)**, as enacted by Laws of Utah 1977, First Special Session,
 238 Chapters 6, 6
 239 **73-20-8 (Effective 05/06/26)**, as last amended by Laws of Utah 1988, Chapter 169
 240 **73-20-9 (Effective 05/06/26)**, as enacted by Laws of Utah 1977, First Special Session,
 241 Chapters 6, 6
 242 **73-20-10 (Effective 05/06/26)**, as last amended by Laws of Utah 1988, Chapter 169
 243 **73-20-11 (Effective 05/06/26)**, as enacted by Laws of Utah 1978, Chapter 37
 244 **73-26-101 (Effective 05/06/26)**, as enacted by Laws of Utah 1991, Chapter 251
 245 **73-28-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2006, Chapter 216
 246 **73-29-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2010, Chapter 410
 247 **73-31-101 (Effective 05/06/26) (Repealed 12/31/30)**, as enacted by Laws of Utah 2020,
 248 Chapter 342
 249 **79-1-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2009, Chapter 344
 250 **79-2-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2009, Chapter 344
 251 **79-2-405 (Effective 05/06/26)**, as enacted by Laws of Utah 2021, Chapter 87
 252 **79-2-501 (Effective 05/06/26)**, as enacted by Laws of Utah 2016, Chapter 358
 253 **79-3-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2009, Chapter 344
 254 **79-4-1201 (Effective 05/06/26)**, as enacted by Laws of Utah 2019, Chapter 360
 255 **79-5-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2009, Chapter 344
 256 **79-6-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2021,
 257 Chapter 280
 258 **79-6-406 (Effective 05/06/26)**, as enacted by Laws of Utah 2024, Chapter 62
 259 **79-6-501 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2021,
 260 Chapter 280
 261 **79-6-601 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2021,
 262 Chapter 280
 263 **79-8-101 (Effective 05/06/26)**, as enacted by Laws of Utah 2021, Chapter 280
 264 **79-8-301 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2021,
 265 Chapter 280
 266

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

268 Section 1. Section **4-18-106** is amended to read:

- 269 **4-18-106 (Effective 05/06/26). Agriculture Resource Development Fund --**
270 **Contents -- Use of fund money -- Advisory board.**
- 271 (1) As used in this section:
- 272 (a) "Disaster" means an extraordinary circumstance, including a flood, drought, or fire,
273 that results in:
- 274 (i) the president of the United States declaring an emergency or major disaster in the
275 state;
- 276 (ii) the governor declaring a state of emergency under Title 53, Chapter 2a, Part 2,
277 Disaster Response and Recovery Act; or
- 278 (iii) the chief executive officer of a local government declaring a local emergency
279 under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.
- 280 (b) "Fund" means the Agriculture Resource Development Fund created in this section.
- 281 (c) "Local government" means the same as that term is defined in Section 53-2a-602.
- 282 (2) There is created a revolving loan fund known as the "Agriculture Resource
283 Development Fund."
- 284 (3) The fund shall consist of:
- 285 (a) money appropriated to the fund by the Legislature;
- 286 (b) money received for the repayment of loans made from the fund;
- 287 (c) money from a preferential user to reimburse the commission for loans made from the
288 fund in accordance with Title 73, Chapter 3d, Part 4, Compensation;
- 289 (d) money made available to the state for agriculture resource development or for a
290 temporary water shortage emergency, as defined in Section 73-3d-101, from any
291 source; and
- 292 (e) interest earned on the fund.
- 293 (4) The commission may make loans from the fund for:
- 294 (a) a rangeland improvement and management project;
- 295 (b) a watershed protection or flood prevention project;
- 296 (c) a soil and water conservation project;
- 297 (d) a program designed to promote energy efficient farming practices;
- 298 (e) an improvement program for agriculture product storage or program designed to
299 protect a crop or animal resource;
- 300 (f) a hydroponic or aquaponic system, including a hydroponic fodder production system;
- 301 (g) a project or program to improve water quality;
- 302 (h) a project to address other environmental issues;

- 303 (i) subject to Subsection (5), a disaster relief program designed to aid the sustainability
 304 of agriculture during and immediately following a disaster; or
 305 (j) subject to Subsection (6), authorized for temporary water shortage emergencies as
 306 provided in Title 73, Chapter 3d, Part 4, Compensation.
- 307 (5)(a) Loans made through a disaster relief program described in Subsection (4)(i) may
 308 not comprise more than 10% of the funds appropriated by the Legislature to the fund.
- 309 (b) Notwithstanding Subsection (5)(a), the department may use the money appropriated
 310 to the fund by the Legislature or another source, without limitation, if the money is
 311 appropriated specifically for use in a disaster relief program.
- 312 ~~[(c)(i) Until December 31, 2024, the department is authorized to borrow up to
 313 \$3,000,000 of General Fund appropriations from the Agricultural Water
 314 Optimization Account created in Section 73-10g-204 to be used in making loans
 315 through a disaster relief program described in Subsection (4)(i).]~~
- 316 ~~[(ii) If the department borrows from the Agricultural Water Optimization Account
 317 under Subsection (5)(c)(i), the department shall deposit the repayment of principal
 318 and interest on loans made through a disaster relief program, regardless of the
 319 source of the funds used to make those loans, into the Agricultural Water
 320 Optimization Account, with preference over the repayment of any other source of
 321 funds, until the Agricultural Water Optimization Account is repaid in full.]~~
- 322 (6) The commission may not have at one time an aggregate amount of loans made under
 323 Subsection (4)(j) that exceeds \$5,000,000.
- 324 (7) The commission may appoint an advisory board to:
 325 (a) oversee the award process for loans, as described in this section;
 326 (b) approve loans; and
 327 (c) recommend policies and procedures for the fund that are consistent with statute.
- 328 (8) The department shall obtain an approved annual budget from the commission to use
 329 money from the fund to pay for the costs of administering the fund and loans made from
 330 the fund.

331 Section 2. Section **4-18-201** is amended to read:

332 **4-18-201 (Effective 05/06/26). Definitions.**

333 ~~[(1) This part is known as "Salinity Offset Fund."]~~

334 ~~[(2)]~~ As used in this part, "Colorado River Salinity Offset Program" means a program,
 335 administered by the Division of Water Quality, allowing oil, gas, or mining companies
 336 and other entities to provide ~~[funds]~~ money to finance salinity reduction projects in the

337 Colorado River Basin by purchasing salinity credits as offsets against discharges made
338 by the company under permits issued by the Division of Water Quality.

339 Section 3. Section **4-26-101** is amended to read:

340 **4-26-101 (Effective 05/06/26). Failure to close entrance to enclosure -- Class C**
341 **misdemeanor -- Damages.**

342 [~~(1)~~ This chapter is known as "Enclosures and Fences."]

343 [~~(2)~~] A person who willfully throws down a fence or opens bars or gates into [any] an
344 enclosure other than the person's own enclosure or into [any] an enclosure jointly owned
345 or occupied by [such] the person and others, and leaves the enclosure open:

346 [~~(a)~~] (1) is guilty of a class C misdemeanor; and

347 [~~(b)~~] (2) is liable in damage for [any] an injury sustained by [any] a person as a result of [such
348 an] the act.

349 Section 4. Section **4-46-303** is amended to read:

350 **4-46-303 (Effective 05/06/26). Board to report annually.**

351 The board shall submit, by no later than October 1, an annual report to the
352 Transportation and Infrastructure and Natural Resources, Agriculture, and Environmental
353 Quality Appropriations Subcommittees:

354 (1) specifying the amount of each disbursement from the fund;

355 (2) identifying the recipient of each disbursement and describing the project for which
356 money was disbursed; and

357 (3) detailing the conditions, if any, placed by the board on disbursements from the fund.

358 Section 5. Section **11-13-228** is amended to read:

359 **11-13-228 (Effective 05/06/26). Water District Water Development Council.**

360 (1) As used in this section:

361 (a) "Council" means the Water District Water Development Council created pursuant to
362 this section.

363 (b) "Division" means the Division of Water Resources.

364 (c) "Generational" means sufficient to meet anticipated demand for 50 to 75 years.

365 (d) "Generational water infrastructure" means physical facilities or other physical assets
366 designed to meet generational demands for water.

367 (e) "State or local entity" means:

368 (i) a department, division, commission, agency, or other instrumentality of state
369 government; or

370 (ii) a political subdivision or the political subdivision's instrumentalities.

- 371 (f) "Water agent" means the Utah water agent appointed by the governor under Section
372 73-10g-702.
- 373 (g) "Water conservancy district" means an entity formed under Title 17B, Chapter 2a,
374 Part 10, Water Conservancy District Act.
- 375 (2)(a) Subject to ~~[the provisions of]~~this part, the four largest water conservancy districts
376 in the state based on operating budgets shall enter into an agreement with one another
377 and the division to form the Water District Water Development Council as a joint
378 administrator of a joint or cooperative undertaking.
- 379 (b) The members of the council shall consist of:
- 380 (i) the general manager or the general manager's designee for each of the water
381 conservancy districts described in Subsection (2)(a); and
- 382 (ii) the director of the division, who will represent the needs of the portions of the
383 state that are not served by the water conservancy districts in the agreement.
- 384 (c) ~~[Members]~~ A member of the council may not receive compensation, per diem, or
385 expenses for service on the council.
- 386 (d) The council shall appoint a director to manage operations of the council. The council
387 shall set the salary for the director and the director serves at the pleasure of the
388 council.
- 389 (e) The council shall establish and maintain office space and staff for the council and the
390 water agent. The water conservancy districts that enter into the agreement shall pay
391 the costs of the office space and staff that are directly related to the activities of the
392 council, including staff from a water conservancy district that is assigned to work
393 with the council, except that, to the extent appropriated by the Legislature, the state
394 shall pay the costs of the water agent and ~~[any]~~costs for non-district staff hired to
395 solely work for the council or water agent.
- 396 (3)(a) The council may not own or operate water infrastructure, but may advise a water
397 conservancy district that enters into the agreement about the development of
398 generational water infrastructure by a water conservancy district.
- 399 (b) For the generational water needs of the citizens of Utah and within the authorities
400 given to the water conservancy districts represented on the council in Title 17B,
401 Chapter 2a, Part 10, Water Conservancy District Act, the council shall jointly plan
402 for generational water infrastructure and advance the responsible development of
403 water within the jurisdiction of the water conservancy districts represented on the
404 council to address water users' generational need for adequate and reliable water

- 405 supplies, including:
- 406 (i) assessing generational water needs based on population growth and economic
407 development;
- 408 (ii) identifying possible sources to meet the generational water needs;
- 409 (iii) exploring physical interconnections and joint operations of generational water
410 infrastructure that exist as of May 1, 2024, and into the future;
- 411 (iv) assessing water conservation as a component of generational water supplies and
412 environmental conservation efforts;
- 413 (v) scoping solutions to determine the most viable pathways for meeting generational
414 water needs;
- 415 (vi) collecting and analyzing data necessary to make informed decisions regarding
416 generational water needs;
- 417 (vii) coordinating with other water suppliers within the state as needed;
- 418 (viii) making recommendations to the Legislature regarding projects, funding, and
419 policy changes to provide for generational water needs; and
- 420 (ix) annually reporting findings and recommendations, by no later than October 1, to:
- 421 (A) the governor;
- 422 (B) the president of the Senate;
- 423 (C) the speaker of the House of Representatives;
- 424 (D) the Legislative Water Development Commission created by Section 73-27-102;
- 425 (E) the Natural Resources, Agriculture, and Environment Interim Committee; and
- 426 (F) the Water Development Coordinating Council created by Sections 79-2-201
427 and 73-10c-3.
- 428 (c) The council shall coordinate with the division regarding the need for generational
429 water infrastructure and how to meet that need and, as part of this coordination the
430 council shall assist the division in the division's development of a state water plan
431 under Section 73-10-15.
- 432 (d) The council shall receive input from and coordinate with the water agent.
- 433 (e) The council may not levy, assess, or collect ad valorem property taxes or issue bonds.
- 434 (f) The council shall adopt policies for procurement that enable the council to efficiently
435 fulfill the council's responsibilities under the agreement.
- 436 (g) The council is advisory and may not establish policy for the state.
- 437 (h) The council does not control money used to fund water infrastructure.
- 438 (4) Subject to Title 63G, Chapter 2, Government Records Access and Management Act,

439 upon request of the council, a state or local entity shall provide to the water agent a
440 document, report, or information available within the state or local entity.

441 (5) Nothing in this section restricts the ability of a water conservancy district to contract
442 under Subsection 17B-2a-1004(2).

443 Section 6. Section **11-65-202** is amended to read:

444 **11-65-202 (Effective 05/06/26). Lake authority powers and duties.**

445 (1)(a) The lake authority has land use authority over publicly owned land within the lake
446 authority boundary.

447 (b) The lake authority shall work with other government entities with jurisdiction over
448 sovereign land and the watershed affecting Utah Lake water to improve the quality of
449 water flowing into and out of Utah Lake, subject to and consistent with Title 19,
450 Environmental Quality Code, and Title 73, Water and Irrigation.

451 (c) The lake authority may make recommendations and provide advice to an adjacent
452 political subdivision relating to issues affecting both the lake authority and the
453 adjacent political subdivision.

454 (d) The lake authority has no jurisdictional control or power over:

455 (i) another political subdivision, except as provided in an agreement between the lake
456 authority and the other political subdivision;

457 (ii) the regulation of water quality;

458 (iii) water rights;

459 (iv) water collection, storage, or delivery;

460 (v) a project for water collection, storage, or delivery; and

461 (vi) water facilities that the lake authority does not own.

462 (2) The lake authority may coordinate the efforts of all applicable state and local
463 government entities, property owners, owners of water rights, and other private parties,
464 and other stakeholders to:

465 (a) develop and implement a management plan for Utah Lake, including:

466 (i) an environmental sustainability component, developed in conjunction with the
467 Department of Environmental Quality and the Division of Wildlife Resources
468 incorporating strategies and best management practices to meet applicable federal
469 and state standards, including:

470 (A) water quality monitoring and reporting; and

471 (B) strategies that use the best available technology and practices to mitigate
472 environmental impacts from management and uses on Utah Lake;

- 473 (ii) strategies that enhance the aesthetic qualities and recreational use and enjoyment
474 of Utah Lake; and
- 475 (iii) strategies that enhance economic development in communities adjacent to Utah
476 Lake;
- 477 (b) plan and facilitate the management of Utah Lake uses; and
- 478 (c) manage [~~any~~]land owned or leased by the lake authority that is not sovereign land.
- 479 (3) The lake authority has primary responsibility and authority for the management of Utah
480 Lake, subject to and in accordance with this chapter.
- 481 (4) The lake authority may:
- 482 (a) engage in education efforts to encourage and facilitate:
- 483 (i) the improvement of water and environmental quality;
- 484 (ii) the use of Utah Lake for recreation;
- 485 (iii) the improvement of economic development on Utah Lake; and
- 486 (iv) other management of Utah Lake consistent with the policies and objectives
487 described in Subsection (2);
- 488 (b) facilitate and provide funding for the management of Utah Lake, including the
489 development of publicly owned infrastructure and improvements and other
490 infrastructure and improvements on or related to Utah Lake;
- 491 (c) engage in marketing activities and efforts to encourage and facilitate management of
492 Utah Lake;
- 493 (d) as determined by the board appropriate to accomplish or further the policies and
494 objectives described in Subsection (2):
- 495 (i) take all necessary actions to acquire [~~any~~]grants or other available funds from
496 federal or other governmental or private entities, including providing matching
497 funds;
- 498 (ii) award grants of lake authority funds; or
- 499 (iii) provide waivers of financial obligations to the lake authority;
- 500 (e) as the lake authority considers necessary or advisable to carry out [~~any of~~]the lake
501 authority's duties or responsibilities under this chapter:
- 502 (i) buy, obtain an option upon, or otherwise acquire [~~any~~] an interest in real or
503 personal property;
- 504 (ii) sell, convey, grant, dispose of by gift, or otherwise dispose of [~~any~~] an interest in
505 real property that is not sovereign land or [~~any~~] an interest in personal property; or
- 506 (iii) enter into a lease agreement on real or personal property, either as lessee or

- 507 lessor;
- 508 (f) sue and be sued;
- 509 (g) enter into contracts generally;
- 510 (h) provide funding for the development of publicly owned infrastructure and
- 511 improvements or other infrastructure and improvements on or related to Utah Lake;
- 512 (i) exercise powers and perform functions under a contract, as authorized in the contract;
- 513 (j) accept financial or other assistance from ~~[any]~~ a public or private source for the lake
- 514 authority's activities, powers, and duties, and expend ~~[any]~~ funds ~~[so]~~ received for
- 515 any of the purposes of this chapter;
- 516 (k) borrow money, contract with, or accept financial or other assistance from the federal
- 517 government, a public entity, or any other source for any of the purposes of this
- 518 chapter and comply with any conditions of the loan, contract, or assistance;
- 519 (l) issue bonds to finance the undertaking of any management objectives of the lake
- 520 authority, including bonds under this chapter, bonds under Chapter 17, Utah
- 521 Industrial Facilities and Development Act, bonds under Chapter 42, Assessment Area
- 522 Act, and bonds under Chapter 42a, Commercial Property Assessed Clean Energy Act;
- 523 (m) hire employees, including contract employees;
- 524 (n) transact other business and exercise all other powers provided for in this chapter;
- 525 (o) engage one or more consultants to advise or assist the lake authority in the
- 526 performance of the lake authority's duties and responsibilities;
- 527 (p) work with adjacent political subdivisions and neighboring property owners and
- 528 communities to mitigate potential negative impacts from the management of Utah
- 529 Lake;
- 530 (q) help to facilitate development in a municipality or community reinvestment agency
- 531 whose boundary abuts the lake authority boundary if the development also benefits
- 532 the lake authority or the management of Utah Lake;
- 533 (r) subject to Subsection (5)(a), manage one or more marina facilities if the lake
- 534 authority considers the lake authority managing the marina facility to be necessary or
- 535 desirable;
- 536 (s) subject to Subsection (5)(b), own and operate publicly owned infrastructure and
- 537 improvements in a project area outside the lake authority land; and
- 538 (t) exercise powers and perform functions that the lake authority is authorized by statute
- 539 to exercise or perform.
- 540 (5)(a) Notwithstanding Subsection (4)(r), the lake authority may not interfere with or

- 541 replace the management of a privately operated marina.
- 542 (b) Notwithstanding Subsection (4)(s), the lake authority may not provide service
543 through publicly owned infrastructure and improvements to an area outside the lake
544 authority boundary.
- 545 (c) The lake authority may not impair or affect:
- 546 (i) a right to store, use, exchange, release, or deliver water under a water right and
547 associated contract; or
- 548 (ii) a project or facility to store, release, and deliver water.
- 549 (6) The lake authority may consult, coordinate, enter into agreements, or engage in
550 mutually beneficial projects or other activities with a municipality, community
551 reinvestment agency, or adjacent political subdivision, as the board considers
552 appropriate.
- 553 (7) The lake authority shall:
- 554 (a) no later than December 31, 2022, prepare an accurate digital map of the lake
555 authority boundary, subject to any later changes to the boundary enacted by the
556 Legislature; and
- 557 (b) maintain the digital map of the lake authority boundary that is easily accessible by
558 the public.
- 559 (8)(a) The lake authority may establish a community enhancement program designed to
560 address the impacts that management or uses within the lake authority boundary have
561 on adjacent communities.
- 562 (b)(i) The lake authority may use lake authority money to support the community
563 enhancement program and to pay for efforts to address the impacts described in
564 Subsection (8)(a).
- 565 (ii) Lake authority money designated for use under Subsection (8)(b)(i) is exempt
566 from execution or any other process in the collection of a judgment against or debt
567 or other obligation of the lake authority arising out of the lake authority's activities
568 with respect to the community enhancement program.
- 569 [~~(e) On or before October 31, 2023, the lake authority shall report on the lake authority's~~
570 ~~actions under this Subsection (8) to the Natural Resources, Agriculture, and~~
571 ~~Environment Interim Committee of the Legislature.]~~
- 572 Section 7. Section **19-1-105** is amended to read:
- 573 **19-1-105 (Effective 05/06/26). Divisions of department -- Control by division**
574 **directors.**

- 575 (1) The following divisions are created within the department:
- 576 (a) the Division of Air Quality, to administer Chapter 2, Air Conservation Act;
- 577 (b) the Division of Drinking Water, to administer Chapter 4, Safe Drinking Water Act;
- 578 (c) the Division of Environmental Response and Remediation, to administer:
- 579 (i) Chapter 6, Part 3, Hazardous Substances Mitigation Act; and
- 580 (ii) Chapter 6, Part 4, Petroleum Storage Tank Act;
- 581 (d) the Division of Waste Management and Radiation Control, to administer:
- 582 (i) Chapter 3, Radiation Control Act;
- 583 (ii) Chapter 6, Part 1, Solid and Hazardous Waste Act;
- 584 (iii) Chapter 6, Part 2, Hazardous Waste Facility Siting Act;
- 585 (iv) Chapter 6, Part 5, Solid Waste Management Act;
- 586 (v) Chapter 6, Part 6, Lead Acid Battery Disposal;
- 587 (vi) Chapter 6, Part 7, Used Oil Management Act;
- 588 (vii) Chapter 6, Part 8, Waste Tire Recycling Act;
- 589 [~~(viii) Chapter 6, Part 10, Mercury Switch Removal Act;~~]
- 590 [~~(ix)~~] (viii) Chapter 6, Part 11, Industrial Byproduct Reuse; and
- 591 [~~(x)~~] (ix) Chapter 6, Part 12, Disposal of Electronic Waste Program; and
- 592 (e) the Division of Water Quality, to administer Chapter 5, Water Quality Act.
- 593 (2) Each division is under the immediate direction and control of a division director
- 594 appointed by the executive director.
- 595 (3)(a) A division director shall possess the administrative skills and training necessary to
- 596 perform the duties of division director.
- 597 (b) A division director shall hold one of the following degrees from an accredited
- 598 college or university:
- 599 (i) a four-year degree in physical or biological science or engineering;
- 600 (ii) a related degree; or
- 601 (iii) a degree in law.
- 602 (4) The executive director may remove a division director at will.
- 603 (5) A division director shall serve as the executive secretary to the policymaking board,
- 604 created in Section 19-1-106, that has rulemaking authority over the division director's
- 605 division.
- 606 Section 8. Section **19-1-108** is amended to read:
- 607 **19-1-108 (Effective 05/06/26). Environmental Quality Restricted Account.**
- 608 (1) There is created the Environmental Quality Restricted Account.

