

**Representative Casey Snider** proposes the following substitute bill:

**NATURAL RESOURCES REVISIONS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Joel Ferry**

Senate Sponsor: Michael K. McKell

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to the management, regulation, conservation, and use of natural resources.

**Highlighted Provisions:**

This bill:

- ▶ changes the name of the Division of Recreation to the Division of Outdoor Recreation;
- ▶ merges the Office of Outdoor Recreation into the Division of Outdoor Recreation, including addressing:
  - powers and duties;
  - administration of grants; and
  - a transition;
- ▶ addresses reporting requirements, including reporting by the Office of Energy Development and reporting by the Division of Outdoor Recreation;
- ▶ modifies provisions related to off-highway vehicles, including use of certain money;
- ▶ amends authority to appoint off-highway vehicle and boating advisory councils;
- ▶ addresses the Zion National Park Support Programs Restricted Account;
- ▶ modifies the Division of Outdoor Recreation's authority to create recreational trails



- 26 and outdoor recreation advisory bodies;
- 27       ▶ creates the Utah Outdoor Recreation Infrastructure Advisory Committee to replace
- 28 other advisory committees and requires consultation with the Division of Outdoor
- 29 Recreation;
- 30       ▶ addresses criteria related to certain recreational grants;
- 31       ▶ addresses the Bonneville Shoreline Trail Program;
- 32       ▶ modifies the makeup of the Outdoor Adventure Commission and changes
- 33 consultation requirements;
- 34       ▶ modifies the makeup of the Resource Development Coordinating Committee;
- 35       ▶ addresses the relationship with the Division of Wildlife Resources and the Wildlife
- 36 Board;
- 37       ▶ repeals the Utah Outdoor Recreation Grant Advisory Committee;
- 38       ▶ establishes policy related to conservation;
- 39       ▶ addresses coordination of state conservation efforts, including authorizing
- 40 agreements;
- 41       ▶ repeals the Quality Growth Commission and replaces the commission with the Land
- 42 Conservation Board, including moving the board within the Department of
- 43 Agriculture and Food, addressing the board's powers and duties, and moving
- 44 definitions related to housing;
- 45       ▶ modifies the LeRay McAllister Critical Land Conservation Program, including
- 46 addressing ~~H~~→ [county] local ←~~H~~ action in some circumstances;
- 47       ▶ requires counties to remit to the state rollback taxes and related payments to fund
- 48 the LeRay McAllister Critical Land Conservation Program;
- 49       ▶ creates the Division of Conservation within the Department of Agriculture and
- 50 Food;
- 51       ▶ provides for coordination of conservation efforts;
- 52       ▶ addresses rulemaking authority, including requiring rulemaking related to
- 53 off-highway vehicles, clarifying rulemaking by the Division of Outdoor Recreation,
- 54 and rulemaking related to grants;
- 55       ▶ modifies sunset and repeal dates;
- 56       ▶ modifies definition provisions;

- 57           ▶ provides for transition; and
- 58           ▶ makes technical and conforming changes.

59 **Money Appropriated in this Bill:**

60 This bill appropriates in fiscal year 2023:

- 61           ▶ to the Department of Natural Resources -- ~~H→~~ [~~Conservation~~] Pass Through ~~←H~~ , as
- 61a an ongoing
- 62 appropriation:

- 63           • from General Fund, \$130,000;

- 64           ▶ to the Department of Natural Resources -- ~~H→~~ [~~Outdoor Recreation~~] Recreation
- 64a Management ~~←H~~ , as an ongoing

65 appropriation:

- 66           • from General Fund, \$150,000;

- 67           ▶ to the Department of Agriculture and Food -- Conservation, as an ongoing

68 appropriation:

- 69           • from General Fund, \$120,000;

- 70           ▶ to the Governor's Office of Economic Opportunity, as an ongoing appropriation:

- 71           • from General Fund, (\$338,700); and

- 72           ▶ to the Department of Natural Resources -- ~~H→~~ [~~Outdoor Recreation~~] Recreation
- 72a Management ~~←H~~ , as an ongoing

73 appropriation:

- 74           • from General Fund, \$338,700.

75 **Other Special Clauses:**

76 This bill provides a special effective date.

77 This bill provides revisor instructions.

78 **Utah Code Sections Affected:**

79 AMENDS:

80 **4-2-103**, as last amended by Laws of Utah 2018, Chapter 200

81 **4-18-102**, as last amended by Laws of Utah 2021, Chapter 178

82 **4-18-105**, as last amended by Laws of Utah 2019, Chapter 178

83 **9-9-112**, as enacted by Laws of Utah 2021, Chapter 380 and last amended by

84 Coordination Clause, Laws of Utah 2021, Chapter 280

85 **23-14-14.2**, as enacted by Laws of Utah 2007, Chapter 189

86 **35A-8-2105**, as renumbered and amended by Laws of Utah 2018, Chapter 182

87 **41-1a-418**, as last amended by Laws of Utah 2021, Chapters 219, 280, and 378

88            [41-1a-422](#), as last amended by Laws of Utah 2021, Chapters 219, 280, and 378  
89            [41-6a-1509](#), as last amended by Laws of Utah 2021, Chapter 280  
90            [41-22-2](#), as last amended by Laws of Utah 2021, Chapter 280  
91            [41-22-5.1](#), as last amended by Laws of Utah 2021, Chapter 280  
92            [41-22-5.5](#), as last amended by Laws of Utah 2021, Chapter 280  
93            [41-22-8](#), as last amended by Laws of Utah 2021, Chapter 280  
94            [41-22-10](#), as last amended by Laws of Utah 2021, Chapter 280  
95            [41-22-10.7](#), as last amended by Laws of Utah 2021, Chapter 280  
96            [41-22-19](#), as last amended by Laws of Utah 2012, Chapter 71  
97            [41-22-31](#), as last amended by Laws of Utah 2021, Chapter 280  
98            [41-22-33](#), as last amended by Laws of Utah 2021, Chapter 280  
99            [41-22-35](#), as last amended by Laws of Utah 2021, Chapter 280  
100           [53-2a-1102](#), as last amended by Laws of Utah 2021, Chapter 395  
101           [57-14-204](#), as last amended by Laws of Utah 2021, Chapter 280  
102           [59-2-506](#), as last amended by Laws of Utah 2017, Chapter 319  
103           [59-2-511](#), as last amended by Laws of Utah 2007, Chapter 329  
104           [59-2-1705](#), as last amended by Laws of Utah 2017, Chapter 319  
105           [59-2-1710](#), as enacted by Laws of Utah 2012, Chapter 197  
106           [59-13-201](#), as last amended by Laws of Utah 2021, Chapter 280  
107           [59-21-2](#), as last amended by Laws of Utah 2021, Chapter 280  
108           [59-28-103](#), as last amended by Laws of Utah 2021, Chapter 280  
109           [63C-21-201](#), as last amended by Laws of Utah 2021, Chapter 280  
110           [63C-21-202](#), as last amended by Laws of Utah 2021, Chapter 280  
111           [63I-1-241](#), as last amended by Laws of Utah 2020, Chapters 84 and 154  
112           [63I-1-263](#), as last amended by Laws of Utah 2021, Chapters 70, 72, 84, 90, 171, 196,  
113 260, 280, 282, 345, 382, 401, 421 and last amended by Coordination Clause, Laws  
114 of Utah 2021, Chapter 382  
115           [63I-1-273](#), as last amended by Laws of Utah 2021, Chapter 229  
116           [63I-1-279](#), as last amended by Laws of Utah 2021, Chapter 280  
117           [63I-2-204](#), as last amended by Laws of Utah 2018, Chapter 51  
118           [63I-2-279](#), as enacted by Laws of Utah 2021, Chapter 280

- 119            [63J-1-601](#), as last amended by Laws of Utah 2021, Chapter 280
- 120            [63J-1-602.2](#), as last amended by Laws of Utah 2021, Chapters 179, 344, 412, 421, and
- 121 424
- 122            [63L-7-104](#), as last amended by Laws of Utah 2021, Chapter 280
- 123            [63L-11-402](#), as last amended by Laws of Utah 2021, Chapters 184, 280 and
- 124 renumbered and amended by Laws of Utah 2021, Chapter 382 and last amended by
- 125 Coordination Clause, Laws of Utah 2021, Chapter 382
- 126            [63N-3-602](#), as enacted by Laws of Utah 2021, Chapter 411
- 127            [65A-3-1](#), as last amended by Laws of Utah 2021, Chapter 280
- 128            [65A-10-2](#), as last amended by Laws of Utah 2021, Chapter 280
- 129            [72-11-204](#), as last amended by Laws of Utah 2021, Chapter 280
- 130            [73-3-31](#), as last amended by Laws of Utah 2021, Chapter 280
- 131            [73-18-2](#), as last amended by Laws of Utah 2021, Chapter 280
- 132            [73-18-3.5](#), as last amended by Laws of Utah 2021, Chapter 280
- 133            [73-18-4](#), as last amended by Laws of Utah 2021, Chapter 280
- 134            [73-18-7](#), as last amended by Laws of Utah 2021, Chapters 135 and 280
- 135            [73-18-8](#), as last amended by Laws of Utah 2021, Chapter 280
- 136            [73-18-11](#), as last amended by Laws of Utah 2021, Chapter 280
- 137            [73-18-13](#), as last amended by Laws of Utah 2021, Chapter 280
- 138            [73-18-13.5](#), as last amended by Laws of Utah 2021, Chapter 280
- 139            [73-18-15](#), as last amended by Laws of Utah 2021, Chapter 280
- 140            [73-18-16](#), as last amended by Laws of Utah 2021, Chapter 280
- 141            [73-18a-1](#), as last amended by Laws of Utah 2021, Chapter 280
- 142            [73-18a-4](#), as last amended by Laws of Utah 2021, Chapter 280
- 143            [73-18a-5](#), as last amended by Laws of Utah 2021, Chapter 280
- 144            [73-18a-12](#), as last amended by Laws of Utah 2021, Chapter 280
- 145            [73-18b-1](#), as last amended by Laws of Utah 2021, Chapter 280
- 146            [73-18c-102](#), as last amended by Laws of Utah 2021, Chapter 280
- 147            [73-18c-201](#), as last amended by Laws of Utah 2021, Chapter 280
- 148            [77-2-4.3](#), as last amended by Laws of Utah 2021, Chapter 280
- 149            [78A-5-110](#), as last amended by Laws of Utah 2021, Chapter 280

- 150 [78A-7-120](#), as last amended by Laws of Utah 2021, Chapter 280
- 151 [79-2-201](#), as last amended by Laws of Utah 2021, Chapters 280 and 382
- 152 [79-2-202](#), as last amended by Laws of Utah 2020, Chapter 352
- 153 [79-2-206](#), as enacted by Laws of Utah 2021, Chapter 280 and further amended by
- 154 Revisor Instructions, Laws of Utah 2021, Chapter 280
- 155 [79-4-203](#), as last amended by Laws of Utah 2021, Chapter 280
- 156 [79-4-1103](#), as last amended by Laws of Utah 2021, Chapter 282
- 157 [79-5-102](#), as last amended by Laws of Utah 2021, Chapter 280
- 158 [79-5-501](#), as last amended by Laws of Utah 2021, Chapter 280
- 159 [79-5-503](#), as last amended by Laws of Utah 2011, Chapter 342
- 160 [79-6-302](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 161 [79-6-505](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 162 [79-6-605](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 163 [79-7-102](#), as enacted by Laws of Utah 2021, Chapter 280
- 164 [79-7-201](#), as enacted by Laws of Utah 2021, Chapter 280
- 165 [79-7-203](#), as enacted by Laws of Utah 2021, Chapter 280
- 166 [79-8-102](#), as enacted by Laws of Utah 2021, Chapter 280
- 167 [79-8-103](#), as enacted by Laws of Utah 2021, Chapter 280
- 168 [79-8-106](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 169 [79-8-201](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 170 [79-8-202](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 171 [79-8-302](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 172 [79-8-303](#), as last amended by Laws of Utah 2021, Chapter 282 and renumbered and
- 173 amended by Laws of Utah 2021, Chapter 280 and last amended by Coordination
- 174 Clause, Laws of Utah 2021, Chapter 280
- 175 [79-8-304](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 176 ENACTS:
- 177 [4-46-101](#), Utah Code Annotated 1953
- 178 [4-46-103](#), Utah Code Annotated 1953
- 179 [4-46-104](#), Utah Code Annotated 1953
- 180 [4-46-201](#), Utah Code Annotated 1953

- 181 [4-46-401](#), Utah Code Annotated 1953
- 182 [4-46-402](#), Utah Code Annotated 1953
- 183 [4-46-403](#), Utah Code Annotated 1953
- 184 [79-1-104](#), Utah Code Annotated 1953
- 185 [79-7-206](#), Utah Code Annotated 1953

186 RENUMBERS AND AMENDS:

- 187 [4-46-102](#), (Renumbered from 11-38-102, as last amended by Laws of Utah 2021,
- 188 Chapters 181 and 344)
- 189 [4-46-202](#), (Renumbered from 11-38-202, as last amended by Laws of Utah 2021,
- 190 Chapter 181)
- 191 [4-46-301](#), (Renumbered from 11-38-301, as last amended by Laws of Utah 2009,
- 192 Chapter 368)
- 193 [4-46-302](#), (Renumbered from 11-38-302, as last amended by Laws of Utah 2021,
- 194 Chapter 181)
- 195 [4-46-303](#), (Renumbered from 11-38-304, as last amended by Laws of Utah 2017,
- 196 Chapter 51)
- 197 [79-7-103](#), (Renumbered from 63N-9-103, as renumbered and amended by Laws of Utah
- 198 2015, Chapter 283)
- 199 [79-7-303](#), (Renumbered from 79-4-404, as renumbered and amended by Laws of Utah
- 200 2009, Chapter 344)
- 201 [79-8-401](#), (Renumbered from 63N-9-202, as last amended by Laws of Utah 2021,
- 202 Chapter 280)
- 203 [79-8-402](#), (Renumbered from 63N-9-203, as last amended by Laws of Utah 2021,
- 204 Chapter 282)

205 REPEALS:

- 206 [11-38-101](#), as enacted by Laws of Utah 1999, Chapter 24
- 207 [11-38-201](#), as last amended by Laws of Utah 2021, Chapter 382
- 208 [11-38-203](#), as last amended by Laws of Utah 2021, Chapter 382
- 209 [63N-9-101](#), as renumbered and amended by Laws of Utah 2015, Chapter 283
- 210 [63N-9-102](#), as last amended by Laws of Utah 2021, Chapter 280
- 211 [63N-9-104](#), as last amended by Laws of Utah 2021, Chapters 282 and 382

- 212 [63N-9-105](#), as last amended by Laws of Utah 2016, Chapter 88
- 213 [63N-9-106](#), as last amended by Laws of Utah 2021, Chapters 280 and 282
- 214 [63N-9-201](#), as enacted by Laws of Utah 2016, Chapter 88
- 215 [79-5-201](#), as last amended by Laws of Utah 2021, Chapter 280
- 216 [79-5-202](#), as last amended by Laws of Utah 2010, Chapters 256 and 286
- 217 [79-7-101](#), as enacted by Laws of Utah 2021, Chapter 280
- 218 [79-8-104](#), as enacted by Laws of Utah 2021, Chapter 280
- 219 [79-8-105](#), as renumbered and amended by Laws of Utah 2021, Chapter 280

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

- 221 [4-46-104](#), Utah Code Annotated 1953
- 222 [79-2-206](#), as enacted by Laws of Utah 2021, Chapter 280 and further amended by
- 223 Revisor Instructions, Laws of Utah 2021, Chapter 280

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

Section 1. Section **4-2-103** is amended to read:

**4-2-103. Functions, powers, and duties of department -- Fees for services --  
Marketing orders -- Procedure -- Purchasing and auditing.**

(1) The department shall:

(a) inquire into and promote the interests and products of agriculture and allied industries;

(b) promote methods for increasing the production and facilitating the distribution of the agricultural products of the state;

(c) (i) inquire into the cause of contagious, infectious, and communicable diseases among livestock and the means for their prevention and cure; and

(ii) initiate, implement, and administer plans and programs to prevent the spread of diseases among livestock;

(d) encourage experiments designed to determine the best means and methods for the control of diseases among domestic and wild animals;

(e) issue marketing orders for any designated agricultural product to:

(i) promote orderly market conditions for any product;

(ii) give the producer a fair return on the producer's investment at the marketplace; and



- 243 (iii) only promote and not restrict or restrain the marketing of Utah agricultural  
244 commodities;
- 245 (f) administer and enforce all laws assigned to the department by the Legislature;
- 246 (g) establish standards and grades for agricultural products and fix and collect  
247 reasonable fees for services performed by the department in conjunction with the grading of  
248 agricultural products;
- 249 (h) establish operational standards for any establishment that manufactures, processes,  
250 produces, distributes, stores, sells, or offers for sale any agricultural product;
- 251 (i) adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
252 rules necessary for the effective administration of the agricultural laws of the state;
- 253 (j) when necessary, make investigations, subpoena witnesses and records, conduct  
254 hearings, issue orders, and make recommendations concerning [aH] matters related to  
255 agriculture;
- 256 (k) (i) inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse, or any  
257 private or public place that may become infested or infected with harmful insects, plant  
258 diseases, noxious or poisonous weeds, or other agricultural pests;
- 259 (ii) establish and enforce quarantines;
- 260 (iii) issue and enforce orders and rules for the control and eradication of pests,  
261 wherever they may exist within the state; and
- 262 (iv) perform other duties relating to plants and plant products considered advisable and  
263 not contrary to law;
- 264 (l) inspect apiaries for diseases inimical to bees and beekeeping;
- 265 (m) take charge of any agricultural exhibit within the state, if considered necessary by  
266 the department, and award premiums at that exhibit;
- 267 (n) [assist] provide for the coordination of state conservation efforts, including by:
- 268 (i) assisting the Conservation Commission in the administration of [Title 4,] Chapter  
269 18, Conservation Commission Act[~~, and administer and disburse any funds~~];
- 270 (ii) implementing Chapter 46, Conservation Coordination Act, including entering into  
271 agreements with other state agencies; and
- 272 (iii) administering and disbursing money available to assist conservation districts in the  
273 state in the conservation of the state's soil and water resources;

274 (o) participate in the United States Department of Agriculture certified agricultural  
275 mediation program, in accordance with 7 U.S.C. Sec. 5101 and 7 C.F.R. Part 785;

276 (p) promote and support the multiple use of public lands;

277 (q) ensure that any training or certification required of a public official or public  
278 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
279 22, State Training and Certification Requirements, if the training or certification is required:

280 (i) under this title;

281 (ii) by the department; or

282 (iii) by an [~~agency or division~~] entity within the department; and

283 (r) perform any additional functions, powers, and duties provided by law.

284 (2) The department, by following the procedures and requirements of Section  
285 63J-1-504, may adopt a schedule of fees assessed for services provided by the department.

286 (3) (a) [~~No~~] A marketing order issued under Subsection (1)(e) [~~shall~~] may not take  
287 effect until:

288 (i) the department gives notice of the proposed order to the producers and handlers of  
289 the affected product;

290 (ii) the commissioner conducts a hearing on the proposed order; and

291 (iii) at least 50% of the registered producers and handlers of the affected products vote  
292 in favor of the proposed order.

293 (b) (i) The department may establish boards of control to administer marketing orders  
294 and the proceeds derived from any order.

295 (ii) A board of control shall:

296 (A) ensure that [~~all~~] proceeds are placed in an account in the board of control's name in  
297 a depository institution; and

298 (B) ensure that the account is annually audited by an accountant approved by the  
299 commissioner.

300 (4) [~~Funds~~] Money collected by grain grading, as provided by Subsection (1)(g), shall  
301 be deposited into the General Fund as dedicated credits for the grain grading program.

302 (5) In fulfilling [~~its~~] the department's duties in this chapter, the department may:

303 (a) purchase, as authorized or required by law, services that the department is  
304 responsible to provide for legally eligible persons;

305 (b) take necessary steps, including legal action, to recover money or the monetary value  
306 of services provided to a recipient who is not eligible;

307 (c) examine and audit the expenditures of any public funds provided to a local  
308 authority, agency, or organization that contracts with or receives funds from those authorities or  
309 agencies; and

310 (d) accept and administer grants from the federal government and from other sources,  
311 public or private.

312 Section 2. Section **4-18-102** is amended to read:

313 **4-18-102. Findings and declarations -- Duties.**

314 (1) [~~The~~] In addition to the policy provided in Section [4-46-101](#), the Legislature finds  
315 and declares that:

316 (a) the soil and water resources of this state constitute one of the state's basic assets;  
317 and

318 (b) the preservation of soil and water resources requires planning and programs to  
319 ensure:

320 (i) the development and [~~utilization~~] use of soil and water resources; and

321 (ii) soil and water resources' protection from the adverse effects of wind and water  
322 erosion, sediment, and sediment related pollutants.

323 (2) The Legislature finds that local production of food is essential for:

324 (a) the security of the state's food supply; and

325 (b) the self-sufficiency of the state's citizens.

326 (3) The Legislature finds that sustainable agriculture is critical to:

327 (a) the success of rural communities;

328 (b) the historical culture of the state;

329 (c) maintaining healthy farmland;

330 (d) maintaining high water quality;

331 (e) maintaining abundant wildlife;

332 (f) high-quality recreation for citizens of the state; and

333 (g) helping to stabilize the state economy.

334 (4) The Legislature finds that livestock grazing on public lands is important for the  
335 proper management, maintenance, and health of public lands in the state.

336 (5) The Legislature encourages each agricultural producer in the state to operate in a  
337 reasonable and responsible manner to maintain the integrity of soil, water, and air.

338 (6) The department shall administer the Utah Agriculture Certificate of Environmental  
339 Stewardship Program, created in Section 4-18-107, to encourage each agricultural producer in  
340 this state to operate in a reasonable and responsible manner to maintain the integrity of the  
341 state's resources.

342 (7) The Legislature finds that soil health is essential to protecting the state's soil and  
343 water resources, bolstering the state's food supply, and sustaining the state's agricultural  
344 industry.

345 Section 3. Section 4-18-105 is amended to read:

346 **4-18-105. Conservation Commission -- Functions and duties.**

347 (1) The commission shall:

348 (a) facilitate the development and implementation of the strategies and programs  
349 necessary to:

350 (i) protect, conserve, use, and develop the soil, water, and air resources of the state; and

351 (ii) promote the protection, integrity, and restoration of land for agricultural and other  
352 beneficial purposes;

353 (b) disseminate information regarding districts' activities and programs;

354 (c) supervise the formation, reorganization, or dissolution of districts according to the  
355 requirements of Title 17D, Chapter 3, Conservation District Act;

356 (d) prescribe uniform accounting and recordkeeping procedures for districts and  
357 require each district to submit annually the information required in Section 17D-3-103;

358 (e) approve and make loans for agricultural purposes, through the loan advisory  
359 ~~subcommittee~~ board described in Section 4-18-106, from the Agriculture Resource  
360 Development Fund;

361 (f) seek to obtain and administer federal or state money in accordance with applicable  
362 federal or state guidelines and make loans or grants from that money to an eligible entity, as  
363 defined by the department by rule made in accordance with Title 63G, Chapter 3, Utah  
364 Administrative Rulemaking Act, for the preservation of soil, water, and air resources, or for a  
365 reason set forth in Section 4-18-108;

366 (g) seek to coordinate soil and water protection, conservation, and development

367 activities and programs of state agencies, local governmental units, other states, special interest  
368 groups, and federal agencies; [~~and~~]

369 (h) when assigned by the governor, when required by contract with the Department of  
370 Environmental Quality, or when required by contract with the United States Environmental  
371 Protection Agency:

372 (i) develop programs for the prevention, control, or abatement of new or existing  
373 pollution to the soil, water, or air of the state;

374 (ii) advise, consult, and cooperate with affected parties to further the purpose of this  
375 chapter;

376 (iii) conduct studies, investigations, research, and demonstrations relating to  
377 agricultural pollution issues;

378 (iv) give reasonable consideration in the exercise of its powers and duties to the  
379 economic impact on sustainable agriculture;

380 (v) meet the requirements of federal law related to water and air pollution in the  
381 exercise of the commission's powers and duties; and

382 (vi) establish administrative penalties relating to agricultural discharges as defined in  
383 Section [4-18-103](#) that are proportional to the seriousness of the resulting environmental  
384 harm[~~;~~]; and

385 (i) coordinate with the Division of Conservation created in Section [4-46-401](#).

386 (2) The commission may:

387 (a) employ, with the approval of the department, an administrator and necessary  
388 technical experts and employees;

389 (b) execute contracts or other instruments necessary to exercise the commission's  
390 powers;

391 (c) take necessary action to promote and enforce the purpose and findings of Section  
392 [4-18-102](#);

393 (d) sue and be sued; and

394 (e) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
395 Rulemaking Act, necessary to carry out the powers and duties described in Subsection (1) and  
396 Subsections (2)(b) and (c).

397 Section 4. Section **4-46-101** is enacted to read:

## CHAPTER 46. CONSERVATION COORDINATION ACT

## Part 1. General Provisions

**4-46-101. Policy.**

It is the policy of this state that land conservation should be promoted to protect the state's agricultural industry and natural resources.

Section 5. Section ~~4-46-102~~, which is renumbered from Section 11-38-102 is renumbered and amended to read:

~~[11-38-102].~~ **4-46-102. Definitions.**

As used in this chapter:

~~[(1) "Affordable housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income of the applicable municipal or county statistical area for households of the same size.]~~

~~[(2)]~~ (1) "Agricultural land" has the same meaning as "land in agricultural use" under Section ~~59-2-502~~.

~~[(3) "Brownfield sites" means abandoned, idled, or underused commercial or industrial land where expansion or redevelopment is complicated by real or perceived environmental contamination.]~~

~~[(4)]~~ (2) ["Commission" means the Quality Growth Commission] "Board" means the Land Conservation Board established in Section ~~[11-38-201]~~ [4-46-201](#).

~~[(5) "Infill development" means residential, commercial, or industrial development on unused or underused land, excluding open land and agricultural land, within existing, otherwise developed urban areas.]~~

(3) "Conservation commission" means the Conservation Commission created in Section [4-18-104](#).

(4) "Conservation district" means a limited purpose local government entity created under Title 17D, Chapter 3, Conservation District Act.

~~[(5) "County land use authority" means a land use authority, as defined in Section 17-27a-103, of a county.]~~

~~[(6)]~~ (5) ←Ĥ "Director" means the director of the Division of Conservation.

←Ĥ → ~~[(7)]~~ (6) ←Ĥ "Division" means the Division of Conservation created in Section [4-46-401](#).

←Ĥ → (7) "Land use authority" means:

(a) a land use authority, as defined in Section 10-9a-103, of a municipality; or

(b) a land use authority, as defined in Section 17-27a-103, of a county. ←Ĥ

~~[(6)]~~ (8) "Local entity" means a county, city, or town.

429 [(7)] (9) (a) "Open land" means land that is:

430 (i) preserved in or restored to a predominantly natural, open, and undeveloped

431 condition; and

432 (ii) used for:

433 (A) wildlife habitat;

434 (B) cultural or recreational use;

435 (C) watershed protection; or

436 (D) another use consistent with the preservation of the land in or restoration of the land

437 to a predominantly natural, open, and undeveloped condition.

438 (b) (i) "Open land" does not include land whose predominant use is as a developed

439 facility for active recreational activities, including baseball, tennis, soccer, golf, or other

440 sporting or similar activity.

441 (ii) The condition of land does not change from a natural, open, and undeveloped

442 condition because of the development or presence on the land of facilities, including trails,

443 waterways, and grassy areas, that:

444 (A) enhance the natural, scenic, or aesthetic qualities of the land; or

445 (B) facilitate the public's access to or use of the land for the enjoyment of ~~[its]~~ the

446 land's natural, scenic, or aesthetic qualities and for compatible recreational activities.

447 [(8)] (10) "Program" means the LeRay McAllister Critical Land Conservation Program

448 established in Section ~~[11-38-301]~~ 4-46-301.

449 ~~[(9) "Surplus land" means real property owned by the Department of Government~~

450 ~~Operations, the Department of Agriculture and Food, the Department of Natural Resources, or~~

451 ~~the Department of Transportation that the individual department determines not to be necessary~~

452 ~~for carrying out the mission of the department.]~~

453 (11) (a) "State conservation efforts" includes:

454 (i) efforts to optimize and preserve the uses of land for the benefit of the state's

455 agricultural industry and natural resources; and

456 (ii) conservation of working landscapes that if conserved, preserves the state's

457 agricultural industry and natural resources, such as working agricultural land.

458 (b) "State conservation efforts" does not include the purpose of opening private

459 property to public access without the consent of the owner of the private property.

460 [10] (12) (a) "Working agricultural land" means agricultural land for which an owner  
461 or producer engages in the activity of producing for commercial purposes crops, orchards,  
462 livestock, poultry, aquaculture, livestock products, or poultry products and the facilities,  
463 equipment, and property used to facilitate the activity.

464 (b) "Working agricultural land" includes an agricultural protection area established  
465 under Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials  
466 Protection Areas.

467 Section 6. Section 4-46-103 is enacted to read:

468 **4-46-103. Application of chapter to wildlife issues.**

469 This chapter may not be construed or applied to supersede or interfere with the powers  
470 and duties of the Division of Wildlife Resources or the Wildlife Board under Title 23, Wildlife  
471 Resources Code of Utah, over:

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

476 Section 7. Section 4-46-104 is enacted to read:

477 **4-46-104. Transition.**

478 (1) A grant that is entered into or issued by the Quality Growth Commission on or  
479 before July 1, 2022, remains in effect, except that:

- 480 (a) the agency administrating the grant shall be transferred to the board in the same  
481 manner as the statutory responsibility is transferred under this bill; and
- 482 (b) the grant is subject to the terms of the grant and may be terminated under the terms  
483 of the grant.

484 (2) In accordance with this bill, the department assumes the policymaking functions,  
485 regulatory, and enforcement powers, rights, and duties of the Quality Growth Commission  
486 existing on June 30, 2022.

487 Section 8. Section 4-46-201 is enacted to read:

488 **Part 2. Land Conservation Board**

489 **4-46-201. Land Conservation Board.**

490 (1) There is created a Land Conservation Board consisting of:



491 (a) the director of the Division of Conservation or the director's designee;

492 (b) the commissioner of the Department of Agriculture and Food or the commissioner's  
493 designee;

494 (c) the executive director of the Governor's Office of Planning and Budget, or the  
495 executive director's designee;

496 (d) four elected officials at the local government level, two of whom may not be  
497 residents of a county of the first or second class; and

498 (e) seven persons from the profit and nonprofit private sector:

499 (i) two of whom may not be residents of a county of the first or second class;

500 ~~Ĥ→ [(ii) no more than three of whom may be from the same political party;~~

501 ~~—— [(iii)] (ii) ←Ĥ~~ one of whom shall be from the residential construction industry, nominated by  
501a an

502 association representing Utah home builders;

503 ~~Ĥ→ [(iv)] (iii) ←Ĥ~~ one of whom shall be from the real estate industry, nominated by an  
503a association

504 representing Utah realtors;

505 ~~Ĥ→ [(v)] (iv) ←Ĥ~~ one representative of an association representing farmers, selected from a  
505a list of

506 nominees submitted by at least one association representing farmers;

507 ~~Ĥ→ [(vi)] (v) ←Ĥ~~ one representative of an association representing cattlemen, selected from  
507a a list of

508 nominees submitted by at least one association representing cattlemen;

509 ~~Ĥ→ [(vii)] (vi) ←Ĥ~~ one representative of an association representing wool growers, selected  
509a from a

510 list of nominees submitted by at least one association representing wool growers;

511 ~~Ĥ→ [(viii)] (vii) ←Ĥ~~ one representative of land trusts; and

512 ~~Ĥ→ [(ix)] (viii) ←Ĥ~~ one representative of an association representing conservation districts  
512a created

513 under Title 17D, Chapter 3, Conservation District Act, selected from a list of nominees

514 submitted by at least one association representing conservation districts.

515 (2) (a) The governor shall appoint a board member under Subsection (1)(d) or (e) with  
516 the advice and consent of the Senate.

517 (b) The governor shall select:

518 (i) two of the four members under Subsection (1)(d) from a list of names provided by  
519 the Utah League of Cities and Towns; and

520 (ii) two of the four members under Subsection (1)(d) from a list of names provided by  
521 the Utah Association of Counties.

522 (3) (a) The term of office of a member appointed under Subsection (1)(d) or (e) is four  
 523 years.

524 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
 525 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
 526 board members are staggered so that approximately half of the board is appointed every two  
 527 years.

528 (c) A member of the board appointed under Subsection (1)(d) or (e) may not serve  
 529 more than two consecutive four-year terms.

530 (4) A mid-term vacancy shall be filled for the unexpired term in the same manner as an  
 531 appointment under Subsection (2).

532 (5) ~~H~~→ **[Board]** (a) Subject to Subsection (5)(b), board ~~←H~~ members shall elect a chair  
 532a from their number and establish rules for the  
 533 organization and operation of the board.