- 609 (2) The sources of money for the Environmental Quality Restricted Account are:
- 610 (a) radioactive waste disposal fees collected under Sections 19-3-106 and 19-3-106.4
- 611 and other fees collected under Subsection 19-3-104(5) or 19-3-104(6);
- 612 (b) hazardous waste disposal fees collected under Section 19-6-118;
- 613 (c) PCB waste disposal fees collected under Section 19-6-118.5;
- 614 (d) nonhazardous solid waste [~~disposal~~]fees collected under Section 19-6-119; and
- 615 (e) the investment income derived from money in the Environmental Quality Restricted
- 616 Account.
- 617 (3) In each fiscal year the balance of the money collected from the waste disposal fees listed
- 618 in Subsection (2), collectively, shall be deposited into the Environmental Quality
- 619 Restricted Account.
- 620 (4) The Legislature may annually appropriate money from the Environmental Quality
- 621 Restricted Account to the department for the costs of administering:
- 622 (a) radiation control programs; and
- 623 (b) solid and hazardous waste programs.
- 624 (5) Each fiscal year beginning on or after July 1, 2018, and ending on or before June 30,
- 625 2022, the Division of Finance shall transfer \$200,000 from the Environmental Quality
- 626 Restricted Account to the Hazardous Substances Mitigation Fund, to provide money to:
- 627 (a) meet the state's cost share requirements for cleanup under the Comprehensive
- 628 Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Sec.
- 629 9601 et seq. as amended; and
- 630 (b) respond to an emergency as provided in Section 19-6-309.
- 631 (6) After the requirements of Subsection (3) are met, sources of money for the
- 632 Environmental Quality Restricted Account described in Subsection (2)(a) may only be
- 633 used for the purpose described in Subsection (4)(a).
- 634 (7) To stabilize funding for the radiation control programs and the solid and hazardous
- 635 waste programs, the Legislature shall in years of excess revenues reserve in the
- 636 Environmental Quality Restricted Account sufficient money to meet departmental needs
- 637 in years of projected shortages.
- 638 (8) The Legislature may not appropriate money from the General Fund to the department as
- 639 a supplemental appropriation to cover the costs of the radiation control programs and the
- 640 solid and hazardous waste programs in an amount exceeding 25% of the amount of
- 641 waste disposal fees collected during the most recent prior fiscal year.
- 642 (9) Money appropriated under this part that is not expended at the end of the fiscal year

643 lapses into the Environmental Quality Restricted Account.

644 (10)(a) The balance in the Environmental Quality Restricted Account may not exceed
645 \$4,000,000 above the anticipated revenue need for the money in the Environmental
646 Quality Restricted Account for the fiscal year.

647 (b) Excess funds under Subsection (10)(a) shall be credited on a proportionate basis to
648 each person who paid money to the Environmental Quality Restricted Account in the
649 previous fiscal year.

650 Section 9. Section **19-1-403.3** is amended to read:

651 **19-1-403.3 (Effective 05/06/26). Conversion to Alternative Fuel Grant Program**
652 **Fund -- Contents -- Grants made with fund money.**

653 (1)(a) There is created an expendable special revenue fund known as the "Conversion to
654 Alternative Fuel Grant Program Fund."

655 (b) The fund consists of:

656 (i) appropriations to the fund;

657 (ii) other public and private contributions made under Subsection (1)(c);

658 (iii) fees established by the department, as described in Subsection (3)(a), and
659 deposited into the fund; and

660 (iv) interest earnings on cash balances.

661 (c) The department may accept contributions from other public and private sources for
662 deposit into the fund.

663 (2) The department may make a grant with money available in the fund to a person who
664 installs conversion equipment on an eligible vehicle, as described in Sections [~~19-2-301~~]
665 19-2-302 through 19-2-304.

666 (3) The department may:

667 (a) establish an application fee for a grant from the fund by following the procedures and
668 requirements of Section 63J-1-504; and

669 (b) reimburse [~~itself~~] the department for the costs incurred in administering the fund from:

670 (i) the fund; or

671 (ii) application fees established under Subsection (3)(a).

672 (4)(a) The fund balance may not exceed \$10,000,000.

673 (b) Interest on cash balances in excess of the amount necessary to maintain the fund
674 balance at \$10,000,000 shall be deposited into the General Fund.

675 Section 10. Section **19-2-101** is amended to read:

676 **19-2-101 (Effective 05/06/26) (Repealed 07/01/29). Policy of state and purpose of**

677 **chapter -- Support of local and regional programs -- Provision of coordinated statewide**
 678 **program.**

679 [~~(1)~~ This chapter is known as the "Air Conservation Act."]

680 [~~(2)~~] (1) It is the policy of this state and the purpose of this chapter to achieve and maintain
 681 levels of air quality which will protect human health and safety, and to the greatest
 682 degree practicable, prevent injury to plant and animal life and property, foster the
 683 comfort and convenience of the people, promote the economic and social development
 684 of this state, and facilitate the enjoyment of the natural attractions of this state.

685 [~~(3)~~] (2) Local and regional air pollution control programs shall be supported to the extent
 686 practicable as essential instruments to secure and maintain appropriate levels of air
 687 quality.

688 [~~(4)~~] (3) The purpose of this chapter is to:

- 689 (a) provide for a coordinated statewide program of air pollution prevention, abatement,
 690 and control;
- 691 (b) provide for an appropriate distribution of responsibilities among the state and local
 692 units of government;
- 693 (c) facilitate cooperation across jurisdictional lines in dealing with problems of air
 694 pollution not confined within single jurisdictions; and
- 695 (d) provide a framework within which air quality may be protected and consideration
 696 given to the public interest at all levels of planning and development within the state.

697 Section 11. Section **19-4-103** is amended to read:

698 **19-4-103 (Effective 05/06/26) (Repealed 07/01/29). Drinking Water Board --**

699 **Members -- Organization -- Meetings -- Per diem and expenses.**

700 (1) The board consists of the following nine members:

- 701 (a) the following non-voting member, except that the member may vote to break a tie
 702 vote between the voting members:
 - 703 (i) the executive director; or
 - 704 (ii) an employee of the department designated by the executive director; and
- 705 (b) the following eight voting members, who shall be appointed by the governor with the
 706 advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2,
 707 Vacancies:
 - 708 (i) one representative who is a Utah-licensed professional engineer with expertise in
 709 civil or sanitary engineering;
 - 710 (ii) two representatives who are elected officials from a municipal government that is

- 711 involved in the management or operation of a public water system;
- 712 (iii) one representative from an improvement district, a water conservancy district, or
- 713 a metropolitan water district;
- 714 (iv) one representative from an entity that manages or operates a public water system;
- 715 (v) one representative from:
- 716 (A) the state water research community; or
- 717 (B) an institution of higher education that has comparable expertise in water
- 718 research to the state water research community;
- 719 (vi) one representative from the public who represents:
- 720 (A) an environmental nongovernmental organization; or
- 721 (B) a nongovernmental organization that represents community interests and does
- 722 not represent industry interests; and
- 723 (vii) one representative from the public who is trained and experienced in public
- 724 health.

725 (2) A member of the board shall:

- 726 (a) be knowledgeable about drinking water and public water systems, as evidenced by a
- 727 professional degree, a professional accreditation, or documented experience;
- 728 (b) represent different geographical areas within the state insofar as practicable;
- 729 (c) be a resident of Utah;
- 730 (d) attend board meetings in accordance with the attendance rules made by the
- 731 department under Subsection 19-1-201(1)(d)(i)(A); and
- 732 (e) comply with all applicable statutes, rules, and policies, including the conflict of
- 733 interest rules made by the department under Subsection 19-1-201(1)(d)(i)(B) and the
- 734 conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of
- 735 Interest.

736 (3)(a) As terms of current board members expire, the governor shall appoint ~~each~~ a new

737 member or reappointed member to a four-year term.

738 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the

739 time of appointment or reappointment, adjust the length of terms to ensure that the

740 terms of board members are staggered so that half of the appointed board is

741 appointed every two years.

742 ~~[(e)(i) Notwithstanding Subsection (3)(a), the term of a board member who is~~

743 ~~appointed before May 1, 2013, shall expire on April 30, 2013.]~~

744 ~~[(ii) On May 1, 2013, the governor shall appoint or reappoint board members in~~

- 745 ~~accordance with this section.]~~
- 746 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
747 appointed for the unexpired term.
- 748 (5) When the governor makes a new appointment or reappointment under Subsection (3)(a),
749 or a vacancy appointment under Subsection (4), the governor's new appointment,
750 reappointment, or vacancy appointment shall be with the advice and consent of the
751 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- 752 (6) ~~[Each]~~ A member holds office until the expiration of the member's term, and until a
753 successor is appointed, but not for more than 90 days after the expiration of the term.
- 754 (7) The board shall elect annually a chair and a vice chair from ~~[its]~~ the board's members.
- 755 (8)(a) The board shall meet at least quarterly.
- 756 (b) Special meetings may be called by the chair upon the chair's own initiative, upon the
757 request of the director, or upon the request of three members of the board.
- 758 (c) Reasonable notice shall be given to ~~[each]~~ a member of the board before ~~[any]~~ a
759 meeting.
- 760 (9) Five members constitute a quorum at ~~[any]~~ a meeting and the action of the majority of
761 the members present is the action of the board.
- 762 (10) A member may not receive compensation or benefits for the member's service, but
763 may receive per diem and travel expenses in accordance with:
- 764 (a) Section 63A-3-106;
- 765 (b) Section 63A-3-107; and
- 766 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
767 63A-3-107.
- 768 Section 12. Section **19-4-106** is amended to read:
- 769 **19-4-106 (Effective 05/06/26) (Repealed 07/01/29). Director -- Appointment --**
770 **Authority.**
- 771 (1) The executive director shall appoint the director. The director shall serve under the
772 administrative direction of the executive director.
- 773 (2) The director shall:
- 774 (a) develop programs to promote and protect the quality of the public drinking water
775 supplies of the state;
- 776 (b) advise, consult, and cooperate with other agencies of this and other states, the federal
777 government, and with other groups, political subdivisions, and industries in
778 furtherance of the purpose of this chapter;

- 779 (c) review plans, specifications, and other data pertinent to proposed or expanded water
 780 supply systems to ensure proper design and construction; ~~and]~~
- 781 (d) subject to ~~the provisions of]~~ this chapter, enforce rules made by the board through
 782 the issuance of orders that may be subsequently revoked, which orders may require:
 783 (i) discontinuance of use of unsatisfactory sources of drinking water;
 784 (ii) suppliers to notify the public concerning the need to boil water; or
 785 (iii) suppliers in accordance with existing rules, to take remedial actions necessary to
 786 protect or improve an existing water system; and
- 787 (e) as authorized by the board and subject to ~~the provisions of]~~ this chapter, act as
 788 executive secretary of the board under the direction of the chair of the board.
- 789 (3) The director may authorize employees or agents of the department, after reasonable
 790 notice and presentation of credentials, to enter any part of a public water system at
 791 reasonable times to inspect the facilities and water quality records required by board
 792 rules, conduct sanitary surveys, take samples, and investigate the standard of operation
 793 and service delivered by public water systems.
- 794 (4) As provided in this chapter and in accordance with rules made by the board, the director
 795 may:
- 796 (a) issue and enforce a notice of violation and an administrative order; and
 797 (b) assess and make a demand for payment of an administrative penalty arising from a
 798 violation of this chapter, a rule or order issued under the authority of this chapter, or
 799 the terms of a permit or other administrative authorization issued under the authority
 800 of this chapter.
- 801 ~~[(5)(a) The director shall study how water providers, municipalities, counties, and state
 802 agencies may find greater efficiencies through improved coordination, consolidation,
 803 and regionalization related to:]~~
- 804 ~~[(i) water use and conservation; and]~~
- 805 ~~[(ii) administrative and economic efficiencies.]~~
- 806 ~~[(b) The study under this Subsection (5) shall consider recommendations including
 807 incentives, funding, regulatory changes, and statutory changes to promote greater
 808 coordination and efficiency and to help meet water infrastructure needs statewide.]~~
- 809 ~~[(e) The director shall:]~~
- 810 ~~[(i) conduct the study in conjunction with the Division of Water Resources; and]~~
- 811 ~~[(ii) consult with a diverse group consisting of water providers, state agencies, local
 812 governments, and relevant stakeholders to help the director conduct the study and~~

813 develop recommendations described in this Subsection (5).]

814 [(d) On or before October 30, 2024, the director shall provide a written report of the
815 study's findings, including any recommended legislative action, to the Natural
816 Resources, Agriculture, and Environment Interim Committee.]

817 Section 13. Section **19-5-122** is amended to read:

818 **19-5-122 (Effective 05/06/26) (Repealed 07/01/29). Underground wastewater**
819 **disposal systems -- Fee imposed on new systems.**

820 (1) Beginning July 1, 2001, a one-time fee is imposed on [each] a new underground
821 wastewater disposal system installed.

822 [(2)(a) From July 1, 2001 through June 30, 2002, the fee shall be \$25.]

823 [(b)] (2) Beginning July 1, 2002, the fee shall be established by the department in
824 accordance with Section 63J-1-504.

825 (3)(a) The fee shall be paid when plans and specifications for the construction of a new
826 underground wastewater disposal system are approved by the local health department
827 or the Department of Environmental Quality.

828 (b) A local health department shall remit the fee revenue to the Division of Finance
829 quarterly.

830 (4) The fee revenue shall be:

831 (a) deposited into the Underground Wastewater Disposal Restricted Account created in
832 Section 19-5-123; and

833 (b) used to pay for costs of underground wastewater disposal system training programs.

834 Section 14. Section **19-6-102.1** is amended to read:

835 **19-6-102.1 (Effective 05/06/26) (Repealed 07/01/29). Treatment or disposal --**
836 **Exclusions.**

837 As used in Subsections 19-6-108(3)(b)[;] and 19-6-108(3)(c)(ii)(B)[, and 19-6-119(1)(a)],
838 the term "treatment or disposal" specifically excludes the recycling, use, reuse, or reprocessing
839 of:

840 (1) fly ash waste, bottom ash waste, slag waste, or flue gas emission control waste
841 generated primarily from the combustion of coal or other fossil fuels;

842 (2) waste from the extraction, beneficiation, and processing of ores and minerals; or

843 (3) cement kiln dust, including recycle, reuse, use, or reprocessing for road sanding, sand
844 blasting, road construction, railway ballast, construction fill, aggregate, and other
845 construction-related purposes.

846 Section 15. Section **19-6-118.5** is amended to read:

847 **19-6-118.5 (Effective 05/06/26) (Repealed 07/01/29). PCB disposal fee.**

848 [~~(1)(a) On or after July 1, 2010, but on or before June 30, 2011, the owner or operator~~
849 ~~of a waste facility shall pay a fee of \$4.75 per ton on all wastes containing~~
850 ~~polychlorinated biphenyls (PCBs) that are:]~~

851 [~~(i) regulated under 15 U.S.C. Sec. 2605; and]~~

852 [~~(ii) received at a facility for disposal or treatment.]~~

853 [~~(b)] (1) On and after July 1, 2011, the department shall establish a fee for disposal or~~
854 ~~treatment of wastes containing polychlorinated biphenyls in accordance with Section~~
855 ~~63J-1-504.~~

856 (2) The owner or operator of a facility receiving PCBs for disposal or treatment shall:

857 [~~(a) calculate the fees imposed under Subsection (1)(a) by multiplying the total tonnage~~
858 ~~of waste received during the calendar month, computed to the first decimal place, by~~
859 ~~the required fee rate of \$4.75 per ton;]~~

860 [~~(b)] (a) pay the fees imposed by this section to the department by the 15th day of the~~
861 ~~month following the month in which the fees accrued; and~~

862 [~~(c)] (b) with the fees required under this section, submit to the department, on a form~~
863 ~~prescribed by the department, information that verifies the amount of waste received~~
864 ~~and the fees that the owner or operator is required to pay.~~

865 (3) The department shall deposit the fees received under this section into the Environmental
866 Quality Restricted Account created in Section 19-1-108.

867 (4) The owner or operator of a waste facility that is subject to a fee under this section is not
868 subject to a fee for the same waste under Section 19-3-106, even if the waste contains
869 radioactive materials.

870 Section 16. Section **19-6-119** is amended to read:

871 **19-6-119 (Effective 05/06/26) (Repealed 07/01/29). Nonhazardous solid waste fees.**

872 [~~(1)(a) Through December 31, 2018, and except as provided in Subsection (4), the~~
873 ~~owner or operator of a commercial nonhazardous solid waste disposal facility or~~
874 ~~incinerator shall pay the following fees for waste received for treatment or disposal at~~
875 ~~the facility if the facility or incinerator is required to have operation plan approval~~
876 ~~under Section 19-6-108 and primarily receives waste generated by off-site sources~~
877 ~~not owned, controlled, or operated by the facility or site owner or operator:]~~

878 [~~(i) 13 cents per ton on all municipal waste and municipal incinerator ash;]~~

879 [~~(ii) 50 cents per ton on the following wastes if the facility disposes of one or more of~~
880 ~~the following wastes in a cell exclusively designated for the waste being disposed:]~~

- 881 ~~[(A) construction waste or demolition waste;]~~
- 882 ~~[(B) yard waste, including vegetative matter resulting from landscaping, land~~
- 883 ~~maintenance, and land clearing operations;]~~
- 884 ~~[(C) dead animals;]~~
- 885 ~~[(D) waste tires and materials derived from waste tires disposed of in accordance~~
- 886 ~~with Title 19, Chapter 6, Part 8, Waste Tire Recycling Act; and]~~
- 887 ~~[(E) petroleum contaminated soils that are approved by the director; and]~~
- 888 ~~[(iii) \$2.50 per ton on:]~~
- 889 ~~[(A) all nonhazardous solid waste not described in Subsections (1)(a)(i) and (ii);~~
- 890 ~~and]~~
- 891 ~~[(B)(I) fly ash waste;]~~
- 892 ~~[(II) bottom ash waste;]~~
- 893 ~~[(III) slag waste;]~~
- 894 ~~[(IV) flue gas emission control waste generated primarily from the combustion~~
- 895 ~~of coal or other fossil fuels;]~~
- 896 ~~[(V) waste from the extraction, beneficiation, and processing of ores and~~
- 897 ~~minerals; and]~~
- 898 ~~[(VI) cement kiln dust wastes.]~~
- 899 ~~[(b) A commercial nonhazardous solid waste disposal facility or incinerator subject to~~
- 900 ~~the fees under Subsection (1)(a)(i) or (ii) is not subject to the fee under Subsection~~
- 901 ~~(1)(a)(iii) for those wastes described in Subsections (1)(a)(i) and (ii).]~~
- 902 ~~[(e) The owner or operator of a facility described in Subsection 19-6-102(3)(b)(iii) shall~~
- 903 ~~pay a fee of 13 cents per ton on all municipal waste received for disposal at the~~
- 904 ~~facility.]~~
- 905 ~~[(2)(a) Through December 31, 2018, and except as provided in Subsections (2)(c) and~~
- 906 ~~(4), a waste facility that is owned by a political subdivision shall pay the following~~
- 907 ~~annual facility fee to the department by January 15 of each year:]~~
- 908 ~~[(i) \$800 if the facility receives 5,000 or more but fewer than 10,000 tons of~~
- 909 ~~municipal waste each year;]~~
- 910 ~~[(ii) \$1,450 if the facility receives 10,000 or more but fewer than 20,000 tons of~~
- 911 ~~municipal waste each year;]~~
- 912 ~~[(iii) \$3,850 if the facility receives 20,000 or more but fewer than 50,000 tons of~~
- 913 ~~municipal waste each year;]~~
- 914 ~~[(iv) \$12,250 if the facility receives 50,000 or more but fewer than 100,000 tons of~~