533a ~~H~~→ (b) The board member who is chair may not vote during the board member's  
 533b tenure as chair, except the chair may vote if there is a tie vote of board members. ~~←H~~

534 (6) A member may not receive compensation or benefits for the member's service, but  
 535 may receive per diem and travel expenses in accordance with:

536 (a) Section [63A-3-106](#);

537 (b) Section [63A-3-107](#); and

538 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
 539 [63A-3-107](#).

540 (7) A member is not required to give bond for the performance of official duties.

541 (8) Staff services to the board shall be provided by the Division of Conservation.

542 Section 9. Section **4-46-202**, which is renumbered from Section 11-38-202 is  
 543 renumbered and amended to read:

544 **~~[11-38-202].~~ 4-46-202. Board duties and powers -- No regulatory**  
 545 **authority -- Criteria.**

546 (1) The [commission] board shall:

547 ~~[(a) make recommendations to the Legislature on how to define more specifically~~  
 548 ~~quality growth areas within the general guidelines provided to the commission by the~~  
 549 ~~Legislature;]~~

550 ~~[(b) advise the Legislature on growth management issues;]~~

551 ~~[(c) make recommendations to the Legislature on refinements to this chapter;]~~

552 ~~[(d) conduct a review in 2002 and each year thereafter to determine progress statewide~~

553 ~~on accomplishing the purposes of this chapter, and give a report of each review to the Political~~  
 554 ~~Subdivisions Interim Committee of the Legislature by November 30 of the year of the review;]~~

555 ~~[(e)]~~ (a) administer the program as provided in this chapter; and

556 ~~[(f)]~~ assist as many local entities as possible, at their request, to identify principles of  
 557 growth that the local entity may consider implementing to help achieve the highest possible  
 558 quality of growth for that entity;]

559 ~~[(g)]~~ (b) fulfill other responsibilities imposed on the [~~commission~~] board by the  
 560 Legislature[; ~~and~~].

561 ~~[(h)]~~ fulfill all other duties imposed on the commission by this chapter.]

562 ~~[(2)]~~ The commission may sell, lease, or otherwise dispose of equipment or personal  
 563 property belonging to the program, the proceeds from which shall return to the fund.]

564 ~~[(3)]~~ (2) The [~~commission~~] board may not exercise any regulatory authority.

565 ~~[(4)]~~ (3) In carrying out the [~~commission's~~] board's powers and duties under this  
 566 chapter, the [~~commission~~] board shall adopt ranking criteria that is substantially similar to the  
 567 ranking criteria used by the Agriculture Conservation Easement Program and Agriculture Land  
 568 Easement as determined by the Natural Resources Conservation Service under the United  
 569 States Department of Agriculture.

570 Section 10. Section ~~4-46-301~~, which is renumbered from Section 11-38-301 is  
 571 renumbered and amended to read:

572 **Part 3. LeRay McAllister Critical Land Conservation Program**

573 ~~[11-38-301].~~ 4-46-301. LeRay McAllister Critical Land Conservation  
 574 **Program.**

575 (1) There is created a program entitled the "LeRay McAllister Critical Land  
 576 Conservation Program."

577 (2) Funding for the program shall be a line item in the budget of the [~~Quality Growth~~  
 578 ~~Commission~~] board. The line item shall be nonlapsing.

579 Section 11. Section ~~4-46-302~~, which is renumbered from Section 11-38-302 is  
 580 renumbered and amended to read:

581 ~~[11-38-302].~~ 4-46-302. Use of money in program -- Criteria --  
 582 **Administration.**

583 (1) Subject to Subsection (2), the [~~commission~~] board may authorize the use of money

584 in the program, by grant, to:

585 (a) a local entity;

586 (b) the Department of Natural Resources created under Section 79-2-201;

587 (c) ~~[the Department of Agriculture and Food created under Section 4-2-102]~~ an entity  
588 within the department; or

589 (d) a charitable organization that qualifies as being tax exempt under Section 501(c)(3),  
590 Internal Revenue Code.

591 (2) (a) The money in the program shall be used for preserving or restoring open land  
592 and agricultural land.

593 (b) (i) Except as provided in Subsection (2)(b)(ii), money from the program may not be  
594 used to purchase a fee interest in real property ~~[in order]~~ to preserve open land or agricultural  
595 land, but may be used to establish a conservation easement under Title 57, Chapter 18, Land  
596 Conservation Easement Act, or to fund similar methods to preserve open land or agricultural  
597 land.

598 (ii) Notwithstanding Subsection (2)(b)(i), money from the ~~[fund]~~ program may be used  
599 to purchase a fee interest in real property to preserve open land or agricultural land if:

600 (A) the parcel to be purchased is no more than 20 acres in size; and

601 (B) with respect to a parcel purchased in a county in which over 50% of the land area is  
602 publicly owned, real property roughly equivalent in size and located within that county is  
603 contemporaneously transferred to private ownership from the governmental entity that  
604 purchased the fee interest in real property.

605 (iii) Eminent domain may not be used or threatened in connection with any purchase  
606 using money from the program.

607 (iv) A parcel of land larger than 20 acres in size may not be divided into separate  
608 parcels smaller than 20 acres each to meet the requirement of Subsection (2)(b)(ii).

609 (c) A local entity, department, or organization under Subsection (1) may not receive  
610 money from the program unless the local entity, department, or organization provides matching  
611 funds equal to or greater than the amount of money received from the program.

612 (d) In granting money from the program, the ~~[commission]~~ board may impose  
613 conditions on the recipient as to how the money is to be spent.

614 (e) The ~~[commission]~~ board shall give priority to:

615 (i) working agricultural land; and

616 (ii) after giving priority to working agricultural land under Subsection (2)(e)(i),  
617 requests from the Department of Natural Resources for up to 20% of each annual increase in  
618 the amount of money in the program if the money is used for the protection of wildlife or  
619 watershed.

620 (f) (i) The [~~commission~~] board may not make a grant from the program that exceeds  
621 \$1,000,000 until after making a report to the Legislative Management Committee about the  
622 grant.

623 (ii) The Legislative Management Committee may make a recommendation to the  
624 [~~commission~~] board concerning the intended grant, but the recommendation is not binding on  
625 the [~~commission~~] board.

626 (3) In determining the amount and type of financial assistance to provide [~~an~~] a local  
627 entity, department, or organization under Subsection (1) and subject to Subsection (2)(f), the  
628 [~~commission~~] board shall consider:

629 (a) the nature and amount of open land and agricultural land proposed to be preserved  
630 or restored;

631 (b) the qualities of the open land and agricultural land proposed to be preserved or  
632 restored;

633 (c) the cost effectiveness of the project to preserve or restore open land or agricultural  
634 land;

635 (d) the funds available;

636 (e) the number of actual and potential applications for financial assistance and the  
637 amount of money sought by those applications;

638 (f) the open land preservation plan of the local entity where the project is located and  
639 the priority placed on the project by that local entity;

640 (g) the effects on housing affordability and diversity; and

641 (h) whether the project protects against the loss of private property ownership.

642 (4) If a local entity, department, or organization under Subsection (1) seeks money  
643 from the program for a project whose purpose is to protect critical watershed, the [~~commission~~]  
644 board shall require that the needs and quality of that project be verified by the state engineer.

645 (5) An interest in real property purchased with money from the program shall be held

646 and administered by the state or a local entity.

647 (6) (a) The board may not authorize the use of money under this section for a project  
 648 unless the  $\hat{H} \rightarrow$  [county]  $\leftarrow \hat{H}$  land use authority for the  $\hat{H} \rightarrow$  [county] land  $\leftarrow \hat{H}$  in which the project  
 648a is located consents to  
 649 the project.

650 (b) To obtain consent to a project, the person who is seeking money from the program  
 651 shall submit a request for consent to a project with the applicable  $\hat{H} \rightarrow$  [county]  $\leftarrow \hat{H}$  land use  
 651a authority.

652 The  $\hat{H} \rightarrow$  [county]  $\leftarrow \hat{H}$  land use authority may grant or deny consent. If the  $\hat{H} \rightarrow$  [county]  $\leftarrow \hat{H}$  land  
 652a use authority does  
 653 not take action within 30 days from the day on which the request for consent is filed with the  
 654  $\hat{H} \rightarrow$  [county]  $\leftarrow \hat{H}$  land use authority under this Subsection (6), the board shall treat the project as  
 654a having  
 655 the consent of the  $\hat{H} \rightarrow$  [county]  $\leftarrow \hat{H}$  land use authority.

656 (c) An action of a  $\hat{H} \rightarrow$  [county]  $\leftarrow \hat{H}$  land use authority under this Subsection (6) is not a  
 656a land use  
 657 decision subject to  $\hat{H} \rightarrow$  :

657a (i) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or  
 657b (ii)  $\leftarrow \hat{H}$  Title 17, Chapter 27a, County Land Use, Development, and Management  
 658 Act.

659 Section 12. Section ~~4-46-303~~, which is renumbered from Section 11-38-304 is  
 660 renumbered and amended to read:

661 ~~[11-38-304]~~. **4-46-303. Board to report annually.**

662 The [commission] board shall submit an annual report to the Infrastructure and General  
 663 Government and Natural Resources, Agriculture, and Environmental Quality Appropriations  
 664 Subcommittees:

- 665 (1) specifying the amount of each disbursement from the program;  
 666 (2) identifying the recipient of each disbursement and describing the project for which  
 667 money was disbursed; and  
 668 (3) detailing the conditions, if any, placed by the [commission] board on disbursements  
 669 from the program.

670 Section 13. Section ~~4-46-401~~ is enacted to read:

671 **Part 4. Division of Conservation**

672 **4-46-401. Division of Conservation created -- Director.**

- 673           (1) Within the department there is created the Division of Conservation.  
674           (2) (a) The director is the executive and administrative head of the division.  
675           (b) The director shall administer this part subject to the administration and general  
676 supervision of the commissioner.

677 (3) The division shall coordinate state conservation efforts by:  
 678 (a) staffing the board created in Section [4-46-201](#);  
 679 (b) coordinating with a conservation district in accordance with Section [4-46-402](#);  
 680 (c) coordinating with an agency or division within the department, the Department of  
 681 Natural Resources, other state agencies, counties, cities, towns, local land trust entities, and  
 682 federal agencies;

683 (d) facilitating obtaining federal funds in addition to state funds used for state  
 684 conservation efforts;  
 685 (e) monitoring and providing for the management of conservation easements on state  
 686 lands, including coordination with the Division of Wildlife Resources in the Division of  
 687 Wildlife Resources' administration of Section [23-14-14.2](#); and

688 (f) implementing rules made by the department in accordance with Title 63G, Chapter  
 689 3, Utah Administrative Rulemaking Act, and Section [4-46-403](#).

690 (4) The division may cooperate with, or enter into agreements with, other agencies of  
 691 this state and federal agencies in the administration and enforcement of this chapter.

692 Section 14. Section **4-46-402** is enacted to read:  
 693 **4-46-402. Training -- Coordination with conservation districts.**

694 (1) The division shall provide training to the conservation commission concerning:  
 695 (a) funding state conservation efforts; and  
 696 (b) coordinating state conservation efforts.

697 (2) The division shall work with the conservation commission in coordinating with a  
 698 conservation district.

699 Section 15. Section **4-46-403** is enacted to read:  
 700 **4-46-403. Conservation rules.**

701 The department may make rules, in accordance with Title 63G, Chapter 3, Utah  
 702 Administrative Rulemaking Act, to:

703 (1) establish requirements for the training described in Section [4-46-402](#); and  
 704 (2) establish the procedures the division shall follow in coordinating state conservation  
 705 efforts.

706 Section 16. Section **9-9-112** is amended to read:  
 707 **9-9-112. Bears Ears Visitor Center Advisory Committee.**



708 (1) Utah extends an invitation to the Navajo Nation, the Ute Mountain Ute Tribe, the  
709 Hopi Nation, the Zuni Tribe, and the Ute Indian Tribe of the Uintah Ouray to form an advisory  
710 committee for the purpose of exploring the feasibility, location, functions, and other important  
711 matters surrounding the creation of a visitor center at Bears Ears.

712 (2) As used in this section:

713 (a) "Advisory committee" means the Bears Ears Visitor Center Advisory Committee  
714 created by this section.

715 (b) "Bears Ears" means the Bears Ears National Monument.

716 (3) (a) Subject to Subsection (3)(b), there is created the Bears Ears Visitor Center  
717 Advisory Committee consisting of the following eight members:

718 (i) five voting members as follows:

719 (A) a representative of the Navajo Nation, appointed by the Navajo Nation;

720 (B) a representative of the Ute Mountain Ute Tribe, appointed by the Ute Mountain  
721 Ute Tribe;

722 (C) a representative of the Hopi Nation, appointed by the Hopi Nation;

723 (D) a representative of the Zuni Tribe, appointed by the Zuni Tribe; and

724 (E) a representative of the Ute Indian Tribe of the Uintah Ouray, appointed by the Ute  
725 Indian Tribe of the Uintah Ouray; and

726 (ii) subject to Subsection (4), three nonvoting members as follows:

727 (A) one member of the Senate, appointed by the president of the Senate; and

728 (B) two members of the House of Representatives, appointed by the speaker of the  
729 House of Representatives.

730 (b) The advisory committee is formed when all of the tribes described in Subsection (1)  
731 have communicated to the other tribes and to the Division of Indian Affairs that the tribe has  
732 appointed a member to the advisory committee.

733 (4) At least one of the three legislative members appointed under Subsection (3)(a)(ii)  
734 shall be from a minority party.

735 (5) The advisory committee may select from the advisory committee members the chair  
736 or other officers of the advisory committee.

737 (6) (a) If a vacancy occurs in the membership of the advisory committee appointed  
738 under Subsection (3), the member shall be replaced in the same manner in which the original

739 appointment was made.

740 (b) A member appointed under Subsection (3) serves until the member's successor is  
741 appointed and qualified.

742 (7) (a) A majority of the voting members of the advisory committee constitutes a  
743 quorum.

744 (b) The action of a majority of a quorum constitutes an action of the advisory  
745 committee.

746 (8) (a) The salary and expenses of an advisory committee member who is a legislator  
747 shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative  
748 Compensation and Expenses.

749 (b) An advisory committee member who is not a legislator may not receive  
750 compensation or benefits for the member's service on the advisory committee, but may receive  
751 per diem and reimbursement for travel expenses incurred as an advisory committee member at  
752 the rates established by the Division of Finance under:

753 (i) Sections 63A-3-106 and 63A-3-107; and

754 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
755 63A-3-107.

756 (9) The advisory committee may invite the United States Forest Service, the Bureau of  
757 Land Management, the Division of State Parks, the Division of Outdoor Recreation, and the  
758 Utah Office of Tourism within the Governor's Office of Economic Opportunity, to serve as  
759 technical advisors to the advisory committee.

760 (10) The Division of Indian Affairs shall staff the advisory committee.

761 (11) The advisory committee shall study and make recommendations concerning:

762 (a) the need for a visitor center associated with Bears Ears;

763 (b) the feasibility of a visitor center associated with Bears Ears, including investigating:

764 (i) potential locations for the visitor center;

765 (ii) purposes for the visitor center; and

766 (iii) sources of funding to build and maintain the visitor center;

767 (c) whether a visitor center will increase visitorship to Bears Ears; and

768 (d) whether a visitor center at Bears Ears could function as a repository of traditional  
769 knowledge and practices.

770 (12) The advisory committee may contract with one or more consultants to conduct  
771 work related to the issues raised in Subsection (11) if the Legislature appropriates money  
772 expressly for the purpose of the advisory committee contracting with a consultant.

773 (13) The advisory committee shall hold at least one public hearing to obtain public  
774 comment on the creation of a Bears Ears visitor center.

775 (14) The advisory committee shall report the advisory committee's recommendations to  
776 one or more of the following:

777 (a) the Economic Development and Workforce Services Interim Committee;

778 (b) the House Economic Development and Workforce Services Committee; or

779 (c) the Senate Economic Development and Workforce Services Committee.

780 Section 17. Section **23-14-14.2** is amended to read:

781 **23-14-14.2. Wildlife Resources Conservation Easement Restricted Account.**

782 (1) There is created within the General Fund a restricted account known as the  
783 "Wildlife Resources Conservation Easement Account."

784 (2) The Wildlife Resources Conservation Easement Account consists of:

785 (a) grants from private foundations;

786 (b) grants from local governments, the state, or the federal government;

787 (c) grants from the [~~Quality Growth Commission~~] Land Conservation Board created  
788 under Section [~~11-38-201~~] 4-46-201;

789 (d) donations from landowners for monitoring and managing conservation easements;

790 (e) donations from any other person; and

791 (f) interest on account money.

792 (3) Upon appropriation by the Legislature, the Division of Wildlife Resources shall use  
793 money from the account to monitor and manage conservation easements held by the division.

794 (4) The division may not receive or expend donations from the account to acquire  
795 conservation easements.

796 Section 18. Section **35A-8-2105** is amended to read:

797 **35A-8-2105. Allocation of volume cap.**

798 (1) (a) Subject to Subsection (1)(b), the volume cap for each year shall be distributed  
799 by the board of review to the allotment accounts as described in Section 35A-8-2106.

800 (b) The board of review may distribute up to 50% of each increase in the volume cap

801 for use in development that occurs in quality growth areas, depending upon the board's analysis  
802 of the relative need for additional volume cap between development in quality growth areas  
803 and the allotment accounts under Section 35A-8-2106.

804 (2) To obtain an allocation of the volume cap, issuing authorities shall submit to the  
805 board of review an application containing information required by the procedures and  
806 processes of the board of review.

807 (3) (a) The board of review shall establish criteria for making allocations of volume  
808 cap that are consistent with the purposes of the code and this part.

809 (b) In making an allocation of volume cap the board of review shall consider the  
810 following:

- 811 (i) the principal amount of the bonds proposed to be issued;
- 812 (ii) the nature and the location of the project or the type of program;
- 813 (iii) the likelihood that the bonds will be sold and the timeframe of bond issuance;
- 814 (iv) whether the project or program could obtain adequate financing without an  
815 allocation of volume cap;

816 (v) the degree to which an allocation of volume cap is required for the project or  
817 program to proceed or continue;

818 (vi) the social, health, economic, and educational effects of the project or program on  
819 the local community and state as a whole;

820 (vii) the anticipated economic development created or retained within the local  
821 community and the state as a whole;

822 (viii) the anticipated number of jobs, both temporary and permanent, created or  
823 retained within the local community and the state as a whole; and

824 (ix) if the project is a residential rental project, the degree to which the residential  
825 rental project:

826 (A) targets lower income populations; and

827 (B) is accessible housing[; ~~and~~].

828 [~~(x) whether the project meets the principles of quality growth recommended by the~~  
829 ~~Quality Growth Commission created in Section 11-38-201.~~]

830 (4) The board of review shall provide evidence of an allocation of volume cap by  
831 issuing a certificate in accordance with Section 35A-8-2107.

832 (5) (a) From January 1 to June 30 of each year, the board of review shall set aside at  
833 least 50% of the Small Issue Bond Account that may only be allocated to manufacturing  
834 projects.

835 (b) From July 1 to August 15 of each year, the board of review shall set aside at least  
836 50% of the Pool Account that may only be allocated to manufacturing projects.

837 Section 19. Section **41-1a-418** is amended to read:

838 **41-1a-418. Authorized special group license plates.**

839 (1) The division shall only issue special group license plates in accordance with this  
840 section through Section [41-1a-422](#) to a person who is specified under this section within the  
841 categories listed as follows:

842 (a) disability special group license plates issued in accordance with Section [41-1a-420](#);

843 (b) honor special group license plates, as in a war hero, which plates are issued for a:

844 (i) survivor of the Japanese attack on Pearl Harbor;

845 (ii) former prisoner of war;

846 (iii) recipient of a Purple Heart;

847 (iv) disabled veteran;

848 (v) recipient of a gold star award issued by the United States Secretary of Defense; or

849 (vi) recipient of a campaign or combat theater award determined by the Department of  
850 Veterans and Military Affairs;

851 (c) unique vehicle type special group license plates, as for historical, collectors value,  
852 or other unique vehicle type, which plates are issued for:

853 (i) a special interest vehicle;

854 (ii) a vintage vehicle;

855 (iii) a farm truck; or

856 (iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as  
857 defined in Section [59-13-102](#); or

858 (B) beginning on the effective date of rules made by the Department of Transportation  
859 authorized under Subsection [41-6a-702\(5\)\(b\)](#) and until Subsection (4) applies, a vehicle  
860 powered by clean fuel that meets the standards established by the Department of Transportation  
861 in rules authorized under Subsection [41-6a-702\(5\)\(b\)](#);

862 (d) recognition special group license plates, which plates are issued for:

- 863 (i) a current member of the Legislature;
- 864 (ii) a current member of the United States Congress;
- 865 (iii) a current member of the National Guard;
- 866 (iv) a licensed amateur radio operator;
- 867 (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;
- 868 (vi) an emergency medical technician;
- 869 (vii) a current member of a search and rescue team;
- 870 (viii) a current honorary consulate designated by the United States Department of  
871 State;
- 872 (ix) an individual supporting commemoration and recognition of women's suffrage;
- 873 (x) an individual supporting a fraternal, initiatic order for those sharing moral and  
874 metaphysical ideals, and designed to teach ethical and philosophical matters of brotherly love,  
875 relief, and truth;
- 876 (xi) an individual supporting the Utah Wing of the Civil Air Patrol; or
- 877 (xii) an individual supporting the recognition and continuation of the work and life of  
878 Dr. Martin Luther King, Jr.; or
- 879 (e) support special group license plates, as for a contributor to an institution or cause,  
880 which plates are issued for a contributor to:
  - 881 (i) an institution's scholastic scholarship fund;
  - 882 (ii) the Division of Wildlife Resources;
  - 883 (iii) the Department of Veterans and Military Affairs;
  - 884 (iv) [~~the Division of State Parks or~~] the Division of Outdoor Recreation;
  - 885 (v) the Department of Agriculture and Food;
  - 886 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
  - 887 (vii) the Boy Scouts of America;
  - 888 (viii) spay and neuter programs through No More Homeless Pets in Utah;
  - 889 (ix) the Boys and Girls Clubs of America;
  - 890 (x) Utah public education;
  - 891 (xi) programs that provide support to organizations that create affordable housing for  
892 those in severe need through the Division of Real Estate;
  - 893 (xii) the Department of Public Safety;

- 894 (xiii) programs that support Zion National Park;
- 895 (xiv) beginning on July 1, 2009, programs that provide support to firefighter  
896 organizations;
- 897 (xv) programs that promote bicycle operation and safety awareness;
- 898 (xvi) programs that conduct or support cancer research;
- 899 (xvii) programs that create or support autism awareness;
- 900 (xviii) programs that create or support humanitarian service and educational and  
901 cultural exchanges;
- 902 (xix) until September 30, 2017, programs that conduct or support prostate cancer  
903 awareness, screening, detection, or prevention;
- 904 (xx) programs that support and promote adoptions;
- 905 (xxi) programs that support issues affecting women and children through an  
906 organization affiliated with a national professional men's basketball organization;
- 907 (xxii) programs that strengthen youth soccer, build communities, and promote  
908 environmental sustainability through an organization affiliated with a professional men's soccer  
909 organization;
- 910 (xxiii) programs that support children with heart disease;
- 911 (xxiv) programs that support the operation and maintenance of the Utah Law  
912 Enforcement Memorial;
- 913 (xxv) programs that provide assistance to children with cancer;
- 914 (xxvi) programs that promote leadership and career development through agricultural  
915 education;
- 916 (xxvii) the Utah State Historical Society;
- 917 (xxviii) programs to transport veterans to visit memorials honoring the service and  
918 sacrifices of veterans;
- 919 (xxix) programs that promote motorcycle safety awareness;
- 920 (xxx) organizations that promote clean air through partnership, education, and  
921 awareness;
- 922 (xxxi) programs dedicated to strengthening the state's Latino community through  
923 education, mentoring, and leadership opportunities;
- 924 (xxxii) organizations dedicated to facilitating, connecting, registering, and advocating

925 for organ donors and donor families; or

926 (xxxiii) public education on behalf of the Kiwanis International clubs.

927 (2) (a) The division may not issue a new type of special group license plate or decal  
928 unless the division receives:

929 (i) (A) a private donation for the start-up fee established under Section 63J-1-504 for  
930 the production and administrative costs of providing the new special group license plates or  
931 decals; or

932 (B) a legislative appropriation for the start-up fee provided under Subsection  
933 (2)(a)(i)(A); and

934 (ii) beginning on January 1, 2012, and for the issuance of a support special group  
935 license plate authorized in Section 41-1a-422, at least 500 completed applications for the new  
936 type of support special group license plate or decal to be issued with all fees required under this  
937 part for the support special group license plate or decal issuance paid by each applicant.

938 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and  
939 hold applications for support special group license plates or decals authorized in Section  
940 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications.

941 (ii) Once a participating organization has received at least 500 applications, it shall  
942 submit the applications, along with the necessary fees, to the division for the division to begin  
943 working on the design and issuance of the new type of support special group license plate or  
944 decal to be issued.

945 (iii) Beginning on January 1, 2012, the division may not work on the issuance or design  
946 of a new support special group license plate or decal authorized in Section 41-1a-422 until the  
947 applications and fees required under this Subsection (2) have been received by the division.

948 (iv) The division shall begin issuance of a new support special group license plate or  
949 decal authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months  
950 after receiving the applications and fees required under this Subsection (2).

951 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle  
952 registration of a motor vehicle that has been issued a firefighter recognition special group  
953 license plate unless the applicant is a contributor as defined in Subsection  
954 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

955 (ii) A registered owner of a vehicle that has been issued a firefighter recognition



956 special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle  
957 registration shall:

958 (A) be a contributor to the Firefighter Support Restricted Account as required under  
959 Subsection (2)(c)(i); or

960 (B) replace the firefighter recognition special group license plate with a new license  
961 plate.

962 (3) Beginning on July 1, 2011, if a support special group license plate or decal type  
963 authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500  
964 license plates issued each year for a three consecutive year time period that begins on July 1,  
965 the division may not issue that type of support special group license plate or decal to a new  
966 applicant beginning on January 1 of the following calendar year after the three consecutive year  
967 time period for which that type of support special group license plate or decal has fewer than  
968 500 license plates issued each year.

969 (4) Beginning on July 1, 2011, the division may not issue to an applicant a unique  
970 vehicle type license plate for a vehicle powered by clean fuel under Subsection (1)(c)(iv).

971 (5) (a) Beginning on October 1, 2017, the division may not issue a new prostate cancer  
972 support special group license plate.

973 (b) A registered owner of a vehicle that has been issued a prostate cancer support  
974 special group license plate before October 1, 2017, may renew the owner's motor vehicle  
975 registration, with the contribution allocated as described in Section 41-1a-422.

976 Section 20. Section 41-1a-422 is amended to read:

977 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**  
978 **contribution collection procedures.**

979 (1) As used in this section:

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

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

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

984 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in  
985 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,  
986 access, and management of wildlife habitat;

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

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

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

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

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

995 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth  
996 development programs;

997 (J) the Utah Association of Public School Foundations to support public education;

998 (K) the Utah Housing Opportunity Restricted Account created in Section [61-2-204](#) to  
999 assist people who have severe housing needs;

1000 (L) the Public Safety Honoring Heroes Restricted Account created in Section [53-1-118](#)  
1001 to support the families of fallen Utah Highway Patrol troopers and other Department of Public  
1002 Safety employees;

1003 (M) the Division of [~~State Parks~~] Outdoor Recreation for distribution to organizations  
1004 that provide support for Zion National Park;

1005 (N) the Firefighter Support Restricted Account created in Section [53-7-109](#) to support  
1006 firefighter organizations;

1007 (O) the Share the Road Bicycle Support Restricted Account created in Section  
1008 [72-2-127](#) to support bicycle operation and safety awareness programs;

1009 (P) the Cancer Research Restricted Account created in Section [26-21a-302](#) to support  
1010 cancer research programs;

1011 (Q) Autism Awareness Restricted Account created in Section [53F-9-401](#) to support  
1012 autism awareness programs;

1013 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account  
1014 created in Section [9-17-102](#) to support humanitarian service and educational and cultural  
1015 programs;

1016 (S) Upon renewal of a prostate cancer support special group license plate, to the Cancer  
1017 Research Restricted Account created in Section [26-21a-302](#) to support cancer research

1018 programs;

1019 (T) the Choose Life Adoption Support Restricted Account created in Section

1020 [62A-4a-608](#) to support programs that promote adoption;

1021 (U) the National Professional Men's Basketball Team Support of Women and Children

1022 Issues Restricted Account created in Section [62A-1-202](#);

1023 (V) the Utah Law Enforcement Memorial Support Restricted Account created in

1024 Section [53-1-120](#);

1025 (W) the Children with Cancer Support Restricted Account created in Section

1026 [26-21a-304](#) for programs that provide assistance to children with cancer;

1027 (X) the National Professional Men's Soccer Team Support of Building Communities

1028 Restricted Account created in Section [9-19-102](#);

1029 (Y) the Children with Heart Disease Support Restricted Account created in Section

1030 [26-58-102](#);

1031 (Z) the Utah Intracurricular Student Organization Support for Agricultural Education

1032 and Leadership Restricted Account created in Section [4-42-102](#);

1033 (AA) the Division of Wildlife Resources for the Support for State-Owned Shooting

1034 Ranges Restricted Account created in Section [23-14-13.5](#), for the creation of new, and

1035 operation and maintenance of existing, state-owned firearm shooting ranges;

1036 (BB) the Utah State Historical Society to further the mission and purpose of the Utah

1037 State Historical Society;

1038 (CC) the Motorcycle Safety Awareness Support Restricted Account created in Section

1039 [72-2-130](#);

1040 (DD) the Transportation of Veterans to Memorials Support Restricted Account created

1041 in Section [71-14-102](#);

1042 (EE) clean air support causes, with half of the donation deposited into the Clean Air

1043 Support Restricted Account created in Section [19-1-109](#), and half of the donation deposited

1044 into the Clean Air Fund created in Section [59-10-1319](#);

1045 (FF) the Latino Community Support Restricted Account created in Section [13-1-16](#);

1046 (GG) the Allyson Gamble Organ Donation Contribution Fund created in Section

1047 [26-18b-101](#); or

1048 (HH) public education on behalf of the Kiwanis International clubs, with the amount of

1049 the donation required to cover the costs of issuing, ordering, or reordering Kiwanis support  
1050 special group plates, as determined by the State Tax Commission, deposited into the Kiwanis  
1051 Education Support Fund created in Section 53F-9-403, and all remaining donation amounts  
1052 deposited into the Education Fund.

1053 (ii) (A) For a veterans special group license plate described in Subsection (4) or  
1054 41-1a-421(1)(a)(v) [~~or 41-1a-422(4)~~], "contributor" means a person who has donated or in  
1055 whose name at least a \$25 donation at the time of application and \$10 annual donation  
1056 thereafter has been made.

1057 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a  
1058 person who:

1059 (I) has donated or in whose name at least \$30 has been donated at the time of  
1060 application and annually after the time of application; and

1061 (II) is a member of a trade organization for real estate licensees that has more than  
1062 15,000 Utah members.

1063 (C) For an Honoring Heroes special group license plate, "contributor" means a person  
1064 who has donated or in whose name at least \$35 has been donated at the time of application and  
1065 annually thereafter.

1066 (D) For a firefighter support special group license plate, "contributor" means a person  
1067 who:

1068 (I) has donated or in whose name at least \$15 has been donated at the time of  
1069 application and annually after the time of application; and

1070 (II) is a currently employed, volunteer, or retired firefighter.

1071 (E) For a cancer research special group license plate, "contributor" means a person who  
1072 has donated or in whose name at least \$35 has been donated at the time of application and  
1073 annually after the time of application.

1074 (F) For a Utah Law Enforcement Memorial Support special group license plate,  
1075 "contributor" means a person who has donated or in whose name at least \$35 has been donated  
1076 at the time of application and annually thereafter.

1077 (b) "Institution" means a state institution of higher education as defined under Section  
1078 53B-3-102 or a private institution of higher education in the state accredited by a regional or  
1079 national accrediting agency recognized by the United States Department of Education.

1080 (2) (a) An applicant for original or renewal collegiate special group license plates under  
1081 Subsection (1)(a)(i) must be a contributor to the institution named in the application and  
1082 present the original contribution verification form under Subsection (2)(b) or make a  
1083 contribution to the division at the time of application under Subsection (3).

1084 (b) An institution with a support special group license plate shall issue to a contributor  
1085 a verification form designed by the commission containing:

1086 (i) the name of the contributor;

1087 (ii) the institution to which a donation was made;

1088 (iii) the date of the donation; and

1089 (iv) an attestation that the donation was for a scholastic scholarship.

1090 (c) The state auditor may audit each institution to verify that the money collected by the  
1091 institutions from contributors is used for scholastic scholarships.

1092 (d) After an applicant has been issued collegiate license plates or renewal decals, the  
1093 commission shall charge the institution whose plate was issued, a fee determined in accordance  
1094 with Section 63J-1-504 for management and administrative expenses incurred in issuing and  
1095 renewing the collegiate license plates.

1096 (e) If the contribution is made at the time of application, the contribution shall be  
1097 collected, treated, and deposited as provided under Subsection (3).

1098 (3) (a) An applicant for original or renewal support special group license plates under  
1099 this section must be a contributor to the sponsoring organization associated with the license  
1100 plate.

1101 (b) This contribution shall be:

1102 (i) unless collected by the named institution under Subsection (2), collected by the  
1103 division;

1104 (ii) considered a voluntary contribution for the funding of the activities specified under  
1105 this section and not a motor vehicle registration fee;

1106 (iii) deposited into the appropriate account less actual administrative costs associated  
1107 with issuing the license plates; and

1108 (iv) for a firefighter special group license plate, deposited into the appropriate account  
1109 less:

1110 (A) the costs of reordering firefighter special group license plate decals; and

1111 (B) the costs of replacing recognition special group license plates with new license  
1112 plates under Subsection 41-1a-1211(13).

1113 (c) The donation described in Subsection (1)(a) must be made in the 12 months [prior  
1114 to] before registration or renewal of registration.

1115 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to  
1116 the division when issuing original:

1117 (i) snowmobile license plates; or

1118 (ii) conservation license plates.

1119 (4) Veterans license plates shall display one of the symbols representing the Army,  
1120 Navy, Air Force, Marines, Coast Guard, or American Legion.

1121 Section 21. Section 41-6a-1509 is amended to read:

1122 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**

1123 **Registration and licensing requirements -- Equipment requirements.**

1124 (1) (a) Except as provided in Subsection (1)(b), an individual may operate an all-terrain  
1125 type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that meets the  
1126 requirements of this section as a street-legal ATV on a street or highway.

1127 (b) An individual may not operate an all-terrain type I vehicle, all-terrain type II  
1128 vehicle, or all-terrain type III vehicle as a street-legal ATV on a highway if:

1129 (i) the highway is an interstate system as defined in Section 72-1-102; or

1130 (ii) the highway is in a county of the first class and both of the following criterion is  
1131 met:

1132 (A) the highway is near a grade separated portion of the highway; and

1133 (B) the highway has a posted speed limit higher than 50 miles per hour.

1134 (c) Nothing in this section authorizes the operation of a street-legal ATV in an area that  
1135 is not open to motor vehicle use.

1136 (2) A street-legal ATV shall comply with Section 59-2-405.2, Subsection  
1137 41-1a-205(1), Subsection 53-8-205(1)(b), and the same requirements as:

1138 (a) a motorcycle for:

1139 (i) traffic rules under [~~Title 41, Chapter 6a, Traffic Code~~] this chapter;

1140 (ii) titling, odometer statement, vehicle identification, license plates, and registration,  
1141 excluding registration fees, under [~~Title 41,~~] Chapter 1a, Motor Vehicle Act; and

- 1142 (iii) the county motor vehicle emissions inspection and maintenance programs under  
1143 Section 41-6a-1642;
- 1144 (b) a motor vehicle for:
- 1145 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and  
1146 (ii) motor vehicle insurance under [~~Title 41,~~] Chapter 12a, Financial Responsibility of  
1147 Motor Vehicle Owners and Operators Act; and
- 1148 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under  
1149 [~~Title 41,~~] Chapter 22, Off-Highway Vehicles, and [~~Title 41,~~] Chapter 3, Motor Vehicle  
1150 Business Regulation Act, unless otherwise specified in this section.
- 1151 (3) (a) The owner of an all-terrain type I vehicle being operated as a street-legal ATV  
1152 shall ensure that the vehicle is equipped with:
- 1153 (i) one or more headlamps that meet the requirements of Section 41-6a-1603;  
1154 (ii) one or more tail lamps;  
1155 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate  
1156 with a white light;
- 1157 (iv) one or more red reflectors on the rear;  
1158 (v) one or more stop lamps on the rear;  
1159 (vi) amber or red electric turn signals, one on each side of the front and rear;  
1160 (vii) a braking system, other than a parking brake, that meets the requirements of  
1161 Section 41-6a-1623;
- 1162 (viii) a horn or other warning device that meets the requirements of Section  
1163 41-6a-1625;
- 1164 (ix) a muffler and emission control system that meets the requirements of Section  
1165 41-6a-1626;
- 1166 (x) rearview mirrors on the right and left side of the driver in accordance with Section  
1167 41-6a-1627;
- 1168 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;  
1169 (xii) a speedometer, illuminated for nighttime operation;  
1170 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a  
1171 seat designed for passengers; and
- 1172 (xiv) tires that:

- 1173 (A) are not larger than the tires that the all-terrain vehicle manufacturer made available  
1174 for the all-terrain vehicle model; and
- 1175 (B) have at least 2/32 inches or greater tire tread.
- 1176 (b) The owner of an all-terrain type II vehicle or all-terrain type III vehicle being  
1177 operated as a street-legal all-terrain vehicle shall ensure that the vehicle is equipped with:
- 1178 (i) two headlamps that meet the requirements of Section 41-6a-1603;  
1179 (ii) two tail lamps;  
1180 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate  
1181 with a white light;  
1182 (iv) one or more red reflectors on the rear;  
1183 (v) two stop lamps on the rear;  
1184 (vi) amber or red electric turn signals, one on each side of the front and rear;  
1185 (vii) a braking system, other than a parking brake, that meets the requirements of  
1186 Section 41-6a-1623;  
1187 (viii) a horn or other warning device that meets the requirements of Section  
1188 41-6a-1625;  
1189 (ix) a muffler and emission control system that meets the requirements of Section  
1190 41-6a-1626;  
1191 (x) rearview mirrors on the right and left side of the driver in accordance with Section  
1192 41-6a-1627;  
1193 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;  
1194 (xii) a speedometer, illuminated for nighttime operation;  
1195 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a  
1196 seat designed for passengers;  
1197 (xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle  
1198 occupant;  
1199 (xv) a seat with a height between 20 and 40 inches when measured at the forward edge  
1200 of the seat bottom; and  
1201 (xvi) tires that:  
1202 (A) do not exceed 44 inches in height; and  
1203 (B) have at least 2/32 inches or greater tire tread.



1204 (c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle  
1205 with wheel covers, mudguards, flaps, or splash aprons.

1206 (4) (a) Subject to the requirements of Subsection (4)(b), an operator of a street-legal  
1207 all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not  
1208 exceed the lesser of:

1209 (i) the posted speed limit; or

1210 (ii) 50 miles per hour.

1211 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal  
1212 all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:

1213 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the  
1214 roadway; and

1215 (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the  
1216 front and back of both sides of the vehicle.

1217 (5) (a) A nonresident operator of an off-highway vehicle that is authorized to be  
1218 operated on the highways of another state has the same rights and privileges as a street-legal  
1219 ATV that is granted operating privileges on the highways of this state, subject to the  
1220 restrictions under this section and rules made by the Division of Outdoor Recreation, after  
1221 ~~[consulting]~~ notifying the Outdoor Adventure Commission, if the other state offers reciprocal  
1222 operating privileges to Utah residents.

1223 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1224 Division of Outdoor Recreation, after ~~[consultation with]~~ notifying the Outdoor Adventure  
1225 Commission, shall establish eligibility requirements for reciprocal operating privileges for  
1226 nonresident users granted under Subsection (5)(a).

1227 (6) Nothing in this chapter restricts the owner of an off-highway vehicle from operating  
1228 the off-highway vehicle in accordance with Section [41-22-10.5](#).

1229 (7) A violation of this section is an infraction.

1230 Section 22. Section **41-22-2** is amended to read:

1231 **41-22-2. Definitions.**

1232 As used in this chapter:

1233 (1) "Advisory council" means ~~[the Off-highway Vehicle Advisory Council]~~ an advisory  
1234 council appointed by the Division of Outdoor Recreation that has within the advisory council's

1235 duties advising on policies related to the use of off-highway vehicles.

1236 (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width,  
1237 having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure  
1238 tires, having a seat designed to be straddled by the operator, and designed for or capable of  
1239 travel over unimproved terrain.

1240 (3) (a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width,  
1241 traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a  
1242 rollover protection system, and designed for or capable of travel over unimproved terrain, and  
1243 is:

1244 (i) an electric-powered vehicle; or

1245 (ii) a vehicle powered by an internal combustion engine and has an unladen dry weight  
1246 of 2,500 pounds or less.

1247 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to  
1248 carry a person with a disability, any vehicle not specifically designed for recreational use, or  
1249 farm tractors as defined under Section [41-1a-102](#).

1250 (4) (a) "All-terrain type III vehicle" means any other motor vehicle, not defined in  
1251 Subsection (2), (3), (12), or (22), designed for or capable of travel over unimproved terrain.

1252 (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to  
1253 carry a person with a disability, any vehicle not specifically designed for recreational use, or  
1254 farm tractors as defined under Section [41-1a-102](#).

1255 (5) "Commission" means the Outdoor Adventure Commission.

1256 (6) "Cross-country" means across natural terrain and off an existing highway, road,  
1257 route, or trail.

1258 (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at  
1259 wholesale or retail.

1260 (8) "Division" means the Division of Outdoor Recreation.

1261 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed  
1262 for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of  
1263 10 pounds per square inch or less as recommended by the vehicle manufacturer.

1264 (10) "Manufacturer" means a person engaged in the business of manufacturing  
1265 off-highway vehicles.

- 1266 (11) (a) "Motor vehicle" means every vehicle which is self-propelled.  
1267 (b) "Motor vehicle" includes an off-highway vehicle.
- 1268 (12) "Motorcycle" means every motor vehicle having a saddle for the use of the  
1269 operator and designed to travel on not more than two tires.
- 1270 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,  
1271 all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is used by  
1272 the owner or the owner's agent for agricultural operations.
- 1273 (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,  
1274 all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle.
- 1275 (15) "Operate" means to control the movement of or otherwise use an off-highway  
1276 vehicle.
- 1277 (16) "Operator" means the person who is in actual physical control of an off-highway  
1278 vehicle.
- 1279 (17) "Organized user group" means an off-highway vehicle organization incorporated  
1280 as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit  
1281 Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.
- 1282 (18) "Owner" means a person, other than a person with a security interest, having a  
1283 property interest or title to an off-highway vehicle and entitled to the use and possession of that  
1284 vehicle.
- 1285 (19) "Public land" means land owned or administered by any federal or state agency or  
1286 any political subdivision of the state.
- 1287 (20) "Register" means the act of assigning a registration number to an off-highway  
1288 vehicle.
- 1289 (21) "Roadway" is used as defined in Section [41-6a-102](#).
- 1290 (22) "Snowmobile" means any motor vehicle designed for travel on snow or ice and  
1291 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.
- 1292 (23) "Street or highway" means the entire width between boundary lines of every way  
1293 or place of whatever nature, when any part of it is open to the use of the public for vehicular  
1294 travel.
- 1295 (24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as  
1296 defined in Section [41-6a-102](#).

1297 Section 23. Section 41-22-5.1 is amended to read:

1298 **41-22-5.1. Rules of division relating to display of registration stickers.**

1299 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1300 division, after [~~consultation with~~] notifying the commission, shall make rules for the display of  
1301 a registration sticker on an off-highway vehicle in accordance with Section 41-22-3.

1302 Section 24. Section 41-22-5.5 is amended to read:

1303 **41-22-5.5. Off-highway husbandry vehicles.**

1304 (1) (a) (i) The owner of an all-terrain type I vehicle, motorcycle, all-terrain type II  
1305 vehicle, all-terrain type III vehicle, or snowmobile used for agricultural purposes may apply to  
1306 the Motor Vehicle Division for an off-highway implement of husbandry sticker.

1307 (ii) Each application under Subsection (1)(a)(i) shall be accompanied by:

1308 (A) evidence of ownership;

1309 (B) a title or a manufacturer's certificate of origin; and

1310 (C) a signed statement certifying that the off-highway vehicle is used for agricultural  
1311 purposes.

1312 (iii) The owner shall receive an off-highway implement of husbandry sticker upon  
1313 production of:

1314 (A) the documents required under this Subsection (1); and

1315 (B) payment of an off-highway implement of husbandry sticker fee established by the  
1316 division, after [~~consultation with~~] notifying the commission, not to exceed \$10.

1317 (b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or  
1318 highways, it shall also be registered under Section 41-22-3.

1319 (c) The off-highway implement of husbandry sticker shall be displayed in a manner  
1320 prescribed by the division and shall identify the all-terrain type I vehicle, motorcycle, all-terrain  
1321 type II vehicle, all-terrain type III vehicle, or snowmobile as an off-highway implement of  
1322 husbandry.

1323 (2) The off-highway implement of husbandry sticker is valid only for the life of the  
1324 ownership of the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type  
1325 III vehicle, or snowmobile and is not transferable.

1326 (3) The off-highway implement of husbandry sticker is valid for an all-terrain type I  
1327 vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile that is

1328 being operated adjacent to a roadway:

1329 (a) when the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain  
1330 type III vehicle, or snowmobile is only being used to travel from one parcel of land owned,  
1331 operated, permitted, or leased for agricultural purposes by the owner of the vehicle to another  
1332 parcel of land owned, operated, permitted, or leased for agricultural purposes by the owner; and

1333 (b) when this operation is necessary for the furtherance of agricultural purposes.

1334 (4) If the operation of an off-highway implement of husbandry adjacent to a roadway is  
1335 impractical, it may be operated on the roadway if the operator exercises due care towards  
1336 conventional motor vehicle traffic.

1337 (5) It is unlawful to operate an off-highway implement of husbandry along, across, or  
1338 within the boundaries of an interstate freeway.

1339 (6) A violation of this section is an infraction.

1340 Section 25. Section **41-22-8** is amended to read:

1341 **41-22-8. Registration fees.**

1342 (1) The division, after [~~consultation with~~] notifying the commission, shall establish the  
1343 fees [~~which~~] that shall be paid in accordance with this chapter, subject to the following:

1344 (a) (i) Except as provided in Subsection (1)(a)(ii) or (iii), the fee for each off-highway  
1345 vehicle registration may not exceed \$35.

1346 (ii) The fee for each snowmobile registration may not exceed \$26.

1347 (iii) The fee for each street-legal all-terrain vehicle may not exceed \$72.

1348 (b) The fee for each duplicate registration card may not exceed \$3.

1349 (c) The fee for each duplicate registration sticker may not exceed \$5.

1350 (2) A fee may not be charged for an off-highway vehicle that is owned and operated by  
1351 the United States Government, this state, or its political subdivisions.

1352 (3) (a) In addition to the fees under this section, Section **41-22-33**, and Section  
1353 **41-22-34**, the Motor Vehicle Division shall require a person to pay one dollar to register an  
1354 off-highway vehicle under Section **41-22-3**.

1355 (b) The Motor Vehicle Division shall deposit the fees the Motor Vehicle Division  
1356 collects under Subsection (3)(a) into the Spinal Cord and Brain Injury Rehabilitation Fund  
1357 described in Section **26-54-102**.

1358 Section 26. Section **41-22-10** is amended to read:

1359 **41-22-10. Powers of division relating to off-highway vehicles.**

1360 [(+) ] The division may:

1361 [(a) ] (1) appoint and seek recommendations from the [~~Off-highway Vehicle Advisory~~  
1362 ~~Council~~] advisory council representing the various off-highway vehicle, conservation, and  
1363 other appropriate interests; and

1364 [(b) ] (2) adopt a uniform marker and sign system for use by agents of appropriate  
1365 federal, state, county, and city agencies in areas of off-highway vehicle use.

1366 [(2) ] ~~The division shall receive and distribute voluntary contributions collected under~~  
1367 ~~Section 41-1a-230.6 in accordance with Section 41-22-19.5.]~~

1368 Section 27. Section **41-22-10.7** is amended to read:

1369 **41-22-10.7. Vehicle equipment requirements -- Rulemaking -- Exceptions.**

1370 (1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped  
1371 with:

1372 (a) brakes adequate to control the movement of and to stop and hold the vehicle under  
1373 normal operating conditions;

1374 (b) headlights and taillights when operated between sunset and sunrise;

1375 (c) a noise control device and except for a snowmobile, a spark arrestor device; and

1376 (d) when operated on sand dunes designated by the division, a safety flag that is:

1377 (i) red or orange in color;

1378 (ii) a minimum of six by 12 inches; and

1379 (iii) attached to:

1380 (A) the off-highway vehicle so that the safety flag is at least eight feet above the  
1381 surface of level ground; or

1382 (B) the protective headgear of a person operating a motorcycle so that the safety flag is  
1383 at least 18 inches above the top of the person's head.

1384 (2) A violation of Subsection (1) is an infraction.

1385 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1386 division may make rules, after [~~consultation with~~] notifying the commission, which set  
1387 standards for the equipment and which designate sand dunes where safety flags are required  
1388 under Subsection (1).

1389 (4) An off-highway implement of husbandry used only in agricultural operations and

1390 not operated on a highway, is exempt from the provisions of this section.

1391 Section 28. Section 41-22-19 is amended to read:

1392 **41-22-19. Deposit of fees and related money in Off-highway Vehicle Account --**  
 1393 **Use for facilities, costs and expenses of division, and education -- Request for matching**  
 1394 **funds.**

1395 (1) Except as provided under Subsections (3) and (4) and Sections 41-22-34 and  
 1396 41-22-36, [all] registration fees and related money collected by the Motor Vehicle Division or  
 1397 any agencies designated to act for the Motor Vehicle Division under this chapter shall be  
 1398 deposited as restricted revenue in the Off-highway Vehicle Account in the General Fund less  
 1399 the costs of collecting off-highway vehicle registration fees by the Motor Vehicle Division.

1400 The balance of the money may be used by the division [as follows]:

1401 (a) for the construction, improvement, operation, acquisition, or maintenance of  
 1402 publicly owned or administered off-highway vehicle facilities, including public access  
 1403 facilities;

1404 (b) for the mitigation of impacts associated with off-highway vehicle use;

1405 [~~(c) as grants or as matching funds with any federal agency, state agency, political~~  
 1406 ~~subdivision of the state, or organized user group for the construction, improvement, operation,~~  
 1407 ~~acquisition, or maintenance of publicly owned or administered off-highway vehicle facilities~~  
 1408 ~~including public access facilities;]~~

1409 [~~(d) for the administration and enforcement of the provisions of this chapter; and]~~

1410 [~~(e)~~] (c) for the education of off-highway vehicle users[-];

1411 (d) for off-highway vehicle access protection;

1412 (e) to support off-highway vehicle search and rescue activities and programs;

1413 (f) to promote and encourage off-highway vehicle tourism;

1414 (g) for other uses that further the policy set forth in Section 41-22-1;

1415 (h) as grants or matching funds with a federal agency, state agency, political

1416 subdivision of the state, or organized user group for any of the uses described in Subsections

1417 (1)(a) through (g); and

1418 (i) for the administration and enforcement of this chapter.

1419 (2) [~~All agencies or political subdivisions~~] An agency or political subdivision

1420 requesting matching funds shall submit plans for proposed off-highway vehicle facilities to the

1421 division for review and approval.

1422 (3) (a) One dollar and 50 cents of each annual registration fee collected under  
1423 Subsection 41-22-8(1) and each off-highway vehicle user fee collected under Subsection  
1424 41-22-35(2) shall be deposited in the Land Grant Management Fund created under Section  
1425 53C-3-101.

1426 (b) The Utah School and Institutional Trust Lands Administration shall use the money  
1427 deposited under Subsection (3)(a) for costs associated with off-highway vehicle use of legally  
1428 accessible lands within its jurisdiction as follows:

1429 (i) to improve recreational opportunities on trust lands by constructing, improving,  
1430 maintaining, or perfecting access for off-highway vehicle trails; and

1431 (ii) to mitigate impacts associated with off-highway vehicle use.

1432 (c) ~~Any~~ An unused balance of the money deposited under Subsection (3)(a)  
1433 exceeding \$350,000 at the end of each fiscal year shall be deposited in the Off-highway  
1434 Vehicle Account under Subsection (1).

1435 (4) One dollar of each off-highway vehicle registration fee collected under Subsection  
1436 41-22-8(1) shall be deposited in the Utah Highway Patrol Aero Bureau Restricted Account  
1437 created in Section 53-8-303.

1438 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1439 division, after notifying the commission, shall make rules as necessary to implement this  
1440 section.

1441 Section 29. Section 41-22-31 is amended to read:

1442 **41-22-31. Division to set standards for safety program -- Safety certificates issued**  
1443 **-- Cooperation with public and private entities -- State immunity from suit.**

1444 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1445 the division shall make rules, after ~~[consultation with]~~ notifying the commission, that establish  
1446 curriculum standards for a comprehensive off-highway vehicle safety education and training  
1447 program and shall implement this program.

1448 (b) The program shall be designed to develop and instill the knowledge, attitudes,  
1449 habits, and skills necessary for the safe operation of an off-highway vehicle.

1450 (c) Components of the program shall include the preparation and dissemination of  
1451 off-highway vehicle information and safety advice to the public and the training of off-highway



1452 vehicle operators.

1453 (d) Off-highway vehicle safety certificates shall be issued to those who successfully  
1454 complete training or pass the knowledge and skills test established under the program.

1455 (2) The division shall cooperate with appropriate private organizations and  
1456 associations, private and public corporations, and local government units to implement the  
1457 program established under this section.

1458 (3) In addition to the governmental immunity granted in Title 63G, Chapter 7,  
1459 Governmental Immunity Act of Utah, the state is immune from suit for any act, or failure to  
1460 act, in any capacity relating to the off-highway vehicle safety education and training program.  
1461 The state is also not responsible for any insufficiency or inadequacy in the quality of training  
1462 provided by this program.

1463 Section 30. Section **41-22-33** is amended to read:

1464 **41-22-33. Fees for safety and education program -- Penalty -- Unlawful acts.**

1465 (1) A fee set by the division, after [~~consultation with~~] notifying the commission, in  
1466 accordance with Section **63J-1-504** shall be added to the registration fee required to register an  
1467 off-highway vehicle under Section **41-22-8** to help fund the off-highway vehicle safety and  
1468 education program.

1469 (2) If the division modifies the fee under Subsection (1), the modification shall take  
1470 effect on the first day of the calendar quarter after 90 days from the day on which the division  
1471 provides the State Tax Commission:

1472 (a) notice from the division stating that the division will modify the fee; and

1473 (b) a copy of the fee modification.

1474 Section 31. Section **41-22-35** is amended to read:

1475 **41-22-35. Off-highway vehicle user fee -- Decal -- Agents -- Penalty for fraudulent**  
1476 **issuance of decal -- Deposit and use of fee revenue.**

1477 (1) (a) Except as provided in Subsection (1)(b), any person owning or operating a  
1478 nonresident off-highway vehicle who operates or gives another person permission to operate  
1479 the nonresident off-highway vehicle on any public land, trail, street, or highway in this state  
1480 shall:

1481 (i) apply for an off-highway vehicle decal issued exclusively for an off-highway  
1482 vehicle owned by a nonresident of the state;

- 1483 (ii) pay an annual off-highway vehicle user fee; and  
1484 (iii) provide evidence that the owner is a nonresident.  
1485 (b) The provisions of Subsection (1)(a) do not apply to an off-highway vehicle if the  
1486 off-highway vehicle is:  
1487 (i) used exclusively as an off-highway implement of husbandry;  
1488 (ii) used exclusively for the purposes of a scheduled competitive event sponsored by a  
1489 public or private entity or another event sponsored by a governmental entity under rules made  
1490 by the division, after [~~consultation with~~] notifying the commission;  
1491 (iii) owned and operated by a state government agency and the operation of the  
1492 off-highway vehicle within the boundaries of the state is within the course and scope of the  
1493 duties of the agency; or  
1494 (iv) used exclusively for the purpose of an off-highway vehicle manufacturer  
1495 sponsored event within the state under rules made by the division.  
1496 (2) The off-highway vehicle user fee is \$30.  
1497 (3) Upon compliance with the provisions of Subsection (1)(a), the nonresident shall:  
1498 (a) receive a nonresident off-highway vehicle user decal indicating compliance with the  
1499 provisions of Subsection (1)(a); and  
1500 (b) display the decal on the off-highway vehicle in accordance with rules made by the  
1501 division.  
1502 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1503 division, after [~~consultation with~~] notifying the commission, shall make rules establishing:  
1504 (a) procedures for:  
1505 (i) the payment of off-highway vehicle user fees; and  
1506 (ii) the display of a decal on an off-highway vehicle as required under Subsection  
1507 (3)(b);  
1508 (b) acceptable evidence indicating compliance with Subsection (1);  
1509 (c) eligibility for scheduled competitive events or other events under Subsection  
1510 (1)(b)(ii); and  
1511 (d) eligibility for an off-highway vehicle manufacturer sponsored event under  
1512 Subsection (1)(b)(iv).  
1513 (5) (a) An off-highway vehicle user decal may be issued and the off-highway vehicle

1514 user fee may be collected by the division or agents of the division.

1515 (b) An agent shall retain 10% of all off-highway vehicle user fees collected.

1516 (c) The division may require agents to obtain a bond in a reasonable amount.

1517 (d) On or before the tenth day of each month, each agent shall:

1518 (i) report all sales to the division; and

1519 (ii) submit all off-highway vehicle user fees collected less the remuneration provided in

1520 Subsection (5)(b).

1521 (e) (i) If an agent fails to pay the amount due, the division may assess a penalty of 20%

1522 of the amount due.

1523 (ii) Delinquent payments shall bear interest at the rate of 1% per month.

1524 (iii) If the amount due is not paid because of bad faith or fraud, the division shall assess

1525 a penalty of 100% of the total amount due together with interest.

1526 (f) All fees collected by an agent, except the remuneration provided in Subsection

1527 (5)(b), shall:

1528 (i) be kept separate and apart from the private funds of the agent; and

1529 (ii) belong to the state.

1530 (g) An agent may not issue an off-highway vehicle user decal to any person unless the

1531 person furnishes evidence of compliance with the provisions of Subsection (1)(a).

1532 (h) A violation of any provision of this Subsection (5) is a class B misdemeanor and

1533 may be cause for revocation of the agent authorization.

1534 (6) Revenue generated by off-highway vehicle user fees shall be deposited in the

1535 Off-highway Vehicle Account created in Section [41-22-19](#).

1536 Section 32. Section **53-2a-1102** is amended to read:

1537 **53-2a-1102. Search and Rescue Financial Assistance Program -- Uses --**

1538 **Rulemaking -- Distribution.**

1539 (1) As used in this section:

1540 (a) "Assistance card program" means the Utah Search and Rescue Assistance Card

1541 Program created within this section.

1542 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a  
1543 participant.

1544 (c) "Participant" means an individual, family, or group who is registered pursuant to

1545 this section as having a valid card at the time search, rescue, or both are provided.

1546 (d) "Program" means the Search and Rescue Financial Assistance Program created  
1547 within this section.

1548 (e) (i) "Reimbursable base expenses" means those reasonable expenses incidental to  
1549 search and rescue activities.

1550 (ii) "Reimbursable base expenses" include:

1551 (A) rental for fixed wing aircraft, snowmobiles, boats, and generators;

1552 (B) replacement and upgrade of search and rescue equipment;

1553 (C) training of search and rescue volunteers;

1554 (D) costs of providing life insurance and workers' compensation benefits for volunteer  
1555 search and rescue team members under Section 67-20-7.5; and

1556 (E) any other equipment or expenses necessary or appropriate for conducting search  
1557 and rescue activities.

1558 (iii) "Reimbursable base expenses" do not include any salary or overtime paid to an  
1559 individual on a regular or permanent payroll, including permanent part-time employees of any  
1560 agency of the state.

1561 (f) "Rescue" means search services, rescue services, or both search and rescue services.

1562 (2) There is created the Search and Rescue Financial Assistance Program within the  
1563 division.

1564 (3) (a) The financial program and the assistance card program shall be funded from the  
1565 following revenue sources:

1566 (i) any voluntary contributions to the state received for search and rescue operations;

1567 (ii) money received by the state under Subsection (11) and under Sections 23-19-42,  
1568 41-22-34, and 73-18-24;

1569 (iii) money deposited under Subsection 59-12-103(14);

1570 (iv) contributions deposited in accordance with Section 41-1a-230.7; and

1571 (v) appropriations made to the program by the Legislature.

1572 (b) [~~All money~~] Money received from the revenue sources in Subsections (3)(a)(i), (ii),  
1573 and (iv), and 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the  
1574 General Fund as a dedicated credit to be used solely for the program.

1575 (c) [~~10%~~] Ten percent of the money described in Subsection (3)(a)(iii) shall be

1576 deposited into the General Fund as a dedicated credit to be used solely to promote the  
1577 assistance card program.

1578 (d) [~~All funding~~] Funding for the program is nonlapsing.

1579 (4) Subject to Subsections (3)(b) and (c), the director shall use the money described in  
1580 this section to reimburse counties for all or a portion of each county's reimbursable base  
1581 expenses for search and rescue operations, subject to:

1582 (a) the approval of the Search and Rescue Advisory Board as provided in Section  
1583 [53-2a-1104](#);

1584 (b) money available in the program; and

1585 (c) rules made under Subsection (7).

1586 (5) Money described in Subsection (3) may not be used to reimburse for any paid  
1587 personnel costs or paid man hours spent in emergency response and search and rescue related  
1588 activities.

1589 (6) The Legislature finds that these funds are for a general and statewide public  
1590 purpose.

1591 (7) The division, with the approval of the Search and Rescue Advisory Board, shall  
1592 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
1593 consistent with this section:

1594 (a) specifying the costs that qualify as reimbursable base expenses;

1595 (b) defining the procedures of counties to submit expenses and be reimbursed;

1596 (c) defining a participant in the assistance card program, including:

1597 (i) individuals; and

1598 (ii) families and organized groups who qualify as participants;

1599 (d) defining the procedure for issuing a card to a participant;

1600 (e) defining excluded expenses that may not be reimbursed under the program,  
1601 including medical expenses;

1602 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card  
1603 Program;

1604 (g) establishing the frequency of review of the fee schedule;

1605 (h) providing for the administration of the program; and

1606 (i) providing a formula to govern the distribution of available money among the

1607 counties for uncompensated search and rescue expenses based on:

- 1608 (i) the total qualifying expenses submitted;
- 1609 (ii) the number of search and rescue incidents per county population;
- 1610 (iii) the number of victims that reside outside the county; and
- 1611 (iv) the number of volunteer hours spent in each county in emergency response and
- 1612 search and rescue related activities per county population.

1613 (8) (a) The division shall, in consultation with the [~~Outdoor Recreation Office~~]  
1614 Division of Outdoor Recreation, establish the fee schedule of the Utah Search and Rescue  
1615 Assistance Card Program under Subsection [63J-1-504\(6\)](#).

1616 (b) The division shall provide a discount of not less than 10% of the card fee under  
1617 Subsection (8)(a) to a person who has paid a fee under Section [23-19-42](#), [41-22-34](#), or  
1618 [73-18-24](#) during the same calendar year in which the person applies to be a participant in the  
1619 assistance card program.

1620 (9) Counties may not bill reimbursable base expenses to an individual for costs  
1621 incurred for the rescue of an individual, if the individual is a current participant in the Utah  
1622 Search and Rescue Assistance Card Program at the time of rescue, unless:

- 1623 (a) the rescuing county finds that the participant acted recklessly in creating a situation  
1624 resulting in the need for the county to provide rescue services; or
- 1625 (b) the rescuing county finds that the participant intentionally created a situation  
1626 resulting in the need for the county to provide rescue services.

1627 (10) (a) There is created the Utah Search and Rescue Assistance Card Program. The  
1628 program is located within the division.

1629 (b) The program may not be [~~utilized~~] used to cover any expenses, such as medically  
1630 related expenses, that are not reimbursable base expenses related to the rescue.

1631 (11) (a) To participate in the program, a person shall purchase a search and rescue  
1632 assistance card from the division by paying the fee as determined by the division in Subsection  
1633 (8).

1634 (b) The money generated by the fees shall be deposited into the General Fund as a  
1635 dedicated credit for the Search and Rescue Financial Assistance Program created in this  
1636 section.

1637 (c) Participation and payment of fees by a person under Sections [23-19-42](#), [41-22-34](#),

1638 and 73-18-24 do not constitute purchase of a card under this section.

1639 (12) The division shall consult with the [~~Outdoor Recreation Office~~] Division of  
1640 Outdoor Recreation regarding:

1641 (a) administration of the assistance card program; and

1642 (b) outreach and marketing strategies.

1643 (13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance  
1644 Card Program under this section is exempt from being considered insurance as that term is  
1645 defined in Section 31A-1-301.

1646 Section 33. Section 57-14-204 is amended to read:

1647 **57-14-204. Liability not limited where willful or malicious conduct involved or**  
1648 **admission fee charged.**

1649 (1) Nothing in this part limits any liability that otherwise exists for:

1650 (a) willful or malicious failure to guard or warn against a dangerous condition, use,  
1651 structure, or activity;

1652 (b) deliberate, willful, or malicious injury to persons or property; or

1653 (c) an injury suffered where the owner of land charges a person to enter or go on the  
1654 land or use the land for any recreational purpose.

1655 (2) For purposes of Subsection (1)(c), if the land is leased to the state or a subdivision  
1656 of the state, any consideration received by the owner for the lease is not a charge within the  
1657 meaning of this section.

1658 (3) Any person who hunts upon a cooperative wildlife management unit, as authorized  
1659 by Title 23, Chapter 23, Cooperative Wildlife Management Units, is not considered to have  
1660 paid a fee within the meaning of this section.