- 915 municipal waste each year;]
- 916 [(v) \$14,700 if the facility receives 100,000 or more but fewer than 200,000 tons of
- 917 municipal waste each year;]
- 918 [(vi) \$33,000 if the facility receives 200,000 or more but fewer than 500,000 tons of
- 919 municipal waste each year; and]
- 920 [(vii) \$66,000 if the facility receives 500,000 or more tons of municipal waste each
- 921 year.]
- 922 [(b) The fee identified in Subsection (2)(a) for 2018 shall be paid by January 15, 2019.]
- 923 [(e) Through December 31, 2018, and except as provided in Subsection (4), a waste
- 924 facility that is owned by a political subdivision shall pay \$2.50 per ton for:]
- 925 [(i) nonhazardous solid waste that is not a waste described in Subsection (1)(a)(i) or
- 926 (ii) received for disposal if the waste is:]
- 927 [(A) generated outside the boundaries of the political subdivision; and]
- 928 [(B) received from a single generator and exceeds 500 tons in a calendar year; and]
- 929 [(ii) waste described in Subsection (1)(a)(iii)(B) received for disposal if the waste is:]
- 930 [(A) generated outside the boundaries of the political subdivision; and]
- 931 [(B) received from a single generator and exceeds 500 tons in a calendar year.]
- 932 [(d) Waste received at a facility owned by a political subdivision under Subsection (2)(c)
- 933 may not be counted as part of the total tonnage received by the facility under
- 934 Subsection (2)(a).]
- 935 [(3)(a) As used in this Subsection (3):]
- 936 [(i) "Recycling center" means a facility that extracts valuable materials from a waste
- 937 stream or transforms or remanufactures the material into a usable form that has
- 938 demonstrated or potential market value.]
- 939 [(ii) "Transfer station" means a permanent, fixed, supplemental collection and
- 940 transportation facility that is used to deposit collected solid waste from off-site
- 941 into a transfer vehicle for transport to a solid waste handling or disposal facility.]
- 942 [(b) Through December 31, 2018, and except as provided in Subsection (4), the owner
- 943 or operator of a transfer station or recycling center shall pay to the department the
- 944 following fees on waste sent for disposal to a nonhazardous solid waste disposal or
- 945 treatment facility that is not subject to a fee under this section:]
- 946 [(i) \$1.25 per ton on:]
- 947 [(A) all nonhazardous solid waste; and]
- 948 [(B) waste described in Subsection (1)(a)(iii)(B);]

- 949 (ii) 10 cents per ton on all construction and demolition waste; and]
- 950 (iii) 5 cents per ton on all municipal waste or municipal incinerator ash.]
- 951 ~~[(e) Wastes subject to fees under Subsection (3)(b)(ii) or (iii) are not subject to the fee~~
- 952 ~~required under Subsection (3)(b)(i).]~~
- 953 ~~[(4) The owner or operator of a waste disposal facility that receives nonhazardous solid~~
- 954 ~~waste described in Subsection (1)(a)(iii)(B) is not required to pay any fee on those~~
- 955 ~~nonhazardous solid wastes if received solely for the purpose of recycling, reuse, or~~
- 956 ~~reprocessing.]~~
- 957 ~~[(5) Through December 31, 2018, and except as provided in Subsection (2)(a), a facility~~
- 958 ~~required to pay fees under this section shall:]~~
- 959 ~~[(a) calculate the fees by multiplying the total tonnage of nonhazardous solid waste~~
- 960 ~~received during the calendar month, computed to the first decimal place, by the~~
- 961 ~~required fee rate;]~~
- 962 ~~[(b) pay the fees imposed by this section to the department by the 15th day of the month~~
- 963 ~~following the month in which the fees accrued; and]~~
- 964 ~~[(c) with the fees required under Subsection (6)(b), submit to the department, on a form~~
- 965 ~~prescribed by the department, information that verifies the amount of nonhazardous~~
- 966 ~~solid waste received and the fees that the owner or operator is required to pay.]~~
- 967 ~~[(6) (1)(a) In accordance with Section 63J-1-504, on or before July 1, 2018, and each~~
- 968 ~~fiscal year [thereafter] after July 1, 2018, the department shall establish a fee schedule~~
- 969 ~~for the treatment, transfer, and disposal of all nonhazardous solid waste.~~
- 970 ~~(b) The department shall, before establishing the annual fee schedule described in~~
- 971 ~~Subsection [(6)(a)] (1)(a), consult with industry and local government and complete a~~
- 972 ~~review of program costs and indirect costs of regulating nonhazardous solid waste in~~
- 973 ~~the state and use the findings of the review to create the fee schedule.~~
- 974 ~~(c) The fee schedule described in Subsection [(6)(a)] (1)(a) shall:~~
- 975 ~~(i) create an equitable and fair, though not necessarily equal or uniform, fee to be~~
- 976 ~~paid by all persons whose treatment, transfer, or disposal of nonhazardous solid~~
- 977 ~~waste creates a regulatory burden to the department, based on the actual cost, and~~
- 978 ~~taking into consideration whether the owner or operator of a facility elects to~~
- 979 ~~self-inspect under Section 19-6-109, except as provided in Subsection [(6)(d)]~~
- 980 ~~(1)(d);~~
- 981 ~~(ii) cover the fully burdened costs of the program and provide for reasonable and~~
- 982 ~~timely oversight by the department;~~

- 983 (iii) adequately meet the needs of industry, local government, and the department,
 984 including enabling the department to employ the appropriate number of qualified
 985 personnel to appropriately oversee industry and local government regulation;
 986 (iv) provide stable funding for the Environmental Quality Restricted Account created
 987 in Section 19-1-108; and
 988 (v) for solid waste managed at a transfer facility, be no greater than the cost of
 989 regulatory services provided to the transfer facility.
- 990 (d) ~~Any~~ A person who treats, transfers, stores, or disposes of solid waste from the
 991 extraction, beneficiation, and processing of ores and minerals on a site owned,
 992 controlled, or operated by that person may not be charged a fee under this section for
 993 the treatment, transfer, storage, or disposal of solid waste from the extraction,
 994 beneficiation, and processing of ores and minerals that are generated:
 995 (i) on-site by the person; or
 996 (ii) by off-site sources owned, controlled, or operated by the person.
- 997 ~~[(e) The fees in the fee schedule established by Subsection (6)(a) shall take effect on~~
 998 ~~January 1, 2019.]~~
- 999 ~~[(7)]~~ (2) On and after January 1, 2019, a facility required to pay fees under this section shall:
 1000 (a) pay the fees imposed by this section to the department by the 15th day of the month
 1001 following the quarter in which the fees accrued; and
 1002 (b) with the fees required under Subsection ~~[(7)(a)]~~ (2)(a), submit to the department, on a
 1003 form prescribed by the department, information that verifies the amount of
 1004 nonhazardous solid waste received and the fees that the owner or operator is required
 1005 to pay.
- 1006 ~~[(8)]~~ (3) In setting the fee schedule described in Subsection ~~[(6)(a)]~~ (1)(a), the department
 1007 shall ensure that a party is not charged multiple fees for the same solid waste, except the
 1008 department may charge a separate fee for a transfer station.
- 1009 ~~[(9)]~~ (4) The department shall:
 1010 (a) deposit all fees received under this section into the Environmental Quality Restricted
 1011 Account created in Section 19-1-108; and
 1012 (b) in preparing ~~[its]~~ the department's budget for the governor and the Legislature,
 1013 separately indicate the amount of the department's budget necessary to administer the
 1014 solid and hazardous waste program established by this part.
- 1015 ~~[(10)]~~ (5) The department may contract or agree with a county to assist in performing
 1016 nonhazardous solid waste management activities, including agreements for:

1017 (a) the development of a solid waste management plan required under Section 17-15-23;
1018 and

1019 (b) pass-through of available funding.

1020 ~~[(11)]~~ ~~(6)~~ This section does not exempt ~~[any]~~ a facility from applicable regulation under the
1021 Atomic Energy Act, 42 U.S.C. ~~[See:]~~ Secs. 2014 and 2021 through 2114.

1022 ~~[(12) The department shall report to the Natural Resources, Agriculture, and Environment~~
1023 ~~Interim Committee by November 30, 2017, on the fee schedule described in Subsection~~
1024 ~~(6)(a):]~~

1025 Section 17. Section **19-10-101** is amended to read:

1026 **19-10-101 (Effective 05/06/26). Scope.**

1027 ~~[(1) This chapter is known as the "Environmental Institutional Control Act."]~~

1028 ~~[(2)]~~ ~~(1)~~~~(a)~~ This chapter applies to an environmental institutional control created before
1029 May 1, 2006.

1030 ~~[(b)]~~ ~~(2)~~ Title 57, Chapter 25, Uniform Environmental Covenants Act, governs an
1031 environmental covenant created on or after May 1, 2006.

1032 Section 18. Section **19-10-102** is amended to read:

1033 **19-10-102 (Effective 05/06/26). Definitions.**

1034 As used in this chapter:

1035 (1) "Environmental institutional control" or "institutional control" means, with respect to
1036 real property, ~~[any]~~ a deed restriction, restrictive covenant, easement, reservation,
1037 environmental notice, engineering control, or other restriction or obligation that is
1038 designed to protect human health or the environment and:

1039 (a) is established in connection with a cleanup or risk assessment that is reviewed,
1040 overseen, conducted, or administered by the department; and

1041 (b)(i) limits the use of the real property, groundwater, or surface water;

1042 (ii) limits activities that may be performed on or at the property; or

1043 (iii) requires maintenance of ~~[any]~~ an engineering or other control.

1044 (2) "Executive director" means the executive director of the ~~[state-]~~Department of [
1045 ~~Environment]~~ Environmental Quality or the executive director's designated
1046 representative.

1047 Section 19. Section **23A-3-205** is amended to read:

1048 **23A-3-205 (Effective 05/06/26). Wildlife Conservation Fund.**

1049 (1) As used in this section:

1050 (a) "Fund" means the Wildlife Conservation Fund created by this section.

- 1051 (b) "Land use authority" means:
- 1052 (i) a land use authority, as that term is defined in Section 10-9a-103, of a
- 1053 municipality; or
- 1054 (ii) a land use authority, as that term is defined in Section 17-27a-103, of a county.
- 1055 (c) "Wildlife conservation permit program" means a program under which the division
- 1056 issues permit opportunities to be sold by a conservation organization for auction to
- 1057 the highest bidder at a fund-raising event.
- 1058 (d) "Wildlife exposition program" means a program under which the division allocates
- 1059 permits to a drawing administered by a selected conservation organization as part of a
- 1060 regional or national exposition for the purpose of generating revenue to fund wildlife
- 1061 conservation activities in Utah.
- 1062 (2) There is created an expendable special revenue fund known as the "Wildlife
- 1063 Conservation Fund."
- 1064 (3) The fund consists of:
- 1065 (a) wildlife conservation permit program revenue transferred to the division pursuant to
- 1066 rules, made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah
- 1067 Administrative Rulemaking Act;
- 1068 (b) wildlife exposition program revenue transferred to the division pursuant to rules,
- 1069 made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah
- 1070 Administrative Rulemaking Act;
- 1071 (c) money appropriated to the fund by the Legislature;
- 1072 (d) contributions, grants, gifts, transfers, bequests, and donations to the fund accepted by
- 1073 the division and specifically directed to the fund; and
- 1074 (e) interest and earnings on the fund.
- 1075 (4)(a) The fund shall earn interest and other earnings.
- 1076 (b) The interest and earnings described in Subsection (4)(a) shall be deposited into the
- 1077 fund.
- 1078 (5)(a) The division shall use proceeds in the fund to carry out the purposes of the
- 1079 wildlife conservation permit program or wildlife exposition program.
- 1080 (b) Deposits into and expenditures from the fund shall specifically identify the wildlife
- 1081 conservation permit program or wildlife exposition program to which the deposits
- 1082 and expenditures apply.
- 1083 (c) The division shall make expenditures from the fund consistent with the rules
- 1084 governing the applicable program.

- 1085 (6)(a) Before the division may use or approve the use of money in the fund to purchase
1086 or acquire a grazing permit, the division shall obtain approval from:
- 1087 (i) the land use authority for the land in which the grazing permit is located;
 - 1088 (ii) the Department of Natural Resources created in Section 79-2-201; and
 - 1089 (iii) the Department of Agriculture and Food created in Section 4-2-102.
- 1090 (b) If a request to purchase or acquire a grazing permit under Subsection (6)(a) is not
1091 denied by a land use authority, the Department of Natural Resources, or the
1092 Department of Agriculture and Food within 60 days after the day on which the
1093 division submits the request, the division may consider the request as approved.
- 1094 (c) An action of a land use authority under this Subsection (6) is not a land use decision
1095 subject to:
- 1096 (i) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or
 - 1097 (ii) Title 17, Chapter 27a, County Land Use, Development, and Management Act.
- 1098 (7) The division shall annually report, by no later than October 1, to the Natural Resources,
1099 Agriculture, and Environmental Quality Appropriations Subcommittee regarding:
- 1100 (a) the amount of money in the fund;
 - 1101 (b) the sources of money in the fund; and
 - 1102 (c) how the money is expended.
- 1103 Section 20. Section **23A-4-702** is amended to read:
- 1104 **23A-4-702 (Effective 05/06/26). Air rifle hunting.**
- 1105 (1) As used in this section, "pre-charged pneumatic air rifle" means a rifle that fires a single
1106 projectile with compressed air released from a chamber:
- 1107 (a) built into the rifle; and
 - 1108 (b) pressurized at a minimum of 2,000 pounds per square inch from an external high
1109 compression device or source, such as a hand pump, compressor, or scuba tank.
- 1110 (2) An individual may use a pre-charged pneumatic air rifle to hunt:
- 1111 (a) a species of protected wildlife designated by the Wildlife Board;
 - 1112 (b) a cottontail rabbit;
 - 1113 (c) a snowshoe hare; or
 - 1114 (d) a turkey, with a fall turkey permit.
- 1115 [~~(3) The division shall review available funding to pay the costs of regulating hunting with
1116 pre-charged pneumatic air rifles, including eligibility for federal excise taxes, and report
1117 the division's findings to the Natural Resources, Agriculture, and Environment Interim
1118 Committee by no later than the November 2024 interim committee meeting.]~~]

1119 Section 21. Section **23A-6-205** is amended to read:

1120 **23A-6-205 (Effective 05/06/26). Wildlife Land and Water Acquisition Program.**

- 1121 (1) As used in this section, "program" means the Wildlife Land and Water Acquisition
1122 Program created in Subsection (2).
- 1123 (2) There is created a program known as the "Wildlife Land and Water Acquisition
1124 Program" under which the division may lease or acquire land or water assets that
1125 achieve one or more of the following:
- 1126 (a) protect and enhance wildlife populations;
 - 1127 (b) provide the public the opportunity to hunt, trap, or fish; and
 - 1128 (c) conserve, protect, and enhance wildlife habitat.
- 1129 (3) In making a decision as to whether to lease or acquire land or water assets, the division
1130 shall:
- 1131 (a) consult the relevant state or county resource management plan;
 - 1132 (b) prioritize leases or acquisitions that involve land that:
 - 1133 (i) is adjacent to land already owned by the division; or
 - 1134 (ii) provides access to other public land;
 - 1135 (c) develop a management plan for the land or water asset in a manner consistent with
1136 Section 23A-6-301; and
 - 1137 (d) facilitate grazing as a management tool if consistent with the management plan
1138 described in Subsection (3)(c).
- 1139 (4) The division shall annually report, by no later than October 1, to the Natural Resources,
1140 Agriculture, and Environmental Quality Appropriations Subcommittee regarding how
1141 the division expends money in the program.

1142 Section 22. Section **23A-11-302** is amended to read:

1143 **23A-11-302 (Effective 05/06/26). Big game protection -- Director authority.**

- 1144 (1) It is the policy of the state that big game animals are of great importance to the citizens
1145 of the state, the citizen's quality of life, and the long term sustainability of the herds for
1146 future generations.
- 1147 (2)(a) Unless the condition described in Subsection (2)(b) is determined, the director
1148 shall take immediate action to reduce the number of predators within a management
1149 unit when the big game population is under the established herd size objective for
1150 that management unit.
- 1151 (b) Subsection (2)(a) does not apply if the division determines that predators are not
1152 significantly contributing to the big game population being under the herd size

1153 objective for the management unit.

1154 (3) Immediate action under Subsection (2) includes any of the following management tools:

1155 (a) increasing take permits or tags for cougar and bear until the herd size objective is
1156 met;

1157 (b) allowing big game hunters to harvest predators with the appropriate permit during a
1158 big game hunting season, including issuing over-the-counter predator permits;

1159 (c) professional trapping and predator control by the following, including aerial control
1160 measures:

1161 (i) the Department of Agriculture and Food's predator control program;

1162 (ii) private contracts; and

1163 (iii) the general public; and

1164 (d) other management tools as determined by the director.

1165 (4) The director shall annually give a status report on predator control measures
1166 implemented pursuant to this chapter and Chapter 8, Part 4, Damage by Big Game, by
1167 no later than October 1, to the Natural Resources, Agriculture, and Environmental
1168 Quality Appropriations Subcommittee and Natural Resources, Agriculture, and
1169 Environment Interim Committee.

1170 Section 23. Section **23A-12-303** is amended to read:

1171 **23A-12-303 (Effective 05/06/26). Rulemaking -- Notice.**

1172 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1173 Wildlife Board shall make rules:

1174 (a) designating and establishing the boundaries of a waterfowl management area;

1175 (b) governing the management and use of a waterfowl management area in accordance
1176 with this part; and

1177 (c) [~~to create~~] creating an annual permit process by which commercial guides and
1178 outfitters may use waterfowl management areas in accordance with this part.

1179 (2) The annual permit process described in Subsection (1)(c) shall:

1180 (a) preserve the opportunity for non-guided hunters to use waterfowl management areas;
1181 and

1182 (b) require a permit holder to comply with safety standards established by the Wildlife
1183 Board.

1184 (3) The division shall provide an annual report, by no later than October 1, to the Natural
1185 Resources, Agriculture, and Environment Interim Committee regarding [~~any~~]rules made
1186 or changed in accordance with this part.

- 1187 (4) The Wildlife Board shall publish a map of the boundaries of each waterfowl
1188 management area.
- 1189 (5) Nothing in this part modifies or limits:
- 1190 (a) Section 23A-6-403, or the discretion of the division to manage waterfowl
1191 management areas for other beneficial purposes, including for the benefit of the
1192 public, shorebirds, waterfowl, and other protected wildlife; or
- 1193 (b) the authority of the division, the director, or the Wildlife Board under Chapter 6,
1194 Lands and Waters for Wildlife Purposes.
- 1195 Section 24. Section **63A-1-116** is amended to read:
- 1196 **63A-1-116 (Effective 05/06/26). Appointment of coordinator of resource**
1197 **stewardship -- Duties of the coordinator of resource stewardship.**
- 1198 (1) The executive director of the department shall appoint a state coordinator of resource
1199 stewardship and establish the coordinator of resource stewardship's salary.
- 1200 (2) The coordinator of resource stewardship shall report to the executive director or the
1201 executive director's designee.
- 1202 (3) The coordinator of resource stewardship shall:
- 1203 (a) work with agencies to implement best practices and stewardship measures to
1204 improve air quality; and
- 1205 (b) make an annual report, by no later than October 1, on best practices and stewardship
1206 efforts to improve air quality to the Natural Resources, Agriculture, and Environment
1207 Interim Committee.
- 1208 (4) [~~Each agency will retain-~~] An agency retains absolute discretion whether [~~or not-~~]to
1209 incorporate [~~any of the-~~]practices or measures suggested by the coordinator.
- 1210 Section 25. Section **63A-9-401** is amended to read:
- 1211 **63A-9-401 (Effective 05/06/26). Division -- Duties.**
- 1212 (1) The division shall:
- 1213 (a) perform all administrative duties and functions related to management of state
1214 vehicles;
- 1215 (b) coordinate all purchases of state vehicles;
- 1216 (c) establish one or more fleet automation and information systems for state vehicles;
- 1217 (d) make rules establishing requirements for:
- 1218 (i) maintenance operations for state vehicles;
- 1219 (ii) use requirements for state vehicles;
- 1220 (iii) fleet safety and loss prevention programs;

- 1221 (iv) preventative maintenance programs;
- 1222 (v) procurement of state vehicles, including:
- 1223 (A) vehicle standards;
- 1224 (B) alternative fuel vehicle requirements;
- 1225 (C) short-term lease programs;
- 1226 (D) equipment installation; and
- 1227 (E) warranty recovery programs;
- 1228 (vi) fuel management programs;
- 1229 (vii) cost management programs;
- 1230 (viii) business and personal use practices, including commute standards;
- 1231 (ix) cost recovery and billing procedures;
- 1232 (x) disposal of state vehicles;
- 1233 (xi) reassignment of state vehicles and reallocation of vehicles throughout the fleet;
- 1234 (xii) standard use and rate structures for state vehicles; and
- 1235 (xiii) insurance and risk management requirements;
- 1236 (e) establish a parts inventory;
- 1237 (f) create and administer a fuel dispensing services program that meets the requirements
- 1238 of Subsection (2);
- 1239 (g) emphasize customer service when dealing with agencies and agency employees;
- 1240 (h) conduct an annual audit of all state vehicles for compliance with division
- 1241 requirements;
- 1242 (i) before charging a rate, fee, or other amount to an executive branch agency, or to a
- 1243 subscriber of services other than an executive branch agency:
- 1244 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee
- 1245 established in Section 63A-1-114; and
- 1246 (ii) obtain the approval of the Legislature as required by Section 63J-1-410 or
- 1247 63J-1-504; and
- 1248 (j) conduct an annual market analysis of proposed rates and fees, which analysis shall
- 1249 include a comparison of the division's rates and fees with the fees of other public or
- 1250 private sector providers where comparable services and rates are reasonably available.
- 1251 (2) The division shall operate a fuel dispensing services program in a manner that:
- 1252 (a) reduces the risk of environmental damage and subsequent liability for leaks
- 1253 involving state-owned underground storage tanks;
- 1254 (b) eliminates fuel site duplication and reduces overall costs associated with fuel