1661 (4) Owners of a dam or reservoir who allow recreational use of the dam or reservoir  
1662 and its surrounding area and do not themselves charge a fee for that use, are considered not to  
1663 have charged for that use within the meaning of Subsection (1)(c), even if the user pays a fee to  
1664 the Division of State Parks or the Division of Outdoor Recreation for the use of the services  
1665 and facilities at that dam or reservoir.

1666 (5) The state or a subdivision of the state that owns property purchased for a railway  
1667 corridor is considered not to have charged for use of the railway corridor within the meaning of  
1668 Subsection (1)(c), even if the user pays a fee for travel on a privately owned rail car that crosses

1669 or travels over the railway corridor of the state or a subdivision of the state:

1670 (a) allows recreational use of the railway corridor and its surrounding area; and

1671 (b) does not charge a fee for that use.

1672 Section 34. Section **59-2-506** is amended to read:

1673 **59-2-506. Rollback tax -- Penalty -- Computation of tax -- Procedure -- Lien --**  
1674 **Interest -- Notice -- Collection -- Distribution.**

1675 (1) Except as provided in this section, Section [59-2-506.5](#), or Section [59-2-511](#), if land  
1676 is withdrawn from this part, the land is subject to a rollback tax imposed in accordance with  
1677 this section.

1678 (2) (a) An owner shall notify the county assessor that land is withdrawn from this part  
1679 within 120 days after the day on which the land is withdrawn from this part.

1680 (b) An owner that fails to notify the county assessor under Subsection (2)(a) that land is  
1681 withdrawn from this part is subject to a penalty equal to the greater of:

1682 (i) \$10; or

1683 (ii) 2% of the rollback tax due for the last year of the rollback period.

1684 (3) (a) The county assessor shall determine the amount of the rollback tax by  
1685 computing the difference for the rollback period described in Subsection (3)(b) between:

1686 (i) the tax paid while the land was assessed under this part; and

1687 (ii) the tax that would have been paid had the property not been assessed under this  
1688 part.

1689 (b) For purposes of this section, the rollback period is a time period that:

1690 (i) begins on the later of:

1691 (A) the date the land is first assessed under this part; or

1692 (B) five years preceding the day on which the county assessor mails the notice required  
1693 by Subsection (5); and

1694 (ii) ends the day on which the county assessor mails the notice required by Subsection  
1695 (5).

1696 (4) (a) The county treasurer shall:

1697 (i) collect the rollback tax; and

1698 (ii) after the rollback tax is paid, certify to the county recorder that the rollback tax lien  
1699 on the property has been satisfied by:



- 1700 (A) preparing a document that certifies that the rollback tax lien on the property has  
1701 been satisfied; and
- 1702 (B) providing the document described in Subsection (4)(a)(ii)(A) to the county recorder  
1703 for recordation.
- 1704 (b) The county treasurer shall ~~[pay]~~ remit monthly to the state treasurer the money that  
1705 the county treasurer received during the preceding month from the rollback tax collected under  
1706 this section[.].
- 1707 ~~[(i) into the county treasury; and]~~  
1708 ~~[(ii) to the various taxing entities pro rata in accordance with the property tax levies for~~  
1709 ~~the current year.]~~
- 1710 (c) The state treasurer shall transfer the money received from a county treasurer under  
1711 Subsection (4)(b) to the Land Conservation Board created in Section [4-46-201](#) for use under  
1712 the LeRay McAllister Critical Land Conservation Program established in Section [4-46-301](#).
- 1713 (5) (a) The county assessor shall mail to an owner of the land that is subject to a  
1714 rollback tax a notice that:
- 1715 (i) the land is withdrawn from this part;  
1716 (ii) the land is subject to a rollback tax under this section; and  
1717 (iii) the rollback tax is delinquent if the owner of the land does not pay the tax within  
1718 30 days after the day on which the county assessor mails the notice described in this Subsection  
1719 (5)(a).
- 1720 (b) (i) The rollback tax is due and payable on the day the county assessor mails the  
1721 notice required by Subsection (5)(a).
- 1722 (ii) Subject to Subsection (7), the rollback tax is delinquent if an owner of the land that  
1723 is withdrawn from this part does not pay the rollback tax within 30 days after the day on which  
1724 the county assessor mails the notice required by Subsection (5)(a).
- 1725 (6) (a) Subject to Subsection (6)(b), the following are a lien on the land assessed under  
1726 this part:
- 1727 (i) the rollback tax; and  
1728 (ii) interest imposed in accordance with Subsection (7).
- 1729 (b) The lien described in Subsection (6)(a) shall:  
1730 (i) arise upon the imposition of the rollback tax under this section;

1731 (ii) end on the day on which the rollback tax and interest imposed in accordance with  
1732 Subsection (7) are paid in full; and

1733 (iii) relate back to the first day of the rollback period described in Subsection (3)(b).

1734 (7) (a) A delinquent rollback tax under this section shall accrue interest:

1735 (i) from the date of delinquency until paid; and

1736 (ii) at the interest rate established under Section 59-2-1331 and in effect on January 1  
1737 of the year in which the delinquency occurs.

1738 (b) The county treasurer shall include in the notice required by Section 59-2-1317 a  
1739 rollback tax that is delinquent on September 1 of any year and interest calculated on that  
1740 delinquent amount through November 30 of the year in which the county treasurer provides the  
1741 notice under Section 59-2-1317.

1742 (8) (a) Land that becomes ineligible for assessment under this part only as a result of an  
1743 amendment to this part is not subject to the rollback tax if the owner of the land notifies the  
1744 county assessor, in accordance with Subsection (2), that the land is withdrawn from this part.

1745 (b) Land described in Subsection (8)(a) that is withdrawn from this part as a result of  
1746 an event other than an amendment to this part, whether voluntary or involuntary, is subject to  
1747 the rollback tax.

1748 (9) Except as provided in Section 59-2-511, land that becomes exempt from taxation  
1749 under Utah Constitution, Article XIII, Section 3, is not subject to the rollback tax if the land  
1750 meets the requirements of Section 59-2-503 to be assessed under this part.

1751 (10) Land that becomes ineligible for assessment under this part only as a result of a  
1752 split estate mineral rights owner exercising the right to extract a mineral is not subject to the  
1753 rollback tax:

1754 (a) (i) for the portion of the land required by a split estate mineral rights owner to  
1755 extract a mineral if, after the split estate mineral rights owner exercises the right to extract a  
1756 mineral, the portion of the property that remains in agricultural production still meets the  
1757 acreage requirements of Section 59-2-503 for assessment under this part; or

1758 (ii) for the entire acreage that would otherwise qualify for assessment under this part if,  
1759 after the split estate mineral rights owner exercises the right to extract a mineral, the entire  
1760 acreage that would otherwise qualify for assessment under this part no longer meets the acreage  
1761 requirements of Section 59-2-503 for assessment under this part only due to the extraction of

1762 the mineral by the split estate mineral rights owner; and

1763 (b) for the period of time that the property described in Subsection (10)(a) is ineligible  
1764 for assessment under this part due to the extraction of a mineral by the split estate mineral  
1765 rights owner.

1766 Section 35. Section **59-2-511** is amended to read:

1767 **59-2-511. Acquisition of land by governmental entity -- Requirements -- Rollback**  
1768 **tax -- One-time in lieu fee payment -- Passage of title.**

1769 (1) For purposes of this section, "governmental entity" means:

1770 (a) the United States;

1771 (b) the state;

1772 (c) a political subdivision of the state, including:

1773 (i) a county;

1774 (ii) a city;

1775 (iii) a town;

1776 (iv) a school district;

1777 (v) a local district; or

1778 (vi) a special service district; or

1779 (d) an entity created by the state or the United States, including:

1780 (i) an agency;

1781 (ii) a board;

1782 (iii) a bureau;

1783 (iv) a commission;

1784 (v) a committee;

1785 (vi) a department;

1786 (vii) a division;

1787 (viii) an institution;

1788 (ix) an instrumentality; or

1789 (x) an office.

1790 (2) (a) Except as provided in Subsections (3) and (4), land acquired by a governmental  
1791 entity is subject to the rollback tax imposed by this part if:

1792 (i) [~~prior to~~] before the governmental entity acquiring the land, the land is assessed

1793 under this part; and

1794 (ii) after the governmental entity acquires the land, the land does not meet the  
1795 requirements of Section 59-2-503 for assessment under this part.

1796 (b) A person dedicating a public right-of-way to a governmental entity shall pay the  
1797 rollback tax imposed by this part if:

1798 (i) a portion of the public right-of-way is located within a subdivision as defined in  
1799 Section 10-9a-103; or

1800 (ii) in exchange for the dedication, the person dedicating the public right-of-way  
1801 receives:

1802 (A) money; or

1803 (B) other consideration.

1804 (3) (a) Except as provided in Subsection (4), land acquired by a governmental entity is  
1805 not subject to the rollback tax imposed by this part, but is subject to a one-time in lieu fee  
1806 payment as provided in Subsection (3)(b), if:

1807 (i) the governmental entity acquires the land by eminent domain;

1808 (ii) (A) the land is under the threat or imminence of eminent domain proceedings; and

1809 (B) the governmental entity provides written notice of the proceedings to the owner; or

1810 (iii) the land is donated to the governmental entity.

1811 (b) (i) If a governmental entity acquires land under Subsection (3)(a)(iii), the  
1812 governmental entity shall make a one-time in lieu fee payment:

1813 (A) to the county treasurer of the county in which the land is located; and

1814 (B) in an amount equal to the amount of rollback tax calculated under Section  
1815 59-2-506.

1816 (ii) If a governmental entity acquires land under Subsection (3)(a)(i) or (3)(a)(ii), the  
1817 governmental entity shall make a one-time in lieu fee payment:

1818 (A) to the county treasurer of the county in which the land is located; and

1819 (B) (I) if the land remaining after the acquisition by the governmental entity meets the  
1820 requirements of Section 59-2-503, in an amount equal to the rollback tax under Section  
1821 59-2-506 on the land acquired by the governmental entity; or

1822 (II) if the land remaining after the acquisition by the governmental entity is less than  
1823 five acres, in an amount equal to the rollback tax under Section 59-2-506 on the land acquired

1824 by the governmental entity and the land remaining after the acquisition by the governmental  
1825 entity.

1826 (iii) For purposes of Subsection (3)(b)(ii), "land remaining after the acquisition by the  
1827 governmental entity" includes other eligible acreage that is used in conjunction with the land  
1828 remaining after the acquisition by the governmental entity.

1829 (c) A county receiving an in lieu fee payment under Subsection (3)(b) shall [~~distribute~~]  
1830 remit monthly to the state treasurer the money that the county treasurer received during the  
1831 preceding month from the revenues generated by the payment[:] under this section.

1832 [~~(i) to the taxing entities in which the land is located; and]~~

1833 [~~(ii) in the same proportion as the revenue from real property taxes is distributed.]~~

1834 (d) The state treasurer shall transfer the money received from a county treasurer under  
1835 Subsection (3)(c) to the Land Conservation Board created in Section 4-46-201 for use under  
1836 the LeRay McAllister Critical Land Conservation Program established in Section 4-46-301.

1837 (4) Except as provided in Section 59-2-506.5, if land acquired by a governmental entity  
1838 is made subject to a conservation easement in accordance with Section 59-2-506.5:

1839 (a) the land is not subject to the rollback tax imposed by this part; and

1840 (b) the governmental entity acquiring the land is not required to make an in lieu fee  
1841 payment under Subsection (3)(b).

1842 (5) If a governmental entity acquires land subject to assessment under this part, title to  
1843 the land may not pass to the governmental entity until the following are paid to the county  
1844 treasurer:

1845 (a) any tax due under this part;

1846 (b) any one-time in lieu fee payment due under this part; and

1847 (c) any interest due under this part.

1848 Section 36. Section 59-2-1705 is amended to read:

1849 **59-2-1705. Rollback tax -- Penalty -- Computation of tax -- Procedure -- Lien --**  
1850 **Interest -- Notice -- Collection -- Distribution -- Appeal to county board of equalization.**

1851 (1) Except as provided in this section or Section 59-2-1710, land that is withdrawn  
1852 from this part is subject to a rollback tax imposed as provided in this section.

1853 (2) (a) An owner shall notify the county assessor that land is withdrawn from this part  
1854 within 120 days after the day on which the land is withdrawn from this part.

1855 (b) An owner who fails to notify the county assessor under Subsection (2)(a) that land  
1856 is withdrawn from this part is subject to a penalty equal to the greater of:

1857 (i) \$10; or

1858 (ii) 2% of the rollback tax due for the last year of the rollback period.

1859 (3) (a) The county assessor shall determine the amount of the rollback tax by  
1860 computing the difference for the rollback period described in Subsection (3)(b) between:

1861 (i) the tax paid while the land was assessed under this part; and

1862 (ii) the tax that would have been paid had the property not been assessed under this  
1863 part.

1864 (b) For purposes of this section, the rollback period is a time period that:

1865 (i) begins on the later of:

1866 (A) the date the land is first assessed under this part; or

1867 (B) five years preceding the day on which the county assessor mails the notice required  
1868 by Subsection (5); and

1869 (ii) ends the day on which the county assessor mails the notice required by Subsection  
1870 (5).

1871 (4) (a) The county treasurer shall:

1872 (i) collect the rollback tax; and

1873 (ii) after the rollback tax is paid, certify to the county recorder that the rollback tax lien  
1874 on the property has been satisfied by:

1875 (A) preparing a document that certifies that the rollback tax lien on the property has  
1876 been satisfied; and

1877 (B) providing the document described in Subsection (4)(a)(ii)(A) to the county recorder  
1878 for recording.

1879 (b) The county treasurer shall ~~[pay]~~ remit monthly to the state treasurer the money that  
1880 the county treasurer received during the preceding month from the rollback tax collected under  
1881 this section[.].

1882 ~~[(i) into the county treasury; and]~~

1883 ~~[(ii) to the various taxing entities pro rata in accordance with the property tax levies for~~  
1884 ~~the current year.]~~

1885 (c) The state treasurer shall transfer the money received from a county treasurer under

1886 Subsection (4)(b) to the Land Conservation Board created in Section 4-46-201 for use under  
1887 the LeRay McAllister Critical Land Conservation Program established in Section 4-46-301.

1888 (5) (a) The county assessor shall mail to an owner of the land that is subject to a  
1889 rollback tax a notice that:

1890 (i) the land is withdrawn from this part;

1891 (ii) the land is subject to a rollback tax under this section; and

1892 (iii) the rollback tax is delinquent if the owner of the land does not pay the tax within  
1893 30 days after the day on which the county assessor mails the notice described in this Subsection  
1894 (5)(a).

1895 (b) (i) The rollback tax is due and payable on the day the county assessor mails the  
1896 notice required by Subsection (5)(a).

1897 (ii) Subject to Subsection (7), the rollback tax is delinquent if an owner of the land that  
1898 is withdrawn from this part does not pay the rollback tax within 30 days after the day on which  
1899 the county assessor mails the notice required by Subsection (5)(a).

1900 (6) (a) Subject to Subsection (6)(b), the rollback tax and interest imposed under  
1901 Subsection (7) are a lien on the land assessed under this part.

1902 (b) The lien described in Subsection (6)(a) shall:

1903 (i) arise upon the imposition of the rollback tax under this section;

1904 (ii) end on the day on which the rollback tax and interest imposed under Subsection (7)  
1905 are paid in full; and

1906 (iii) relate back to the first day of the rollback period described in Subsection (3)(b).

1907 (7) (a) A delinquent rollback tax under this section shall accrue interest:

1908 (i) from the date of delinquency until paid; and

1909 (ii) at the interest rate established under Section 59-2-1331 and in effect on January 1  
1910 of the year in which the delinquency occurs.

1911 (b) The county treasurer shall include in the notice required by Section 59-2-1317 a  
1912 rollback tax that is delinquent on September 1 of any year and interest calculated on that  
1913 delinquent amount through November 30 of the year in which the county treasurer provides the  
1914 notice under Section 59-2-1317.

1915 (8) (a) Land that becomes ineligible for assessment under this part only as a result of an  
1916 amendment to this part is not subject to the rollback tax if the owner of the land notifies the

1917 county assessor, in accordance with Subsection (2), that the land is withdrawn from this part.

1918 (b) Land described in Subsection (8)(a) that is withdrawn from this part as a result of  
1919 an event other than an amendment to this part, whether voluntary or involuntary, is subject to  
1920 the rollback tax.

1921 (9) Except as provided in Section 59-2-1710, land that becomes exempt from taxation  
1922 under Utah Constitution, Article XIII, Section 3, is not subject to the rollback tax if the land  
1923 meets the requirements of Section 59-2-1703 to be assessed under this part.

1924 Section 37. Section 59-2-1710 is amended to read:

1925 **59-2-1710. Acquisition of land by governmental entity -- Requirements --**  
1926 **Rollback tax -- One-time in lieu fee payment -- Passage of title.**

1927 (1) For purposes of this section, "governmental entity" means:

1928 (a) the United States;

1929 (b) the state;

1930 (c) a political subdivision of the state, including a county, city, town, school district,  
1931 local district, or special service district; or

1932 (d) an entity created by the state or the United States, including an agency, board,  
1933 bureau, commission, committee, department, division, institution, instrumentality, or office.

1934 (2) (a) Except as provided in Subsections (3) and (4), land acquired by a governmental  
1935 entity is subject to the rollback tax imposed by this part if:

1936 (i) before the governmental entity acquires the land, the land is assessed under this  
1937 part; and

1938 (ii) after the governmental entity acquires the land, the land does not meet the  
1939 requirements of Section 59-2-1703 for assessment under this part.

1940 (b) A person dedicating a public right-of-way to a governmental entity shall pay the  
1941 rollback tax imposed by this part if:

1942 (i) a portion of the public right-of-way is located within a subdivision as defined in  
1943 Section 10-9a-103; or

1944 (ii) in exchange for the dedication, the person dedicating the public right-of-way  
1945 receives money or other consideration.

1946 (3) (a) Land acquired by a governmental entity is not subject to the rollback tax  
1947 imposed by this part, but is subject to a one-time in lieu fee payment as provided in Subsection



1948 (3)(b), if:

1949 (i) the governmental entity acquires the land by eminent domain;

1950 (ii) (A) the land is under the threat or imminence of eminent domain proceedings; and

1951 (B) the governmental entity provides written notice of the proceedings to the owner; or

1952 (iii) the land is donated to the governmental entity.

1953 (b) (i) If a governmental entity acquires land under Subsection (3)(a)(iii), the

1954 governmental entity shall make a one-time in lieu fee payment:

1955 (A) to the county treasurer of the county in which the land is located; and

1956 (B) in an amount equal to the amount of rollback tax calculated under Section

1957 [59-2-1705](#).

1958 (ii) A governmental entity that acquires land under Subsection (3)(a)(i) or (ii) shall

1959 make a one-time in lieu fee payment to the county treasurer of the county in which the land is

1960 located:

1961 (A) if the land remaining after the acquisition by the governmental entity meets the

1962 requirements of Section [59-2-1703](#), in an amount equal to the rollback tax under Section

1963 [59-2-1705](#) on the land acquired by the governmental entity; or

1964 (B) if the land remaining after the acquisition by the governmental entity is less than

1965 two acres, in an amount equal to the rollback tax under Section [59-2-1705](#) on the land acquired

1966 by the governmental entity and the land remaining after the acquisition by the governmental

1967 entity.

1968 (c) A county receiving an in lieu fee payment under Subsection (3)(b) shall ~~distribute~~

1969 remit monthly to the state treasurer the money that the county treasurer received during the

1970 preceding month from the revenues collected from the payment[:] under this section.

1971 ~~[(i) to the taxing entities in which the land is located, and]~~

1972 ~~[(ii) in the same proportion as the revenue from real property taxes is distributed.]~~

1973 (d) The state treasurer shall transfer the money received from a county treasurer under

1974 Subsection (3)(c) to the Land Conservation Board created in Section [4-46-201](#) for use under

1975 the LeRay McAllister Critical Land Conservation Program established in Section [4-46-301](#).

1976 (4) If a governmental entity acquires land subject to assessment under this part, title to

1977 the land may not pass to the governmental entity until any tax, one-time in lieu fee payment,

1978 and applicable interest due under this part are paid to the county treasurer.

1979 Section 38. Section **59-13-201** is amended to read:

1980 **59-13-201. Rate -- Tax basis -- Exemptions -- Revenue deposited into the**  
1981 **Transportation Fund -- Restricted account for boating uses -- Refunds -- Reduction of tax**  
1982 **in limited circumstances.**

1983 (1) (a) Subject to the provisions of this section and except as provided in Subsection  
1984 (1)(e), a tax is imposed at the rate of 16.5% of the statewide average rack price of a gallon of  
1985 motor fuel per gallon upon all motor fuel that is sold, used, or received for sale or used in this  
1986 state.

1987 (b) (i) Until December 31, 2018, and subject to the requirements under Subsection  
1988 (1)(c), the statewide average rack price of a gallon of motor fuel under Subsection (1)(a) shall  
1989 be determined by calculating the previous fiscal year statewide average rack price of a gallon of  
1990 regular unleaded motor fuel, excluding federal and state excise taxes, for the 12 months ending  
1991 on the previous June 30 as published by an oil pricing service.

1992 (ii) Beginning on January 1, 2019, and subject to the requirements under Subsection  
1993 (1)(c), the statewide average rack price of a gallon of motor fuel under Subsection (1)(a) shall  
1994 be determined by calculating the previous three fiscal years statewide average rack price of a  
1995 gallon of regular unleaded motor fuel, excluding federal and state excise taxes, for the 36  
1996 months ending on the previous June 30 as published by an oil pricing service.

1997 (c) (i) Subject to the requirement in Subsection (1)(c)(ii), the statewide average rack  
1998 price of a gallon of motor fuel determined under Subsection (1)(b) may not be less than \$1.78  
1999 per gallon.

2000 (ii) Beginning on January 1, 2019, the commission shall, on January 1, annually adjust  
2001 the minimum statewide average rack price of a gallon of motor fuel described in Subsection  
2002 (1)(c)(i) by taking the minimum statewide average rack price of a gallon of motor fuel for the  
2003 previous calendar year and adding an amount equal to the greater of:

2004 (A) an amount calculated by multiplying the minimum statewide average rack price of  
2005 a gallon of motor fuel for the previous calendar year by the actual percent change during the  
2006 previous fiscal year in the Consumer Price Index; and

2007 (B) 0.

2008 (iii) The statewide average rack price of a gallon of motor fuel determined by the  
2009 commission under Subsection (1)(b) may not exceed \$2.43 per gallon.

2010 (iv) The minimum statewide average rack price of a gallon of motor fuel described and  
2011 adjusted under Subsections (1)(c)(i) and (ii) may not exceed the maximum statewide average  
2012 rack price of a gallon of motor fuel under Subsection (1)(c)(iii).

2013 (d) (i) The commission shall annually:

2014 (A) determine the statewide average rack price of a gallon of motor fuel in accordance  
2015 with Subsections (1)(b) and (c);

2016 (B) adjust the fuel tax rate imposed under Subsection (1)(a), rounded to the nearest  
2017 one-tenth of a cent, based on the determination under Subsection (1)(b);

2018 (C) publish the adjusted fuel tax as a cents per gallon rate; and

2019 (D) post or otherwise make public the adjusted fuel tax rate as determined in  
2020 Subsection (1)(d)(i)(B) no later than 60 days [~~prior to~~] before the annual effective date under  
2021 Subsection (1)(d)(ii).

2022 (ii) The tax rate imposed under this Subsection (1) and adjusted as required under  
2023 Subsection (1)(d)(i) shall take effect on January 1 of each year.

2024 (e) In lieu of the tax imposed under Subsection (1)(a) and subject to the provisions of  
2025 this section, a tax is imposed at the rate of 3/19 of the rate imposed under Subsection (1)(a),  
2026 rounded up to the nearest penny, upon all motor fuels that meet the definition of clean fuel in  
2027 Section [59-13-102](#) and are sold, used, or received for sale or use in this state.

2028 (2) Any increase or decrease in tax rate applies to motor fuel that is imported to the  
2029 state or sold at refineries in the state on or after the effective date of the rate change.

2030 (3) (a) No motor fuel tax is imposed upon:

2031 (i) motor fuel that is brought into and sold in this state in original packages as purely  
2032 interstate commerce sales;

2033 (ii) motor fuel that is exported from this state if proof of actual exportation on forms  
2034 prescribed by the commission is made within 180 days after exportation;

2035 (iii) motor fuel or components of motor fuel that is sold and used in this state and  
2036 distilled from coal, oil shale, rock asphalt, bituminous sand, or solid hydrocarbons located in  
2037 this state; or

2038 (iv) motor fuel that is sold to the United States government, this state, or the political  
2039 subdivisions of this state.

2040 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

2041 commission shall make rules governing the procedures for administering the tax exemption  
2042 provided under Subsection (3)(a)(iv).

2043 (4) The commission may either collect no tax on motor fuel exported from the state or,  
2044 upon application, refund the tax paid.

2045 (5) (a) All revenue received by the commission under this part shall be deposited daily  
2046 with the state treasurer and credited to the Transportation Fund.

2047 (b) An appropriation from the Transportation Fund shall be made to the commission to  
2048 cover expenses incurred in the administration and enforcement of this part and the collection of  
2049 the motor fuel tax.

2050 (6) (a) The commission shall determine what amount of motor fuel tax revenue is  
2051 received from the sale or use of motor fuel used in motorboats registered under [~~the provisions~~  
2052 ~~of the~~] Title 73, Chapter 18, State Boating Act, and this amount shall be deposited [~~in~~] into a  
2053 restricted revenue account in the General Fund of the state.

2054 (b) The funds from this account shall be used for the construction, improvement,  
2055 operation, and maintenance of state-owned boating facilities and for the payment of the costs  
2056 and expenses of the Division of Outdoor Recreation in administering and enforcing [~~the~~] Title  
2057 73, Chapter 18, State Boating Act.

2058 (7) (a) The United States government or any of its instrumentalities, this state, or a  
2059 political subdivision of this state that has purchased motor fuel from a licensed distributor or  
2060 from a retail dealer of motor fuel and has paid the tax on the motor fuel as provided in this  
2061 section is entitled to a refund of the tax and may file with the commission for a quarterly  
2062 refund.

2063 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2064 commission shall make rules governing the application and refund provided for in Subsection  
2065 (7)(a).

2066 (8) (a) The commission shall refund annually into the [~~Off-Highway~~] Off-highway  
2067 Vehicle Account in the General Fund an amount equal to .5% of the motor fuel tax revenues  
2068 collected under this section.

2069 (b) This amount shall be used as provided in Section [41-22-19](#).

2070 (9) (a) Beginning on April 1, 2001, a tax imposed under this section on motor fuel that  
2071 is sold, used, or received for sale or use in this state is reduced to the extent provided in

2072 Subsection (9)(b) if:

2073 (i) a tax imposed on the basis of the sale, use, or receipt for sale or use of the motor  
2074 fuel is paid to the Navajo Nation;

2075 (ii) the tax described in Subsection (9)(a)(i) is imposed without regard to whether or  
2076 not the person required to pay the tax is an enrolled member of the Navajo Nation; and

2077 (iii) the commission and the Navajo Nation execute and maintain an agreement as  
2078 provided in this Subsection (9) for the administration of the reduction of tax.

2079 (b) (i) If but for Subsection (9)(a) the motor fuel is subject to a tax imposed by this  
2080 section:

2081 (A) the state shall be paid the difference described in Subsection (9)(b)(ii) if that  
2082 difference is greater than \$0; and

2083 (B) a person may not require the state to provide a refund, a credit, or similar tax relief  
2084 if the difference described in Subsection (9)(b)(ii) is less than or equal to \$0.

2085 (ii) The difference described in Subsection (9)(b)(i) is equal to the difference between:

2086 (A) the amount of tax imposed on the motor fuel by this section; less

2087 (B) the tax imposed and collected by the Navajo Nation on the motor fuel.

2088 (c) For purposes of Subsections (9)(a) and (b), the tax paid to the Navajo Nation under  
2089 a tax imposed by the Navajo Nation on the basis of the sale, use, or receipt for sale or use of  
2090 motor fuel does not include any interest or penalties a taxpayer may be required to pay to the  
2091 Navajo Nation.

2092 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2093 commission shall make rules governing the procedures for administering the reduction of tax  
2094 provided under this Subsection (9).

2095 (e) The agreement required under Subsection (9)(a):

2096 (i) may not:

2097 (A) authorize the state to impose a tax in addition to a tax imposed under this chapter;

2098 (B) provide a reduction of taxes greater than or different from the reduction described  
2099 in this Subsection (9); or

2100 (C) affect the power of the state to establish rates of taxation;

2101 (ii) shall:

2102 (A) be in writing;

2103 (B) be signed by:

2104 (I) the chair of the commission or the chair's designee; and

2105 (II) a person designated by the Navajo Nation that may bind the Navajo Nation;

2106 (C) be conditioned on obtaining any approval required by federal law;

2107 (D) state the effective date of the agreement; and

2108 (E) state any accommodation the Navajo Nation makes related to the construction and

2109 maintenance of state highways and other infrastructure within the Utah portion of the Navajo

2110 Nation; and

2111 (iii) may:

2112 (A) notwithstanding Section 59-1-403, authorize the commission to disclose to the

2113 Navajo Nation information that is:

2114 (I) contained in a document filed with the commission; and

2115 (II) related to the tax imposed under this section;

2116 (B) provide for maintaining records by the commission or the Navajo Nation; or

2117 (C) provide for inspections or audits of distributors, carriers, or retailers located or

2118 doing business within the Utah portion of the Navajo Nation.

2119 (f) (i) If, on or after April 1, 2001, the Navajo Nation changes the tax rate of a tax

2120 imposed on motor fuel, any change in the reduction of taxes under this Subsection (9) as a

2121 result of the change in the tax rate is not effective until the first day of the calendar quarter after

2122 a 60-day period beginning on the date the commission receives notice:

2123 (A) from the Navajo Nation; and

2124 (B) meeting the requirements of Subsection (9)(f)(ii).

2125 (ii) The notice described in Subsection (9)(f)(i) shall state:

2126 (A) that the Navajo Nation has changed or will change the tax rate of a tax imposed on

2127 motor fuel;

2128 (B) the effective date of the rate change of the tax described in Subsection (9)(f)(ii)(A);

2129 and

2130 (C) the new rate of the tax described in Subsection (9)(f)(ii)(A).

2131 (g) If the agreement required by Subsection (9)(a) terminates, a reduction of tax is not

2132 permitted under this Subsection (9) beginning on the first day of the calendar quarter after a

2133 30-day period beginning on the day the agreement terminates.

2134 (h) If there is a conflict between this Subsection (9) and the agreement required by  
2135 Subsection (9)(a), this Subsection (9) governs.

2136 Section 39. Section **59-21-2** is amended to read:

2137 **59-21-2. Mineral Bonus Account created -- Contents -- Use of Mineral Bonus**  
2138 **Account money -- Mineral Lease Account created -- Contents -- Appropriation of money**  
2139 **from Mineral Lease Account.**

2140 (1) (a) There is created a restricted account within the General Fund known as the  
2141 "Mineral Bonus Account."

2142 (b) The Mineral Bonus Account consists of federal mineral lease bonus payments  
2143 deposited pursuant to Subsection [59-21-1\(3\)](#).

2144 (c) The Legislature shall make appropriations from the Mineral Bonus Account in  
2145 accordance with Section 35 of the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 191.

2146 (d) The state treasurer shall:

2147 (i) invest the money in the Mineral Bonus Account by following the procedures and  
2148 requirements of Title 51, Chapter 7, State Money Management Act; and

2149 (ii) deposit all interest or other earnings derived from the account into the Mineral  
2150 Bonus Account.

2151 (e) The Division of Finance shall, beginning on July 1, 2017, annually deposit 30% of  
2152 mineral lease bonus payments deposited under Subsection (1)(b) from the previous fiscal year  
2153 into the Wildland Fire Suppression Fund created in Section [65A-8-204](#), up to \$2,000,000 but  
2154 not to exceed 20% of the amount expended in the previous fiscal year from the Wildland Fire  
2155 Suppression Fund.

2156 (2) (a) There is created a restricted account within the General Fund known as the  
2157 "Mineral Lease Account."

2158 (b) The Mineral Lease Account consists of federal mineral lease money deposited  
2159 pursuant to Subsection [59-21-1\(1\)](#).

2160 (c) The Legislature shall make appropriations from the Mineral Lease Account as  
2161 provided in Subsection [59-21-1\(1\)](#) and this Subsection (2).

2162 (d) (i) Except as provided in Subsections (2)(d)(ii) and (iii), the Legislature shall  
2163 annually appropriate 32.5% of all deposits made to the Mineral Lease Account to the  
2164 Permanent Community Impact Fund established by Section [35A-8-303](#).

2165 (ii) For fiscal year 2016-17 only and from the amount required to be deposited under  
2166 Subsection (2)(d)(i), the Legislature shall appropriate \$26,000,000 of the deposits made to the  
2167 Mineral Lease Account to the Impacted Communities Transportation Development Restricted  
2168 Account established by Section 72-2-128.

2169 (iii) For fiscal year 2017-18 only and from the amount required to be deposited under  
2170 Subsection (2)(d)(i), the Legislature shall appropriate \$27,000,000 of the deposits made to the  
2171 Mineral Lease Account to the Impacted Communities Transportation Development Restricted  
2172 Account established by Section 72-2-128.

2173 (e) The Legislature shall annually appropriate 2.25% of all deposits made to the  
2174 Mineral Lease Account to the State Board of Education, to be used for education research and  
2175 experimentation in the use of staff and facilities designed to improve the quality of education in  
2176 Utah.

2177 (f) The Legislature shall annually appropriate 2.25% of all deposits made to the  
2178 Mineral Lease Account to the Utah Geological Survey, to be used for activities carried on by  
2179 the survey having as a purpose the development and exploitation of natural resources in the  
2180 state.

2181 (g) The Legislature shall annually appropriate 2.25% of all deposits made to the  
2182 Mineral Lease Account to the Water Research Laboratory at Utah State University, to be used  
2183 for activities carried on by the laboratory having as a purpose the development and exploitation  
2184 of water resources in the state.

2185 (h) (i) The Legislature shall annually appropriate to the Division of Finance 40% of all  
2186 deposits made to the Mineral Lease Account to be distributed as provided in Subsection  
2187 (2)(h)(ii) to:

2188 (A) counties;

2189 (B) special service districts established:

2190 (I) by counties;

2191 (II) under Title 17D, Chapter 1, Special Service District Act; and

2192 (III) for the purpose of constructing, repairing, or maintaining roads; or

2193 (C) special service districts established:

2194 (I) by counties;

2195 (II) under Title 17D, Chapter 1, Special Service District Act; and



2196 (III) for other purposes authorized by statute.  
2197 (ii) The Division of Finance shall allocate the funds specified in Subsection (2)(h)(i):  
2198 (A) in amounts proportionate to the amount of mineral lease money generated by each  
2199 county; and  
2200 (B) to a county or special service district established by a county under Title 17D,  
2201 Chapter 1, Special Service District Act, as determined by the county legislative body.  
2202 (i) (i) The Legislature shall annually appropriate 5% of all deposits made to the  
2203 Mineral Lease Account to the Department of Workforce Services to be distributed to:  
2204 (A) special service districts established:  
2205 (I) by counties;  
2206 (II) under Title 17D, Chapter 1, Special Service District Act; and  
2207 (III) for the purpose of constructing, repairing, or maintaining roads; or  
2208 (B) special service districts established:  
2209 (I) by counties;  
2210 (II) under Title 17D, Chapter 1, Special Service District Act; and  
2211 (III) for other purposes authorized by statute.  
2212 (ii) The Department of Workforce Services may distribute the amounts described in  
2213 Subsection (2)(i)(i) only to special service districts established under Title 17D, Chapter 1,  
2214 Special Service District Act, by counties:  
2215 (A) of the third, fourth, fifth, or sixth class;  
2216 (B) in which 4.5% or less of the mineral lease money within the state is generated; and  
2217 (C) that are significantly socially or economically impacted as provided in Subsection  
2218 (2)(i)(iii) by the development of minerals under the Mineral Lands Leasing Act, 30 U.S.C. Sec.  
2219 181 et seq.  
2220 (iii) The significant social or economic impact required under Subsection (2)(i)(ii)(C)  
2221 shall be as a result of:  
2222 (A) the transportation within the county of hydrocarbons, including solid hydrocarbons  
2223 as defined in Section 59-5-101;  
2224 (B) the employment of persons residing within the county in hydrocarbon extraction,  
2225 including the extraction of solid hydrocarbons as defined in Section 59-5-101; or  
2226 (C) a combination of Subsections (2)(i)(iii)(A) and (B).

2227 (iv) For purposes of distributing the appropriations under this Subsection (2)(i) to  
2228 special service districts established by counties under Title 17D, Chapter 1, Special Service  
2229 District Act, the Department of Workforce Services shall:

2230 (A) (I) allocate 50% of the appropriations equally among the counties meeting the  
2231 requirements of Subsections (2)(i)(ii) and (iii); and

2232 (II) allocate 50% of the appropriations based on the ratio that the population of each  
2233 county meeting the requirements of Subsections (2)(i)(ii) and (iii) bears to the total population  
2234 of all of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii); and

2235 (B) after making the allocations described in Subsection (2)(i)(iv)(A), distribute the  
2236 allocated revenues to special service districts established by the counties under Title 17D,  
2237 Chapter 1, Special Service District Act, as determined by the executive director of the  
2238 Department of Workforce Services after consulting with the county legislative bodies of the  
2239 counties meeting the requirements of Subsections (2)(i)(ii) and (iii).

2240 (v) The executive director of the Department of Workforce Services:

2241 (A) shall determine whether a county meets the requirements of Subsections (2)(i)(ii)  
2242 and (iii);

2243 (B) shall distribute the appropriations under Subsection (2)(i)(i) to special service  
2244 districts established by counties under Title 17D, Chapter 1, Special Service District Act, that  
2245 meet the requirements of Subsections (2)(i)(ii) and (iii); and

2246 (C) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2247 may make rules:

2248 (I) providing a procedure for making the distributions under this Subsection (2)(i) to  
2249 special service districts; and

2250 (II) defining the term "population" for purposes of Subsection (2)(i)(iv).

2251 (j) (i) The Legislature shall annually make the following appropriations from the  
2252 Mineral Lease Account:

2253 (A) an amount equal to 52 cents multiplied by the number of acres of school or  
2254 institutional trust lands, lands owned by the Division of State Parks or the Division of Outdoor  
2255 Recreation, and lands owned by the Division of Wildlife Resources that are not under an in lieu  
2256 of taxes contract, to each county in which those lands are located;

2257 (B) to each county in which school or institutional trust lands are transferred to the

2258 federal government after December 31, 1992, an amount equal to the number of transferred  
2259 acres in the county multiplied by a payment per acre equal to the difference between 52 cents  
2260 per acre and the per acre payment made to that county in the most recent payment under the  
2261 federal payment in lieu of taxes program, 31 U.S.C. Sec. 6901 et seq., unless the federal  
2262 payment was equal to or exceeded the 52 cents per acre, in which case a payment under this  
2263 Subsection (2)(j)(i)(B) may not be made for the transferred lands;

2264 (C) to each county in which federal lands, which are entitlement lands under the federal  
2265 in lieu of taxes program, are transferred to the school or institutional trust, an amount equal to  
2266 the number of transferred acres in the county multiplied by a payment per acre equal to the  
2267 difference between the most recent per acre payment made under the federal payment in lieu of  
2268 taxes program and 52 cents per acre, unless the federal payment was equal to or less than 52  
2269 cents per acre, in which case a payment under this Subsection (2)(j)(i)(C) may not be made for  
2270 the transferred land; and

2271 (D) to a county of the fifth or sixth class, an amount equal to the product of:

2272 (I) \$1,000; and

2273 (II) the number of residences described in Subsection (2)(j)(iv) that are located within  
2274 the county.

2275 (ii) A county receiving money under Subsection (2)(j)(i) may, as determined by the  
2276 county legislative body, distribute the money or a portion of the money to:

2277 (A) special service districts established by the county under Title 17D, Chapter 1,  
2278 Special Service District Act;

2279 (B) school districts; or

2280 (C) public institutions of higher education.

2281 (iii) (A) Beginning in fiscal year 1994-95 and in each year after fiscal year 1994-95, the  
2282 Division of Finance shall increase or decrease the amounts per acre provided for in Subsections  
2283 (2)(j)(i)(A) through (C) by the average annual change in the Consumer Price Index for all urban  
2284 consumers published by the Department of Labor.

2285 (B) For fiscal years beginning on or after fiscal year 2001-02, the Division of Finance  
2286 shall increase or decrease the amount described in Subsection (2)(j)(i)(D)(I) by the average  
2287 annual change in the Consumer Price Index for all urban consumers published by the  
2288 Department of Labor.

2289 (iv) Residences for purposes of Subsection (2)(j)(i)(D)(II) are residences that are:

2290 (A) owned by:

2291 (I) the Division of State Parks [~~or~~];

2292 (II) the Division of Outdoor Recreation; or

2293 [~~(H)~~] (III) the Division of Wildlife Resources;

2294 (B) located on lands that are owned by:

2295 (I) the Division of State Parks [~~or~~];

2296 (II) the Division of Outdoor Recreation; or

2297 [~~(H)~~] (III) the Division of Wildlife Resources; and

2298 (C) are not subject to taxation under:

2299 (I) Chapter 2, Property Tax Act; or

2300 (II) Chapter 4, Privilege Tax.

2301 (k) The Legislature shall annually appropriate to the Permanent Community Impact  
2302 Fund all deposits remaining in the Mineral Lease Account after making the appropriations  
2303 provided for in Subsections (2)(d) through (j).

2304 (3) (a) Each agency, board, institution of higher education, and political subdivision  
2305 receiving money under this chapter shall provide the Legislature, through the Office of the  
2306 Legislative Fiscal Analyst, with a complete accounting of the use of that money on an annual  
2307 basis.

2308 (b) The accounting required under Subsection (3)(a) shall:

2309 (i) include actual expenditures for the prior fiscal year, budgeted expenditures for the  
2310 current fiscal year, and planned expenditures for the following fiscal year; and

2311 (ii) be reviewed by the Business, Economic Development, and Labor Appropriations  
2312 Subcommittee as part of its normal budgetary process under Title 63J, Chapter 1, Budgetary  
2313 Procedures Act.

2314 Section 40. Section **59-28-103** is amended to read:

2315 **59-28-103. Imposition -- Rate -- Revenue distribution.**

2316 (1) Subject to the other provisions of this chapter, the state shall impose a tax on the  
2317 transactions described in Subsection [59-12-103\(1\)\(i\)](#) at a rate of .32%.

2318 (2) The tax imposed under this chapter is in addition to any other taxes imposed on the  
2319 transactions described in Subsection [59-12-103\(1\)\(i\)](#).

2320 (3) (a) (i) Subject to Subsection (3)(a)(ii), the commission shall deposit 6% of the  
 2321 revenue the state collects from the tax under this chapter into the Hospitality and Tourism  
 2322 Management Education Account created in Section [53F-9-501](#) to fund the Hospitality and  
 2323 Tourism Management Career and Technical Education Pilot Program created in Section  
 2324 [53E-3-515](#).

2325 (ii) The commission may not deposit more than \$300,000 into the Hospitality and  
 2326 Tourism Management Education Account under Subsection (3)(a)(i) in a fiscal year.

2327 (b) Except for the amount deposited into the Hospitality and Tourism Management  
 2328 Education Account under Subsection (3)(a) and the administrative charge retained under  
 2329 Subsection [59-28-104](#)(4), the commission shall deposit any revenue the state collects from the  
 2330 tax under this chapter into the Outdoor Recreation Infrastructure Account created in Section  
 2331 [79-8-106](#) to fund the Outdoor Recreational Infrastructure Grant Program created in Section  
 2332 [~~63N-9-202~~] [79-8-401](#) and the Recreation Restoration Infrastructure Grant Program created in  
 2333 Section [79-8-202](#).

2334 Section 41. Section **63C-21-201** is amended to read:

2335 **63C-21-201. Outdoor Adventure Commission created.**

2336 (1) There is created the Outdoor Adventure Commission consisting of the following  
 2337 [~~15~~] 14 members:

2338 (a) one member of the Senate, appointed by the president of the Senate;

2339 (b) one member of the House of Representatives, appointed by the speaker of the  
 2340 House of Representatives;

2341 [~~(c) the director of the Utah Office of Outdoor Recreation, or the director's designee;~~]

2342 [~~(d)~~] (c) the managing director of the Utah Office of Tourism, or the managing  
 2343 director's designee;

2344 [~~(e)~~] (d) the director of the Division of Outdoor Recreation, or the director's designee;

2345 [~~(f)~~] (e) the director of the School and Institutional Trust Lands Administration, or the  
 2346 director's designee;

2347 [~~(g)~~] (f) the coordinator of the Off-Highway Vehicle [~~and Recreational Trails~~] Program  
 2348 within the Division of Outdoor Recreation;

2349 [~~(h)~~] (g) a representative of the agriculture industry appointed jointly by the president  
 2350 of the Senate and the speaker of the House of Representatives;

2351            [(†)] (h) a representative of the natural resources development industry appointed  
2352 jointly by the president of the Senate and the speaker of the House of Representatives;  
2353            [(†)] (i) one representative of the Utah League of Cities and Towns appointed by the  
2354 Utah League of Cities and Towns;  
2355            [(†)] (j) one representative of the Utah Association of Counties appointed by the Utah  
2356 Association of Counties;  
2357            [(†)] (k) one individual appointed jointly by the Utah League of Cities and Towns and  
2358 the Utah Association of Counties;  
2359            [(†)] (l) a representative of conservation interests appointed jointly by the president of  
2360 the Senate and the speaker of the House of Representatives;  
2361            [(†)] (m) a representative of the outdoor recreation industry appointed jointly by the  
2362 president of the Senate and the speaker of the House of Representatives; and  
2363            [(†)] (n) the coordinator of the boating program within the Division of Outdoor  
2364 Recreation.  
2365            (2) The commission shall annually select one of [~~its~~] the commission's members to be  
2366 the chair of the commission.  
2367            (3) (a) If a vacancy occurs in the membership of the commission appointed under  
2368 Subsection (1)(a) or (b), or Subsections [~~(1)(h) through (n)~~] (1)(g) through (m), the member  
2369 shall be replaced in the same manner in which the original appointment was made.  
2370            (b) A member appointed under Subsections [~~(1)(h) through (n)~~] (1)(g) through (m)  
2371 shall serve a term of four years and until the member's successor is appointed and qualified.  
2372            (c) Notwithstanding the requirements of Subsection (3)(b), for members appointed  
2373 under Subsections [~~(1)(h) through (n)~~] (1)(g) through (m), the division shall, at the time of  
2374 appointment or reappointment, adjust the length of terms to ensure that the terms of  
2375 commission members are staggered so that approximately half of the commission members  
2376 appointed under Subsections [~~(1)(h) through (n)~~] (1)(g) through (m) are appointed every two  
2377 years.  
2378            (d) An individual may be appointed to more than one term.  
2379            (4) (a) Eight commission members constitutes a quorum.  
2380            (b) The action of a majority of a quorum constitutes an action of the commission.  
2381            (5) (a) The salary and expenses of a commission member who is a legislator shall be

2382 paid in accordance with Section 36-2-2, Legislative Joint Rules, Title 5, Chapter 2, Lodging,  
2383 Meal, and Transportation Expenses, and Legislative Joint Rules, Title 5, Chapter 3, Legislator  
2384 Compensation.

2385 (b) A commission member who is not a legislator may not receive compensation or  
2386 benefits for the member's service on the commission, but may receive per diem and  
2387 reimbursement for travel expenses incurred as a commission member at the rates established by  
2388 the Division of Finance under:

2389 (i) Sections 63A-3-106 and 63A-3-107; and

2390 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2391 63A-3-107.

2392 (6) The Department of Transportation shall serve as a technical advisor to the  
2393 commission.

2394 (7) The Division of Outdoor Recreation, created in Section 79-7-201, shall provide  
2395 staff support to the commission.

2396 Section 42. Section 63C-21-202 is amended to read:

2397 **63C-21-202. Strategic plan -- Commission powers and duties -- Consultant --**  
2398 **Reports.**

2399 (1) (a) The commission shall gather information on recreation assets from state and  
2400 local agencies and other sources and develop a strategic plan aimed at meeting the future needs  
2401 of outdoor recreation within the state to enhance the quality of life of Utah residents. Asset lists  
2402 received from state and local agencies shall include:

2403 (i) common data points, to be established by the [~~Office of Outdoor Recreation~~]  
2404 Division of Outdoor Recreation that can be uniformly compared with other recreation assets  
2405 within the state, such as asset type, size, unique characteristics, vegetation, land ownership, and  
2406 similar items;

2407 (ii) any specific needs, challenges, or limitations on recreation use of the assets; and

2408 (iii) a ranking of potential enhancements to the assets related to recreation use.

2409 (b) The strategic plan shall address:

2410 (i) outdoor recreation as a major contributor to residents' quality of life;

2411 (ii) the needs and impacts of residents who engage in outdoor recreation;

2412 (iii) the impact on local communities related to outdoor recreation, including the costs

2413 associated with emergency services and infrastructure;

2414 (iv) outdoor recreation as a means to retain and attract an exceptional workforce to  
2415 provide for a sustainable economy;

2416 (v) impacts to the environment, wildlife, and natural resources and measures to  
2417 preserve the natural beauty of the state as more people engage in outdoor recreation;

2418 (vi) identify opportunities for sustainable revenue sources to provide for maintenance  
2419 and future needs;

2420 (vii) the interface with public lands that are federally managed and private lands; and

2421 (viii) other items determined by the commission.

2422 (2) The commission shall:

2423 (a) engage one or more consultants to:

2424 (i) manage the strategic planning process in accordance with Subsection (3); and

2425 (ii) conduct analytical work in accordance with Subsection (3);

2426 (b) guide the analytical work of a consultant described in Subsection (2)(a) and review  
2427 the results of the work;

2428 (c) coordinate with a consultant described in Subsection (2)(a) to engage in a process  
2429 and create a strategic plan;

2430 (d) conduct regional meetings to gather stakeholder input during the strategic planning  
2431 process;

2432 (e) seek input from federal entities including the United States Department of the  
2433 Interior, the United States Department of Agriculture, and Utah's congressional delegation; and

2434 (f) produce a final report including a strategic plan and any recommendations.

2435 (3) The commission, by contract with a consultant engaged under Subsection (2)(a),  
2436 shall direct the consultant to:

2437 (a) conduct an inventory of existing outdoor recreation resources, programs, and  
2438 information;

2439 (b) conduct an analysis of what is needed to develop and implement an effective  
2440 outdoor recreation strategy aimed at enhancing the quality of life of Utah residents;

2441 (c) collect and analyze data related to the future projected conditions of the outdoor  
2442 recreation resources, programs, and information, including the affordability and financing of  
2443 outdoor recreation;



2444 (d) develop alternatives to the projection described in Subsection (3)(c) by modeling  
2445 potential changes to the outdoor recreation industry and economic growth;

2446 (e) in coordination with the commission, engage in extensive local stakeholder  
2447 involvement to better understand the needs of, concerns of, and opportunities for different  
2448 communities and outdoor recreation user types;

2449 (f) recommend accountability or performance measures to assess the effectiveness of  
2450 the outdoor recreation system;

2451 (g) based on the data described in this Subsection (3), make comparisons between  
2452 outdoor recreation in Utah and outdoor recreation in other states or countries;

2453 (h) in coordination with the commission, conduct the regional meetings described in  
2454 Subsection (2)(d) to share information and seek input from a range of stakeholders;

2455 (i) recommend changes to the governance system for outdoor recreation that would  
2456 facilitate implementation of the strategic plan;

2457 (j) engage in any other data collection or analysis requested by the commission; and

2458 (k) produce for the commission:

2459 (i) a draft report of findings, observations, and strategic priorities, including:

2460 (A) a statewide vision and strategy for outdoor recreation;

2461 (B) a strategy for how to meaningfully engage stakeholders throughout the state;

2462 (C) funding needs related to outdoor recreation; and

2463 (D) recommendations for the steps the state should take to implement a statewide  
2464 vision and strategy for outdoor recreation; and

2465 (ii) a final report, incorporating feedback from the commission on the draft report  
2466 described in Subsection (3)(k)(i), regarding the future of the outdoor recreation in the state.

2467 [~~(4) The commission shall consult with the Division of Recreation as provided by~~  
2468 ~~statute.~~]

2469 Section 43. Section **63I-1-241** is amended to read:

2470 **63I-1-241. Repeal dates, Title 41.**

2471 (1) Subsection [41-1a-1201\(9\)](#), related to the Spinal Cord and Brain Injury  
2472 Rehabilitation Fund, is repealed January 1, 2025.

2473 (2) Section [41-3-106](#), which creates an advisory board related to motor vehicle  
2474 business regulation, is repealed July 1, 2024.

2475 (3) The following subsections addressing lane filtering are repealed on July 1, 2022:

2476 (a) Subsection 41-6a-102(30) that defines "lane filtering";

2477 (b) Subsection 41-6a-704(5); and

2478 (c) Subsection 41-6a-710(1)(c).

2479 (4) Subsection 41-6a-1406(6)(b)(iii), related to the Spinal Cord and Brain Injury  
2480 Rehabilitation Fund, is repealed January 1, 2025.

2481 (5) Subsections 41-22-2(1) and 41-22-10(1)(a), which [~~create the Off-highway Vehicle~~  
2482 ~~Advisory Council~~] authorize an advisory council that includes in the advisory council's duties  
2483 addressing off-highway vehicle issues, are repealed July 1, 2027.

2484 (6) Subsection 41-22-8(3), related to the Spinal Cord and Brain Injury Rehabilitation  
2485 Fund, is repealed January 1, 2025.

2486 Section 44. Section 63I-1-263 is amended to read:

2487 **63I-1-263. Repeal dates, Titles 63A to 63N.**

2488 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

2489 (a) Section 63A-16-102 is repealed;

2490 (b) Section 63A-16-201 is repealed; and

2491 (c) Section 63A-16-202 is repealed.

2492 (2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital  
2493 improvement funding, is repealed July 1, 2024.

2494 (3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,  
2495 2023.

2496 (4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review  
2497 Committee, are repealed July 1, 2023.

2498 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July  
2499 1, 2028.

2500 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,  
2501 2025.

2502 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,  
2503 2024.

2504 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is  
2505 repealed July 1, 2023.

- 2506 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed  
2507 July 1, 2023.
- 2508 (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is  
2509 repealed July 1, 2026.
- 2510 (11) Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed  
2511 July 1, 2025.
- 2512 (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities  
2513 Advisory Board, is repealed July 1, 2026.
- 2514 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,  
2515 2025.
- 2516 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,  
2517 2024.
- 2518 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 2519 (16) Subsection [63J-1-602.1\(17\)](#), Nurse Home Visiting Restricted Account is repealed  
2520 July 1, 2026.
- 2521 (17) (a) Subsection [63J-1-602.1\(61\)](#), relating to the Utah Statewide Radio System  
2522 Restricted Account, is repealed July 1, 2022.
- 2523 (b) When repealing Subsection [63J-1-602.1\(61\)](#), the Office of Legislative Research and  
2524 General Counsel shall, in addition to the office's authority under Subsection [36-12-12\(3\)](#), make  
2525 necessary changes to subsection numbering and cross references.
- 2526 (18) Subsection [63J-1-602.2\[\(5\)\]\(4\)](#), referring to dedicated credits to the Utah Marriage  
2527 Commission, is repealed July 1, 2023.
- 2528 (19) Subsection [63J-1-602.2\[\(6\)\]\(5\)](#), referring to the Trip Reduction Program, is  
2529 repealed July 1, 2022.
- 2530 (20) Subsection [63J-1-602.2\[\(24\)\]\(23\)](#), related to the Utah Seismic Safety  
2531 Commission, is repealed January 1, 2025.
- 2532 (21) [~~Title 63J, Chapter 4, Part 5~~] Title 63L, Chapter 11, Part 4, Resource  
2533 Development Coordinating Committee, is repealed July 1, 2027.
- 2534 (22) In relation to the advisory committee created in Subsection [63L-11-305\(3\)](#), on July  
2535 1, 2022:
- 2536 (a) Subsection [63L-11-305\(1\)\(a\)](#), which defines "advisory committee," is repealed; and

- 2537 (b) Subsection [63L-11-305\(3\)](#), which creates the advisory committee, is repealed.
- 2538 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on
- 2539 January 1, 2023:
- 2540 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are
- 2541 repealed;
- 2542 (b) Section [63M-7-305](#), the language that states "council" is replaced with
- 2543 "commission";
- 2544 (c) Subsection [63M-7-305\(1\)](#) is repealed and replaced with:
- 2545 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and
- 2546 (d) Subsection [63M-7-305\(2\)](#) is repealed and replaced with:
- 2547 "(2) The commission shall:
- 2548 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
- 2549 Drug-Related Offenses Reform Act; and
- 2550 (b) coordinate the implementation of Section [77-18-104](#) and related provisions in
- 2551 Subsections [77-18-103\(2\)\(c\)](#) and (d).".
- 2552 (24) The Crime Victim Reparations and Assistance Board, created in Section
- 2553 [63M-7-504](#), is repealed July 1, 2027.
- 2554 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July
- 2555 1, 2022.
- 2556 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.
- 2557 (27) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating
- 2558 Council, is repealed July 1, 2024.
- 2559 (28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 2560 (29) Section [63N-2-512](#), related to the Hotel Impact Mitigation Fund, is repealed July
- 2561 1, 2028.
- 2562 (30) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
- 2563 January 1, 2021.
- 2564 (b) Section [59-9-107](#) regarding tax credits against premium taxes is repealed for
- 2565 calendar years beginning on or after January 1, 2021.
- 2566 (c) Notwithstanding Subsection (30)(b), an entity may carry forward a tax credit in
- 2567 accordance with Section [59-9-107](#) if:

2568 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December  
2569 31, 2020; and

2570 (ii) the qualified equity investment that is the basis of the tax credit is certified under  
2571 Section 63N-2-603 on or before December 31, 2023.

2572 (31) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed  
2573 July 1, 2023.

2574 (32) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,  
2575 2025.

2576 ~~[(33) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,~~  
2577 ~~is repealed January 1, 2028.]~~

2578 Section 45. Section 63I-1-273 is amended to read:

2579 **63I-1-273. Repeal dates, Title 73.**

2580 (1) Title 73, Chapter 27, Legislative Water Development Commission, is repealed  
2581 January 1, 2031.

2582 (2) Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, is repealed July 1,  
2583 2025.

2584 (3) Section 73-18-3.5, which ~~[creates the Boating Advisory Council]~~ authorizes the  
2585 Division of Outdoor Recreation to appoint an advisory council that includes in the advisory  
2586 council's duties advising on boating policies, is repealed July 1, 2024.

2587 (4) Title 73, Chapter 30, Great Salt Lake Advisory Council Act, is repealed July 1,  
2588 2027.

2589 (5) In relation to Title 73, Chapter 31, Water Banking Act, on December 31, 2030:

2590 (a) Subsection 73-1-4(2)(e)(xi) is repealed;

2591 (b) Subsection 73-10-4(1)(h) is repealed; and

2592 (c) Title 73, Chapter 31, Water Banking Act, is repealed.

2593 Section 46. Section 63I-1-279 is amended to read:

2594 **63I-1-279. Repeal dates, Title 79.**

2595 (1) Subsection 79-2-201(2)~~[(†)]~~(p), related to the Heritage Trees Advisory Committee,  
2596 is repealed July 1, 2026.

2597 (2) Subsection 79-2-201(2)~~[(†)]~~(q), related to the ~~[Recreational Trails Advisory~~  
2598 ~~Council]~~ Utah Outdoor Recreation Infrastructure Advisory Committee, is repealed July 1,

2599 2027.

2600 (3) Subsection 79-2-201(2)(~~(t)~~(r)(i), related to [~~the Boating Advisory Council~~] an  
2601 advisory council created by the Division of Outdoor Recreation to advise on boating policies, is  
2602 repealed July 1, 2024.

2603 (4) Subsection 79-2-201(2)(~~(t)~~(s), related to the Wildlife Board Nominating  
2604 Committee, is repealed July 1, 2023.

2605 (5) Subsection 79-2-201(2)(~~(v)~~(t), related to regional advisory councils for the  
2606 Wildlife Board, is repealed July 1, 2023.

2607 [~~(6) Title 79, Chapter 5, Part 2, Advisory Council, which creates the Recreational~~  
2608 ~~Trails Advisory Council, is repealed July 1, 2027.~~]

2609 (6) Section 79-7-206, creating the Utah Outdoor Recreation Infrastructure Advisory  
2610 Committee, is repealed July 1, 2027.

2611 (7) Title 79, Chapter 8, Part 4, Outdoor Recreational Infrastructure Grant Program, is  
2612 repealed January 1, 2028.

2613 Section 47. Section **63I-2-204** is amended to read:

2614 **63I-2-204. Repeal dates -- Title 4.**

2615 (1) Title 4, Chapter 2, Part 6, Local Food Advisory Council, is repealed November 30,  
2616 2022.

2617 (2) Section 4-46-104, Transition, is repealed July 1, 2024.

2618 Section 48. Section **63I-2-279** is amended to read:

2619 **63I-2-279. Repeal dates, Title 79.**

2620 (1) Section 79-2-206, Transition, is repealed July 1, [~~2022~~] 2024.

2621 (2) Title 79, Chapter 6, Part 8, Voluntary Home Energy Information Pilot Program Act,  
2622 is repealed January 1, 2022.

2623 Section 49. Section **63J-1-601** is amended to read:

2624 **63J-1-601. End of fiscal year -- Unexpended balances -- Funds not to be closed**  
2625 **out -- Pending claims -- Transfer of amounts from item of appropriation -- Nonlapsing**  
2626 **accounts and funds -- Institutions of higher education to report unexpended balances.**

2627 (1) As used in this section:

2628 (a) "Education grant subrecipient" means a nonfederal entity that:

2629 (i) receives a subaward from the State Board of Education to carry out at least part of a

2630 federal or state grant program; and

2631 (ii) does not include an individual who is a beneficiary of the federal or state grant  
2632 program.

2633 (b) "Transaction control number" means the unique numerical identifier established by  
2634 the Department of Health to track each medical claim and indicates the date on which the claim  
2635 is entered.

2636 (2) On or before August 31 of each fiscal year, the director of the Division of Finance  
2637 shall close out to the proper fund or account all remaining unexpended and unencumbered  
2638 balances of appropriations made by the Legislature, except:

2639 (a) those funds classified under Title 51, Chapter 5, Funds Consolidation Act, as:

2640 (i) enterprise funds;

2641 (ii) internal service funds;

2642 (iii) trust and agency funds;

2643 (iv) capital projects funds;

2644 (v) discrete component unit funds;

2645 (vi) debt service funds; and

2646 (vii) permanent funds;

2647 (b) those appropriations from a fund or account or appropriations to a program that are  
2648 designated as nonlapsing under Section [63J-1-602.1](#) or [63J-1-602.2](#);

2649 (c) expendable special revenue funds, unless specifically directed to close out the fund  
2650 in the fund's enabling legislation;

2651 (d) acquisition and development funds appropriated to the Division of State Parks or  
2652 the Division of Outdoor Recreation;

2653 (e) funds encumbered to pay purchase orders issued [~~prior to~~] before May 1 for capital  
2654 equipment if delivery is expected before June 30; and

2655 (f) unexpended and unencumbered balances of appropriations that meet the  
2656 requirements of Section [63J-1-603](#).

2657 (3) (a) Liabilities and related expenses for goods and services received on or before  
2658 June 30 shall be recognized as expenses due and payable from appropriations made [~~prior to~~]  
2659 before June 30.

2660 (b) The liability and related expense shall be recognized within time periods

2661 established by the Division of Finance but shall be recognized not later than August 31.

2662 (c) Liabilities and expenses not so recognized may be paid from regular departmental  
2663 appropriations for the subsequent fiscal year, if these claims do not exceed unexpended and  
2664 unencumbered balances of appropriations for the years in which the obligation was incurred.

2665 (d) ~~[No amounts may]~~ Amounts may not be transferred from an item of appropriation  
2666 of any department, institution, or agency into the Capital Projects Fund or any other fund  
2667 without the prior express approval of the Legislature.

2668 (4) (a) For purposes of this chapter, a claim processed under the authority of Title 26,  
2669 Chapter 18, Medical Assistance Act:

2670 (i) is not a liability or an expense to the state for budgetary purposes, unless the  
2671 Division of Health Care Financing receives the claim within the time periods established by the  
2672 Division of Finance under Subsection (3)(b); and

2673 (ii) is not subject to Subsection (3)(c).

2674 (b) The transaction control number that the Division of Health Care Financing records  
2675 on each claim invoice is the date of receipt.

2676 (5) (a) For purposes of this chapter, a claim processed in accordance with Title 35A,  
2677 Chapter 13, Utah State Office of Rehabilitation Act:

2678 (i) is not a liability or an expense to the state for budgetary purposes, unless the Utah  
2679 State Office of Rehabilitation receives the claim within the time periods established by the  
2680 Division of Finance under Subsection (3)(b); and

2681 (ii) is not subject to Subsection (3)(c).

2682 (b) (i) The Utah State Office of Rehabilitation shall mark each claim invoice with the  
2683 date on which the Utah State Office of Rehabilitation receives the claim invoice.

2684 (ii) The date described in Subsection (5)(b)(i) is the date of receipt for purposes of this  
2685 section.

2686 (6) (a) For purposes of this chapter, a reimbursement request received from an  
2687 education grant subrecipient:

2688 (i) is not a liability or expense to the state for budgetary purposes, unless the State  
2689 Board of Education receives the claim within the time periods described in Subsection (3)(b);  
2690 and

2691 (ii) is not subject to Subsection (3)(c).



2692 (b) The transaction control number that the State Board of Education records on a  
2693 claim invoice is the date of receipt.

2694 (7) Any balance from an appropriation to a state institution of higher education that  
2695 remains unexpended at the end of the fiscal year shall be reported to the Division of Finance by  
2696 the September 1 following the close of the fiscal year.