- 1255 dispensing;
- 1256 (c) provides efficient fuel management and efficient and accurate accounting of
- 1257 fuel-related expenses;
- 1258 (d) where practicable, privatizes portions of the state's fuel dispensing system;
- 1259 (e) provides central planning for fuel contingencies;
- 1260 (f) establishes fuel dispensing sites that meet geographical distribution needs and that
- 1261 reflect usage patterns;
- 1262 (g) where practicable, uses alternative sources of energy; and
- 1263 (h) provides safe, accessible fuel supplies in an emergency.
- 1264 (3) The division shall:
- 1265 (a) ensure that the state and each of [its] the state's agencies comply with state and
- 1266 federal law and state and federal rules and regulations governing underground storage
- 1267 tanks;
- 1268 (b) coordinate the installation of new state-owned underground storage tanks and the
- 1269 upgrading or retrofitting of existing underground storage tanks;
- 1270 (c) by no later than June 30, 2025, ensure that an underground storage tank qualifies for
- 1271 a rebate, provided under Subsection 19-6-410.5(5)(d), of a portion of the
- 1272 environmental assurance fee described in Subsection 19-6-410.5(4), if the
- 1273 underground storage tank is owned by:
- 1274 (i) the state;
- 1275 (ii) a state agency; or
- 1276 (iii) a county, municipality, school district, special district, special service district, or
- 1277 federal agency that has subscribed to the fuel dispensing service provided by the
- 1278 division under Subsection (6)(b); and
- 1279 [~~(d) report to the Natural Resources, Agriculture, and Environmental Quality~~
- 1280 ~~Appropriations Subcommittee by no later than:~~
- 1281 ~~[(i) November 30, 2020, on the status of the requirements of Subsection (3)(c); and]~~
- 1282 ~~[(ii) November 30, 2024, on whether:]~~
- 1283 ~~[(A) the requirements of Subsection (3)(c) have been met; and]~~
- 1284 ~~[(B) additional funding is needed to accomplish the requirements of Subsection~~
- 1285 ~~(3)(c); and]~~
- 1286 [(e)] (d) ensure that counties, municipalities, school districts, special districts, and special
- 1287 service districts subscribing to services provided by the division sign a contract that:
- 1288 (i) establishes the duties and responsibilities of the parties;

- 1289 (ii) establishes the cost for the services; and
- 1290 (iii) defines the liability of the parties.
- 1291 (4) In fulfilling the requirements of Subsection (3)(c), the division may give priority to
- 1292 underground storage tanks owned by the state or a state agency under Subsections
- 1293 (3)(c)(i) and (ii).
- 1294 (5)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1295 the director of the Division of Fleet Operations:
- 1296 (i) may make rules governing fuel dispensing; and
- 1297 (ii) shall make rules establishing standards and procedures for purchasing the most
- 1298 economically appropriate size and type of vehicle for the purposes and driving
- 1299 conditions for which the vehicle will be used, including procedures for granting
- 1300 exceptions to the standards by the executive director of the Department of
- 1301 Government Operations.
- 1302 (b) Rules made under Subsection (5)(a)(ii):
- 1303 (i) shall designate a standard vehicle size and type that shall be designated as the
- 1304 statewide standard vehicle for fleet expansion and vehicle replacement;
- 1305 (ii) may designate different standard vehicle size and types based on defined
- 1306 categories of vehicle use;
- 1307 (iii) may, when determining a standard vehicle size and type for a specific category
- 1308 of vehicle use, consider the following factors affecting the vehicle class:
- 1309 (A) size requirements;
- 1310 (B) economic savings;
- 1311 (C) fuel efficiency;
- 1312 (D) driving and use requirements;
- 1313 (E) safety;
- 1314 (F) maintenance requirements;
- 1315 (G) resale value; and
- 1316 (H) the requirements of Section 63A-9-403; and
- 1317 (iv) shall require agencies that request a vehicle size and type that is different from
- 1318 the standard vehicle size and type to:
- 1319 (A) submit a written request for a nonstandard vehicle to the division that contains
- 1320 the following:
- 1321 (I) the make and model of the vehicle requested, including acceptable alternate
- 1322 vehicle makes and models as applicable;

- 1323 (II) the reasons justifying the need for a nonstandard vehicle size or type;
- 1324 (III) the date of the request; and
- 1325 (IV) the name and signature of the person making the request; and
- 1326 (B) obtain the division's written approval for the nonstandard vehicle.
- 1327 (6)(a)(i) [Each] A state agency and [each] a higher education institution shall subscribe
- 1328 to the fuel dispensing services provided by the division.
- 1329 (ii) A state agency may not provide or subscribe to any other fuel dispensing services,
- 1330 systems, or products other than those provided by the division.
- 1331 (b) Counties, municipalities, school districts, special districts, special service districts,
- 1332 and federal agencies may subscribe to the fuel dispensing services provided by the
- 1333 division if:
- 1334 (i) the county or municipal legislative body, the school district, or the special district
- 1335 or special service district board recommends that the county, municipality, school
- 1336 district, special district, or special service district subscribe to the fuel dispensing
- 1337 services of the division; and
- 1338 (ii) the division approves participation in the program by that government unit.
- 1339 (7) The director, with the approval of the executive director, may delegate functions to
- 1340 institutions of higher education, by contract or other means authorized by law, if:
- 1341 (a) the agency or institution of higher education has requested the authority;
- 1342 (b) in the judgment of the director, the state agency or institution has the necessary
- 1343 resources and skills to perform the delegated responsibilities; and
- 1344 (c) the delegation of authority is in the best interest of the state and the function
- 1345 delegated is accomplished according to provisions contained in law or rule.
- 1346 Section 26. Section **63G-4-102** is amended to read:
- 1347 **63G-4-102 (Effective 05/06/26). Scope and applicability of chapter.**
- 1348 (1) Except as set forth in Subsection (2), and except as otherwise provided by a statute
- 1349 superseding provisions of this chapter by explicit reference to this chapter, the
- 1350 provisions of this chapter apply to every agency of the state and govern:
- 1351 (a) state agency action that determines the legal rights, duties, privileges, immunities, or
- 1352 other legal interests of an identifiable person, including agency action to grant, deny,
- 1353 revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license;
- 1354 and
- 1355 (b) judicial review of the action.
- 1356 (2) This chapter does not govern:

- 1357 (a) the procedure for making agency rules, or judicial review of the procedure or rules;
- 1358 (b) the issuance of a notice of a deficiency in the payment of a tax, the decision to waive
- 1359 a penalty or interest on taxes, the imposition of and penalty or interest on taxes, or the
- 1360 issuance of a tax assessment, except that this chapter governs an agency action
- 1361 commenced by a taxpayer or by another person authorized by law to contest the
- 1362 validity or correctness of the action;
- 1363 (c) state agency action relating to extradition, to the granting of a pardon or parole, a
- 1364 commutation or termination of a sentence, or to the rescission, termination, or
- 1365 revocation of parole or probation, to the discipline of, resolution of a grievance of,
- 1366 supervision of, confinement of, or the treatment of an inmate or resident of a
- 1367 correctional facility, the Utah State Hospital, the Utah State Developmental Center,
- 1368 or a person in the custody or jurisdiction of the Office of Substance Use and Mental
- 1369 Health, or a person on probation or parole, or judicial review of the action;
- 1370 (d) state agency action to evaluate, discipline, employ, transfer, reassign, or promote a
- 1371 student or teacher in a school or educational institution, or judicial review of the
- 1372 action;
- 1373 (e) an application for employment and internal personnel action within an agency
- 1374 concerning [its] the agency's own employees, or judicial review of the action;
- 1375 (f) the issuance of a citation or assessment under Title 34A, Chapter 6, Utah
- 1376 Occupational Safety and Health Act, and Title 58, Occupations and Professions,
- 1377 except that this chapter governs an agency action commenced by the employer,
- 1378 licensee, or other person authorized by law to contest the validity or correctness of
- 1379 the citation or assessment;
- 1380 (g) state agency action relating to management of state funds, the management and
- 1381 disposal of school and institutional trust land assets, and contracts for the purchase or
- 1382 sale of products, real property, supplies, goods, or services by or for the state, or by
- 1383 or for an agency of the state, except as provided in those contracts, or judicial review
- 1384 of the action;
- 1385 (h) state agency action under Title 7, Chapter 1, Part 3, Powers and Duties of
- 1386 Commissioner of Financial Institutions, Title 7, Chapter 2, Possession of Depository
- 1387 Institution by Commissioner, Title 7, Chapter 19, Acquisition of Failing Depository
- 1388 Institutions or Holding Companies, and Chapter 7, Governmental Immunity Act of
- 1389 Utah, or judicial review of the action;
- 1390 (i) the initial determination of a person's eligibility for unemployment benefits, the initial

- 1391 determination of a person's eligibility for benefits under Title 34A, Chapter 2,
1392 Workers' Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease
1393 Act, or the initial determination of a person's unemployment tax liability;
- 1394 (j) state agency action relating to the distribution or award of a monetary grant to or
1395 between governmental units, or for research, development, or the arts, or judicial
1396 review of the action;
- 1397 (k) the issuance of a notice of violation or order under Title 19, Chapter 2, Air
1398 Conservation Act, Title 19, Chapter 3, Radiation Control Act, Title 19, Chapter 4,
1399 Safe Drinking Water Act, Title 19, Chapter 5, Water Quality Act, Title 19, Chapter 6,
1400 Part 1, Solid and Hazardous Waste Act, Title 19, Chapter 6, Part 4, Petroleum
1401 Storage Tank Act, or Title 19, Chapter 6, Part 7, Used Oil Management Act, [~~or Title~~
1402 ~~19, Chapter 6, Part 10, Mercury Switch Removal Act,~~] except that this chapter
1403 governs an agency action commenced by a person authorized by law to contest the
1404 validity or correctness of the notice or order;
- 1405 (l) state agency action, to the extent required by federal statute or regulation, to be
1406 conducted according to federal procedures;
- 1407 (m) the initial determination of a person's eligibility for government or public assistance
1408 benefits;
- 1409 (n) state agency action relating to wildlife licenses, permits, tags, and certificates of
1410 registration;
- 1411 (o) a license for use of state recreational facilities;
- 1412 (p) state agency action under Chapter 2, Government Records Access and Management
1413 Act, except as provided in Section 63G-2-603;
- 1414 (q) state agency action relating to the collection of water commissioner fees and
1415 delinquency penalties, or judicial review of the action;
- 1416 (r) state agency action relating to the installation, maintenance, and repair of headgates,
1417 caps, valves, or other water controlling works and weirs, flumes, meters, or other
1418 water measuring devices, or judicial review of the action;
- 1419 (s) the issuance and enforcement of an initial order under Section 73-2-25;
- 1420 (t)(i) a hearing conducted by the Division of Securities under Section 61-1-11.1; and
1421 (ii) an action taken by the Division of Securities under a hearing conducted under
1422 Section 61-1-11.1, including a determination regarding the fairness of an issuance
1423 or exchange of securities described in Subsection 61-1-11.1(1);
- 1424 (u) state agency action relating to water well driller licenses, water well drilling permits,

- 1425 water well driller registration, or water well drilling construction standards, or
1426 judicial review of the action;
- 1427 (v) the issuance of a determination and order under Title 34A, Chapter 5, Utah
1428 Antidiscrimination Act;
- 1429 (w) state environmental studies and related decisions by the Department of
1430 Transportation approving state or locally funded projects, or judicial review of the
1431 action;
- 1432 (x) the suspension of operations under Subsection 32B-1-304(3);
- 1433 (y) the issuance of a determination of violation by the Governor's Office of Economic
1434 Opportunity under Section 11-41-104; or
- 1435 (z) a challenge to an aspect of a distribution management plan under Section 73-33-202.
- 1436 (3) This chapter does not affect a legal remedy otherwise available to:
- 1437 (a) compel an agency to take action; or
- 1438 (b) challenge an agency's rule.
- 1439 (4) This chapter does not preclude an agency, prior to the beginning of an adjudicative
1440 proceeding, or the presiding officer during an adjudicative proceeding from:
- 1441 (a) requesting or ordering a conference with parties and interested persons to:
- 1442 (i) encourage settlement;
- 1443 (ii) clarify the issues;
- 1444 (iii) simplify the evidence;
- 1445 (iv) facilitate discovery; or
- 1446 (v) expedite the proceeding; or
- 1447 (b) granting a timely motion to dismiss or for summary judgment if the requirements of
1448 Rule 12(b) or Rule 56 of the Utah Rules of Civil Procedure are met by the moving
1449 party, except to the extent that the requirements of those rules are modified by this
1450 chapter.
- 1451 (5)(a) A declaratory proceeding authorized by Section 63G-4-503 is not governed by
1452 this chapter, except as explicitly provided in that section.
- 1453 (b) Judicial review of a declaratory proceeding authorized by Section 63G-4-503 is
1454 governed by this chapter.
- 1455 (6) This chapter does not preclude an agency from enacting a rule affecting or governing an
1456 adjudicative proceeding or from following the rule, if the rule is enacted according to the
1457 procedures outlined in Chapter 3, Utah Administrative Rulemaking Act, and if the rule
1458 conforms to the requirements of this chapter.

- 1459 (7)(a) If the attorney general issues a written determination that a provision of this
1460 chapter would result in the denial of funds or services to an agency of the state from
1461 the federal government, the applicability of the provision to that agency shall be
1462 suspended to the extent necessary to prevent the denial.
- 1463 (b) The attorney general shall report the suspension to the Legislature at its next session.
- 1464 (8) Nothing in this chapter may be interpreted to provide an independent basis for
1465 jurisdiction to review final agency action.
- 1466 (9) Nothing in this chapter may be interpreted to restrict a presiding officer, for good cause
1467 shown, from lengthening or shortening a time period prescribed in this chapter, except
1468 the time period established for judicial review.
- 1469 (10) Notwithstanding any other provision of this section, this chapter does not apply to a
1470 special adjudicative proceeding, as defined in Section 19-1-301.5, except to the extent
1471 expressly provided in Section 19-1-301.5.
- 1472 (11) Subsection (2)(w), regarding action taken based on state environmental studies and
1473 policies of the Department of Transportation, applies to any claim for which a court of
1474 competent jurisdiction has not issued a final unappealable judgment or order before May
1475 14, 2019.

1476 Section 27. Section **63I-1-219** is amended to read:

1477 **63I-1-219 (Effective 05/06/26). Repeal dates: Title 19.**

- 1478 (1) Title 19, Chapter 2, Air Conservation Act, is repealed July 1, 2029.
- 1479 (2) Section 19-2-109.6, Plantwide applicability limitation -- Publication of guidance
1480 required -- Report to committee -- Rulemaking, is repealed July 1, 2026.
- 1481 (3) Section 19-2-109.7, Permit by rule registration expansion study, is repealed July 1, 2026.
- 1482 (4) Title 19, Chapter 4, Safe Drinking Water Act, is repealed July 1, 2029.
- 1483 (5) Section 19-4-115, Drinking water quality in schools and child care centers, is repealed
1484 July 1, 2027.
- 1485 (6) Title 19, Chapter 5, Water Quality Act, is repealed July 1, 2029.
- 1486 (7) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, is repealed July 1, 2029.
- 1487 (8) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, is repealed July 1,
1488 2030.
- 1489 (9) Title 19, Chapter 6, Part 4, Petroleum Storage Tank Act, is repealed July 1, 2028.
- 1490 (10) Section 19-6-510, Study of glass recycling, is repealed July 1, 2026.
- 1491 (11) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal, is repealed July 1, 2026.
- 1492 (12) Title 19, Chapter 6, Part 7, Used Oil Management Act, is repealed July 1, 2029.

- 1493 (13) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act, is repealed July 1, 2030.
- 1494 [~~(14) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, is repealed July 1, 2027.~~]
- 1495 Section 28. Section **63I-1-265** is amended to read:
- 1496 **63I-1-265 (Effective 05/06/26). Repeal dates: Title 65A.**
- 1497 [~~Section 65A-10-5, Utah lake study, is repealed July 1, 2027~~] Reserved.
- 1498 Section 29. Section **63J-1-602.2** is amended to read:
- 1499 **63J-1-602.2 (Effective 05/06/26) (Partially Repealed 07/01/29). List of nonlapsing**
- 1500 **appropriations to programs.**
- 1501 Appropriations made to the following programs are nonlapsing:
- 1502 (1) The Legislature and the Legislature's committees.
- 1503 (2) The State Board of Education, including all appropriations to agencies, line items, and
- 1504 programs under the jurisdiction of the State Board of Education, in accordance with
- 1505 Section 53F-9-103.
- 1506 (3) The Rangeland Improvement Act created in [~~Section 4-20-101~~] Title 4, Chapter 20,
- 1507 Rangeland Improvement Act.
- 1508 (4) The Percent-for-Art Program created in Section 9-6-404.
- 1509 (5) The LeRay McAllister Working Farm and Ranch Fund Program created in Title 4,
- 1510 Chapter 46, Part 3, LeRay McAllister Working Farm and Ranch Fund Program.
- 1511 (6) The Utah Lake Authority created in Section 11-65-201.
- 1512 (7) Dedicated credits accrued to the Utah Marriage Commission as provided under
- 1513 Subsection 17-16-21(2)(d)(ii).
- 1514 (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.
- 1515 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection
- 1516 26B-3-108(7).
- 1517 (10) The primary care grant program created in Section 26B-4-310.
- 1518 (11) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.
- 1519 (12) The Utah Health Care Workforce Financial Assistance Program created in Section
- 1520 26B-4-702.
- 1521 (13) The Rural Physician Loan Repayment Program created in Section 26B-4-703.
- 1522 (14) The Utah Medical Education Council for the:
- 1523 (a) administration of the Utah Medical Education Program created in Section 26B-4-707;
- 1524 (b) provision of medical residency grants described in Section 26B-4-711; and
- 1525 (c) provision of the forensic psychiatric fellowship grant described in Section 26B-4-712.
- 1526 (15) The Division of Services for People with Disabilities, as provided in Section 26B-6-402.

- 1527 (16) The Communication Habits to reduce Adolescent Threats (CHAT) Pilot Program
1528 created in Section 26B-7-122.
- 1529 (17) Funds that the Department of Alcoholic Beverage Services retains in accordance with
1530 Subsection 32B-2-301(8)(a) or (b).
- 1531 (18) The General Assistance program administered by the Department of Workforce
1532 Services, as provided in Section 35A-3-401.
- 1533 (19) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 1534 (20) The Search and Rescue Financial Assistance Program, as provided in Section
1535 53-2a-1102.
- 1536 (21) The Emergency Medical Services Grant Program in Section 53-2d-207.
- 1537 (22) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 1538 (23) The Utah Board of Higher Education for teacher preparation programs, as provided in
1539 Section 53B-6-104.
- 1540 (24) Innovation grants under Section 53G-10-608, except as provided in Subsection
1541 53G-10-608(3).
- 1542 (25) The Division of Fleet Operations for the purpose of upgrading underground storage
1543 tanks under Section 63A-9-401.
- 1544 (26) The Division of Technology Services for technology innovation as provided under
1545 Section 63A-16-903.
- 1546 (27) The State Capitol Preservation Board created by Section 63O-2-201.
- 1547 (28) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.
- 1548 (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14, Colorado
1549 River Authority of Utah Act.
- 1550 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act, as
1551 provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 1552 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion
1553 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion
1554 Program.
- 1555 (32) County correctional facility contracting program for state inmates as described in
1556 Section 64-13e-103.
- 1557 (33) County correctional facility reimbursement program for state probationary inmates and
1558 state parole inmates as described in Section 64-13e-104.
- 1559 (34) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.
- 1560 (35) The Division of Human Resource Management user training program, as provided in

- 1561 Section 63A-17-106.
- 1562 (36) A public safety answering point's emergency telecommunications service fund, as
1563 provided in Section 69-2-301.
- 1564 (37) The Traffic Noise Abatement Program created in Section 72-6-112.
- 1565 (38) The money appropriated from the Navajo Water Rights Negotiation Account to the
1566 Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a
1567 settlement of federal reserved water right claims.
- 1568 (39) The Judicial Council for compensation for special prosecutors, as provided in Section
1569 77-10a-19.
- 1570 (40) A state rehabilitative employment program, as provided in Section 78A-6-210.
- 1571 (41) The Utah Geological Survey, as provided in Section 79-3-401.
- 1572 (42) The Bonneville Shoreline Trail Program created under Section 79-5-503.
- 1573 (43) Adoption document access as provided in Sections 81-13-103, 81-13-504, and
1574 81-13-505.
- 1575 (44) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense
1576 Commission.
- 1577 (45) The program established by the Division of Facilities Construction and Management
1578 under Section 63A-5b-703 under which state agencies receive an appropriation and pay
1579 lease payments for the use and occupancy of buildings owned by the Division of
1580 Facilities Construction and Management.
- 1581 (46) The State Tax Commission for reimbursing counties for deferrals in accordance with
1582 Section 59-2a-901.
- 1583 (47) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.
1584 Section 30. Section **63J-8-106** is amended to read:
- 1585 **63J-8-106 (Effective 05/06/26). County supported federal land use designation**
1586 **proposed in proposed congressional land use legislation -- Process for legislative review**
1587 **of proposed federal legislation land use within a county.**
- 1588 (1)(a) Notwithstanding any other provision of this chapter, the Legislature may, in
1589 accordance with this section, recommend to the Utah congressional delegation
1590 proposed congressional land use legislation that is supported by a county.
- 1591 (b) A county that fails to comply with the requirements of this section may not
1592 communicate or otherwise represent in any way that a federal land use designation
1593 contained in proposed congressional land use legislation has the support or approval
1594 of the Legislature.

- 1595 (2) If a county supports a federal land use designation contained in proposed congressional
1596 land use legislation, the county shall:
- 1597 (a) prepare a report on the proposed congressional land use legislation in accordance
1598 with Subsection (3);
- 1599 (b) draft a concurrent resolution for a legislative committee's consideration, in
1600 accordance with Subsection (7)(a), in support of the proposed congressional land use
1601 legislation; and
- 1602 (c) subject to Subsection (4)(a), deliver the report and draft concurrent resolution to the
1603 office.
- 1604 (3) The report required in Subsection (2)(a) shall include:
- 1605 (a) a copy of the proposed congressional land use legislation;
- 1606 (b) a detailed description of the land or watercourse proposed for a federal land use
1607 designation, including:
- 1608 (i) the total acres of federal land proposed for a federal land use designation;
- 1609 (ii)(A) a map showing the location of the land or watercourse; and
- 1610 (B) the proposed type of federal land use designation for each location;
- 1611 (iii) a proposed land conveyance or land proposed for auction by the BLM, if any; and
- 1612 (iv)(A) school and institutional trust land, as defined in Section 53C-1-103,
1613 proposed for a land exchange, if any; and
- 1614 (B) whether the county has coordinated with SITLA on the proposed land
1615 exchange;
- 1616 (c) an explanation of whether a federal land use designation will assist in resolving
1617 long-standing public lands issues, such as wilderness disputes, economic
1618 development, recreational use, and access to public lands;
- 1619 (d) a narrative description of the economic, recreational, and cultural impacts, taken as a
1620 whole, on a county and the state that would occur if Congress adopted the proposed
1621 congressional land use legislation, including an impact on state revenues;
- 1622 (e) an account of actions, if any, proposed in a federal land use designation to minimize
1623 impacts on:
- 1624 (i) resource extraction activities occurring on the land or in the watercourse proposed
1625 for a federal land use designation, including mining and energy development; and
- 1626 (ii) motorized recreational use and public access;
- 1627 (f) a summary of potential benefits gained by the county and state if Congress adopts the
1628 proposed congressional land use legislation;

- 1629 (g) a description of the stakeholders and their positions on a federal land use designation;
- 1630 (h) whether land identified for a federal land use designation is BLM recommended
- 1631 wilderness;
- 1632 (i) an explanation of what the proposed congressional land use legislation proposes for
- 1633 federal land located in the county other than land identified for the federal land use
- 1634 designation;
- 1635 (j)(i) a description of the impact that, if adopted by Congress, the proposed
- 1636 congressional land use legislation would have on access to roads currently
- 1637 identified as part of an adopted county transportation plan as described in Section
- 1638 63L-11-303; and
- 1639 (ii) if a federal land use designation proposes to close a road described in Subsection
- 1640 (3)(j)(i), an explanation for the road closure and a copy of the minutes of any
- 1641 county public hearing in which the proposed road closures were discussed and
- 1642 public comment was taken;
- 1643 (k)(i) a description of a proposed resolution for an R.S. 2477 right-of-way, if any,
- 1644 located within the area identified in a federal land use designation; and
- 1645 (ii) whether a proposed resolution described in Subsection (3)(k)(i) would include a
- 1646 quiet title action concerning an R.S. 2477 right-of-way;
- 1647 (l) an explanation of whether a federal land use designation proposes a hard release of all
- 1648 public lands and watercourses not included in the federal land use designation,
- 1649 placing the land and watercourses in multiple use management;
- 1650 (m) an explanation of whether a federal land use designation proposes a prohibition on
- 1651 further federal action under the Antiquities Act of 1906, 16 U.S.C. Sec. 431 et seq.;
- 1652 (n) a narrative description of a federal land use designation's interaction with, if any, a
- 1653 regional haze rule adopted by the United States Environmental Protection Agency;
- 1654 (o) an explanation of whether a federal land use designation would authorize best
- 1655 management practices as part of an active effort to control on the land or watercourse
- 1656 proposed for a federal land use designation:
- 1657 (i) wildfire;
- 1658 (ii) invasive species, including insects; and
- 1659 (iii) disease;
- 1660 (p) if applicable, a statement as to whether a federal land use designation would allow
- 1661 for the continuation of existing grazing permits;
- 1662 (q) a statement as to the presence or need of passive water management facilities or

- 1663 activities for livestock or wildlife, such as guzzlers or fencing, for the management of
1664 wildlife or livestock;
- 1665 (r) if a federal land use designation identifies land that has oil, gas, or mineral deposits,
1666 an explanation as to why the federal land use designation includes the land;
- 1667 (s)(i) a statement as to whether a federal land use designation:
- 1668 (A) affects land or a watercourse located exclusively within the county; or
1669 (B) affects, whether by an actual federal land use designation or by implication if
1670 a federal land use designation is adopted, land or a watercourse located in
1671 another county; and
- 1672 (ii) if the land use proposal would affect land or a watercourse located in another
1673 county, whether that county supports the proposed congressional land use
1674 legislation;
- 1675 (t) an explanation of whether a proposed land use designation designates land as
1676 wilderness in the National Wilderness Preservation System or designates land as a
1677 national conservation area that is not part of:
- 1678 (i) BLM recommended wilderness; or
1679 (ii) Forest Service land recommended for wilderness designation in RARE II; and
- 1680 (u) a statement explaining whether and to what extent members of Utah's congressional
1681 delegation and their staff were consulted in preparing the proposed congressional
1682 land use legislation and the federal land use designation contained therein.
- 1683 (4)(a) No later than 60 days before delivering a report and draft concurrent resolution in
1684 accordance with Subsection (2), a county shall contact and inform the office of the
1685 county's intention to prepare and deliver the report and draft concurrent resolution.
- 1686 (b) The office may give general guidance to a county described in Subsection (4)(a), as
1687 requested, as to compliance with this section.
- 1688 (5) The office shall prepare an evaluation of the county's report, including whether the
1689 county has addressed each matter described in Subsection (3).
- 1690 (6) The office shall deliver the evaluation described in Subsection (5), including a copy of
1691 the county's report, the proposed congressional land use legislation, and the draft
1692 concurrent resolution, no later than 30 days after receiving the county's report:
- 1693 (a) if the Legislature is not in session, and subject to Subsection (6)(b), to the [~~chair~~
1694 chairs] of the Natural Resources, Agriculture, and Environment Interim Committee; or
1695 (b) if the Legislature is in session or there are no scheduled meetings of the Natural
1696 Resources, Agriculture, and Environment Interim Committee before the beginning of

- 1697 the next legislative session, to the chair of either the House Natural Resources,
1698 Agriculture, and Environment Committee or the Senate Natural Resources,
1699 Agriculture, and Environment Committee.
- 1700 (7)(a) At a committee's next scheduled meeting after receiving a report, the draft
1701 concurrent resolution, and a copy of the proposed congressional land use legislation,
1702 the committee shall:
- 1703 (i) review:
 - 1704 (A) the county's report;
 - 1705 (B) the draft concurrent resolution, if the concurrent resolution has a legislative
1706 sponsor; and
 - 1707 (C) the office's evaluation;
 - 1708 (ii) if the draft concurrent resolution is presented to the committee, consider whether
1709 to approve or reject the draft concurrent resolution;
 - 1710 (iii) if the draft concurrent resolution is rejected, provide direction to the county as to
1711 the reasons the resolution was rejected and the actions that the county might take
1712 to secure committee approval of the resolution; and
 - 1713 (iv) take any additional action the committee finds necessary.
- 1714 (b) A legislative committee may not accept for review a county-supported federal land
1715 use designation contained in proposed congressional land use legislation that does not
1716 meet the requirements of this section.
- 1717 (8)(a) If the committee rejects the draft concurrent resolution, a county may resubmit a
1718 revised report and draft concurrent resolution to the office in accordance with the
1719 terms of this section.
- 1720 (b) Upon receipt of a revised report and draft concurrent resolution, the office shall
1721 comply with the procedures set forth in this section.
 - 1722 (c) Upon receipt of a revised report, evaluation, and draft concurrent resolution by the
1723 office, a committee described in Subsection (6) shall comply with the procedures set
1724 forth in this section.
- 1725 (9) The governor may call a special session to consider the concurrent resolution presented
1726 to and approved by a committee described in Subsection (7)(a).
- 1727 (10) If a concurrent resolution described in this section is adopted by the Legislature and
1728 signed by the governor, the Office of the Governor shall forward a copy of the
1729 concurrent resolution, the county's report, and the proposed congressional land use
1730 legislation to Utah's congressional delegation.

1731 Section 31. Section **63L-11-305** is amended to read:

1732 **63L-11-305 (Effective 05/06/26). Facilitating the acquisition of federally**
1733 **managed public land under the Recreation and Public Purposes Act.**

1734 (1) As used in this section:

1735 (a) "Federally managed public land" means federally managed public land that the
1736 secretary is authorized to dispose of under the [~~federally managed public land~~
1737 ~~disposal law~~] Recreation and Public Purposes Act.

1738 [~~(b) "Federally managed public land disposal law" means the Recreation and Public~~
1739 ~~Purposes Act, 43 U.S.C. Sec. 869 et seq.~~]

1740 [(~~e~~)] (b) "Government entity" means [~~any~~] a state or local government entity allowed to
1741 submit a land application under the [~~federally managed public land disposal law~~]
1742 Recreation and Public Purposes Act.

1743 [(~~d~~)] (c) "Land application" means an application under the [~~federally managed public~~
1744 ~~land disposal law~~] Recreation and Public Purposes Act requesting the secretary to sell
1745 or lease federally managed public land.

1746 [(~~e~~)] (d) "Land application process" means the actions involved in the process of
1747 submitting and obtaining a final decision on a land application.

1748 (e) "Recreation and Public Purposes Act" means the tool for the disposal of federally
1749 managed public land enacted as the Recreation and Public Purposes Act, 43 U.S.C.
1750 Sec. 869 et seq.

1751 (f) "Secretary" means the Secretary of the Interior of the United States.

1752 (2) The office shall:

1753 (a) develop expertise:

1754 (i) in the land application process; and

1755 (ii) concerning the factors that tend to increase the chances that a land application
1756 will result in the secretary selling or leasing federally managed public land as
1757 requested in the land application;

1758 (b) work to educate government entities concerning:

1759 (i) the availability of federally managed public land pursuant to the [~~federally~~
1760 ~~managed public land disposal law~~] Recreation and Public Purposes Act; and

1761 (ii) the land application process;

1762 (c) advise and consult with a government entity that requests assistance from the office
1763 to formulate and submit a land application and to pursue a decision on the land
1764 application;

- 1765 (d) advise and consult with a government entity that requests assistance from the office
1766 to identify and quantify the amount of any funds needed to provide the public use
1767 described in a land application;
- 1768 (e) adopt a list of factors to be considered in determining the degree to which a land
1769 application or potential land application is in the public interest;
- 1770 (f) recommend a prioritization of land applications or potential land applications in the
1771 state according to the extent to which the land applications are in the public interest,
1772 based on the factors adopted under Subsection (2)(e);
- 1773 (g) monitor land applications submitted by government entities for federally managed
1774 public land located within the state, including annually contacting and collecting
1775 relevant data from government entities to determine whether the government entities
1776 have submitted land applications;
- 1777 (h) prepare and submit a written report:
- 1778 (i) to the Natural Resources, Agriculture, and Environment Interim Committee and
1779 the Federalism Commission;
- 1780 (ii)(A) annually by no later than August 31; and
1781 (B) at other times, if and as requested by the committee or commission; and
- 1782 (iii)(A) on the activities of the office under this section;
1783 (B) on the land applications and potential land applications in the state, including
1784 information based on the monitoring of land applications under Subsection
1785 (2)(g);
1786 (C) on the decisions of the secretary on land applications submitted by
1787 government entities in the state; and
1788 (D) on the quantity of land acquired under the land applications;
- 1789 (i) present a summary of information contained in the report described in Subsection
1790 (2)(h):
- 1791 (i) at a meeting of the Natural Resources, Agriculture, and Environment Interim
1792 Committee and at a meeting of the Federalism Commission;
- 1793 (ii) annually no later than August 31; and
1794 (iii) at other times, if and as requested by the committee or commission; and
- 1795 (j) report to the Executive Appropriations Committee of the Legislature, as frequently as
1796 the advisor considers appropriate or as requested by the Executive Appropriations
1797 Committee, on the need for legislative appropriations to provide funds for the public
1798 purposes described in land applications.

- 1799 (3) The office may:
- 1800 (a) assist a government entity or the secretary in the filing and processing of a land
- 1801 application; and
- 1802 (b) enter into an agreement with the secretary related to the office assisting in processing
- 1803 a land application.

1804 ~~[(4)(a) The office shall conduct a survey of the land applications for federally managed~~

1805 ~~public land located within the state that were submitted by a government entity from~~

1806 ~~July 1, 2014, to July 1, 2024, to determine:]~~

1807 ~~[(i) which government entities submitted a land application during that time frame;]~~

1808 ~~[(ii) when a government entity submitted a land application during that time frame;]~~

1809 ~~[(iii) the location and quantity of federally managed public land for which a land~~

1810 ~~application was submitted during that time frame; and]~~

1811 ~~[(iv) the status of a land application submitted during that time frame.]~~

1812 ~~[(b) The office shall complete the survey required by this Subsection (4) and report the~~

1813 ~~results of the survey to the Natural Resources, Agriculture, and Environment Interim~~

1814 ~~Committee and Federalism Commission by no later than August 31, 2025.]~~

1815 Section 32. Section **65A-6-4** is amended to read:

1816 **65A-6-4 (Effective 05/06/26). Mineral leases -- Multiple leases on same land --**

1817 **Rentals and royalties -- Lease terms -- Great Salt Lake.**

1818 (1) As used in this section:

1819 (a) "Great Salt Lake element or mineral" means:

1820 (i) a rare earth element;

1821 (ii) a trace element or mineral; or

1822 (iii) a chemical compound that includes a rare earth element or trace element or

1823 mineral.

1824 (b) "Operator" means, for purposes of provisions applicable to the extraction of a Great

1825 Salt Lake element or mineral, a person qualified to do business in the state who is

1826 pursuing the extraction of a Great Salt Lake element or mineral.

1827 (c) "Rare earth element" is one of the following ores, minerals, or elements located in

1828 the brines or the sovereign lands of the Great Salt Lake:

1829 (i) lanthanum;

1830 (ii) cerium;

1831 (iii) praseodymium;

1832 (iv) neodymium;

- 1833 (v) samarium;
- 1834 (vi) europium;
- 1835 (vii) gadolinium;
- 1836 (viii) terbium;
- 1837 (ix) dysprosium;
- 1838 (x) holmium;
- 1839 (xi) erbium;
- 1840 (xii) thulium;
- 1841 (xiii) ytterbium;
- 1842 (xiv) lutetium; and
- 1843 (xv) yttrium.
- 1844 (d) "Trace element or mineral" means an element or mineral that is located in the brines
- 1845 or the sovereign lands of the Great Salt Lake that is not in production by July 1, 2020,
- 1846 and for which the state has not received a royalty payment by July 1, 2020.
- 1847 (2)(a) Mineral leases, including oil, gas, and hydrocarbon leases, may be issued for
- 1848 prospecting, exploring, developing, and producing minerals covering any portion of
- 1849 state lands or the reserved mineral interests of the state.
- 1850 (b)(i) Leases may be issued for different types of minerals on the same land.
- 1851 (ii) If leases are issued for different types of minerals on the same land, the leases
- 1852 shall include stipulations for simultaneous operations, except that for leases
- 1853 related to the Great Salt Lake the leases shall include stipulations for simultaneous
- 1854 operations that will not interfere with, impede, limit, or require changes to
- 1855 pre-existing rights.
- 1856 (c) No more than one lease may be issued for the same resource on the same land.
- 1857 (d) The division shall require a separate royalty agreement for extraction of Great Salt
- 1858 Lake elements or minerals from brines of the Great Salt Lake when:
- 1859 (i) a mineral lease, a royalty agreement, or both that are in effect before the operator
- 1860 seeks to extract a particular Great Salt Lake element or mineral do not expressly
- 1861 include the right to extract the particular Great Salt Lake element or mineral; or
- 1862 (ii) the proposed operation will use brines from the Great Salt Lake, but will not
- 1863 occupy sovereign lands for the direct production of Great Salt Lake elements or
- 1864 minerals other than for incidental structures such as pumps and intake and outflow
- 1865 pipelines.
- 1866 (3)(a) [~~Each~~] A mineral lease issued by the division shall provide for an annual rental of

- 1867 not less than \$1 per acre per year, except that a mineral lease issued by the division
1868 involving the extraction of a Great Salt Lake element or mineral from brines in the
1869 Great Salt Lake shall provide for an annual rental of not less than \$100 per acre per
1870 year.
- 1871 (b) However, a lease may provide for a rental credit, minimum rental, or minimum
1872 royalty upon commencement of production, as prescribed by rule.
- 1873 (4) The primary term of a mineral lease may not exceed:
- 1874 (a) 20 years for oil shale and tar sands; and
1875 (b) 10 years for oil and gas and any other mineral.
- 1876 (5)(a) In addition to the requirements of Chapter 17, Part 3, Mineral or Element
1877 Extraction, and subject to the other provisions of this Subsection (5), for a mineral
1878 lease or royalty agreement involving the extraction of Great Salt Lake elements and
1879 minerals from brines in the Great Salt Lake, the division shall ensure that the
1880 following terms, as applicable, are included:
- 1881 (i) an extraction operation or extraction method shall adhere to commercially viable
1882 technologies that minimize water depletion;
- 1883 (ii) a provision authorizing the division to curtail or limit Great Salt Lake element or
1884 mineral production at any time the condition of the Great Salt Lake reaches the
1885 emergency trigger, as defined in Section 65A-17-101;
- 1886 (iii) a provision authorizing the division to withdraw lands, operations, extraction
1887 methods, or technologies from Great Salt Lake element or mineral production or
1888 Great Salt Lake element or mineral operations;
- 1889 (iv) a provision allowing the division to require an existing operator to use
1890 commercially viable, innovative technologies to minimize water depletions caused
1891 by the planned mineral extraction as a condition of continued operations if the
1892 technology:
- 1893 (A) has been successfully implemented on a commercial scale in similar
1894 circumstances;
- 1895 (B) has been shown to be economically viable; and
1896 (C) is reasonably compatible with the operator's overall extraction process; and
- 1897 (v) a provision that provides for the reductions of the following after the primary
1898 term of a mineral lease or royalty agreement:
- 1899 (A) the acreage subject to the mineral lease by the acreage the operator does not
1900 use to extract a Great Salt Lake element or mineral during the primary term of

- 1901 the mineral lease under conditions that do not constitute waste, as defined in
1902 Section 65A-17-101; and
- 1903 (B) the volume of water that the operator may divert from the Great Salt Lake, by
1904 the volume of water that the operator does not use during the longer of the
1905 primary term of the mineral lease or seven years if the operator fails to use the
1906 volume of water for a beneficial use, except if the failure to use the volume of
1907 water is as a result of a reduction of water usage under Section 73-33-201 or is
1908 excused under Section 73-1-4.
- 1909 (b) If under Subsection (5)(a)(iv) the division requires an existing operator to use a
1910 commercially viable, innovative technology, the division may not require use of a
1911 technology not yet proven to be commercially viable on the Great Salt Lake and may
1912 not require implementation of the technology to begin until after a reasonable period
1913 determined by the division that is at least five years but does not exceed seven years.
- 1914 (c)(i) If the volume of water that the operator may divert from the Great Salt Lake is
1915 reduced under Subsection (5)(a)(v), the division shall pursue a judicial action to
1916 declare all or a portion of the water right forfeited under Subsection 73-1-4(2).
- 1917 (ii) If the division secures the reduction under this Subsection (5)(c), the division
1918 shall petition the state engineer to order a reversal of the application approval in
1919 accordance with the terms of the reduction or forfeiture of the water right.
- 1920 (iii) Nothing in this Subsection (5) modifies or otherwise affects Section 73-1-4 or
1921 73-3-30.
- 1922 (6)(a) Before issuing a royalty agreement under Subsection (2)(d), the division may
1923 require an operator to engage in a feasibility assessment and may issue a royalty
1924 agreement without compliance of Subsection (5)(a) if the agreement:
- 1925 (i) has a term of 12 months or less; and
1926 (ii) requires a minimum use of five acre-feet of brines from the Great Salt Lake
1927 during the term of the agreement.
- 1928 (b) Subsection (6)(a)(ii) requiring a minimum use of five acre-feet of brines from the
1929 Great Salt Lake does not apply to an operator who filed an application with the
1930 division for a feasibility assessment before January 1, 2025.
- 1931 (c) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
1932 Administrative Rulemaking Act, for implementing this Subsection (6).
- 1933 (7)(a) Upon nomination from a prospective operator, the division shall by rule, made in
1934 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

- 1935 establish a royalty rate and calculation methodology for a Great Salt Lake element or
1936 mineral that:
- 1937 (i) provides for a full and fair return to the state from the production of the Great Salt
1938 Lake element or mineral;
 - 1939 (ii) is consistent with market royalty rates applicable to the production of the Great
1940 Salt Lake element or mineral or of the production of oil and gas;
 - 1941 (iii) provides a base royalty rate;
 - 1942 (iv) provides a reduced royalty rate from the royalty rate under Subsection (7)(a)(iii)
1943 if the royalty agreement:
 - 1944 (A) relates to a non-evaporative method of producing the Great Salt Lake element
1945 or mineral; or
 - 1946 (B) provides an incentive to use commercially viable, innovative technology to
1947 minimize water depletion and evaporation as determined by the division;
 - 1948 (v) provides a reduced royalty rate from the royalty rate under Subsection (7)(a)(iii) if
1949 the prospective operator for the extraction of lithium demonstrates to the
1950 satisfaction of the division that the prospective operator has an agreement with a
1951 person who will process or manufacture a product in this state, exclusive of [~~any~~]
1952 primary or secondary lithium processing or manufacturing, using the lithium
1953 extracted by the prospective operator; and
 - 1954 (vi) subject to Subsection (7)(e), provides for a royalty rate that is based on the
1955 highest market value prevailing at the time of the sale or disposal of the following:
 - 1956 (A) the Great Salt Lake element or mineral; or
 - 1957 (B) a product the lessee produces from the Great Salt Lake element or mineral.
- 1958 (b) Before entering into a royalty agreement permitting the extraction of Great Salt Lake
1959 elements or minerals, the operator shall:
- 1960 (i) demonstrate the proposed operation's commercial viability;
 - 1961 (ii) certify before operation begins that the operator is not negatively impacting the
1962 biota or chemistry of the Great Salt Lake; and
 - 1963 (iii) obtain the approval of the division and the Department of Environmental Quality
1964 that the certification supports a finding that the operation will not negatively
1965 impact the biota or chemistry of the Great Salt Lake.
- 1966 (c) A new mineral lease for a Great Salt Lake element or mineral in production in the
1967 Great Salt Lake as of May 3, 2023, is subject to new royalty rates due to emergent
1968 technologies.