2697 Section 50. Section **63J-1-602.2** is amended to read:

2698 **63J-1-602.2. List of nonlapsing appropriations to programs.**

2699 Appropriations made to the following programs are nonlapsing:

2700 (1) The Legislature and the Legislature's committees.

2701 (2) The State Board of Education, including all appropriations to agencies, line items,  
2702 and programs under the jurisdiction of the State Board of Education, in accordance with  
2703 Section [53F-9-103](#).

2704 (3) The Percent-for-Art Program created in Section [9-6-404](#).

2705 (4) The LeRay McAllister Critical Land Conservation Program created in Section  
2706 [~~11-38-301~~] [4-46-301](#).

2707 (5) Dedicated credits accrued to the Utah Marriage Commission as provided under  
2708 Subsection [17-16-21](#)(2)(d)(ii).

2709 (6) The Trip Reduction Program created in Section [19-2a-104](#).

2710 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under  
2711 the Pelican Management Act, as provided in Section [23-21a-6](#).

2712 (8) The emergency medical services grant program in Section [26-8a-207](#).

2713 (9) The primary care grant program created in Section [26-10b-102](#).

2714 (10) Sanctions collected as dedicated credits from Medicaid provider under Subsection  
2715 [26-18-3](#)(7).

2716 (11) The Utah Health Care Workforce Financial Assistance Program created in Section  
2717 [26-46-102](#).

2718 (12) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).

2719 (13) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).

2720 (14) Funds that the Department of Alcoholic Beverage Control retains in accordance  
2721 with Subsection [32B-2-301](#) (9)(a) or (b).

2722 (15) The General Assistance program administered by the Department of Workforce

- 2723 Services, as provided in Section [35A-3-401](#).
- 2724 (16) The Utah National Guard, created in Title 39, Militia and Armories.
- 2725 (17) The State Tax Commission under Section [41-1a-1201](#) for the:
- 2726 (a) purchase and distribution of license plates and decals; and
- 2727 (b) administration and enforcement of motor vehicle registration requirements.
- 2728 (18) The Search and Rescue Financial Assistance Program, as provided in Section
- 2729 [53-2a-1102](#).
- 2730 (19) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 2731 (20) The Utah Board of Higher Education for teacher preparation programs, as
- 2732 provided in Section [53B-6-104](#).
- 2733 (21) The Medical Education Program administered by the Medical Education Council,
- 2734 as provided in Section [53B-24-202](#).
- 2735 (22) The Division of Services for People with Disabilities, as provided in Section
- 2736 [62A-5-102](#).
- 2737 (23) The Division of Fleet Operations for the purpose of upgrading underground
- 2738 storage tanks under Section [63A-9-401](#).
- 2739 (24) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 2740 (25) Appropriations to the Division of Technology Services for technology innovation
- 2741 as provided under Section [63A-16-903](#).
- 2742 (26) The Office of Administrative Rules for publishing, as provided in Section
- 2743 [63G-3-402](#).
- 2744 (27) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
- 2745 Colorado River Authority of Utah Act.
- 2746 (28) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act,
- 2747 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 2748 (29) Appropriations to fund the Governor's Office of Economic Opportunity's Rural
- 2749 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
- 2750 Employment Expansion Program.
- 2751 (30) Appropriations to fund programs for the Jordan River Recreation Area as
- 2752 described in Section [65A-2-8](#).
- 2753 (31) The Division of Human Resource Management user training program, as provided

2754 in Section 63A-17-106.

2755 (32) A public safety answering point's emergency telecommunications service fund, as  
2756 provided in Section 69-2-301.

2757 (33) The Traffic Noise Abatement Program created in Section 72-6-112.

2758 (34) The money appropriated from the Navajo Water Rights Negotiation Account to  
2759 the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a  
2760 settlement of federal reserved water right claims.

2761 (35) The Judicial Council for compensation for special prosecutors, as provided in  
2762 Section 77-10a-19.

2763 (36) A state rehabilitative employment program, as provided in Section 78A-6-210.

2764 (37) The Utah Geological Survey, as provided in Section 79-3-401.

2765 (38) The Bonneville Shoreline Trail Program created under Section 79-5-503.

2766 (39) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and  
2767 78B-6-144.5.

2768 (40) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent  
2769 Defense Commission.

2770 (41) The program established by the Division of Facilities Construction and  
2771 Management under Section 63A-5b-703 under which state agencies receive an appropriation  
2772 and pay lease payments for the use and occupancy of buildings owned by the Division of  
2773 Facilities Construction and Management.

2774 Section 51. Section 63L-7-104 is amended to read:

2775 **63L-7-104. Identification of a potential wilderness area.**

2776 (1) (a) Subject to Subsection (1)(b), the director of PLPCO, within one year of the  
2777 acquisition date, shall identify within a parcel of acquired land any conservation areas.

2778 (b) Before identifying a parcel of land as a conservation area, the director of PLPCO  
2779 shall:

2780 (i) inform the School and Institutional Trust Lands Administration that a parcel is  
2781 being considered for designation as a conservation area; and

2782 (ii) provide the School and Institutional Trust Lands Administration with the  
2783 opportunity to trade out land owned by the School and Institutional Trust Lands Administration  
2784 for the parcel in question subject to reaching an exchange agreement with the agency that

2785 manages the parcel.

2786 (2) The director of PLPCO shall:

2787 (a) file a map and legal description of each identified conservation area with the  
2788 governor, the Senate, and the House of Representatives;

2789 (b) maintain, and make available to the public, records pertaining to identified  
2790 conservation areas, including:

2791 (i) maps;

2792 (ii) legal descriptions;

2793 (iii) copies of proposed regulations governing the conservation area; and

2794 (iv) copies of public notices of, and reports submitted to the Legislature, regarding  
2795 pending additions, eliminations, or modifications to a conservation area; and

2796 (c) within five years of the date of acquisition:

2797 (i) review each identified conservation area for its suitability to be classified as a  
2798 protected wilderness area; and

2799 (ii) report the findings under Subsection (2)(c)(i) to the governor.

2800 (3) The records described in Subsection (2)(b) shall be available for inspection at:

2801 (a) the PLPCO office;

2802 (b) the main office of DNR;

2803 (c) a regional office of the Division of Forestry, Fire, and State Lands for any record  
2804 that deals with an identified conservation area in that region; and

2805 (d) the Division of State Parks or the Division of Outdoor Recreation.

2806 (4) A conservation area may be designated as a protected wilderness area as described  
2807 in Section [63L-7-105](#).

2808 (5) A conservation area identified under Subsection (1) shall be managed by DNR, in  
2809 coordination with the county government having jurisdiction over the area, without the  
2810 conservation area being designated as a protected wilderness area unless otherwise provided by  
2811 the Legislature.

2812 Section 52. Section **63L-11-402** is amended to read:

2813 **63L-11-402. Membership -- Terms -- Chair -- Expenses.**

2814 (1) The Resource Development Coordinating Committee consists of the following [25]  
2815 26 members:

- 2816 (a) the state science advisor;
- 2817 (b) a representative from the Department of Agriculture and Food appointed by the  
2818 [~~executive director~~] commissioner of the Department of Agriculture and Food;
- 2819 (c) a representative from the Department of Cultural and Community Engagement  
2820 appointed by the executive director of the Department of Cultural and Community  
2821 Engagement;
- 2822 (d) a representative from the Department of Environmental Quality appointed by the  
2823 executive director of the Department of Environmental Quality;
- 2824 (e) a representative from the Department of Natural Resources appointed by the  
2825 executive director of the Department of Natural Resources;
- 2826 (f) a representative from the Department of Transportation appointed by the executive  
2827 director of the Department of Transportation;
- 2828 (g) a representative from the Governor's Office of Economic Opportunity appointed by  
2829 the director of the Governor's Office of Economic Opportunity;
- 2830 (h) a representative from the Housing and Community Development Division  
2831 appointed by the director of the Housing and Community Development Division;
- 2832 (i) a representative from the Division of State History appointed by the director of the  
2833 Division of State History;
- 2834 (j) a representative from the Division of Air Quality appointed by the director of the  
2835 Division of Air Quality;
- 2836 (k) a representative from the Division of Drinking Water appointed by the director of  
2837 the Division of Drinking Water;
- 2838 (l) a representative from the Division of Environmental Response and Remediation  
2839 appointed by the director of the Division of Environmental Response and Remediation;
- 2840 (m) a representative from the Division of Waste Management and Radiation Control  
2841 appointed by the director of the Division of Waste Management and Radiation Control;
- 2842 (n) a representative from the Division of Water Quality appointed by the director of the  
2843 Division of Water Quality;
- 2844 (o) a representative from the Division of Oil, Gas, and Mining appointed by the  
2845 director of the Division of Oil, Gas, and Mining;
- 2846 (p) a representative from the Division of Parks appointed by the director of the

2847 Division of Parks;

2848 (q) a representative from the Division of Outdoor Recreation appointed by the director  
2849 of the Division of Outdoor Recreation;

2850 (r) a representative from the Division of Forestry, Fire, and State Lands appointed by  
2851 the director of the Division of Forestry, Fire, and State Lands;

2852 (s) a representative from the Utah Geological Survey appointed by the director of the  
2853 Utah Geological Survey;

2854 (t) a representative from the Division of Water Resources appointed by the director of  
2855 the Division of Water Resources;

2856 (u) a representative from the Division of Water Rights appointed by the director of the  
2857 Division of Water Rights;

2858 (v) a representative from the Division of Wildlife Resources appointed by the director  
2859 of the Division of Wildlife Resources;

2860 (w) a representative from the School and Institutional Trust Lands Administration  
2861 appointed by the director of the School and Institutional Trust Lands Administration;

2862 (x) a representative from the Division of Facilities Construction and Management  
2863 appointed by the director of the Division of Facilities Construction and Management; [~~and~~]

2864 (y) a representative from the Division of Emergency Management appointed by the  
2865 director of the Division of Emergency Management[;]; and

2866 (z) a representative from the Division of Conservation, created under Section [4-46-401](#),  
2867 appointed by the director of the Division of Conservation.

2868 (2) (a) As particular issues require, the coordinating committee may, by majority vote  
2869 of the members present, appoint additional temporary members to serve as ex officio voting  
2870 members.

2871 (b) Those ex officio members may discuss and vote on the issue or issues for which  
2872 they were appointed.

2873 (3) A chair shall be selected by a [~~majority~~] vote of 14 committee members with the  
2874 concurrence of the executive director.

2875 (4) A member may not receive compensation or benefits for the member's service, but  
2876 may receive per diem and travel expenses in accordance with:

2877 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

2878 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2879 63A-3-107.

2880 Section 53. Section 63N-3-602 is amended to read:

2881 **63N-3-602. Definitions.**

2882 As used in this part:

2883 (1) "Affordable housing" means [~~the same as that term is defined in Section~~  
2884 ~~11-38-102~~] housing occupied or reserved for occupancy by households with a gross household  
2885 income equal to or less than 80% of the median gross income of the applicable municipal or  
2886 county statistical area for households of the same size.

2887 (2) "Agency" means the same as that term is defined in Section 17C-1-102.

2888 (3) "Base taxable value" means a property's taxable value as shown upon the  
2889 assessment roll last equalized during the base year.

2890 (4) "Base year" means, for a proposed housing and transit reinvestment zone area, a  
2891 year determined by the last equalized tax roll before the adoption of the housing and transit  
2892 reinvestment zone.

2893 (5) (a) "Commuter rail" means a heavy-rail passenger rail transit facility operated by a  
2894 large public transit district.

2895 (b) "Commuter rail" does not include a light-rail passenger rail facility of a large public  
2896 transit district.

2897 (6) "Commuter rail station" means a station, stop, or terminal along an existing  
2898 commuter rail line, or along an extension to an existing commuter rail line or new commuter  
2899 rail line that is included in a metropolitan planning organization's adopted long-range  
2900 transportation plan.

2901 (7) "Dwelling unit" means one or more rooms arranged for the use of one or more  
2902 individuals living together, as a single housekeeping unit normally having cooking, living,  
2903 sanitary, and sleeping facilities.

2904 (8) "Enhanced development" means the construction of mixed uses including housing,  
2905 commercial uses, and related facilities, at an average density of 50 dwelling units or more per  
2906 acre on the developable acres.

2907 (9) "Enhanced development costs" means extra costs associated with structured  
2908 parking costs, vertical construction costs, horizontal construction costs, life safety costs,

2909 structural costs, conveyor or elevator costs, and other costs incurred due to the increased height  
2910 of buildings or enhanced development.

2911 (10) "Horizontal construction costs" means the additional costs associated with  
2912 earthwork, over excavation, utility work, transportation infrastructure, and landscaping to  
2913 achieve enhanced development in the housing and transit reinvestment zone.

2914 (11) "Housing and transit reinvestment zone" means a housing and transit reinvestment  
2915 zone created pursuant to this part.

2916 (12) "Housing and transit reinvestment zone committee" means a housing and transit  
2917 reinvestment zone committee created pursuant to Section [63N-3-605](#).

2918 (13) "Large public transit district" means the same as that term is defined in Section  
2919 [17B-2a-802](#).

2920 (14) "Metropolitan planning organization" means the same as that term is defined in  
2921 Section [72-1-208.5](#).

2922 (15) "Mixed use development" means development with a mix of multi-family  
2923 residential use and at least one additional land use.

2924 (16) "Municipality" means the same as that term is defined in Section [10-1-104](#).

2925 (17) "Participant" means the same as that term is defined in Section [17C-1-102](#).

2926 (18) "Participation agreement" means the same as that term is defined in Section  
2927 [17C-1-102](#).

2928 (19) "Public transit county" means a county that has created a small public transit  
2929 district.

2930 (20) "Public transit hub" means a public transit depot or station where four or more  
2931 routes serving separate parts of the county-created transit district stop to transfer riders between  
2932 routes.

2933 (21) "Sales and use tax base year" means a sales and use tax year determined by the  
2934 first year pertaining to the tax imposed in Section [59-12-103](#) after the sales and use tax  
2935 boundary for a housing and transit reinvestment zone is established.

2936 (22) "Sales and use tax boundary" means a boundary created as described in Section  
2937 [63N-3-604](#), based on state sales and use tax collection that corresponds as closely as reasonably  
2938 practicable to the housing and transit reinvestment zone boundary.

2939 (23) "Sales and use tax increment" means the difference between:



2940 (a) the amount of state sales and use tax revenue generated each year following the  
2941 sales and use tax base year by the sales and use tax from the area within a housing and transit  
2942 reinvestment zone designated in the housing and transit reinvestment zone proposal as the area  
2943 from which sales and use tax increment is to be collected; and

2944 (b) the amount of state sales and use tax revenue that was generated from that same  
2945 area during the sales and use tax base year.

2946 (24) "Sales and use tax revenue" means revenue that is generated from the tax imposed  
2947 under Section 59-12-103.

2948 (25) "Small public transit district" means the same as that term is defined in Section  
2949 17B-2a-802.

2950 (26) "Tax commission" means the State Tax Commission created in Section 59-1-201.

2951 (27) "Tax increment" means the difference between:

2952 (a) the amount of property tax revenue generated each tax year by a taxing entity from  
2953 the area within a housing and transit reinvestment zone designated in the housing and transit  
2954 reinvestment zone proposal as the area from which tax increment is to be collected, using the  
2955 current assessed value and each taxing entity's current certified tax rate as defined in Section  
2956 59-2-924; and

2957 (b) the amount of property tax revenue that would be generated from that same area  
2958 using the base taxable value and each taxing entity's current certified tax rate as defined in  
2959 Section 59-2-924.

2960 (28) "Taxing entity" means the same as that term is defined in Section 17C-1-102.

2961 (29) "Vertical construction costs" means the additional costs associated with  
2962 construction above four stories and structured parking to achieve enhanced development in the  
2963 housing and transit reinvestment zone.

2964 Section 54. Section 65A-3-1 is amended to read:

2965 **65A-3-1. Trespassing on state lands -- Penalties.**

2966 (1) As used in this section:

2967 (a) "Anchored" means the same as that term is defined in Section 73-18-2.

2968 (b) "Beached" means the same as that term is defined in Section 73-18-2.

2969 (c) "Motorboat" means the same as that term is defined in Section 73-18-2.

2970 (d) "Vessel" means the same as that term is defined in Section 73-18-2.

- 2971 (2) A person is guilty of a class B misdemeanor and liable for the civil damages  
2972 prescribed in Subsection (4) if, without written authorization from the division, the person:
- 2973 (a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand,  
2974 soil, vegetation, or improvement on state lands;
  - 2975 (b) grazes livestock on state lands;
  - 2976 (c) uses, occupies, or constructs improvements or structures on state lands;
  - 2977 (d) uses or occupies state lands for more than 30 days after the cancellation or  
2978 expiration of written authorization;
  - 2979 (e) knowingly and willfully uses state lands for commercial gain;
  - 2980 (f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological,  
2981 or paleontological resource on state lands;
  - 2982 (g) starts or maintains a fire on state lands except in a posted and designated area;
  - 2983 (h) camps on state lands, except in posted or designated areas;
  - 2984 (i) camps on state lands for longer than 15 consecutive days at the same location or  
2985 within one mile of the same location;
  - 2986 (j) camps on state lands for 15 consecutive days, and then returns to camp at the same  
2987 location before 15 consecutive days have elapsed after the day on which the person left that  
2988 location;
  - 2989 (k) leaves an anchored or beached vessel unattended for longer than 48 hours on state  
2990 lands;
  - 2991 (l) anchors or beaches a vessel on state lands at the same location for longer than 72  
2992 hours or within two miles of the same location for longer than 72 hours;
  - 2993 (m) anchors or beaches a vessel on state lands at the same location for 72 hours, and  
2994 then returns to anchor or beach the vessel at the same location or within two miles of the same  
2995 location before 72 hours have elapsed after the day on which the person left that location;
  - 2996 (n) posts a sign claiming state land as private property;
  - 2997 (o) prohibits, prevents, or obstructs public entry to state land where public entry is  
2998 authorized by the division; or
  - 2999 (p) parks or operates a motor vehicle on the bed of a navigable lake or river except in  
3000 those areas:
  - 3001 (i) supervised by the Division of State Parks, the Division of Outdoor Recreation, or

3002 another state or local enforcement entity; and  
3003 (ii) which are posted as open to vehicle use.  
3004 (3) A person is guilty of a class C misdemeanor and liable for civil damages described  
3005 in Subsection (4) if, on state lands surrounding Bear Lake and without written authorization of  
3006 the division, the person:  
3007 (a) parks or operates a motor vehicle in an area on the exposed lake bed that is  
3008 specifically posted by the division as closed for usage;  
3009 (b) camps, except in an area that is posted and designated as open to camping;  
3010 (c) exceeds a speed limit of 10 miles per hour while operating a motor vehicle;  
3011 (d) drives recklessly while operating a motor vehicle;  
3012 (e) parks or operates a motor vehicle within an area between the water's edge and 100  
3013 feet of the water's edge except as necessary to:  
3014 (i) launch or retrieve a motorboat, if the person is permitted to launch or retrieve a  
3015 motorboat;  
3016 (ii) transport an individual with limited mobility; or  
3017 (iii) deposit or retrieve equipment to a beach site;  
3018 (f) travels in a motor vehicle parallel to the water's edge:  
3019 (i) in areas designated by the division as closed;  
3020 (ii) a distance greater than 500 yards; or  
3021 (iii) for purposes other than travel to or from a beach site;  
3022 (g) parks or operates a motor vehicle between the hours of 10 p.m. and 7 a.m.; or  
3023 (h) starts a campfire or uses fireworks.  
3024 (4) A person who commits any act described in Subsection (2) or (3) is liable for  
3025 damages in the amount of:  
3026 (a) three times the value of the mineral or other resource removed, destroyed, or  
3027 extracted;  
3028 (b) three times the value of damage committed; or  
3029 (c) three times the consideration which would have been charged by the division for  
3030 use of the land during the period of trespass.  
3031 (5) In addition to the damages described in Subsection (4), a person found guilty of a  
3032 misdemeanor under Subsection (2) or (3) is subject to the penalties provided in Section

3033 76-3-204.

3034 (6) Money collected under this section shall be deposited in the fund in which similar  
3035 revenues from that land would be deposited.

3036 Section 55. Section **65A-10-2** is amended to read:

3037 **65A-10-2. Recreational use of sovereign lands.**

3038 (1) The division, with the approval of the executive director of the Department of  
3039 Natural Resources and the governor, may set aside for public or recreational use any part of the  
3040 lands claimed by the state as the beds of lakes or streams.

3041 (2) Management of those lands may be delegated to the Division of State Parks, the  
3042 Division of Outdoor Recreation, the Division of Wildlife Resources, or any other state agency.

3043 Section 56. Section **72-11-204** is amended to read:

3044 **72-11-204. Vacancies -- Expenses -- Reimbursement -- Use of facilities of**  
3045 **Department of Transportation -- Functions, powers, duties, rights, and responsibilities.**

3046 (1) When a vacancy occurs in the membership for any reason, the replacement shall be  
3047 appointed for the unexpired term.

3048 (2) A member may not receive compensation or benefits for the member's service, but  
3049 may receive per diem and travel expenses in accordance with:

3050 (a) Section 63A-3-106;

3051 (b) Section 63A-3-107; and

3052 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3053 63A-3-107.

3054 (3) Reimbursement shall be made from fees collected by the committee for services  
3055 rendered by [it] the committee.

3056 (4) The Department of Transportation shall supply the committee with office  
3057 accommodation, space, equipment, and secretarial assistance the executive director considers  
3058 adequate for the committee.

3059 (5) In addition to the functions, powers, duties, rights, and responsibilities granted to  
3060 [it] the committee under this chapter, the committee shall assume and have all of the functions,  
3061 powers, duties, rights, and responsibilities of the Division of Outdoor Recreation in relation to  
3062 passenger ropeway systems pursuant to that chapter.

3063 Section 57. Section **73-3-31** is amended to read:

- 3064 **73-3-31. Water right for watering livestock on public land.**
- 3065 (1) As used in this section:
- 3066 (a) "Acquire" means to gain the right to use water through obtaining:
- 3067 (i) an approved application to appropriate water; or
- 3068 (ii) a perfected water right.
- 3069 (b) "Allotment" means a designated area of public land available for livestock grazing.
- 3070 (c) "Animal unit month (AUM)" is the amount of forage needed to sustain one cow and
- 3071 her calf, one horse, or five sheep and goats for one month.
- 3072 (d) (i) "Beneficial user" means the person that has the right to use the grazing permit.
- 3073 (ii) "Beneficial user" does not mean the public land agency issuing the grazing permit.
- 3074 (e) "Grazing permit" means a document authorizing livestock to graze on an allotment.
- 3075 (f) "Livestock" means a domestic animal raised or kept for profit or personal use.
- 3076 (g) "Livestock watering right" means a right for:
- 3077 (i) livestock to consume water:
- 3078 (A) directly from the water source located on public land; or
- 3079 (B) from an impoundment located on public land into which the water is diverted; and
- 3080 (ii) associated uses of water related to the raising and care of livestock on public land.
- 3081 (h) (i) "Public land" means land owned or managed by the United States or the state.
- 3082 (ii) "Public land" does not mean land owned by:
- 3083 (A) the Division of Wildlife Resources;
- 3084 (B) the School and Institutional Trust Lands Administration; ~~or~~
- 3085 (C) the Division of State Parks; or
- 3086 (D) the Division of Outdoor Recreation.
- 3087 (i) "Public land agency" means the agency that owns or manages the public land.
- 3088 (2) A public land agency may not:
- 3089 (a) condition the issuance, renewal, amendment, or extension of any permit, approval,
- 3090 license, allotment, easement, right-of-way, or other land use occupancy agreement regarding
- 3091 livestock on the transfer of any water right directly to the public land agency;
- 3092 (b) require any water user to apply for, or acquire a water right in the name of, the
- 3093 public land agency as a condition for the issuance, renewal, amendment, or extension of any
- 3094 permit, approval, license, allotment, easement, right-of-way, or other land use occupancy

3095 agreement regarding livestock; or

3096 (c) acquire a livestock watering right if the public land agency is not a beneficial user.

3097 (3) The state engineer may not approve a change application under Section 73-3-3 for a  
3098 livestock watering right without the consent of the beneficial user.

3099 (4) A beneficial user may file a nonuse application under Section 73-1-4 on a livestock  
3100 watering right or a portion of a livestock watering right that the beneficial user puts to  
3101 beneficial use.

3102 (5) A livestock watering right is appurtenant to the allotment on which the livestock is  
3103 watered.

3104 (6) (a) (i) A beneficial user or a public land agency may file a request with the state  
3105 engineer for a livestock water use certificate.

3106 (ii) The state engineer shall:

3107 (A) provide the livestock water use certificate application form on the Internet; and

3108 (B) allow electronic submission of the livestock water use certificate application.

3109 (b) The state engineer shall grant a livestock water use certificate to a beneficial user if  
3110 the beneficial user:

3111 (i) demonstrates that the beneficial user has a right to use a grazing permit for the  
3112 allotment to which the livestock watering right is appurtenant; and

3113 (ii) pays the fee set in accordance with Section 73-2-14.

3114 (c) A livestock water use certificate is valid as long as the livestock watering right is:

3115 (i) held by a beneficial user who has the right to use the grazing permit and graze  
3116 livestock on the allotment;

3117 (ii) put to beneficial use within a seven-year time period; or

3118 (iii) subject to a nonuse application approved under Section 73-1-4.

3119 (7) A beneficial user may access or improve an allotment as necessary for the  
3120 beneficial user to beneficially use, develop, and maintain the beneficial user's water right  
3121 appurtenant to the allotment.

3122 (8) If a federal land management agency reduces livestock grazing AUMs on federal  
3123 grazing allotments, and the reduction results in the partial forfeiture of an appropriated water  
3124 right, the amount of water in question for nonuse as a livestock water right shall be held in trust  
3125 by the state engineer until such water may be appropriated for livestock watering, consistent

3126 with this act and state law.

3127 (9) Nothing in this section affects a livestock watering right or a livestock water use  
3128 certificate held by a public land agency on May 13, 2014.

3129 Section 58. Section **73-18-2** is amended to read:

3130 **73-18-2. Definitions.**

3131 As used in this chapter:

3132 (1) "Anchored" means a vessel that is temporarily attached to the bed or shoreline of a  
3133 waterbody by any method and the hull of the vessel is not touching the bed or shoreline.

3134 (2) "Beached" means that a vessel's hull is resting on the bed or shoreline of a  
3135 waterbody.

3136 (3) "Boat livery" means a person that holds a vessel for renting or leasing.

3137 (4) "Carrying passengers for hire" means to transport persons on vessels or to lead  
3138 persons on vessels for consideration.

3139 (5) "Commission" means the Outdoor Adventure Commission.

3140 (6) "Consideration" means something of value given or done in exchange for  
3141 something given or done by another.

3142 (7) "Dealer" means any person who is licensed by the appropriate authority to engage  
3143 in and who is engaged in the business of buying and selling vessels or of manufacturing them  
3144 for sale.

3145 (8) "Derelict vessel":

3146 (a) means a vessel that is left, stored, or abandoned upon the waters of this state in a  
3147 wrecked, junked, or substantially dismantled condition; and

3148 (b) includes:

3149 (i) a vessel left at a Utah port or marina without consent of the agency or other entity  
3150 administering the port or marine area; and

3151 (ii) a vessel left docked or grounded upon a property without the property owner's  
3152 consent.

3153 (9) "Division" means the Division of Outdoor Recreation.

3154 (10) "Moored" means long term, on the water vessel storage in an area designated and  
3155 properly marked by the division or other applicable managing agency.

3156 (11) "Motorboat" means any vessel propelled by machinery, whether or not the

3157 machinery is the principal source of propulsion.

3158 (12) "Operate" means to navigate, control, or otherwise use a vessel.

3159 (13) "Operator" means the person who is in control of a vessel while it is in use.

3160 (14) "Outfitting company" means any person who, for consideration:

3161 (a) provides equipment to transport persons on all waters of this state; and

3162 (b) supervises a person who:

3163 (i) operates a vessel to transport passengers; or

3164 (ii) leads a person on a vessel.

3165 (15) (a) "Owner" means a person, other than a lien holder, holding a proprietary  
3166 interest in or the title to a vessel.

3167 (b) "Owner" includes a person entitled to the use or possession of a vessel subject to an  
3168 interest by another person, reserved or created by agreement and securing payment or  
3169 performance of an obligation.

3170 (c) "Owner" does not include a lessee under a lease not intended as security.

3171 (16) "Personal watercraft" means a motorboat that is:

3172 (a) less than 16 feet in length;

3173 (b) propelled by a water jet pump; and

3174 (c) designed to be operated by a person sitting, standing, or kneeling on the vessel,  
3175 rather than sitting or standing inside the vessel.

3176 (17) "Racing shell" means a long, narrow watercraft:

3177 (a) outfitted with long oars and sliding seats; and

3178 (b) specifically designed for racing or exercise.

3179 (18) "Sailboat" means any vessel having one or more sails and propelled by wind.

3180 (19) "Vessel" means every type of watercraft, other than a seaplane on the water, used  
3181 or capable of being used as a means of transportation on water.

3182 (20) "Wakeless speed" means an operating speed at which the vessel does not create or  
3183 make a wake or white water trailing the vessel. This speed is not in excess of five miles per  
3184 hour.

3185 (21) "Waters of this state" means any waters within the territorial limits of this state.

3186 Section 59. Section **73-18-3.5** is amended to read:

3187 **73-18-3.5. Advisory council.**



3188 The division, after [~~consultation with~~] notifying the commission, may appoint an  
3189 advisory council [~~representing various~~] that includes:

3190 (1) representation of boating interests [~~to seek~~]; and

3191 (2) among the advisory council's duties, making recommendations on state boating  
3192 policies.

3193 Section 60. Section **73-18-4** is amended to read:

3194 **73-18-4. Division may make rules and set fees.**

3195 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3196 division, after [~~consultation with~~] notifying the commission, shall [~~promulgate~~] make rules:

3197 (a) creating a uniform waterway marking system which shall be obeyed by all vessel  
3198 operators;

3199 (b) regulating the placement of waterway markers and other permanent or anchored  
3200 objects on the waters of this state;

3201 (c) zoning certain waters of this state for the purpose of prohibiting the operation of  
3202 vessels or motors for safety and health purposes only;

3203 (d) regulating vessel operators who carry passengers for hire, boat liveries, and  
3204 outfitting companies; and

3205 (e) regulating anchored, beached, moored, or abandoned vessels to minimize health,  
3206 safety, and environmental concerns.

3207 (2) (a) The division, after [~~consultation with~~] notifying the commission, may set fees in  
3208 accordance with Section [63J-1-504](#) for:

3209 (i) licensing vessel operators who carry passengers for hire; and

3210 (ii) registering:

3211 (A) outfitting companies; and

3212 (B) boat liveries.

3213 (b) The license and registration fees imposed pursuant to Subsection (2)(a) shall be  
3214 deposited into the Boating Account created in Section [73-18-22](#).

3215 Section 61. Section **73-18-7** is amended to read:

3216 **73-18-7. Registration requirements -- Exemptions -- Fee -- Agents -- Records --**

3217 **Period of registration and renewal -- Expiration -- Notice of transfer of interest or change**

3218 **of address -- Duplicate registration card -- Invalid registration -- Powers of division.**

3219 (1) (a) Except as provided by Section 73-18-9, the owner of each motorboat and  
3220 sailboat on the waters of this state shall register it with the division as provided in this chapter.

3221 (b) A person may not place, give permission for the placement of, operate, or give  
3222 permission for the operation of a motorboat or sailboat on the waters of this state, unless the  
3223 motorboat or sailboat is registered as provided in this chapter.

3224 (2) (a) The owner of a motorboat or sailboat required to be registered shall file an  
3225 application for registration with the division on forms approved by the division.

3226 (b) The owner of the motorboat or sailboat shall sign the application and pay the fee set  
3227 by the division, after [~~consultation with~~] notifying the commission, in accordance with Section  
3228 63J-1-504.

3229 (c) Before receiving a registration card and registration decals, the applicant shall  
3230 provide the division with a certificate from the county assessor of the county in which the  
3231 motorboat or sailboat has situs for taxation, stating that:

3232 (i) the property tax on the motorboat or sailboat for the current year has been paid;

3233 (ii) in the county assessor's opinion, the property tax is a lien on real property sufficient  
3234 to secure the payment of the property tax; or

3235 (iii) the motorboat or sailboat is exempt by law from payment of property tax for the  
3236 current year.

3237 (d) If the division modifies the fee under Subsection (2)(b), the modification shall take  
3238 effect on the first day of the calendar quarter after 90 days from the day on which the division  
3239 provides the State Tax Commission:

3240 (i) notice from the division stating that the division will modify the fee; and

3241 (ii) a copy of the fee modification.

3242 (e) (i) The division may enter into an agreement with the Motor Vehicle Division  
3243 created in Section 41-1a-106 to administer the registration requirements described in this  
3244 chapter.

3245 (ii) An individual may request automatic registration renewal as described in Section  
3246 41-1a-216.

3247 (3) (a) Upon receipt of the application in the approved form, the division shall record  
3248 the receipt and issue to the applicant registration decals and a registration card that state the  
3249 number assigned to the motorboat or sailboat and the name and address of the owner.