- 1969 (d) An operator who as of July 1, 2020, had a mineral lease with the division but not a
1970 royalty agreement and who is subject to a severance tax under Subsection 59-5-202(5)
1971 shall pay a royalty under this section in addition to the severance tax.
- 1972 (e) The royalty rate described in Subsection (7)(a)(vi) may not be reassessed during the
1973 primary term of an initial royalty agreement issued under this section, but may be
1974 reassessed upon the conclusion of the primary term.
- 1975 (8)(a) Except as provided in Subsection (8)(b), an operator who extracts a Great Salt
1976 Lake element or mineral from tailings from the production of Great Salt Lake
1977 elements or minerals from brines in the Great Salt Lake is subject to this section to
1978 the same extent as an operator producing a Great Salt Lake element or mineral from
1979 brines in the Great Salt Lake.
- 1980 (b) An operator that, as of May 3, 2023, has an agreement to recover a Great Salt Lake
1981 element or mineral from existing tailings, discarded material, end-use products, or
1982 waste products produced from the evaporation and processing of Great Salt Lake
1983 brines is not subject to this section, except as to the payment of royalties set by the
1984 division under Subsection (7)(a). The division shall make rules, in accordance with
1985 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the issuance
1986 and termination of a royalty agreement for mineral extraction from tailings, discarded
1987 material, end-use products, or waste products produced from the evaporation and
1988 processing of Great Salt Lake brines.
- 1989 (c) An operator that, as of May 3, 2023, has an underlying agreement to recover a Great
1990 Salt Lake element or mineral shall obtain an additional agreement for any additional
1991 Great Salt Lake element or mineral produced from the tailings, discarded material,
1992 end-use products, or waste products newly produced under the underlying agreement.
1993 The additional agreement is subject to this section.
- 1994 (9) The division shall annually report, by no later than October 1, to the Natural Resources,
1995 Agriculture, and Environmental Quality Appropriations Subcommittee regarding the
1996 amount of money collected under this section from royalties provided for in Subsection
1997 (7).
- 1998 (10)(a) In the issuance of royalty agreements for the extraction of lithium from the Great
1999 Salt Lake, the division shall prioritize applicants that do not use evaporative
2000 concentration of Great Salt Lake brines in any stage of the extractive process.
- 2001 (b) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
2002 Administrative Rulemaking Act, creating a process for implementing this Subsection

- 2003 (10).
- 2004 (11) Except in relationship to mineral leases related to the Great Salt Lake, the division
- 2005 shall make rules regarding the continuation of a mineral lease after the primary term has
- 2006 expired, which shall provide that a mineral lease shall continue so long as:
- 2007 (a) the mineral covered by the lease is being produced in paying quantities from:
- 2008 (i) the leased premises;
- 2009 (ii) lands pooled, communitized, or unitized with the leased premises; or
- 2010 (iii) lands constituting an approved mining or drilling unit with respect to the leased
- 2011 premises; or
- 2012 (b)(i) the lessee is engaged in diligent operations, exploration, research, or
- 2013 development which is reasonably calculated to advance development or
- 2014 production of the mineral covered by the lease from:
- 2015 (A) the leased premises;
- 2016 (B) lands pooled, communitized, or unitized with the leased premises; or
- 2017 (C) lands constituting an approved mining or drilling unit with respect to the
- 2018 leased premises; and
- 2019 (ii) the lessee pays a minimum royalty.
- 2020 (12) For the purposes of Subsection (11), diligent operations with respect to oil, gas, and
- 2021 other hydrocarbon leases may include cessation of operations not in excess of 90 days in
- 2022 duration.
- 2023 ~~[(13)(a) The division shall study and analyze each mineral lease and mineral royalty~~
- 2024 ~~agreement issued on the Great Salt Lake and compare and evaluate whether the~~
- 2025 ~~mineral leases and royalty agreements are representative of current market~~
- 2026 ~~conditions. As part of this study, the division shall:]~~
- 2027 ~~[(i) make the following determinations for mineral leases:]~~
- 2028 ~~[(A) whether the entire surface area described within the mineral lease is being~~
- 2029 ~~used; and]~~
- 2030 ~~[(B) whether the annual lease payments are representative of current market~~
- 2031 ~~conditions; and]~~
- 2032 ~~[(ii) for royalty agreements, perform studies and comparative analyses to determine~~
- 2033 ~~whether the state is receiving royalty rates consistent with current market~~
- 2034 ~~conditions.]~~
- 2035 ~~[(b) By no later than the 2023 November interim meeting, the division shall report the~~
- 2036 ~~division's findings of the study required by this Subsection (13) to the Natural~~

2037 ~~Resources, Agriculture, and Environment Interim Committee.]~~

2038 [(14)] (13) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
2039 Administrative Rulemaking Act, for implementing this section.

2040 [(15)] (14) The provisions in this section related to extraction of a Great Salt Lake element
2041 or mineral under a mineral lease or royalty agreement apply to a mineral lease or royalty
2042 agreement in effect on May 1, 2024, and any mineral lease or royalty agreement entered
2043 into after May 1, 2024.

2044 Section 33. Section **65A-16-301** is amended to read:

2045 **65A-16-301 (Effective 05/06/26). Water trust -- Powers and duties -- Advisory**
2046 **councils.**

2047 (1) The grantee under this chapter shall establish a water trust that:

2048 (a) is organized:

2049 (i) as a private nonprofit organization; or

2050 (ii) as an agreement between two or more conservation organizations; and

2051 (b) complies with this section.

2052 (2) A water trust created under this section shall:

2053 (a) use a fiduciary to hold and administer grant money appropriated under this chapter;

2054 (b) subject to Subsection (6):

2055 (i) register with the lieutenant governor as a limited purpose entity pursuant to
2056 Section 51-2a-201.5;

2057 (ii) file with the state auditor on or before June 30 of each year the accounting report
2058 that:

2059 (A) satisfies Subsection 51-2a-201.5(2);

2060 (B) includes an itemized accounting of the in-kind contributions and other
2061 monetary contributions described in Subsection (4); and

2062 (C) includes an itemized accounting of the costs incurred under Subsection (3)(a);

2063 (iii) provide a copy of the accounting report described in Subsection (2)(b)(ii) to:

2064 (A) the division;

2065 (B) the commissioner;

2066 (C) the Division of Water Quality;

2067 (D) the council; and

2068 (E) the Natural Resources, Agriculture, and ~~[Environment]~~ Environmental Quality
2069 Appropriations Subcommittee;

2070 (iv) file with the division on or before January 31 of each year a report that satisfies

- 2071 the requirements of Subsection 51-2a-201.5(4); and
- 2072 (v) provide a copy of the report described in Subsection (2)(b)(iv) to:
- 2073 (A) the Division of Water Quality;
- 2074 (B) the council; and
- 2075 (C) the Natural Resources, Agriculture, and [Environment] Environmental Quality
- 2076 Appropriations Subcommittee; and
- 2077 (c) comply with applicable laws, regulations, ordinances, and rules.
- 2078 (3) A water trust established by a grantee under this section:
- 2079 (a) may use grant money for costs to establish, operate, or administer the water trust,
- 2080 including the hiring of staff or contractors;
- 2081 (b) shall use no less than 25% of the grant money to protect and restore wetlands and
- 2082 habitats in the Great Salt Lake's surrounding ecosystem to benefit the hydrology of
- 2083 the Great Salt Lake; and
- 2084 (c) may invest grant money the water trust receives under this chapter or [~~any~~]private
- 2085 money the water trust may receive, except that the water trust shall:
- 2086 (i) invest and account for grant money and private money separately; and
- 2087 (ii) use the earnings received from the investment of grant money to carry out the
- 2088 purposes described in Subsection 65A-16-201(1).
- 2089 (4) The water trust shall provide a significant match of in-kind contributions or other
- 2090 monetary contributions to support the water trust's operations and for the purposes
- 2091 described in Subsection 65A-16-201(1).
- 2092 (5)(a) A water trust established under this section shall create and consult with one or
- 2093 more advisory councils on matters related to the mission and objectives of the water
- 2094 trust.
- 2095 (b) One of the advisory councils shall be known as the "Great Salt Lake Trust Council"
- 2096 and consist of 10 members:
- 2097 (i) the commissioner or the commissioner's designee; and
- 2098 (ii) a representative from the following:
- 2099 (A) agriculture;
- 2100 (B) a private land owner adjacent to the Great Salt Lake;
- 2101 (C) a conservation organization dedicated to the preservation of migratory
- 2102 waterfowl;
- 2103 (D) a conservation organization dedicated to the protection of non-game avian
- 2104 species;

- 2105 (E) another conservation organization working on Great Salt Lake issues;
- 2106 (F) aquaculture;
- 2107 (G) mineral extraction;
- 2108 (H) a water conservancy district; and
- 2109 (I) wastewater treatment facilities.

2110 (6) The duties of the water trust under Subsection (2)(b) apply to the water trust
2111 notwithstanding whether the holdings, revenues, or expenditures of the water trust
2112 include grant money or other money from the state.

2113 Section 34. Section **73-10-33** is amended to read:

2114 **73-10-33 (Effective 05/06/26). Management plan for water conveyance facilities.**

2115 (1) As used in this section:

- 2116 (a) "Board" means the Board of Water Resources created by Section 73-10-1.5.
- 2117 (b) "Conservation district" means a conservation district created under Title 17D,
2118 Chapter 3, Conservation District Act.
- 2119 (c) "Division" means the Division of Water Resources created by Section 73-10-18.
- 2120 (d) "Facility owner or operator" means:
 - 2121 (i) a water company as defined in Subsection 73-3-3.5(1)(b); or
 - 2122 (ii) an owner or operator of a water conveyance facility.
- 2123 (e) "Management plan" means a written document meeting the requirements of
2124 Subsection (3).
- 2125 (f) "Potential risk" means a condition where, if a water conveyance facility fails, the
2126 failure would create a high probability of:
 - 2127 (i) causing loss of human life; or
 - 2128 (ii) causing extensive economic loss, including damage to critical transportation
2129 facilities, utility facilities, or public buildings.
- 2130 (g) "Potential risk location" means a segment of a water conveyance facility that
2131 constitutes a potential risk due to:
 - 2132 (i) location;
 - 2133 (ii) elevation;
 - 2134 (iii) soil conditions;
 - 2135 (iv) structural instability;
 - 2136 (v) water volume or pressure; or
 - 2137 (vi) other conditions.
- 2138 (h)(i) "Water conveyance facility" means a water conveyance defined in Section

- 2139 57-13a-101.
- 2140 (ii) "Water conveyance facility" does not include:
- 2141 (A) a pipeline conveying water for industrial use, or municipal use, within a
- 2142 public water system as defined in Section 19-4-102;
- 2143 (B) a natural channel used to convey water for use within a water conveyance
- 2144 facility; or
- 2145 (C) a fully piped irrigation system.
- 2146 (2)(a) For a water conveyance facility that has a potential risk location, the board or
- 2147 division may issue a grant or loan to the facility owner or operator, and the facility
- 2148 owner or operator may receive state money for water development or water
- 2149 conveyance facility repair or improvements, only if the facility owner or operator
- 2150 promptly adopts a management plan in accordance with this section.
- 2151 (b) For a management plan to be considered to be promptly adopted for purposes of this
- 2152 Subsection (2), the facility owner or operator shall:
- 2153 (i) adopt the management plan by an affirmative vote of the facility owner or
- 2154 operator's board of directors, or persons occupying a similar status or performing
- 2155 similar functions before receiving money under Subsection (2)(a); and
- 2156 ~~[(ii)(A) adopt the management plan as described in Subsection (2)(b)(i) by no~~
- 2157 ~~later than:]~~
- 2158 ~~[(I) May 1, 2013, for a water conveyance facility in operation on May 11,~~
- 2159 ~~2011; or]~~
- 2160 ~~[(H) for a water conveyance facility that begins operation after May 11, 2011,~~
- 2161 ~~one year after the day on which the water conveyance facility begins~~
- 2162 ~~operation; or]~~
- 2163 ~~[(B)(I) adopt the management plan as described in Subsection (2)(b)(i); and]~~
- 2164 ~~[(H) provide written justification satisfactory to the board as to why the facility~~
- 2165 ~~owner or operator was unable to adopt a management plan during the time~~
- 2166 ~~period provided in Subsection (2)(b)(ii)(A); and]~~
- 2167 ~~[(iii)]~~ (ii) update the management plan adopted under Subsection (2)(b)(i) no less
- 2168 frequently than every 10 years.
- 2169 (3) A management plan described in Subsection (2) shall include at least the following:
- 2170 (a) a GIS coverage or drawing of each potential risk location of a water conveyance
- 2171 facility identifying any:
- 2172 (i) existing canal and lateral alignment of the canal facility;

- 2173 (ii) point of diversion;
- 2174 (iii) bridge;
- 2175 (iv) culvert;
- 2176 (v) screen or trash rack; and
- 2177 (vi) spill point;
- 2178 (b) an evaluation of [~~any~~]potential slope instability that may cause a potential risk,
- 2179 including:
- 2180 (i) failure of the facility;
- 2181 (ii) land movement that might result in failure of the facility; or
- 2182 (iii) land movement that might result from failure of the facility;
- 2183 (c) proof of insurance coverage or other means of financial responsibility against
- 2184 liability resulting from failure of the water conveyance facility;
- 2185 (d) a maintenance and improvement plan;
- 2186 (e) a schedule for implementation of a maintenance and improvement plan;
- 2187 (f) an emergency response plan that:
- 2188 (i) is developed after consultation with local emergency response officials;
- 2189 (ii) is updated annually; and
- 2190 (iii) includes, in the case of an emergency, how a first responder can:
- 2191 (A) contact the facility owner or operator; and
- 2192 (B) obtain information described in Subsection (3)(a);
- 2193 (g) any potential source of financing for maintenance and improvements under a
- 2194 maintenance and improvement plan;
- 2195 (h) identification of each municipality or county through which water is conveyed or
- 2196 delivered by the water conveyance facility;
- 2197 (i) a statement concerning whether storm water enters the water conveyance facility; and
- 2198 (j) if storm water enters the water conveyance facility:
- 2199 (i) an estimate of the maximum volume and flow of all water present in the water
- 2200 conveyance facility as a result of a six-hour, 25-year storm event;
- 2201 (ii) on the basis of information provided in accordance with Subsection (4),
- 2202 identification of the points at which [~~any~~]storm structures introduce water into the
- 2203 water conveyance facility and the anticipated flow that may occur at each
- 2204 structure; and
- 2205 (iii) the name of each governmental agency that has responsibility for storm water
- 2206 management within the area from which storm water drains into the water

2207 conveyance facility.

2208 (4) A private or public entity that introduces storm water into a water conveyance facility
2209 shall provide the facility owner or operator with an estimate of the maximum volume
2210 and flow of water that may occur at each structure that introduces storm water into the
2211 water conveyance facility.

2212 (5)(a) A facility owner or operator of a water conveyance facility shall provide a
2213 municipality or county in which is located a potential risk location of the water
2214 conveyance facility an outline of the information provided in Subsection (3)(f).

2215 (b) A facility owner or operator shall give notice to the planning and zoning department
2216 of each municipality and county identified in Subsection (3)(h) outlining the
2217 information provided in Subsections (3)(f), (i), and (j).

2218 (c) An outline of information provided under this Subsection (5) is a protected record
2219 under Section 63G-2-305.

2220 (6)(a) The division may provide information and technical resources to a facility owner
2221 or operator of a water conveyance facility, regardless of whether the water
2222 conveyance facility has a potential risk location.

2223 (b) In providing the information and resources described in Subsection (6)(a), the
2224 division may coordinate with efforts of any association of conservation districts that
2225 may provide similar information and technical resources.

2226 (c) The information and technical resources described in Subsection (6)(a) include:

2227 (i) engaging state and local water users in voluntary completion of a management
2228 plan;

2229 (ii) developing standard guidelines, checklists, or templates that may be used by a
2230 facility owner or operator;

2231 (iii) using conservation districts as points of contact with a facility owner or operator;

2232 (iv) providing training to help a facility owner or operator to adopt a management
2233 plan; and

2234 (v) assisting, at the request and under the direction of, a facility owner or operator
2235 with efforts to adopt or implement a management plan.

2236 (7)(a) A facility owner or operator of a water conveyance facility that has a potential risk
2237 location shall provide the board or division upon request:

2238 (i) written certification signed under oath by a person authorized to act for the board
2239 of directors or persons occupying a similar status or performing similar functions,
2240 certifying that the management plan complies with this section; and

- 2241 (ii) an opportunity to review a management plan.
- 2242 (b) A management plan received by the board or division under this section is a
2243 protected record under Section 63G-2-305.
- 2244 ~~[(8) The board shall report concerning compliance with this section to the Natural
2245 Resources, Agriculture, and Environment Interim Committee of the Legislature before
2246 November 30, 2013.]~~
- 2247 ~~[(9)]~~ (8) The division and board may make rules, in accordance with Title 63G, Chapter 3,
2248 Utah Administrative Rulemaking Act, concerning the requirements of this section.
- 2249 ~~[(10)]~~ (9) This section does not:
- 2250 (a) create a private right of action for a violation of this section; or
2251 (b) limit, impair, or enlarge a person's right to sue and recover damages from a facility
2252 owner or operator in a civil action for a cause of action that is not based on a
2253 violation of this section.
- 2254 ~~[(11)]~~ (10) The following may not be introduced as evidence in~~[-any]~~ civil litigation on the
2255 issue of negligence, injury, or the calculation of damages:
- 2256 (a) a management plan prepared in accordance with this section;
2257 (b) the failure to prepare or adopt a management plan in accordance with this section; or
2258 (c) the failure to update a management plan in accordance with this section.
- 2259 Section 35. Section **73-10g-204** is amended to read:
- 2260 **73-10g-204 (Effective 05/06/26) (Repealed 07/01/28). Agricultural Water**
2261 **Optimization Account.**
- 2262 (1) There is created a restricted account within the General Fund called the "Agricultural
2263 Water Optimization Account."
- 2264 (2) The account consists of:
- 2265 (a) appropriations from the Legislature;
2266 (b) federal funds; and
2267 (c) grants or donations from other public or private sources.
- 2268 (3) Subject to appropriation, the conservation commission may use money in the account
2269 to:
- 2270 (a) issue grants in accordance with Section 73-10g-206 to improve agricultural water
2271 optimization; and
2272 (b) fund research approved by the committee under Subsection 73-10g-205(7).
- 2273 ~~[(4) Until December 31, 2024, the department may loan up to \$3,000,000 of General Fund
2274 money in the account to the Agriculture Resource Development Fund, subject to the~~

2275 conditions described in Section 4-18-106.]

2276 [(5)] (4)(a) The department shall maintain the account and record the debits and credits
2277 made to the account by the department.

2278 (b) The Office of the Treasurer shall deposit interest and other earnings derived from
2279 investment of money in the account into the account.

2280 [(6)] (5) The department and the Department of Natural Resources may use money in the
2281 account for the administration of this part, except that the aggregate amount expended
2282 under this Subsection [(6)] (5) may not exceed 1.5% of the money appropriated to the
2283 grant program described in Section 73-10g-206.

2284 Section 36. Section **73-10g-305** is amended to read:

2285 **73-10g-305 (Effective 05/06/26). Role of the state council -- Reporting.**

2286 (1) The state council shall:

2287 (a) serve as a forum to encourage and facilitate discussion and collaboration by and
2288 among the stakeholders relative to the water-related interests of the state and the
2289 state's people and institutions;

2290 (b) facilitate communication and coordination between the Department of Natural
2291 Resources, the Department of Agriculture and Food, the Department of
2292 Environmental Quality, and other state and federal agencies in the administration and
2293 implementation of water-related activities;

2294 (c) facilitate the establishment of local councils by certifying a local council:

2295 (i) for the watersheds defined in Section 73-10g-303; and

2296 (ii) after reviewing the proceedings and documents submitted by proposed local
2297 councils, to ensure that the local council meets the certification requirements in
2298 Section 73-10g-306;

2299 (d) provide resources and support for the administration of local councils;

2300 (e) consult and seek guidance from local councils;

2301 (f) advise the Water Development Coordinating Council regarding a unified water
2302 infrastructure plan in accordance with Section 73-10g-602; and

2303 (g) provide advice to the governor and Legislature on water issues.

2304 (2) The state council shall provide updates on the state council's activities annually, by no
2305 later than October 1, or as invited, to:

2306 (a) the Natural Resources, Agriculture, and Environment Interim Committee;

2307 (b) the Legislative Water Development Commission; and

2308 (c) the Utah Water Task Force.

2309 Section 37. Section **73-10g-703** is amended to read:

2310 **73-10g-703 (Effective 05/06/26) (Repealed 07/01/34). Powers and duties of water**
2311 **agent.**

2312 (1)(a) In consultation with the speaker of the House of Representatives, president of the
2313 Senate, and governor, the water agent shall explore and negotiate with officials of
2314 other states, tribes, and other government entities regarding possible water
2315 augmentation projects, including:

2316 (i) for the citizens of Utah, representing the state concerning waters of out-of-state
2317 rivers, lakes, and other sources of supply of waters except when representation is
2318 otherwise provided in statute;

2319 (ii) identifying potential out-of-state water resources, including land or a facility
2320 necessary for the use of the water resources;

2321 (iii) working with the council and division to match the water resources described in
2322 Subsection (1)(a)(ii) to needs identified by the council or division;

2323 (iv) establishing a strategy to designate what out-of-state water resources to pursue
2324 and how to execute that strategy;

2325 (v) negotiating directly with out-of-state partners to execute the strategy described in
2326 Subsection (1)(a)(iv);

2327 (vi) represent the state in interstate conferences between the state and one or more
2328 sister states held for the purpose of entering into compacts between such states for
2329 the division of the waters of interstate rivers, lakes, or other sources of water
2330 supply, and to represent the state upon commissions or other governing bodies
2331 provided for by ~~any~~ compacts that have been or may be entered into between the
2332 state and one or more sister states, except that a compact is not binding on the
2333 state until the compact is ratified and approved by the Legislature and the
2334 legislatures of other states that are parties to the compact;

2335 (vii) recommending to the Legislature and to the council actions that may assist in the
2336 development of, strategies for, and execution of water augmentation projects; and

2337 (viii) annually, by no later than October 1, reporting findings and recommendations
2338 to:

2339 (A) the governor;

2340 (B) the president of the Senate;

2341 (C) the speaker of the House of Representatives;

2342 (D) the Legislative Water Development Commission created in Section 73-27-102;

2343 (E) the Natural Resources, Agriculture, and Environment Interim Committee; and
 2344 (F) the Board of Water Resources created in Section 73-10-1.5.

2345 (b) The water agent may recommend to the Board of Water Resources, created in
 2346 Section 73-10-1.5, a water augmentation project that the water agent negotiates under
 2347 this section, if the water augmentation project is in the best interest of the people of
 2348 this state and the state's water resources.

2349 (2) The water agent shall consult and work with the council, state entities, the Colorado
 2350 River Authority of Utah, and other bodies established by the state for interstate water
 2351 negotiations.

2352 (3) Subject to Title 63G, Chapter 2, Government Records Access and Management Act,
 2353 upon request of the water agent, a state or local entity shall provide to the water agent a
 2354 document, report, or information available within the state or local entity.

2355 (4) The water agent may negotiate with tribes in accordance with this section.

2356 (5) This chapter may not be interpreted to override, substitute, or modify a water right
 2357 within the state or the role and authority of the state engineer.

2358 (6) In implementing this part, the water agent shall at least monthly coordinate with and
 2359 receive input from the relevant divisions within the Department of Natural Resources
 2360 regarding the water agent's activities.

2361 Section 38. Section **73-32-202** is amended to read:

2362 **73-32-202 (Effective 05/06/26). Duties and authorizations of the commissioner.**

2363 (1) The commissioner, under the administrative oversight of the executive director, shall:

2364 (a) subject to Section 73-32-204, prepare an approved strategic plan for the long-term
 2365 health of the Great Salt Lake and update the strategic plan regularly;

2366 (b) oversee the execution of the strategic plan by other state agencies as provided in
 2367 Section 73-32-203;

2368 (c) maintain information that measures Great Salt Lake levels, salinity, and overall
 2369 health;

2370 (d) meet regularly with the executive director and with the executive director of the
 2371 Department of Environmental Quality;

2372 (e) consult with the Division of Forestry, Fire, and State Lands regarding Title 65A,
 2373 Chapter 16, Great Salt Lake Watershed Enhancement Program;

2374 (f) monitor the integrated water assessment conducted under Chapter 10g, Part 4, Great
 2375 Salt Lake Watershed Integrated Water Assessment;

2376 (g) inform the governor, the president of the Senate, and the speaker of the House of

- 2377 Representatives, at least annually, about the status of the strategic plan and the
2378 progress regarding implementation of the strategic plan;
- 2379 (h) at least annually, by no later than October 1, report to the Executive Appropriations
2380 Committee regarding the expenditure of money under this chapter;
- 2381 (i) work cooperatively with and receive input and recommendations from the Great Salt
2382 Lake Trust Council created under Section 65A-16-301 in accordance with Section
2383 65A-16-302;
- 2384 (j) coordinate and work collaboratively with water conservancy districts that serve water
2385 users within the Great Salt Lake watershed;
- 2386 (k) consult on projects funded by state appropriations that are designed to acquire or
2387 lease water or water rights for the Great Salt Lake to ensure the project is consistent
2388 with the strategic plan; and
- 2389 (l) annually report, by no later than October 1, to the Natural Resources, Agriculture,
2390 and Environment Interim Committee regarding the activities of the commissioner.
- 2391 (2) The commissioner may:
- 2392 (a) access information from other state or federal agencies related to the Great Salt Lake;
- 2393 (b) develop cooperative agreements between the state, political subdivisions, and
2394 agencies of the federal government for involvement in the strategic plan;
- 2395 (c) produce research, documents, maps, studies, analysis, or other information that
2396 supports the strategic plan for the Great Salt Lake;
- 2397 (d) facilitate and coordinate the exchange of information, comments, and
2398 recommendations on Great Salt Lake policies between and among:
- 2399 (i) state agencies;
- 2400 (ii) political subdivisions;
- 2401 (iii) institutions of higher education that conduct research relevant to the Great Salt
2402 Lake;
- 2403 (iv) nonprofit entities; and
- 2404 (v) private business;
- 2405 (e) communicate with the Great Salt Lake Watershed Council created under Chapter
2406 10g, Part 3, Watershed Councils Act;
- 2407 (f) subject to Subsection (4), negotiate agreements, leases, or other means to acquire or
2408 lease water or water rights for the Great Salt Lake pursuant to the exemption under
2409 Subsection 63G-6a-107.6(2); and
- 2410 (g) perform other duties that the commissioner considers necessary or expedient to carry

2411 out the purposes of this chapter.

2412 (3)(a) The commissioner may not expend money for the purpose of acquiring or leasing
 2413 water or water rights without first obtaining a review and recommendations regarding
 2414 the expenditure from the Great Salt Lake Trust Council created in accordance with
 2415 Section 65A-16-301.

2416 (b) The Great Salt Lake Trust Council shall review an expenditure described in
 2417 Subsection (3)(a) and may make a favorable recommendation if the Great Salt Lake
 2418 Trust Council finds that the expenditure is consistent with:

2419 (i) the strategic plan; and

2420 (ii) activities of the water trust created in Title 65A, Chapter 16, Great Salt Lake
 2421 Watershed Enhancement Program.

2422 (4)(a) A change application for a water right acquired or leased under Subsection (2)(f)
 2423 for use on sovereign lands in the Great Salt Lake shall be administered in accordance
 2424 with Section 73-3-30.

2425 (b) The commissioner shall consult with the commissioner of the Department of
 2426 Agriculture and Food regarding terms and conditions for leasing agricultural water
 2427 for the Great Salt Lake.

2428 (5) In fulfilling the duties under this chapter, the commissioner shall consult and coordinate,
 2429 as necessary, with:

2430 (a) divisions within the department;

2431 (b) the Department of Agriculture and Food;

2432 (c) the Department of Environmental Quality;

2433 (d) other applicable state agencies;

2434 (e) political subdivisions of the state;

2435 (f) federal agencies;

2436 (g) elected officials; and

2437 (h) local tribal officials.

2438 Section 39. Section **73-32-204** is amended to read:

2439 **73-32-204 (Effective 05/06/26). Strategic plan.**

2440 (1)(a) In accordance with this section, the commissioner shall prepare a strategic plan
 2441 and obtain the approval of the governor of that strategic plan.

2442 (b) A strategic plan prepared by the commissioner may not be implemented until the
 2443 governor approves the strategic plan, except as provided in Subsection [~~(5)~~] (4).

2444 (2) The commissioner shall base the strategic plan on a holistic approach that balances the

- 2445 diverse interests related to the health of the Great Salt Lake, and includes provisions
2446 concerning:
- 2447 (a) coordination of efforts related to the Great Salt Lake;
 - 2448 (b) a sustainable water supply for the Great Salt Lake, while balancing competing needs;
 - 2449 (c) human health and quality of life;
 - 2450 (d) a healthy ecosystem;
 - 2451 (e) economic development;
 - 2452 (f) water conservation, including municipal and industrial uses and agricultural uses;
 - 2453 (g) water and land use planning;
 - 2454 (h) regional water sharing; and
 - 2455 (i) other provisions that the commissioner determines would be for the benefit of the
2456 Great Salt Lake.
- 2457 ~~[(3)(a) The commissioner shall obtain the approval of the governor of an initial
2458 strategic plan by no later than December 31, 2023.]~~
- 2459 ~~[(b) On or before November 30, 2023, the commissioner shall submit an initial strategic
2460 plan to the governor, speaker of the House of Representatives, and the president of
2461 the Senate.]~~
- 2462 ~~[(c) The governor shall approve the strategic plan by no later than December 31, 2023, if
2463 the governor determines that the initial strategic plan satisfies this chapter.]~~
- 2464 ~~[(d) By no later than January 15, 2024, the commissioner shall provide the following a
2465 copy of the initial strategic plan approved by the governor under Subsection (3)(c):]
2466 [(i) the Natural Resources, Agriculture, and Environment Interim Committee;]
2467 [(ii) the department;]
2468 [(iii) the Department of Environmental Quality; and]
2469 [(iv) the Department of Agriculture and Food.]~~
- 2470 ~~[(4)]~~ (3) The governor may approve a strategic plan only after consulting with the speaker of
2471 the House of Representatives and the president of the Senate.
- 2472 ~~[(5)]~~ (4) Once a strategic plan is approved by the governor, the commissioner may make
2473 substantive changes to the strategic plan without the approval of the governor, except
2474 that the commissioner shall:
- 2475 (a) inform the governor, the speaker of the House of Representatives, and the president
2476 of the Senate of a substantive change to the strategic plan; and
 - 2477 (b) submit the strategic plan every five years for the approval of the governor in a
2478 process that ~~[is consistent with Subsection (3).]~~ requires:

- 2479 (i) the submission of the proposed strategic plan to the governor, speaker of the
 2480 House of Representatives, and the president of the Senate;
- 2481 (ii) approval by the governor; and
- 2482 (iii) the commissioner to provide to the following a copy of the strategic plan
 2483 approved by the governor under this Subsection (4):
- 2484 (A) the Natural Resources, Agriculture, and Environment Interim Committee;
 2485 (B) the department;
 2486 (C) the Department of Environmental Quality; and
 2487 (D) the Department of Agriculture and Food.
- 2488 [~~6~~] (5) The commissioner may work with the Division of Forestry, Fire, and State Lands in
 2489 coordinating the comprehensive management plan created under Section 65A-17-201
 2490 with the strategic plan.
- 2491 Section 40. Section **73-32-303** is amended to read:
- 2492 **73-32-303 (Effective 05/06/26) (Repealed 07/01/27). Duties of the council.**
- 2493 (1)(a) The council shall advise the persons listed in Subsection (1)(b) on the sustainable
 2494 use, protection, and development of the Great Salt Lake in terms of balancing:
- 2495 (i) sustainable use;
- 2496 (ii) environmental health; and
- 2497 (iii) reasonable access for existing and future development.
- 2498 (b) The council shall advise, as provided in Subsection (1)(a):
- 2499 (i) the governor;
- 2500 (ii) the department;
- 2501 (iii) the Department of Environmental Quality; and
- 2502 (iv) the commissioner.
- 2503 (2) The council shall assist the Division of Forestry, Fire, and State Lands in the Division of
 2504 Forestry, Fire, and State Land's responsibilities for the Great Salt Lake described in
 2505 Sections 65A-17-201 and 65A-17-202.
- 2506 (3) The council:
- 2507 (a) may recommend appointments to the Great Salt Lake technical team created by the
 2508 Division of Forestry, Fire, and State Lands; and
- 2509 (b) shall receive and use technical support from the Great Salt Lake technical team.
- 2510 (4) The council shall assist the department, the Department of Environmental Quality, and
 2511 their applicable boards in accomplishing their responsibilities for the Great Salt Lake.
- 2512 (5) The council shall report annually, by no later than October 1, to the Natural Resources,

2513 Agriculture, and Environmental Quality Appropriations Subcommittee on the council's
2514 activities.

2515 Section 41. Section **76-17-401** is amended to read:

2516 **76-17-401 (Effective 05/06/26). Definitions.**

2517 As used in this part:

2518 (1)(a) "Enterprise" means an individual, sole proprietorship, partnership, corporation,
2519 business trust, association, or other legal entity, and a union or group of individuals
2520 associated in fact although not a legal entity.

2521 (b) "Enterprise" includes illicit as well as licit entities.

2522 (2) "Pattern of unlawful activity" means engaging in conduct that constitutes the
2523 commission of at least three episodes of unlawful activity, which episodes are not
2524 isolated, but have the same or similar purposes, results, participants, victims, or methods
2525 of commission, or otherwise are interrelated by distinguishing characteristics. Taken
2526 together, the episodes shall demonstrate continuing unlawful conduct and be related
2527 either to each other or to the enterprise. At least one of the episodes comprising a
2528 pattern of unlawful activity shall have occurred after July 31, 1981. The most recent act
2529 constituting part of a pattern of unlawful activity as defined by this part shall have
2530 occurred within five years of the commission of the next preceding act alleged as part of
2531 the pattern.

2532 (3) "Person" includes an individual or entity capable of holding a legal or beneficial interest
2533 in property, including state, county, and local governmental entities.

2534 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request, command,
2535 encourage, or intentionally aid another person to engage in conduct that would constitute
2536 an offense described by the following crimes or categories of crimes, or to attempt or
2537 conspire to engage in an act that would constitute any of those offenses, regardless of
2538 whether the act is in fact charged or indicted by an authority or is classified as a
2539 misdemeanor or a felony:

2540 (a) an act prohibited by the criminal provisions under Title 13, Chapter 10, Unauthorized
2541 Recording Practices Act;

2542 (b) an act prohibited by the criminal provisions under Title 19, Environmental Quality
2543 Code, Sections [~~19-1-101~~] 19-1-102 through 19-7-109;

2544 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose
2545 of sale, trade, or other pecuniary gain under Title 23A, Wildlife Resources Act, or
2546 Section 23A-5-311;

- 2547 (d) false claims for medical benefits, kickbacks, or other acts prohibited under Title 26B,
2548 Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;
- 2549 (e) an act prohibited by the criminal provisions under Title 32B, Chapter 4, Criminal
2550 Offenses and Procedure Act;
- 2551 (f) unlawful marking of pistol or revolver under Section 53-5a-105;
- 2552 (g) alteration of number or mark on pistol or revolver under Section 53-5a-106;
- 2553 (h) an act prohibited by the criminal provisions under Title 57, Chapter 11, Utah
2554 Uniform Land Sales Practices Act;
- 2555 (i) an act prohibited by the criminal provisions under Title 58, Chapter 37, Utah
2556 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances
2557 Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58,
2558 Chapter 37d, Clandestine Drug Lab Act;
- 2559 (j) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform
2560 Securities Act;
- 2561 (k) an act prohibited by the criminal provisions under Title 63G, Chapter 6a, Utah
2562 Procurement Code;
- 2563 (l) assault under Section 76-5-102;
- 2564 (m) aggravated assault under Section 76-5-103;
- 2565 (n) a threat of terrorism under Section 76-5-107.3;
- 2566 (o) a criminal homicide offense under Section 76-5-201;
- 2567 (p) kidnapping under Section 76-5-301;
- 2568 (q) aggravated kidnapping under Section 76-5-302;
- 2569 (r) human trafficking for labor under Section 76-5-308;
- 2570 (s) human trafficking for sexual exploitation under Section 76-5-308.1;
- 2571 (t) human smuggling under Section 76-5-308.3;
- 2572 (u) human trafficking of a child under Section 76-5-308.5;
- 2573 (v) benefiting from trafficking and human smuggling under Section 76-5-309;
- 2574 (w) aggravated human trafficking under Section 76-5-310;
- 2575 (x) sexual exploitation of a minor under Section 76-5b-201;
- 2576 (y) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 2577 (z) sexual extortion under Section 76-5b-204;
- 2578 (aa) arson under Section 76-6-102;
- 2579 (bb) aggravated arson under Section 76-6-103;
- 2580 (cc) causing a catastrophe under Section 76-6-105;

- 2581 (dd) burglary under Section 76-6-202;
- 2582 (ee) aggravated burglary under Section 76-6-203;
- 2583 (ff) burglary of a vehicle under Section 76-6-204;
- 2584 (gg) manufacture or possession of an instrument for burglary or theft under Section
2585 76-6-205;
- 2586 (hh) robbery under Section 76-6-301;
- 2587 (ii) aggravated robbery under Section 76-6-302;
- 2588 (jj) theft under Section 76-6-404;
- 2589 (kk) theft by deception under Section 76-6-405;
- 2590 (ll) theft by extortion under Section 76-6-406;
- 2591 (mm) receiving stolen property under Section 76-6-408;
- 2592 (nn) theft of services under Section 76-6-409;
- 2593 (oo) forgery under Section 76-6-501;
- 2594 (pp) unlawful use of financial transaction card under Section 76-6-506.2;
- 2595 (qq) unlawful acquisition, possession, or transfer of financial transaction card under
2596 Section 76-6-506.3;
- 2597 (rr) financial transaction card offenses under Section 76-6-506.6;
- 2598 (ss) deceptive business practices under Section 76-6-507;
- 2599 (tt) bribery or receiving bribe by person in the business of selection, appraisal, or
2600 criticism of goods under Section 76-6-508;
- 2601 (uu) bribery of a labor official under Section 76-6-509;
- 2602 (vv) defrauding creditors under Section 76-6-511;
- 2603 (ww) acceptance of deposit by insolvent financial institution under Section 76-6-512;
- 2604 (xx) unlawful dealing with property by fiduciary under Section 76-6-513;
- 2605 (yy) unlawful influence of a contest under Section 76-6-514;
- 2606 (zz) making a false credit report under Section 76-6-517;
- 2607 (aaa) criminal simulation under Section 76-6-518;
- 2608 (bbb) criminal usury under Section 76-6-520;
- 2609 (ccc) insurance fraud under Section 76-6-521;
- 2610 (ddd) retail theft under Section 76-6-602;
- 2611 (eee) computer crimes under Section 76-6-703;
- 2612 (fff) identity fraud under Section 76-6-1102;
- 2613 (ggg) mortgage fraud under Section 76-6-1203;
- 2614 (hhh) sale of a child under Section 76-7-203;

- 2615 (iii) bribery or offering a bribe under Section 76-8-103;
- 2616 (jjj) threat to influence official or political action under Section 76-8-104;
- 2617 (kkk) receiving bribe or bribery by public servant under Section 76-8-105;
- 2618 (lll) receiving bribe for endorsement of person as a public servant under Section
- 2619 76-8-106;
- 2620 (mmm) bribery for endorsement of person as public servant under Section 76-8-106.1;
- 2621 (nnn) official misconduct based on unauthorized act or failure of duty under Section
- 2622 76-8-201;
- 2623 (ooo) official misconduct concerning inside information under Section 76-8-202;
- 2624 (ppp) obstruction of justice in a criminal investigation or proceeding under Section
- 2625 76-8-306;
- 2626 (qqq) acceptance of bribe or bribery to prevent criminal prosecution under Section
- 2627 76-8-308;
- 2628 (rrr) harboring or concealing offender who has escaped from official custody under
- 2629 Section 76-8-309.2;
- 2630 (sss) making a false or inconsistent material statement under Section 76-8-502;
- 2631 (ttt) making a false or inconsistent statement under Section 76-8-503;
- 2632 (uuu) making a written false statement under Section 76-8-504;
- 2633 (vvv) tampering with a witness under Section 76-8-508;
- 2634 (www) retaliation against a witness, victim, or informant under Section 76-8-508.3;
- 2635 (xxx) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 2636 (yyy) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
- 2637 (zzz) tampering with evidence under Section 76-8-510.5;
- 2638 (aaaa) falsification or alteration of a government record under Section 76-8-511, if the
- 2639 record is a record described in Title 20A, Election Code, or Title 36, Chapter 11,
- 2640 Lobbyist Disclosure and Regulation Act;
- 2641 (bbbb) public assistance fraud by an applicant for public assistance under Section
- 2642 76-8-1203.1;
- 2643 (cccc) public assistance fraud by a recipient of public assistance under Section
- 2644 76-8-1203.3;
- 2645 (dddd) public assistance fraud by a provider under Section 76-8-1203.5;
- 2646 (eeee) fraudulently misappropriating public assistance funds under Section 76-8-1203.7;
- 2647 (ffff) false statement to obtain or increase unemployment compensation under Section
- 2648 76-8-1301;