3250 (b) The registration card shall be available for inspection on the motorboat or sailboat  
3251 for which it was issued, whenever that motorboat or sailboat is in operation.

3252 (4) The assigned number shall:

3253 (a) be painted or permanently attached to each side of the forward half of the motorboat  
3254 or sailboat;

3255 (b) consist of plain vertical block characters not less than three inches in height;

3256 (c) contrast with the color of the background and be distinctly visible and legible;

3257 (d) have spaces or hyphens equal to the width of a letter between the letter and numeral  
3258 groupings; and

3259 (e) read from left to right.

3260 (5) A motorboat or sailboat with a valid marine document issued by the United States  
3261 Coast Guard is exempt from the number display requirements of Subsection (4).

3262 (6) The nonresident owner of any motorboat or sailboat already covered by a valid  
3263 number that has been assigned to it according to federal law or a federally approved numbering  
3264 system of the owner's resident state is exempt from registration while operating the motorboat  
3265 or sailboat on the waters of this state unless the owner is operating in excess of the reciprocity  
3266 period provided for in Subsection 73-18-9(1).

3267 (7) (a) If the ownership of a motorboat or sailboat changes, the new owner shall file a  
3268 new application form and fee with the division, and the division shall issue a new registration  
3269 card and registration decals in the same manner as provided for in Subsections (2) and (3).

3270 (b) The division shall reassign the current number assigned to the motorboat or sailboat  
3271 to the new owner to display on the motorboat or sailboat.

3272 (8) If the United States Coast Guard has in force an overall system of identification  
3273 numbering for motorboats or sailboats within the United States, the numbering system  
3274 employed under this chapter by the division shall conform with that system.

3275 (9) (a) The division may authorize any person to act as its agent for the registration of  
3276 motorboats and sailboats.

3277 (b) A number assigned, a registration card, and registration decals issued by an agent of  
3278 the division in conformity with this chapter and rules of the division are valid.

3279 (10) (a) The Motor Vehicle Division shall classify all records of the division made or  
3280 kept according to this section in the same manner that motor vehicle records are classified

3281 under Section 41-1a-116.

3282 (b) Division records are available for inspection in the same manner as motor vehicle  
3283 records pursuant to Section 41-1a-116.

3284 (11) (a) (i) Each registration, registration card, and decal issued under this chapter shall  
3285 continue in effect for 12 months, beginning with the first day of the calendar month of  
3286 registration.

3287 (ii) A registration may be renewed by the owner in the same manner provided for in the  
3288 initial application.

3289 (iii) The division shall reassign the current number assigned to the motorboat or  
3290 sailboat when the registration is renewed.

3291 (b) Each registration, registration card, and registration decal expires the last day of the  
3292 month in the year following the calendar month of registration.

3293 (c) If the last day of the registration period falls on a day in which the appropriate state  
3294 or county offices are not open for business, the registration of the motorboat or sailboat is  
3295 extended to 12 midnight of the next business day.

3296 (d) The division may receive applications for registration renewal and issue new  
3297 registration cards at any time before the expiration of the registration, subject to the availability  
3298 of renewal materials.

3299 (e) The new registration shall retain the same expiration month as recorded on the  
3300 original registration even if the registration has expired.

3301 (f) The year of registration shall be changed to reflect the renewed registration period.

3302 (g) If the registration renewal application is an application generated by the division  
3303 through its automated system, the owner is not required to surrender the last registration card or  
3304 duplicate.

3305 (12) (a) An owner shall notify the division of:

3306 (i) the transfer of all or any part of the owner's interest, other than creation of a security  
3307 interest, in a motorboat or sailboat registered in this state under Subsections (2) and (3); and

3308 (ii) the destruction or abandonment of the owner's motorboat or sailboat.

3309 (b) Notification must take place within 15 days of the transfer, destruction, or  
3310 abandonment.

3311 (c) (i) The transfer, destruction, or abandonment of a motorboat or sailboat terminates

3312 its registration.

3313 (ii) Notwithstanding Subsection (12)(c)(i), a transfer of a part interest that does not  
3314 affect the owner's right to operate a motorboat or sailboat does not terminate the registration.

3315 (13) (a) A registered owner shall notify the division within 15 days if the owner's  
3316 address changes from the address appearing on the registration card and shall, as a part of this  
3317 notification, furnish the division with the owner's new address.

3318 (b) The division may provide in the division's rules for:

3319 (i) the surrender of the registration card bearing the former address; and

3320 (ii) (A) the replacement of the card with a new registration card bearing the new  
3321 address; or

3322 (B) the alteration of an existing registration card to show the owner's new address.

3323 (14) (a) If a registration card is lost or stolen, the division may collect a fee of \$4 for  
3324 the issuance of a duplicate card.

3325 (b) If a registration decal is lost or stolen, the division may collect a fee of \$3 for the  
3326 issuance of a duplicate decal.

3327 (15) A number other than the number assigned to a motorboat or sailboat or a number  
3328 for a motorboat or sailboat granted reciprocity under this chapter may not be painted, attached,  
3329 or otherwise displayed on either side of the bow of a motorboat or sailboat.

3330 (16) A motorboat or sailboat registration and number are invalid if obtained by  
3331 knowingly falsifying an application for registration.

3332 (17) The division may designate the suffix to assigned numbers, and by following the  
3333 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
3334 make rules for:

3335 (a) the display of registration decals;

3336 (b) the issuance and display of dealer numbers and registrations; and

3337 (c) the issuance and display of temporary registrations.

3338 (18) A violation of this section is an infraction.

3339 Section 62. Section **73-18-8** is amended to read:

3340 **73-18-8. Safety equipment required to be on board vessels -- Penalties.**

3341 (1) (a) Except as provided in Subsection (1)(c), each vessel shall have, for each person  
3342 on board, one wearable personal flotation device that is approved for the type of use by the

3343 commandant of the United States Coast Guard.

3344 (b) Each personal flotation device shall be:

3345 (i) in serviceable condition;

3346 (ii) legally marked with the United States Coast Guard approval number; and

3347 (iii) of an appropriate size for the person for whom it is intended.

3348 (c) (i) Sailboards and racing shells are exempt from the provisions of Subsections

3349 (1)(a) and (e).

3350 (ii) The division, after ~~[consultation with]~~ notifying the commission, may exempt

3351 certain types of vessels from the provisions of Subsection (1)(a) under certain conditions or

3352 upon certain waters.

3353 (d) The division may require by rule, after ~~[consultation with]~~ notifying the

3354 commission, for personal flotation devices to be worn:

3355 (i) while a person is on board a certain type of vessel;

3356 (ii) by a person under a certain age; or

3357 (iii) on certain waters of the state.

3358 (e) For vessels 16 feet or more in length, there shall also be on board one throwable

3359 personal flotation device which is approved for this use by the commandant of the United

3360 States Coast Guard.

3361 (2) The operator of a vessel operated between sunset and sunrise shall display lighted

3362 navigation lights approved by the division.

3363 (3) If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in

3364 any enclosure for any purpose, the vessel shall be equipped with an efficient natural or

3365 mechanical ventilation system that is capable of removing resulting gases before and during the

3366 time the vessel is occupied by any person.

3367 (4) Each vessel shall have fire extinguishing equipment on board.

3368 (5) Any inboard gasoline engine shall be equipped with a carburetor backfire flame

3369 control device.

3370 (6) The division may, after notifying the commission:

3371 (a) require additional safety equipment by rule ~~[made in consultation with the~~

3372 ~~commission]~~; and

3373 (b) adopt rules conforming with the requirements of this section which govern

3374 specifications for and the use of safety equipment.

3375 (7) A person may not operate or give permission for the operation of a vessel that is not  
3376 equipped as required by this section or rules promulgated under this section.

3377 (8) A violation of this section is an infraction.

3378 Section 63. Section **73-18-11** is amended to read:

3379 **73-18-11. Regulation of muffling devices.**

3380 The division, after [~~consultation with~~] notifying the commission, shall adopt rules for  
3381 the regulating of muffling devices on all vessels.

3382 Section 64. Section **73-18-13** is amended to read:

3383 **73-18-13. Duties of operator involved in accident -- Notification and reporting**  
3384 **procedures -- Use of accident reports -- Giving false information as misdemeanor.**

3385 (1) As used in this section, "agent" has the same meaning as provided in Section  
3386 [41-6a-404](#).

3387 (2) (a) It is the duty of the operator of a vessel involved in an accident, if the operator  
3388 can do so without seriously endangering the operator's own vessel, crew, or passengers, to  
3389 render aid to those affected by the accident as may be practicable.

3390 (b) The operator shall also give the operator's name, address, and identification of the  
3391 operator's vessel in writing to:

3392 (i) any person injured; or

3393 (ii) the owner of any property damaged in the accident.

3394 (c) A violation of this Subsection (2) is a class B misdemeanor.

3395 (3) (a) The division, after [~~consultation with~~] notifying the commission, shall adopt  
3396 rules governing the notification and reporting procedure for vessels involved in accidents.

3397 (b) The rules shall be consistent with federal requirements.

3398 (4) (a) Except as provided in Subsection (4)(b), all accident reports:

3399 (i) are protected and shall be for the confidential use of the division or other state,  
3400 local, or federal agencies having use for the records for official governmental statistical,  
3401 investigative, and accident prevention purposes; and

3402 (ii) may be disclosed only in a statistical form that protects the privacy of any person  
3403 involved in the accident.

3404 (b) The division shall disclose a written accident report and its accompanying data to:

- 3405 (i) a person involved in the accident, excluding a witness to the accident;
- 3406 (ii) a person suffering loss or injury in the accident;
- 3407 (iii) an agent, parent, or legal guardian of a person described in Subsections (4)(b)(i)
- 3408 and (ii);
- 3409 (iv) a member of the press or broadcast news media;
- 3410 (v) a state, local, or federal agency that uses the records for official governmental,
- 3411 investigative, or accident prevention purposes;
- 3412 (vi) law enforcement personnel when acting in their official governmental capacity;
- 3413 and
- 3414 (vii) a licensed private investigator.

3415 (c) Information provided to a member of the press or broadcast news media under  
3416 Subsection (4)(b)(iv) may only include:

- 3417 (i) the name, age, sex, and city of residence of each person involved in the accident;
- 3418 (ii) the make and model year of each vehicle involved in the accident;
- 3419 (iii) whether or not each person involved in the accident was covered by a vehicle
- 3420 insurance policy;
- 3421 (iv) the location of the accident; and
- 3422 (v) a description of the accident that excludes personal identifying information not
- 3423 listed in Subsection (4)(c)(i).

3424 (5) (a) Except as provided in Subsection (5)(c), an accident report may not be used as  
3425 evidence in any civil or criminal trial, arising out of an accident.

3426 (b) Upon demand of any person who has, or claims to have, made the report, or upon  
3427 demand of any court, the division shall furnish a certificate showing that a specified accident  
3428 report has or has not been made to the division solely to prove a compliance or a failure to  
3429 comply with the requirement that a report be made to the division.

3430 (c) Accident reports may be used as evidence when necessary to prosecute charges  
3431 filed in connection with a violation of Subsection (6).

3432 (6) Any person who gives false information, knowingly or having reason to believe it is  
3433 false, in an oral or written report as required in this chapter, is guilty of a class B misdemeanor.

3434 Section 65. Section **73-18-13.5** is amended to read:

3435 **73-18-13.5. Motorboat accidents -- Investigation and report of operator security**



3436 -- Agency action if no security -- Surrender of registration materials.

3437 (1) Upon request of a peace officer investigating an accident involving a motorboat as  
3438 defined in Section 73-18c-102, the operator of the motorboat shall provide evidence of the  
3439 owner's or operator's security required under Section 73-18c-301.

3440 (2) The peace officer shall record on a form approved by the division:

3441 (a) the information provided by the operator;

3442 (b) whether the operator provided insufficient or no information; and

3443 (c) whether the peace officer finds reasonable cause to believe that any information  
3444 given is not correct.

3445 (3) The peace officer shall deposit all completed forms with the peace officer's agency,  
3446 which shall forward the forms to the division no later than 10 days after receipt.

3447 (4) (a) The division shall revoke the registration of a motorboat as defined in Section  
3448 73-18c-102 involved in an accident unless the owner or operator can demonstrate to the  
3449 division compliance with the owner's or operator's security requirement of Section 73-18c-301  
3450 at the time of the accident.

3451 (b) Any registration revoked shall be renewed in accordance with Section 73-18-7.

3452 (5) A person may appeal a revocation issued under Subsection (4) in accordance with  
3453 procedures established by the division, after ~~[consultation with]~~ notifying the commission, by  
3454 rule that are consistent with Title 63G, Chapter 4, Administrative Procedures Act.

3455 (6) (a) Any person whose registration is revoked under Subsection (4) shall return the  
3456 registration card and decals for the motorboat to the division.

3457 (b) If the person fails to return the registration materials as required, they shall be  
3458 confiscated under Section 73-18-13.6.

3459 (7) The division may, after ~~[consultation with]~~ notifying the commission, make rules  
3460 for the enforcement of this section.

3461 (8) In this section, "evidence of owner's or operator's security" includes any one of the  
3462 following:

3463 (a) the operator's:

3464 (i) insurance policy;

3465 (ii) binder notice;

3466 (iii) renewal notice; or

- 3467 (iv) card issued by an insurance company as evidence of insurance;
- 3468 (b) a copy of a surety bond, certified by the surety, which conforms to Section
- 3469 73-18c-102;
- 3470 (c) a certificate of the state treasurer issued under Section 73-18c-305; or
- 3471 (d) a certificate of self-funded coverage issued under Section 73-18c-306.

3472 Section 66. Section 73-18-15 is amended to read:

3473 **73-18-15. Division to adopt rules concerning water skiing and aquaplane riding**  
3474 **and use of other devices towed behind a vessel.**

3475 The division, after [~~consultation with~~] notifying the commission, shall adopt rules for  
3476 the regulation and safety of water skiing and aquaplane riding, and the use of other devices that  
3477 are towed behind a vessel pursuant to this section and in accordance with Section 73-18-16.

3478 Section 67. Section 73-18-16 is amended to read:

3479 **73-18-16. Regattas, races, exhibitions -- Rules.**

3480 (1) The division may authorize the holding of regattas, motorboat or other boat races,  
3481 marine parades, tournaments, or exhibitions on any waters of this state.

3482 (2) The division, after [~~consultation with~~] notifying the commission, may adopt rules  
3483 concerning the safety of vessels and persons, either as observers or participants, that do not  
3484 conflict with the provisions of Subsections (3) and (4).

3485 (3) A person may elect, at the person's own risk, to wear a non-Coast Guard approved  
3486 personal floatation device if the person is on an American Water Ski Association regulation  
3487 tournament slalom course and is:

- 3488 (a) engaged in barefoot water skiing;
- 3489 (b) water skiing in an American Water Ski Association regulation competition;
- 3490 (c) a performer participating in a professional exhibition or other tournament; or
- 3491 (d) practicing for an event described in Subsection (3)(b) or (c).

3492 (4) If a person is water skiing in an American Water Ski Association regulation  
3493 tournament slalom course, an observer and flag are not required if the vessel is:

- 3494 (a) equipped with a wide angle mirror with a viewing surface of at least 48 square  
3495 inches; and
- 3496 (b) operated by a person who is at least 18 years of age.

3497 (5) A violation of this section is an infraction.

3498 Section 68. Section **73-18a-1** is amended to read:

3499 **73-18a-1. Definitions.**

3500 As used in this chapter:

3501 (1) "Commission" means the Outdoor Adventure Commission.

3502 (2) "Division" means the Division of Outdoor Recreation.

3503 (3) "Human body waste" means excrement, feces, or other waste material discharged  
3504 from the human body.

3505 (4) "Litter" means any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage,  
3506 rubbish, or similar refuse discarded as no longer useful.

3507 (5) "Marine toilet" means any toilet or other receptacle permanently installed on or  
3508 within any vessel for the purpose of receiving human body waste. This term does not include  
3509 portable toilets which may be removed from a vessel in order to empty its contents.

3510 (6) "Operate" means to navigate, control, or otherwise use a vessel.

3511 (7) "Operator" means the person who is in control of a vessel while it is in use.

3512 (8) "Owner" means a person, other than a lien holder, holding a proprietary interest in  
3513 or the title to a vessel. The term does not include a lessee under a lease not intended as  
3514 security.

3515 (9) "Vessel" means every type of watercraft, other than a seaplane on the water, used or  
3516 capable of being used as a means of transportation on water.

3517 (10) "Waters of this state" means all waters within the territorial limits of this state  
3518 except those used exclusively for private purposes.

3519 Section 69. Section **73-18a-4** is amended to read:

3520 **73-18a-4. Marine toilets -- Pollution control devices required -- Rules established**  
3521 **by division.**

3522 (1) Every marine toilet on a vessel used or operated upon the waters of this state shall  
3523 be equipped with an approved pollution control device in operative condition.

3524 (2) The division, after ~~[consultation with]~~ notifying the commission, shall make rules  
3525 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as provided in  
3526 this chapter, establishing criteria or standards for definition and approval of acceptable  
3527 pollution control devices for vessels.

3528 Section 70. Section **73-18a-5** is amended to read:

3529           **73-18a-5. Chemical treatment of marine toilet contents -- Rules established by**  
3530 **division and Department of Environmental Quality.**

3531           The division, after [~~consultation with~~] notifying the commission, shall establish by rule,  
3532 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, with approval  
3533 by the Department of Environmental Quality, as provided in this chapter, standards relating to  
3534 chemical treatment of marine toilet contents.

3535           Section 71. Section **73-18a-12** is amended to read:

3536           **73-18a-12. Rules made -- Subject to approval by Department of Environmental**  
3537 **Quality.**

3538           The division, after [~~consultation with~~] notifying the commission, may [~~promulgate~~]  
3539 make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which are  
3540 necessary for the carrying out of duties, obligations, and powers conferred on the division by  
3541 this chapter. These rules shall be subject to review and approval by the Department of  
3542 Environmental Quality. This approval shall be recorded as part of the rules.

3543           Section 72. Section **73-18b-1** is amended to read:

3544           **73-18b-1. Water safety rules and regulations -- Adoption.**

3545           (1) The Division of Outdoor Recreation, after [~~consulting with~~] notifying the Outdoor  
3546 Adventure Commission, may make rules necessary to promote safety in swimming, scuba  
3547 diving, and related activities on any waters where public boating is permitted.

3548           (2) The Division of Outdoor Recreation may consider recommendations of and  
3549 cooperate with other state agencies and the owners or operators of those waters.

3550           Section 73. Section **73-18c-102** is amended to read:

3551           **73-18c-102. Definitions.**

3552           As used in this chapter:

3553           (1) "Airboat" means a vessel propelled by air pressure caused by an airplane type  
3554 propeller mounted above the stern and driven by an internal combustion engine.

3555           (2) "Commission" means the Outdoor Adventure Commission.

3556           (3) "Division" means the Division of Outdoor Recreation.

3557           (4) "Judgment" means any judgment that is final by:

3558           (a) expiration without appeal of the time within which an appeal might have been  
3559 perfected; or

3560 (b) final affirmation on appeal, rendered by a court of competent jurisdiction of any  
3561 state or of the United States, upon a cause of action for damages:

3562 (i) arising out of the ownership, maintenance, or use of any personal watercraft,  
3563 including damages for care and loss of services because of bodily injury to or death of any  
3564 person, or because of injury to or destruction of property including the loss of use of the  
3565 property; or

3566 (ii) on a settlement agreement.

3567 (5) (a) "Motorboat" has the same meaning as defined in Section [73-18-2](#).

3568 (b) "Motorboat" includes personal watercraft regardless of the manufacturer listed  
3569 horsepower.

3570 (c) "Motorboat" does not include:

3571 (i) a boat with a manufacturer listed horsepower of 50 horsepower or less; or

3572 (ii) an airboat.

3573 (6) "Nonresident" means any person who is not a resident of Utah.

3574 (7) "Operator" means the person who is in control of a motorboat while it is in use.

3575 (8) (a) "Owner" means a person, other than a lien holder, holding a proprietary interest  
3576 in or the title to a motorboat.

3577 (b) "Owner" includes a person entitled to the use or possession of a motorboat subject  
3578 to an interest by another person, reserved or created by agreement and securing payment or  
3579 performance of an obligation.

3580 (c) "Owner" does not include a lessee under a lease not intended as security.

3581 (9) "Owner's or operator's security," "owner's security," or "operator's security" means  
3582 any of the following:

3583 (a) an insurance policy or combination of policies conforming to Sections  
3584 [31A-22-1502](#) and [31A-22-1503](#), which is issued by an insurer authorized to do business in  
3585 Utah;

3586 (b) a surety bond issued by an insurer authorized to do a surety business in Utah in  
3587 which the surety is subject to the minimum coverage limits and other requirements of policies  
3588 conforming to Sections [31A-22-1502](#) and [31A-22-1503](#), which names the division as a creditor  
3589 under the bond for the use of persons entitled to the proceeds of the bond;

3590 (c) a deposit with the state treasurer of cash or securities complying with Section

3591 73-18c-305;

3592 (d) a certificate of self-funded coverage issued under Section 73-18c-306; or

3593 (e) a policy conforming to Sections 31A-22-1502 and 31A-22-1503 issued by the Risk  
3594 Management Fund created in Section 63A-4-201.

3595 (10) "Personal watercraft" has the same meaning as provided in Section 73-18-2.

3596 (11) "Registration" means the issuance of the registration cards and decals issued under  
3597 the laws of Utah pertaining to the registration of motorboats.

3598 (12) "Registration materials" means the evidences of motorboat registration, including  
3599 all registration cards and decals.

3600 (13) "Self-insurance" has the same meaning as provided in Section 31A-1-301.

3601 (14) "Waters of the state" means any waters within the territorial limits of this state.

3602 Section 74. Section 73-18c-201 is amended to read:

3603 **73-18c-201. Division to administer and enforce chapter -- Division may adopt**  
3604 **rules.**

3605 (1) (a) The division shall administer this chapter.

3606 (b) A law enforcement officer authorized under Title 53, Chapter 13, Peace Officer  
3607 Classifications, may enforce this chapter in the rules made under this chapter.

3608 (2) The division, after [~~consultation with~~] notifying the commission, may adopt rules  
3609 as necessary for the administration of this chapter in accordance with Title 63G, Chapter 3,  
3610 Utah Administrative Rulemaking Act.

3611 Section 75. Section 77-2-4.3 is amended to read:

3612 **77-2-4.3. Compromise of boating violations -- Limitations.**

3613 (1) As used in this section:

3614 (a) "Compromise" means referral of a person charged with a boating violation to a  
3615 boating safety course approved by the Division of Outdoor Recreation.

3616 (b) "Boating violation" means any charge for which bail may be forfeited in lieu of  
3617 appearance, by citation or information, of a violation of Title 73, Chapter 18, State Boating  
3618 Act, amounting to:

3619 (i) a class B misdemeanor;

3620 (ii) a class C misdemeanor; or

3621 (iii) an infraction.

3622 (2) Any compromise of a boating violation shall be done pursuant to a plea in abeyance  
3623 agreement as provided in Title 77, Chapter 2a, Pleas in Abeyance, except:

3624 (a) when the criminal prosecution is dismissed pursuant to Section 77-2-4; or

3625 (b) when there is a plea by the defendant to and entry of a judgment by a court for the  
3626 offense originally charged or for an amended charge.

3627 (3) In ~~[all cases which are]~~ a case that is compromised pursuant to ~~[the provisions of]~~  
3628 Subsection (2):

3629 (a) the court, taking into consideration the offense charged, shall collect a plea in  
3630 abeyance fee which shall:

3631 (i) be subject to the same surcharge as if imposed on a criminal fine;

3632 (ii) be allocated subject to the surcharge as if paid as a criminal fine under Section  
3633 78A-5-110 and a surcharge under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge

3634 Allocation; and

3635 (iii) be not more than \$25 greater than the bail designated in the Uniform Bail  
3636 Schedule; or

3637 (b) if no plea in abeyance fee is collected, a surcharge on the fee charged for the  
3638 boating safety course shall be collected, which surcharge shall:

3639 (i) be computed, assessed, collected, and remitted in the same manner as if the boating  
3640 safety course fee and surcharge had been imposed as a criminal fine and surcharge; and

3641 (ii) be subject to the financial requirements contained in Title 51, Chapter 9, Part 4,  
3642 Criminal Conviction Surcharge Allocation.

3643 (4) If a written plea in abeyance agreement is provided, or the defendant requests a  
3644 written accounting, an itemized statement of all amounts assessed by the court shall be  
3645 provided, including:

3646 (a) the Uniform Bail Schedule amount;

3647 (b) the amount of any surcharges being assessed; and

3648 (c) the amount of the plea in abeyance fee.

3649 Section 76. Section 78A-5-110 is amended to read:

3650 **78A-5-110. Allocation of district court fees and forfeitures.**

3651 (1) Except as provided in this section, district court fines and forfeitures collected for  
3652 violation of state statutes shall be paid to the state treasurer.

3653 (2) Fines and forfeitures collected by the court for violation of a state statute or county  
3654 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the  
3655 state treasurer and 1/2 to the treasurer of the state or local governmental entity which  
3656 prosecutes or which would prosecute the violation.

3657 (3) (a) Fines and forfeitures collected for violations of Title 23, Wildlife Resources  
3658 Code of Utah, Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State  
3659 Boating Act, shall be paid to the state treasurer.

3660 (b) For violations of Title 23, Wildlife Resources Code of Utah, the state treasurer shall  
3661 allocate 85% to the Division of Wildlife Resources and 15% to the General Fund.

3662 (c) For violations of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter  
3663 18, State Boating Act, the state treasurer shall allocate 85% to the Division of Outdoor  
3664 Recreation and 15% to the General Fund.

3665 (4) (a) The state treasurer shall allocate fines and forfeitures collected for a violation of  
3666 Section 72-7-404 or 72-7-406, less fees established by the Judicial Council, to the Department  
3667 of Transportation for use on class B and class C roads.

3668 (b) Fees established by the Judicial Council shall be deposited in the state General  
3669 Fund.

3670 (c) Money allocated for class B and class C roads is supplemental to the money  
3671 appropriated under Section 72-2-107 but shall be expended in the same manner as other class B  
3672 and class C road funds.

3673 (5) (a) Fines and forfeitures collected by the court for a second or subsequent violation  
3674 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

3675 (i) 60% to the state treasurer to be deposited ~~in~~ into the Transportation Fund; and  
3676 (ii) 40% in accordance with Subsection (2).

3677 (b) Fines and forfeitures collected by the court for a second or subsequent violation  
3678 under Subsection 72-7-409(6)(d) shall be remitted:

3679 (i) 50% to the state treasurer to be deposited ~~in~~ into the Transportation Fund; and  
3680 (ii) 50% in accordance with Subsection (2).

3681 (6) For fines and forfeitures collected by the court for a violation of Section  
3682 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic  
3683 enforcement safety device as described in Section 41-6a-1310, the court shall allocate 20% to



3684 the school district or private school that owns or contracts for the use of the bus, and the state  
3685 treasurer shall allocate 40% to the treasurer of the state or local governmental entity that  
3686 prosecutes or that would prosecute the violation, and 40% to the General Fund.

3687 (7) Fines and forfeitures collected for any violations not specified in this chapter or  
3688 otherwise provided for by law shall be paid to the state treasurer.

3689 (8) Fees collected in connection with civil actions filed in the district court shall be  
3690 paid to the state treasurer.

3691 (9) The court shall remit money collected in accordance with Title 51, Chapter 7, State  
3692 Money Management Act.

3693 Section 77. Section **78A-7-120** is amended to read:

3694 **78A-7-120. Disposition of fines.**

3695 (1) Except as otherwise specified by this section, fines and forfeitures collected by a  
3696 justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the  
3697 court and 1/2 to the treasurer of the local government which prosecutes or which would  
3698 prosecute the violation. An interlocal agreement created pursuant to Title 11, Chapter 13,  
3699 Interlocal Cooperation Act, related to justice courts may alter the ratio provided in this section  
3700 if the parties agree.

3701 (2) (a) For violation of Title 23, Wildlife Resources Code of Utah, the court shall  
3702 allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the city or  
3703 county government responsible for the justice court.

3704 (b) For violation of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter  
3705 18, State Boating Act, the court shall allocate 85% to the Division of Outdoor Recreation and  
3706 15% to the general fund of the city or county government responsible for the justice court.

3707 (c) Fines and forfeitures collected by the court for a violation of Section **41-6a-1302** in  
3708 instances where evidence of the violation was obtained by an automated traffic enforcement  
3709 safety device as described in Section **41-6a-1310** shall be remitted:

3710 (i) 20% to the school district or private school that owns or contracts for the use of the  
3711 school bus; and

3712 (ii) 80% in accordance with Subsection (1).

3713 (3) The surcharge established by Section **51-9-401** shall be paid to the state treasurer  
3714 and deposited into the General Fund.

3715 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice  
3716 court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations  
3717 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial  
3718 Council, shall be paid to the state treasurer and allocated to the Department of Transportation  
3719 for class B and class C roads.

3720 (5) Revenue allocated for class B and class C roads pursuant to Subsection (4) is  
3721 supplemental to the money appropriated under Section 72-2-107 but shall be expended in the  
3722 same manner as other class B and class C road funds.

3723 (6) (a) Fines and forfeitures collected by the court for a second or subsequent violation  
3724 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

- 3725 (i) 60% to the state treasurer to be deposited [in] into the Transportation Fund; and
- 3726 (ii) 40% in accordance with Subsection (1).

3727 (b) Fines and forfeitures collected by the court for a second or subsequent violation  
3728 under Subsection 72-7-409(6)(d) shall be remitted:

- 3729 (i) 50% to the state treasurer to be deposited [in] into the Transportation Fund; and
- 3730 (ii) 50% in accordance with Subsection (1).

3731 Section 78. Section 79-1-104 is enacted to read:

3732 **79-1-104. Application of title to wildlife issues.**

3733 (1) The following may not be construed or applied to supersede or interfere with the  
3734 powers and duties of the Division of Wildlife Resources or the Wildlife Board under Title 23,  
3735 Wildlife Resources Code of Utah, over the activities described in Subsection (2):

- 3736 (a) Chapter 4, State Parks;
- 3737 (b) Chapter 5, Recreational Trails;
- 3738 (c) Chapter 7, Outdoor Recreation Act; and
- 3739 (d) Chapter 8, Outdoor Recreation Grants.

3740 (2) Subsection (1) applies to the powers and duties of the Division of Wildlife  
3741 Resources or the Wildlife Board over:

- 3742 (a) conservation and management of protected wildlife within the state;
- 3743 (b) a program or initiative to restore and conserve habitat for fish and wildlife; or
- 3744 (c) acquisition, ownership, management, and control of real property or a real property  
3745 interest, including a leasehold estate, an easement, a right-of-way, or a conservation easement.

- 3746 Section 79. Section **79-2-201** is amended to read:
- 3747 **79-2-201. Department of Natural Resources created.**
- 3748 (1) There is created the Department of Natural Resources.
- 3749 (2) The department comprises the following:
- 3750 (a) Board of Water Resources, created in Section [73-10-1.5](#);
- 3751 (b) Board of Oil, Gas, and Mining, created in Section [40-6-4](#);
- 3752 (c) Board of State Parks, created in Section [79-4-301](#);
- 3753 (d) Office of Energy Development, created in Section [79-6-401](#)[:];
- 3754 (e) Wildlife Board, created in Section [23-14-2](#);
- 3755 (f) Board of the Utah Geological Survey, created in Section [79-3-301](#);
- 3756 (g) Water Development Coordinating Council, created in Section [73-10c-3](#);
- 3757 [~~(h) Utah Outdoor Recreation Grant Advisory Committee, created in Section~~
- 3758 [79-8-105](#);]
- 3759 [~~(i) Home Energy Information Advisory Committee, created in Section [79-6-805](#);~~
- 3760 ~~(j)~~ (h) Division of Water Rights, created in Section [73-2-1.1](#);
- 3761 [~~(k)~~] (i) Division of Water Resources, created in Section [73-10-18](#);
- 3762 ~~(l)~~ (j) Division of Forestry, Fire, and State Lands, created in Section [65A-1-4](#);
- 3763 [~~(m)~~] (k) Division of Oil, Gas, and Mining, created in Section [40-6-15](#);
- 3764 [~~(n)~~] (l) Division of State Parks, created in Section [79-4-201](#);
- 3765 [~~(o)~~] (m) Division of Outdoor Recreation, created in Section [79-7-201](#);
- 3766 [~~(p)~~] (n) Division of Wildlife Resources, created in Section [23-14-1](#);
- 3767 [~~(q)~~] (o) Utah Geological Survey, created in Section [79-3-201](#);
- 3768 [~~(r)~~] (p) Heritage Trees Advisory Committee, created in Section [65A-8-306](#);
- 3769 [~~(s) Recreational Trails Advisory Council, authorized by Section [79-5-201](#);~~
- 3770 (q) Utah Outdoor Recreation Infrastructure Advisory Committee, created in Section
- 3771 [79-7-206](#);
- 3772 [~~(t)~~] (r) (i) [~~Boating Advisory Council~~] an advisory council that includes in the
- 3773 advisory council's duties advising on state boating policy, authorized by Section [73-18-3.5](#); or
- 3774 (ii) an advisory council that includes in the advisory council's duties advising on
- 3775 off-highway vehicle use, authorized by Section [41-22-10](#);
- 3776 [~~(u)~~] (s) Wildlife Board Nominating Committee, created in Section [23-14-2.5](#);

3777 [~~(v)~~] (t) Wildlife Regional Advisory Councils, created in Section 23-14-2.6;  
3778 [~~(w)~~] (u) Utah Watersheds Council, created in Section 73-10g-304;  
3779 [~~(x)~~] (v) Utah Natural Resources Legacy Fund Board, created in Section 23-31-202;

3780 and

3781 [~~(y)~~] (w) Public Lands Policy Coordinating Office created in Section 63L-11-201.  
3782 Section 80. Section 79-2-202 is amended to read:

3783 **79-2-202. Executive director -- Appointment -- Removal -- Compensation --**  
3784 **Responsibilities.**

3785 (1) (a) The chief administrative officer of the department is an executive director  
3786 appointed by the governor with the advice and consent of the Senate.