- 2649 (gggg) false statement to prevent or reduce unemployment compensation or liability
2650 under Section 76-8-1302;
- 2651 (hhhh) unlawful failure to comply with Employment Security Act requirements under
2652 Section 76-8-1303;
- 2653 (iiii) unlawful use or disclosure of employment information under Section 76-8-1304;
- 2654 (jjjj) intentionally or knowingly causing one animal to fight with another under
2655 Subsection 76-13-202(2)(d) or (3), or Section 76-13-205 or 76-13-206 concerning
2656 dog fighting;
- 2657 (kkkk) soliciting, recruiting, enticing, or intimidating a minor to join a criminal street
2658 gang under Section 76-9-803;
- 2659 (llll) aggravated soliciting, recruiting, enticing, or intimidating a minor to join a criminal
2660 street gang under Section 76-9-803.1;
- 2661 (mmmm) intimidating a minor to remain in a criminal street gang under Section
2662 76-9-803.2;
- 2663 (nnnn) aggravated intimidating a minor to remain in a criminal street gang under Section
2664 76-9-803.3;
- 2665 (oooo) unlawful conduct involving an explosive, chemical, or incendiary device under
2666 Section 76-15-210;
- 2667 (pppp) unlawful conduct involving an explosive, chemical, or incendiary part under
2668 Section 76-15-211;
- 2669 (qqqq) unlawful delivery or mailing of an explosive, chemical, or incendiary device
2670 under Section 76-15-209;
- 2671 (rrrr) forging or counterfeiting trademarks, trade name, or trade device under Section
2672 76-16-302;
- 2673 (ssss) selling goods under counterfeited trademark, trade name, or trade devices under
2674 Section 76-16-303;
- 2675 (tttt) sales in containers bearing registered trademark of substituted articles under
2676 Section 76-16-304;
- 2677 (uuuu) selling or dealing with article bearing registered trademark or service mark with
2678 intent to defraud under Section 76-16-306;
- 2679 (vvvv) participating in gambling under Section 76-9-1402;
- 2680 (wwww) permitting gambling under Section 76-9-1403;
- 2681 (xxxx) online gambling prohibition under Section 76-9-1404;
- 2682 (yyyy) gambling promotion under Section 76-9-1405;

2683 (zzzz) gambling fraud under Section 76-9-1406;

2684 (aaaaa) possessing a gambling device or record under Section 76-9-1407;

2685 (bbbbb) obtaining a benefit from a confidence game under Section 76-9-1410;

2686 (ccccc) distributing pornographic material under Section 76-5c-202;

2687 (ddddd) aiding or abetting a minor in distributing pornographic material under Section

2688 76-5c-203;

2689 (eeeee) inducing acceptance of pornographic material under Section 76-5c-204;

2690 (fffff) distributing material harmful to minors under Section 76-5c-205;

2691 (ggggg) aiding or abetting a minor in distributing material harmful to minors under

2692 Section 76-5c-206;

2693 (hhhhh) distribution of a pornographic file for exhibition under Section 76-5c-305;

2694 (iiiiii) indecent public display in the presence of a minor under Section 76-5c-207;

2695 (jjjjj) engaging in prostitution under Section 76-5d-202;

2696 (kkkkk) aiding prostitution under Section 76-5d-206;

2697 (lllll) exploiting prostitution under Section 76-5d-207;

2698 (mmmmm) aggravated exploitation of prostitution under Section 76-5d-208;

2699 (nnnnn) communications fraud under Section 76-6-525;

2700 (ooooo) possession of a dangerous weapon with criminal intent under Section 76-11-208;

2701 (ppppp) an act prohibited by the criminal provisions of Chapter 9, Part 16, Money

2702 Laundering and Currency Transaction Reporting;

2703 (qqqqq) vehicle compartment for contraband under Section 76-9-1902 or 76-9-1903;

2704 (rrrrr) an act prohibited by the criminal provisions of the laws governing taxation in this

2705 state; or

2706 (sssss) an act illegal under the laws of the United States and enumerated in 18 U.S.C.

2707 Secs. 1961(1)(B), (C), and (D).

2708 Section 42. Section **79-2-406** is amended to read:

2709 **79-2-406 (Effective 05/06/26). Wetlands.**

2710 [~~(1) As used in this section, "committee" means the Natural Resources, Agriculture, and~~

2711 ~~Environment Interim Committee.]~~

2712 [~~(2) The department shall publish, on the department's website, the land use permits~~

2713 ~~collected by the Utah Geological Survey pursuant to Subsection 79-3-202(1)(q).~~

2714 [~~(3)(a) The department shall study and make recommendations to the committee on the~~

2715 ~~viability of an in-lieu fee program for wetland mitigation, including:]~~

2716 [~~(i) the viability of the state establishing and administering an in-lieu fee program; and]~~

- 2717 ~~[(ii) the viability of the state partnering with a private organization to establish and~~
 2718 ~~administer an in-lieu fee program.]~~
- 2719 ~~[(b) As part of the study described in Subsection (3)(a), the department shall consult~~
 2720 ~~with public and private individuals and entities that may be necessary or helpful to~~
 2721 ~~the establishment or administration of an in-lieu fee program for wetland mitigation,~~
 2722 ~~which may include:]~~
- 2723 ~~[(i) the Utah Department of Environmental Quality;]~~
 2724 ~~[(ii) the United States Army Corps of Engineers;]~~
 2725 ~~[(iii) the United States Fish and Wildlife Service;]~~
 2726 ~~[(iv) the United States Environmental Protection Agency; or]~~
 2727 ~~[(v) a non-profit entity that has experience with the establishment and administration~~
 2728 ~~of in-lieu fee programs.]~~
- 2729 ~~[(c) The department shall provide a report on the status of the department's study during~~
 2730 ~~or before the committee's November interim meeting in 2022.]~~
- 2731 ~~[(d) The department shall provide a final report of the department's study and~~
 2732 ~~recommendations, including any recommended legislation, during or before the~~
 2733 ~~committee's first interim meeting in 2023.]~~

2734 Section 43. Section **79-2-408** is amended to read:

2735 **79-2-408 (Effective 05/06/26). Utah Water Ways.**

- 2736 (1) As used in this section:
- 2737 (a) "Partnership" means the nonprofit, statewide partnership described in Subsections (2)
 2738 and (3).
- 2739 (b) "Water supply entity" means an entity supplying either culinary or irrigation water to
 2740 a water user.
- 2741 (2) The department shall oversee:
- 2742 (a) the creation of a nonprofit, statewide partnership in accordance with this section; and
 2743 (b) the state's participation in the partnership.
- 2744 (3) The partnership shall:
- 2745 (a) be known as "Utah Water Ways";
- 2746 (b) have as core purposes to:
- 2747 (i) facilitate coordination of efforts to optimize the use of water by:
- 2748 (A) sponsoring policy discussions about the state's water supply;
- 2749 (B) engaging the private sector to help support efforts to optimize the use of water
 2750 and related activities;

- 2751 (C) coordinating with the Department of Agriculture and Food and the
2752 Department of Environmental Quality on water related issues;
- 2753 (D) maintaining communication among partners in the partnership;
- 2754 (E) providing a line of communication from partners to state leaders; and
- 2755 (F) promoting coordination of grants, rebate programs, or sponsorships that
2756 support the optimal use of water; and
- 2757 (ii) encourage residents of the state to make changes to optimize the use of water and
2758 care for the state's water supply by:
- 2759 (A) providing public education and public awareness campaigns and helping
2760 consolidate campaigns about the state's water supply, water quality, and water
2761 use; and
- 2762 (B) providing residents of the state with tools to understand what can be done to
2763 optimize the use of water;
- 2764 (c) consistent with Subsection (3)(b)(ii)(A) and subject to Subsection (8), coordinate
2765 with the State Board of Education to create standards-aligned resources and
2766 professional development opportunities to be used in select grades in kindergarten
2767 through grade 12 of the public education system, including:
- 2768 (i) an overview of the water cycle;
- 2769 (ii) an overview of Utah's water systems, including reference to watersheds,
2770 watershed health, groundwater, river systems, and major water infrastructure;
- 2771 (iii) an overview on how water is used in Utah, such as in the residential, agricultural,
2772 and industrial sectors, including information regarding:
- 2773 (A) the pass-through of water used in households to terminal lakes like the Great
2774 Salt Lake;
- 2775 (B) the pass-through of water used in many industries to terminal lakes like the
2776 Great Salt Lake;
- 2777 (C) the jobs and products created by industrial sections that use water;
- 2778 (D) the importance of agriculture in providing food; and
- 2779 (E) water recycling in areas that do not have terminal lakes like the Great Salt
2780 Lake;
- 2781 (iv) information on the geological and climate changes for the last 30,000 years that
2782 created and changed the Great Salt Lake;
- 2783 (v) strategies for individuals to protect water quality;
- 2784 (vi) strategies for individuals to optimize the use of water, and the reasons

- 2785 optimization is needed; and
- 2786 (vii) hands-on methods to help students learn the information described in this
- 2787 Subsection (3)(c); and
- 2788 (d) seek grants, gifts, donations, devises, and bequests.
- 2789 (4) The board of directors for the partnership shall:
- 2790 (a) consist of 13 individuals as follows:
- 2791 (i) the executive director of the department, or the executive director's designee;
- 2792 (ii) the director of the Division of Water Resources, or the director's designee;
- 2793 (iii) the executive director of the Department of Environmental Quality, or the
- 2794 executive director's designee;
- 2795 (iv) the commissioner of the Department of Agriculture and Food, or the
- 2796 commissioner's designee;
- 2797 (v) a representative of rural Utah selected jointly by the governor, the speaker of the
- 2798 House of Representatives, and the president of the Senate;
- 2799 (vi) the general managers for four water conservancy districts selected jointly by the
- 2800 governor, the speaker of the House of Representatives, and the president of the
- 2801 Senate; and
- 2802 (vii) four members of the business community selected jointly by the governor, the
- 2803 speaker of the House of Representatives, and the president of the Senate;
- 2804 (b) hire an executive director by August 1, 2023, who shall serve for an initial term of
- 2805 four years; and
- 2806 (c) adopt policies concerning the board of directors' internal organization and procedures.
- 2807 (5) The partnership may, consistent with this section, receive a grant, gift, donation, devise,
- 2808 or bequest.
- 2809 (6) The partnership shall annually report, by no later than October 1, to the Natural
- 2810 Resources, Agriculture, and Environment Interim Committee.
- 2811 (7) Notwithstanding the creation of the partnership, a water supply entity may maintain an
- 2812 important role with water supply users to encourage the optimized use of water such as
- 2813 through localized messaging, rebate programs, or other activities.
- 2814 (8) The standards-aligned resources created under Subsection (3)(c) may not include
- 2815 information on human-caused climate change.

2816 Section 44. Section **79-2-504** is amended to read:

2817 **79-2-504 (Effective 05/06/26). Program creation -- Administration.**

- 2818 (1) There is created the Sage Grouse Compensatory Mitigation Program to mitigate the

- 2819 impacts of development or disturbance of sage grouse habitat by:
- 2820 (a) creating and preserving habitat for the long-term conservation of sage grouse in the
- 2821 state in a manner that minimizes impacts to economic growth;
- 2822 (b) establishing a mechanism by which conservation banks may operate in Utah to
- 2823 achieve compensatory mitigation; and
- 2824 (c) establishing a mechanism by which a person or a governmental entity may
- 2825 voluntarily complete compensatory mitigation.
- 2826 (2)(a) The department shall administer the program and may make rules in accordance
- 2827 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the
- 2828 program in accordance with ~~[the provisions of]~~ this part.
- 2829 (b) A rule made under Subsection (2)(a) shall be consistent with:
- 2830 (i) the requirements of Section 79-2-505;
- 2831 (ii) the goals and objectives described in the conservation plan, including avoiding
- 2832 and minimizing habitat disturbances and mitigation impacts to sage grouse
- 2833 habitat; and
- 2834 (iii) to the greatest extent possible, any local programs for the conservation of sage
- 2835 grouse habitat.
- 2836 (c) Before making~~[-any]~~ rules under this chapter, the department shall~~[:]~~
- 2837 ~~[(+)]~~ create a plan by which the requirements of this chapter will be met~~[-and]~~ .
- 2838 ~~[(ii) before November 1, 2016, present the plan to the Natural Resources,~~
- 2839 ~~Agriculture, and Environment Interim Committee.]~~
- 2840 Section 45. Section **79-8-203** is amended to read:
- 2841 **79-8-203 (Effective 05/06/26). Award of recreation restoration infrastructure**
- 2842 **grants.**
- 2843 (1) In determining the award of a recreation restoration infrastructure grant, the advisory
- 2844 committee shall prioritize projects that the advisory committee considers to be high
- 2845 demand outdoor recreation amenities or high priority trails.
- 2846 (2) The division may give special consideration to a project from a qualified applicant
- 2847 within rural counties to ensure geographic parity of the awarded money.
- 2848 (3)(a) An applicant shall use a recreation restoration infrastructure grant to leverage
- 2849 private and other nonstate public money, including cash, resources, goods, or services
- 2850 necessary to complete a project.
- 2851 (b) The division may give priority to a project from an applicant that contributes a 50%
- 2852 or greater financial match from the applicant or other private and nonstate public

- 2853 money.
- 2854 (c) The division shall apply money from a cooperative agreement entered into with the
2855 United States Department of Agriculture or the United States Department of the
2856 Interior as a portion of the applicant's match.
- 2857 (4) A recreation restoration infrastructure grant may only be awarded by the executive
2858 director after consultation with the director and the advisory committee.
- 2859 (5) A recreation restoration infrastructure grant is available for rehabilitation or restoration
2860 projects for high demand outdoor recreation amenities and high priority trails that relate
2861 directly to the visitor including:
- 2862 (a) a trail, trail head infrastructure, signage, and crossing infrastructure, for both
2863 nonmotorized and motorized recreation;
- 2864 (b) a campground or picnic area;
- 2865 (c) water recreation infrastructure, including a pier, dock, or boat ramp; and
2866 (d) recreation facilities that are accessible to visitors with disabilities.
- 2867 (6) The following are not eligible for a recreation restoration infrastructure grant:
- 2868 (a) general facility operations and administrative costs;
- 2869 (b) land acquisitions;
- 2870 (c) visitor facilities, as defined by the division by rule made in accordance with Title
2871 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2872 (d) water and utility systems; and
2873 (e) employee housing.
- 2874 (7) The division shall compile data and annually report, by no later than October 1, to the
2875 Natural Resources, Agriculture, and Environmental Quality Appropriations
2876 Subcommittee on the:
- 2877 (a) effectiveness of the grant program in addressing the deferred maintenance and repair
2878 backlog of trails, campgrounds, and other recreation amenities on public lands;
- 2879 (b) estimated value of the rehabilitation or restoration projects;
- 2880 (c) number of miles of trails that are rehabilitated or restored; and
2881 (d) leverage of state money to federal and private money and in-kind services such as
2882 volunteer labor.
- 2883 Section 46. **Repealer.**
- 2884 This bill repeals:
- 2885 Section **4-1-101, Title.**
- 2886 Section **4-2-101, Title.**

- 2887 Section 4-2-501, Title.
- 2888 Section 4-3-101, Title.
- 2889 Section 4-4-101, Title.
- 2890 Section 4-4a-101, Title.
- 2891 Section 4-5-101, Title.
- 2892 Section 4-5a-101, Title.
- 2893 Section 4-7-101, Title.
- 2894 Section 4-8-101, Title.
- 2895 Section 4-9-101, Title.
- 2896 Section 4-10-101, Title.
- 2897 Section 4-11-101, Title.
- 2898 Section 4-12-101, Title.
- 2899 Section 4-14-101, Title.
- 2900 Section 4-15-101, Title.
- 2901 Section 4-16-101, Short title.
- 2902 Section 4-17-101, Title.
- 2903 Section 4-18-101, Title.
- 2904 Section 4-18-301, Title.
- 2905 Section 4-19-101, Title.
- 2906 Section 4-20-101, Title.
- 2907 Section 4-21-101, Title.
- 2908 Section 4-22-101, Title.
- 2909 Section 4-23-101, Title.
- 2910 Section 4-24-101, Title.
- 2911 Section 4-25-101, Title.
- 2912 Section 4-30-101, Title.
- 2913 Section 4-31-101, Title.
- 2914 Section 4-32-101, Title.
- 2915 Section 4-32a-101, Title.
- 2916 Section 4-34-101, Title.
- 2917 Section 4-35-101, Title.
- 2918 Section 4-37-101, Title.
- 2919 Section 4-38-101, Title.
- 2920 Section 4-39-101, Title.

- 2921 Section **4-41-101, Title.**
- 2922 Section **4-41-401, Title.**
- 2923 Section **4-41a-101, Title.**
- 2924 Section **4-44-101, Title.**
- 2925 Section **4-45-101, Title.**
- 2926 Section **19-1-101, Short title.**
- 2927 Section **19-1-207, Regulatory certainty to support economic recovery.**
- 2928 Section **19-1-501, Title.**
- 2929 Section **19-1-601, Title.**
- 2930 Section **19-2-201, Title.**
- 2931 Section **19-2-301, Title.**
- 2932 Section **19-2a-101, Title.**
- 2933 Section **19-3-101, Short title.**
- 2934 Section **19-3-320, Efforts to prevent siting of any nuclear waste facility to include**
- 2935 **economic development study regarding Native American reservation lands within the state.**
- 2936 Section **19-4-101, Short title.**
- 2937 Section **19-5-101, Short title.**
- 2938 Section **19-5-203, Participation in survey.**
- 2939 Section **19-6-101, Short title.**
- 2940 Section **19-6-201, Short title.**
- 2941 Section **19-6-301, Short title.**
- 2942 Section **19-6-501, Short title.**
- 2943 Section **19-6-701, Short title.**
- 2944 Section **19-6-801, Title.**
- 2945 Section **19-6-901, Title.**
- 2946 Section **19-6-1001, Title.**
- 2947 Section **19-6-1002, Definitions.**
- 2948 Section **19-6-1003, Board and director powers.**
- 2949 Section **19-6-1004, Mercury switch collection plan -- Reimbursement for mercury switch**
- 2950 **removal.**
- 2951 Section **19-6-1005, Reporting requirements.**
- 2952 Section **19-6-1006, Penalties.**
- 2953 Section **19-6-1101, Title.**
- 2954 Section **19-6-1201, Title.**

- 2955 Section 19-7-101, Title.
- 2956 Section 19-8-101, Title.
- 2957 Section 19-12-101, Title.
- 2958 Section 19-13-101, Title.
- 2959 Section 40-2-101, Title.
- 2960 Section 54-17-701, Rules for carbon capture and geological storage.
- 2961 Section 65A-8a-101, Title.
- 2962 Section 65A-10-5, Utah Lake study.
- 2963 Section 65A-14-101, Title.
- 2964 Section 73-2-1.7, Water for power study.
- 2965 Section 73-3b-101, Short title.
- 2966 Section 73-3c-101, Title.
- 2967 Section 73-10-35, Division of Water Resources to conduct certain study.
- 2968 Section 73-10g-101, Title.
- 2969 Section 73-10g-201, Title.
- 2970 Section 73-10g-309, Review of Watershed Councils Act.
- 2971 Section 73-10g-405, Great Salt Lake related post-construction storm water management.
- 2972 Section 73-18c-101, Title.
- 2973 Section 73-20-1, Purpose of act -- Legislative finding.
- 2974 Section 73-20-2, Definitions.
- 2975 Section 73-20-3, Authority of Board of Water Resources.
- 2976 Section 73-20-4, Qualification for financial assistance.
- 2977 Section 73-20-5, Consultation with the executive committee of the Agricultural Advisory
- 2978 **Board.**
- 2979 Section 73-20-6, Payment for emergency water resource developments.
- 2980 Section 73-20-7, Feasibility study required before approval of assistance.
- 2981 Section 73-20-8, Emergency Water Resources Account -- Creation -- Purpose.
- 2982 Section 73-20-9, Emergency Water Resources Account -- Appropriation -- Purpose.
- 2983 Section 73-20-10, Proceeds deposited to Water Resources Construction Fund.
- 2984 Section 73-20-11, Transfer of funds -- Purposes.
- 2985 Section 73-26-101, Short title.
- 2986 Section 73-28-101, Title.
- 2987 Section 73-29-101, Title.
- 2988 Section 73-31-101, Title.

- 2989 Section **79-1-101, Titles.**
- 2990 Section **79-2-101, Title.**
- 2991 Section **79-2-405, Radon study.**
- 2992 Section **79-2-501, Title.**
- 2993 Section **79-3-101, Title.**
- 2994 Section **79-4-1201, Title.**
- 2995 Section **79-5-101, Title.**
- 2996 Section **79-6-101, Title.**
- 2997 Section **79-6-406, Authority to study transportation, heating, and electricity-generating**
- 2998 **fuel storage reserve.**
- 2999 Section **79-6-501, Title.**
- 3000 Section **79-6-601, Title.**
- 3001 Section **79-8-101, Title.**
- 3002 Section **79-8-301, Title.**
- 3003 Section 47. **Effective Date.**
- 3004 This bill takes effect on May 6, 2026.