3787 (b) The executive director may be removed at the will of the governor.

3788 (c) The executive director shall receive a salary established by the governor within the  
3789 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

3790 (2) The executive director shall:

3791 (a) administer and supervise the department and provide for coordination and  
3792 cooperation among the boards, divisions, councils, and committees of the department;

3793 (b) approve the budget of each board and division;

3794 (c) participate in regulatory proceedings as appropriate for the functions and duties of  
3795 the department;

3796 (d) report at the end of each fiscal year to the governor on department, board, and  
3797 division activities;

3798 (e) ensure that any training or certification required of a public official or public  
3799 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
3800 22, State Training and Certification Requirements, if the training or certification is required:

3801 (i) under this title;

3802 (ii) by the department; or

3803 (iii) by an agency or division within the department; and

3804 (f) perform other duties as provided by statute.

3805 (3) By following the procedures and requirements of Title 63J, Chapter 5, Federal  
3806 Funds Procedures Act, the executive director, may accept an executive or legislative provision  
3807 that is enacted by the federal government, whereby the state may participate in the distribution,

3808 disbursement, or administration of a fund or service from the federal government for purposes  
3809 consistent with the powers and duties of the department.

3810 (4) (a) The executive director, in cooperation with the governmental entities having  
3811 policymaking authority regarding natural resources, may engage in studies and comprehensive  
3812 planning for the development and conservation of the state's natural resources.

3813 (b) The executive director shall submit any plan to the governor for review and  
3814 approval.

3815 (5) The executive director may coordinate and enter agreements with other state  
3816 agencies regarding state conservation efforts as defined in Section [4-46-102](#).

3817 Section 81. Section **79-2-206** is amended to read:

3818 **79-2-206. Transition.**

3819 (1) In accordance with Laws of Utah 2021 Chapter 280, the Department of Natural  
3820 Resources assumes the policymaking functions, regulatory, and enforcement powers, rights,  
3821 and duties of the Office of Energy Development existing on June 30, 2021.

3822 (2) (a) Rules issued by the Office of Energy Development that are in effect on June 30,  
3823 2021, are not modified by Laws of Utah 2021 Chapter 280, and remain in effect until modified  
3824 by the Department of Natural Resources, except that the agency administering the rule shall be  
3825 transferred to the Department of Natural Resources in the same manner as the statutory  
3826 responsibility is transferred under Laws of Utah 2021 Chapter 280.

3827 (b) Rules issued by the Board of Parks and Recreation that are in effect on June 30,  
3828 2021, are not modified by Laws of Utah 2021 Chapter 280, and remain in effect until modified  
3829 by the appropriate entity within the Department of Natural Resources, except that the agency  
3830 administering the rule shall be transferred to the appropriate entity within the Department of  
3831 Natural Resources in the same manner as the statutory responsibility is transferred under Laws  
3832 of Utah 2021 Chapter 280.

3833 (c) Rules issued by the Office of Outdoor Recreation that are in effect on June 30,  
3834 2022, are not modified by this bill, and remain in effect until modified by the Department of  
3835 Natural Resources, except that the agency administering the rule shall be transferred to the  
3836 Department of Natural Resources in the same manner as the statutory responsibility is  
3837 transferred under this bill.

3838 (3) A grant, contract, or agreement in effect on June 30, 2021, that is entered into by or

3839 issued by the Office of Energy Development remains in effect, except that:

3840 (a) the agency administrating the grant, contract, or agreement shall be transferred to  
3841 the Department of Natural Resources in the same manner as the statutory responsibility is  
3842 transferred under Laws of Utah 2021 Chapter 280; and

3843 (b) the grant, contract, or agreement is subject to its terms and may be terminated under  
3844 the terms of the grant, contract, or agreement.

3845 (4) (a) A grant that is entered into or issued by the Utah Office of Outdoor Recreation  
3846 remains in effect, except that:

3847 ~~[(a)]~~ (i) ~~[except for an outdoor recreational infrastructure grant,]~~ the agency  
3848 administrating the grant shall be transferred to the Division of Outdoor Recreation in the same  
3849 manner as the statutory responsibility is transferred under Laws of Utah 2021 Chapter 280 and  
3850 this bill; and

3851 ~~[(b)]~~ (ii) the grant is subject to the terms of the grant and may be terminated under the  
3852 terms of the grant.

3853 (b) In accordance with this bill, the Department of Natural Resources assumes the  
3854 policymaking functions, regulatory, and enforcement powers, rights, and duties of the Office of  
3855 Outdoor Recreation existing on June 30, 2022.

3856 ~~[(5) (a) The Governor's Office of Planning and Budget shall submit recommendations~~  
3857 ~~to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the~~  
3858 ~~November 2021 interim meeting of the committee regarding possible restructuring to improve~~  
3859 ~~coordination between the Department of Natural Resources and the following:]~~

3860 ~~[(i) the Department of Environmental Quality;]~~

3861 ~~[(ii) the Division of Public Utilities;]~~

3862 ~~[(iii) the Office of Consumer Services; and]~~

3863 ~~[(iv) the Office of Rural Development.]~~

3864 ~~[(b) In conducting the study under this Subsection (5), the Governor's Office of~~  
3865 ~~Planning and Budget shall incorporate public feedback into forming the recommendations,~~  
3866 ~~including:]~~

3867 ~~[(i) holding at least two public meetings and listening sessions; and]~~

3868 ~~[(ii) publishing draft recommendations a minimum of 30 days before the November~~  
3869 ~~2021 interim meeting to provide a comment period on the draft recommendations with~~

3870 ~~adequate time for considering feedback and revisions to the recommendations.]~~

3871 Section 82. Section **79-4-203** is amended to read:

3872 **79-4-203. Powers and duties of division.**

3873 (1) As used in this section, "real property" includes land under water, upland, and all  
3874 other property commonly or legally defined as real property.

3875 (2) The Division of Wildlife Resources shall retain the power and jurisdiction  
3876 conferred upon the Division of Wildlife Resources by law within state parks and on property  
3877 controlled by the Division of State Parks with reference to fish and game.

3878 (3) The division shall permit multiple use of state parks and property controlled by the  
3879 division for purposes such as grazing, fishing, hunting, camping, mining, and the development  
3880 and utilization of water and other natural resources.

3881 (4) (a) The division may acquire real and personal property in the name of the state by  
3882 all legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange,  
3883 or otherwise, subject to the approval of the executive director and the governor.

3884 (b) In acquiring any real or personal property, the credit of the state may not be pledged  
3885 without the consent of the Legislature.

3886 (5) (a) Before acquiring any real property, the division shall notify the county  
3887 legislative body of the county where the property is situated of ~~[its]~~ the division's intention to  
3888 acquire the property.

3889 (b) If the county legislative body requests a hearing within 10 days of receipt of the  
3890 notice, the division shall hold a public hearing in the county concerning the matter.

3891 (6) Acceptance of gifts or devises of land or other property is at the discretion of the  
3892 division, subject to the approval of the executive director and the governor.

3893 (7) The division shall acquire property by eminent domain in the manner authorized by  
3894 Title 78B, Chapter 6, Part 5, Eminent Domain.

3895 (8) (a) The division may make charges for special services and use of facilities, the  
3896 income from which is available for park purposes.

3897 (b) The division may conduct and operate those services necessary for the comfort and  
3898 convenience of the public.

3899 (9) (a) The division may lease or rent concessions of all lawful kinds and nature in state  
3900 parks and property to persons, partnerships, and corporations for a valuable consideration upon

3901 the recommendation of the board.

3902 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in  
3903 selecting concessionaires.

3904 (10) The division shall proceed without delay to negotiate with the federal government  
3905 concerning the Weber Basin and other recreation and reclamation projects.

3906 ~~[(11) The division shall receive and distribute voluntary contributions collected under~~  
3907 ~~Section 41-1a-422 in accordance with Section 79-4-404.]~~

3908 Section 83. Section 79-4-1103 is amended to read:

3909 **79-4-1103. Governor's duties -- Priority of federal property.**

3910 (1) During a fiscal emergency, the governor shall:

3911 (a) if financially practicable, work with the federal government to open and maintain  
3912 the operation of one or more national parks, national monuments, national forests, and national  
3913 recreation areas in the state, in the order established under this section; and

3914 (b) report to the speaker of the House and the president of the Senate on the need, if  
3915 any, for additional appropriations to assist the division in opening and operating one or more  
3916 national parks, national monuments, national forests, and national recreation areas in the state.

3917 (2) The director of the [~~Outdoor Recreation Office, created in Section 63N-9-104;~~  
3918 Division of Outdoor Recreation, in consultation with the executive director of the Governor's  
3919 Office of Economic Opportunity, shall determine, by rule, the priority of national parks,  
3920 national monuments, national forests, and national recreation areas in the state.

3921 (3) In determining the priority described in Subsection (2), the director of the [~~Outdoor~~  
3922 ~~Recreation Office]~~ Division of Outdoor Recreation shall consider the:

3923 (a) economic impact of the national park, national monument, national forest, or  
3924 national recreation area in the state; and

3925 (b) recreational value offered by the national park, national monument, national forest,  
3926 or national recreation area.

3927 (4) The director of the [~~Outdoor Recreation Office shall:~~(a) report the priority  
3928 ~~determined under Subsection (2) to the Natural Resources, Agriculture, and Environment~~  
3929 ~~Interim Committee by November 30, 2014; and (b)] Division of Outdoor Recreation shall  
3930 annually review the priority set under Subsection (2) to determine whether the priority list  
3931 should be amended.~~



3932 Section 84. Section **79-5-102** is amended to read:

3933 **79-5-102. Definitions.**

3934 As used in this chapter:

3935 [~~(1) "Commission" means the Outdoor Adventure Commission.~~]

3936 [~~(2) "Council" means the Recreational Trails Advisory Council.~~]

3937 (1) "Committee" means the Utah Outdoor Recreation Infrastructure Advisory  
3938 Committee created in Section [79-7-206](#).

3939 [~~(3)~~] (2) "Division" means the Division of Outdoor Recreation.

3940 [~~(4)~~] (3) "Recreational trail" or "trail" means a multi-use path used for:

3941 (a) muscle-powered activities, including:

3942 (i) bicycling;

3943 (ii) cross-country skiing;

3944 (iii) walking;

3945 (iv) jogging; and

3946 (v) horseback riding; and

3947 (b) uses compatible with the uses described in Subsection [~~(4)~~] (3)(a), including the use  
3948 of an electric assisted bicycle or motor assisted scooter, as defined in Section [41-6a-102](#).

3949 Section 85. Section **79-5-501** is amended to read:

3950 **79-5-501. Grants -- Matching funds requirements -- Rules.**

3951 (1) (a) The division, after consultation with the [~~commission~~] committee, may give  
3952 grants to federal government agencies, state agencies, or local governments for the planning,  
3953 acquisition, and development of trails within the state's recreational trail system with funds  
3954 appropriated by the Legislature for that purpose.

3955 (b) (i) Each grant recipient must provide matching funds [~~having a value that is equal~~  
3956 ~~to or greater than the grant funds received~~] as established by the division by rule.

3957 (ii) The division may allow a grant recipient to provide property, material, or labor in  
3958 lieu of money, provided the grant recipient's contribution has a value that is equal to or greater  
3959 than the grant funds received.

3960 (2) The division, after consultation with the [~~commission~~] committee, shall:

3961 (a) make rules setting forth procedures and criteria for the awarding of grants for  
3962 recreational trails; and

3963 (b) determine to whom grant funds shall be awarded after considering the  
3964 recommendations of and after consulting with the [~~council~~] committee and the division.

3965 (3) Rules for the awarding of grants for recreational trails shall provide that:

3966 (a) each grant applicant must solicit public comment on the proposed recreational trail  
3967 and submit a summary of that comment to the division;

3968 (b) each trail project for which grant funds are awarded must conform to the criteria  
3969 and guidelines specified in Sections 79-5-103, 79-5-301, and 79-5-302; and

3970 (c) trail proposals that include a plan to provide employment opportunities for youth,  
3971 including at-risk youth, in the development of the trail is encouraged.

3972 (4) As used in this section, "at-risk youth" means youth who:

3973 (a) are subject to environmental forces, such as poverty or family dysfunction, that may  
3974 make them vulnerable to family, school, or community problems;

3975 (b) perform poorly in school or have failed to complete high school;

3976 (c) exhibit behaviors that have the potential to harm themselves or others in the  
3977 community, such as truancy, use of alcohol or drugs, and associating with delinquent peers; or

3978 (d) have already engaged in behaviors harmful to themselves or others in the  
3979 community.

3980 Section 86. Section 79-5-503 is amended to read:

3981 **79-5-503. Bonneville Shoreline Trail Program.**

3982 (1) There is created within the division the Bonneville Shoreline Trail Program.

3983 (2) The program shall be funded from the following sources:

3984 (a) appropriations made to the program by the Legislature; and

3985 (b) contributions from other public and private sources.

3986 (3) [~~All money~~] Money appropriated to the Bonneville Shoreline Trail Program is  
3987 nonlapsing.

3988 (4) The Bonneville Shoreline Trail is intended to:

3989 (a) follow on or near the old Lake Bonneville shoreline terrace near the foot of the  
3990 Wasatch Mountains from Juab County through Cache County; and

3991 (b) provide continuous and safe trails.

3992 (5) (a) The program money shall be used to provide grants to local governments for the  
3993 planning, development, [~~and~~] construction, and the acquisition of key parcels of land of the

3994 Bonneville Shoreline Trail.

3995 (b) Grant recipients shall provide matching funds in accordance with Section 79-5-501.

3996 Section 87. Section 79-6-302 is amended to read:

3997 **79-6-302. Legislative committee review.**

3998 [~~The Natural Resources, Agriculture, and Environment Interim Committee and the~~] The  
3999 Public Utilities, Energy, and Technology Interim Committee shall review the state energy  
4000 policy annually and propose any changes to the Legislature.

4001 Section 88. Section 79-6-505 is amended to read:

4002 **79-6-505. Report to the Legislature.**

4003 The office shall annually provide an electronic report to the Public Utilities, Energy,  
4004 and Technology Interim Committee~~], the Natural Resources, Agriculture, and Environment~~  
4005 ~~Interim Committee, and the Revenue and Taxation Interim Committee]~~ describing:

4006 (1) ~~[its]~~ the office's success in attracting alternative energy projects to the state and the  
4007 resulting increase in new state revenues under this part;

4008 (2) the amount of tax credits the office has granted or will grant and the time period  
4009 during which the tax credits have been or will be granted; and

4010 (3) the economic impact on the state by comparing new state revenues to tax credits  
4011 that have been or will be granted under this part.

4012 Section 89. Section 79-6-605 is amended to read:

4013 **79-6-605. Report to the Legislature.**

4014 The office shall report annually to the Public Utilities, Energy, and Technology Interim  
4015 Committee~~], the Natural Resources, Agriculture, and Environment Interim Committee, and the~~  
4016 ~~Revenue and Taxation Interim Committee]~~ describing:

4017 (1) the office's success in attracting high cost infrastructure projects to the state and the  
4018 resulting increase in infrastructure-related revenue under this part;

4019 (2) the amount of tax credits the office has granted or will grant and the time period  
4020 during which the tax credits have been or will be granted; and

4021 (3) the economic impact on the state by comparing infrastructure-related revenue to tax  
4022 credits that have been or will be granted under this part.

4023 Section 90. Section 79-7-102 is amended to read:

4024 **CHAPTER 7. OUTDOOR RECREATION ACT**

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**Part 1. General Provisions**

**79-7-102. Definitions.**

As used in this chapter:

(1) "Commission" means the Outdoor Adventure Commission created in Section ~~63C-21-201~~.

(2) "Division" means the Division of Outdoor Recreation.

Section 91. Section ~~79-7-103~~, which is renumbered from Section 63N-9-103 is renumbered and amended to read:

~~[63N-9-103]~~. **79-7-103. Policy.**

It is the declared policy of the state that outdoor recreation is vital to a diverse economy and a healthy community.

Section 92. Section ~~79-7-201~~ is amended to read:

**79-7-201. Division of Outdoor Recreation -- Creation -- Purposes -- Rulemaking authority.**

(1) (a) There is created within the department the Division of Outdoor Recreation.

(b) The division has the purpose of providing, maintaining, and coordinating motorized and nonmotorized recreation within the state as the recreation authority of the state.

(2) (a) The division is under the administration and general supervision of the executive director.

(b) The division shall ~~[consult with]~~ notify the commission as provided in statute on issues related to outdoor recreation.

~~[(3) The division is the recreation authority for the state.]~~

~~[(4)]~~ (3) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules, ~~[after consulting with the commission,]~~ when expressly authorized by this chapter[-]:

(i) regarding issues related to outdoor recreation; and

(ii) after notifying the commission, except for rules made under:

(A) Chapter 5, Recreational Trails; and

(B) Chapter 8, Outdoor Recreation Grants.

(b) ~~[The]~~ In accordance with Subsection (3)(a), the division shall make rules governing the collection of charges under Subsection ~~79-7-203~~(8).

4056 Section 93. Section **79-7-203** is amended to read:

4057 **79-7-203. Powers and duties of division.**

4058 (1) As used in this section, "real property" includes land under water, upland, and all  
4059 other property commonly or legally defined as real property.

4060 (2) The Division of Wildlife Resources shall retain the power and jurisdiction  
4061 conferred upon the Division of Wildlife Resources by law on property controlled by the  
4062 division with reference to fish and game.

4063 (3) ~~[The]~~ For purposes of property controlled by the division, the division shall permit  
4064 multiple [use] uses of the property [controlled by the division] for purposes such as grazing,  
4065 fishing, hunting, camping, mining, and the development and use of water and other natural  
4066 resources.

4067 (4) (a) The division may acquire real and personal property in the name of the state by  
4068 legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or  
4069 otherwise, subject to the approval of the executive director and the governor.

4070 (b) In acquiring real or personal property, the credit of the state may not be pledged  
4071 without the consent of the Legislature.

4072 (5) (a) Before acquiring any real property, the division shall notify the county  
4073 legislative body of the county where the property is situated of the division's intention to  
4074 acquire the property.

4075 (b) If the county legislative body requests a hearing within 10 days of receipt of the  
4076 notice, the division shall hold a public hearing in the county concerning the matter.

4077 (6) Acceptance of gifts or devises of land or other property is at the discretion of the  
4078 division, subject to the approval of the executive director and the governor.

4079 (7) The division shall acquire property by eminent domain in the manner authorized by  
4080 Title 78B, Chapter 6, Part 5, Eminent Domain.

4081 (8) (a) The division may make charges for special services and use of facilities, the  
4082 income from which is available for recreation purposes.

4083 (b) The division may conduct and operate those services necessary for the comfort and  
4084 convenience of the public.

4085 (9) (a) The division may lease or rent concessions of lawful kinds and nature on  
4086 property to persons, partnerships, and corporations for a valuable consideration after

4087 [~~consulting with~~] notifying the commission.

4088 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in  
4089 selecting concessionaires.

4090 (10) The division shall proceed without delay to negotiate with the federal government  
4091 concerning the Weber Basin and other recreation and reclamation projects.

4092 (11) (a) The division shall coordinate with and annually report to the following  
4093 regarding land acquisition and development and grants administered under this chapter or  
4094 Chapter 8, Outdoor Recreation Grants:

4095 [~~(a) the Utah Office of Outdoor Recreation;~~]

4096 [~~(b)~~] (i) the Division of State Parks; and

4097 [~~(c)~~] (ii) the Office of Rural Development.

4098 (b) The report required under Subsection (11)(a) shall be in writing, made public, and  
4099 include a description and the amount of any grant awarded under this chapter or Chapter 8,  
4100 Outdoor Recreation Grants.

4101 (12) The division shall:

4102 (a) coordinate outdoor recreation policy, management, and promotion:

4103 (i) among state and federal agencies and local government entities in the state;

4104 (ii) with the Public Lands Policy Coordinating Office created in Section [63L-11-201](#), if  
4105 public land is involved; and

4106 (iii) on at least a quarterly basis, with the executive director and the executive director  
4107 of the Governor's Office of Economic Opportunity;

4108 (b) in cooperation with the Governor's Office of Economic Opportunity, promote  
4109 economic development in the state by:

4110 (i) coordinating with outdoor recreation stakeholders;

4111 (ii) improving recreational opportunities; and

4112 (iii) recruiting outdoor recreation business;

4113 (c) promote all forms of outdoor recreation, including motorized and nonmotorized  
4114 outdoor recreation;

4115 (d) recommend to the governor and Legislature policies and initiatives to enhance  
4116 recreational amenities and experiences in the state and help implement those policies and  
4117 initiatives;

- 4118 (e) in performing the division's duties, seek to ensure safe and adequate access to  
4119 outdoor recreation for all user groups and for all forms of recreation;
- 4120 (f) develop data regarding the impacts of outdoor recreation in the state; and  
4121 (g) promote the health and social benefits of outdoor recreation, especially to young  
4122 people.
- 4123 (13) By following Title 63J, Chapter 5, Federal Funds Procedures Act, the division  
4124 may:
- 4125 (a) seek federal grants or loans;  
4126 (b) seek to participate in federal programs; and  
4127 (c) in accordance with applicable federal program guidelines, administer federally  
4128 funded outdoor recreation programs.
- 4129 (14) The division shall receive and distribute voluntary contributions collected under  
4130 Section [41-1a-422](#) in accordance with Section [79-7-303](#).
- 4131 Section 94. Section **79-7-206** is enacted to read:
- 4132 **79-7-206. Utah Outdoor Recreation Infrastructure Advisory Committee.**
- 4133 (1) As used in this section, "committee" means the Utah Outdoor Recreation  
4134 Infrastructure Advisory Committee created in this section.
- 4135 (2) (a) There is created within the division the "Utah Outdoor Recreation Infrastructure  
4136 Advisory Committee" consisting of the following 17 members:
- 4137 (i) the director of the division, who shall act as chair of the committee;  
4138 (ii) the director of the Division of State Parks, or the director of the Division of State  
4139 Park's designee; and
- 4140 (iii) the following appointed by the executive director:
- 4141 (A) one nonvoting representative of a federal land agency;  
4142 (B) one nonvoting representative of National Park Service's River, Trails, and  
4143 Conservation Assistance Program;
- 4144 (C) one representative of municipal government, recommended by the Utah League of  
4145 Cities and Towns;
- 4146 (D) one representative of county government, recommended by the Utah Association  
4147 of Counties;
- 4148 (E) two representatives of the outdoor industry;

4149 (F) two representatives of tourism, with one focused in the hotel or lodging sector;

4150 (G) one representative of the healthcare industry;

4151 (H) one representative of multi-ability groups or programs;

4152 (I) one representative of outdoor recreation education programming;

4153 (J) one representative of nonmotorized recreation interests;

4154 (K) one representative of youth conservation or service corps organization; and

4155 (L) two representatives of motorized recreation interests.

4156 (b) At least two of the members of the committee appointed under Subsection

4157 (2)(a)(iii) shall represent rural interests.

4158 (3) (a) Except as required by Subsection (3)(b), as terms of committee members

4159 appointed under Subsection (2)(a)(iii) expire, the division shall appoint each new member or

4160 reappointed member to a four-year term.

4161 (b) Notwithstanding the requirements of Subsection (3)(a), the division shall, at the

4162 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

4163 committee members appointed under Subsection (2)(a)(iii) are staggered so that approximately

4164 half of the committee is appointed every two years.

4165 (c) The executive director may remove an appointed member of the advisory

4166 committee at any time, with or without cause.

4167 (d) When a vacancy occurs in the membership for any reason, the executive director

4168 shall appoint the replacement for the unexpired term in the same manner as the original

4169 appointment.

4170 (4) The majority of voting members of the committee constitutes a quorum and an

4171 action of the majority of voting members present when a quorum is present is action by the

4172 committee.

4173 (5) The division shall provide administrative staff support for the committee.

4174 (6) A member may not receive compensation or benefits for the member's service, but

4175 a member appointed under Subsection (2)(b) may receive per diem and travel expenses in

4176 accordance with:

4177 (a) Section [63A-3-106](#);

4178 (b) Section [63A-3-107](#); and

4179 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and



4180 [63A-3-107](#).

4181 (7) The committee shall advise and make recommendations to the division regarding:

4182 (a) nonmotorized recreational trails under Chapter 5, Recreational Trails;

4183 (b) grants issued under Chapter 8, Part 2, Recreation Restoration Infrastructure Grant

4184 Program;

4185 (c) the administration of the fund created in Section [79-8-304](#);

4186 (d) grants issued under Chapter 8, Part 3, Utah Children's Outdoor Recreation and

4187 Education Grant Program; and

4188 (e) grants issued under Chapter 8, Part 4, Outdoor Recreational Infrastructure Grant

4189 Program.

4190 Section 95. Section **79-7-303**, which is renumbered from Section 79-4-404 is

4191 renumbered and amended to read:

4192 ~~[79-4-404]~~. **79-7-303. Zion National Park Support Programs Restricted**

4193 **Account.**

4194 (1) There is created within the General Fund the "Zion National Park Support  
4195 Programs Restricted Account."

4196 (2) The ~~[account]~~ Zion National Park Support Programs Restricted Account shall be  
4197 funded by:

4198 (a) contributions deposited into the ~~[account]~~ Zion National Park Support Programs  
4199 Restricted Account in accordance with Section [41-1a-422](#);

4200 (b) private contributions; or

4201 (c) donations or grants from public or private entities.

4202 (3) The Legislature shall appropriate ~~[funds]~~ money in the ~~[account]~~ Zion National  
4203 Park Support Programs Restricted Account to the division.

4204 (4) The ~~[board]~~ division may expend up to 10% of the money appropriated under  
4205 Subsection (3) to administer account distributions in accordance with Subsections (5) and (6).

4206 (5) The division shall distribute contributions to one or more organizations that:

4207 (a) are exempt from federal income taxation under Section 501(c)(3), Internal Revenue  
4208 Code;

4209 (b) operate under a written agreement with the National Park Service to provide  
4210 interpretive, educational, and research activities for the benefit of Zion National Park;

4211 (c) produce and distribute educational and promotional materials on Zion National  
4212 Park;

4213 (d) conduct educational courses on the history and ecosystem of the greater Zion  
4214 Canyon area; and

4215 (e) provide other programs that enhance visitor appreciation and enjoyment of Zion  
4216 National Park.

4217 (6) (a) An organization described in Subsection (5) may apply to the division to receive  
4218 a distribution in accordance with Subsection (5).

4219 (b) An organization that receives a distribution from the division in accordance with  
4220 Subsection (5) shall expend the distribution only to:

4221 (i) produce and distribute educational and promotional materials on Zion National  
4222 Park;

4223 (ii) conduct educational courses on the history and ecosystem of the greater Zion  
4224 Canyon area; and

4225 (iii) provide other programs that enhance visitor appreciation and enjoyment of Zion  
4226 National Park.

4227 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
4228 after notifying the commission, the division may make rules providing procedures and  
4229 requirements for an organization to apply to the division to receive a distribution under  
4230 Subsection (5).

4231 Section 96. Section **79-8-102** is amended to read:

4232 **79-8-102. Definitions.**

4233 As used in this chapter:

4234 (1) "Accessible to the general public" in relation to the awarding of an infrastructure  
4235 grant, means:

4236 (a) the public may use the infrastructure in accordance with federal and state  
4237 regulations; and

4238 (b) no community or group retains exclusive rights to access the infrastructure.

4239 (2) "Advisory committee" means the Utah Outdoor Recreation Infrastructure Advisory  
4240 Committee created in Section [79-7-206](#).

4241 [(+)] (3) "Children," in relation to the awarding of a UCORE grant, means individuals

4242 who are six years old or older and 18 years old or younger.

4243 ~~[(2)]~~ (4) "Director" means the director of the Division of Outdoor Recreation.

4244 ~~[(3)]~~ (5) "Division" means the Division of Outdoor Recreation.

4245 ~~[(4)]~~ (6) "Executive director" means the executive director of the Department of  
4246 Natural Resources.

4247 (7) "Infrastructure grant" means an outdoor recreational infrastructure grant described  
4248 in Section 79-8-401.

4249 (8) (a) "Recreational infrastructure project" means an undertaking to build or improve  
4250 an approved facility or installation needed for the public to access and enjoy the state's  
4251 outdoors.

4252 (b) "Recreational infrastructure project" may include the:

4253 (i) establishment, construction, or renovation of a trail, trail infrastructure, or a trail  
4254 facility;

4255 (ii) construction of a project for a water-related outdoor recreational activity;

4256 (iii) development of a project for a wildlife watching opportunity, including bird  
4257 watching;

4258 (iv) development of a project that provides a winter recreation amenity;

4259 (v) construction or improvement of a community park that has an amenity for outdoor  
4260 recreation; and

4261 (vi) construction or improvement of a naturalistic and accessible playground.

4262 ~~[(5)]~~ (9) "UCORE grant" means a children's outdoor recreation and education grant  
4263 described in Section ~~[79-8-402]~~ 79-8-302.

4264 ~~[(6)]~~ (10) (a) "Underserved ~~[or underprivileged]~~ community" means a group of people,  
4265 including a municipality, county, or American Indian tribe, that is economically disadvantaged.

4266 (b) "Underserved ~~[or underprivileged]~~ community" includes an economically  
4267 disadvantaged community where in relation to awarding a UCORE grant, the children of the  
4268 community, including children with disabilities, have limited access to outdoor recreation or  
4269 education programs.

4270 Section 97. Section **79-8-103** is amended to read:

4271 **79-8-103. Outdoor recreation grants.**

4272 To the extent money is available, the division shall administer outdoor recreation grants

4273 for the state, including grants that address:

- 4274 (1) outdoor recreation in general;
- 4275 (2) recreational trails;
- 4276 (3) off-highway vehicle incentives;
- 4277 (4) boat access and clean vessels; ~~[and]~~
- 4278 (5) land, water, and conservation[-]; and
- 4279 (6) outdoor recreation programming.

4280 Section 98. Section **79-8-106** is amended to read:

4281 **79-8-106. Outdoor Recreation Infrastructure Account -- Uses -- Costs.**

4282 (1) There is created an expendable special revenue fund known as the "Outdoor  
4283 Recreation Infrastructure Account," which~~[-(a) the outdoor recreation office]~~ the division shall  
4284 use to fund:

4285 (a) the Outdoor Recreational Infrastructure Grant Program created in Section  
4286 ~~[63N-9-202]~~ 79-8-401; and

4287 (b) ~~[the division shall use to fund]~~ the Recreation Restoration Infrastructure Grant  
4288 Program created in Section 79-8-202.

4289 (2) The account consists of:

- 4290 (a) distributions to the account under Section 59-28-103;
- 4291 (b) interest earned on the account;
- 4292 (c) appropriations made by the Legislature;
- 4293 (d) money from a cooperative agreement entered into with the United States  
4294 Department of Agriculture or the United States Department of the Interior; and
- 4295 (e) private donations, grants, gifts, bequests, or money made available from any other  
4296 source to implement this part.

4297 (3) The division shall, with the advice of the ~~[Utah Outdoor Recreation Grant Advisory  
4298 Committee created in Section 79-8-105]~~ advisory committee, administer the account.

4299 (4) ~~(a)~~ The cost of administering the account shall be paid from money in the  
4300 account.

4301 ~~[(b) The cost of two full-time positions in the Utah Office of Outdoor Recreation in an  
4302 amount agreed to by the division and the Utah Office of Outdoor Recreation shall be paid from  
4303 money in the account.]~~

4304 (5) Interest accrued from investment of money in the account shall remain in the  
4305 account.

4306 Section 99. Section **79-8-201** is amended to read:

4307 **79-8-201. Definitions.**

4308 As used in this part:

4309 [~~(1)~~] "~~Advisory committee~~" means the ~~Utah Outdoor Recreation Grant Advisory~~  
4310 ~~Committee created in Section [79-8-105](#).~~]

4311 [~~(2)~~] (1) "Grant program" means the Recreation Restoration Infrastructure Grant  
4312 Program created in Section [79-8-202](#).

4313 [~~(3)~~] (2) "High demand outdoor recreation amenity" means infrastructure necessary for  
4314 a campground, picnic area, or water recreation structure such as a dock, pier, or boat ramp that  
4315 receives or has received heavy use by the public.

4316 [~~(4)~~] (3) "High priority trail" means a motorized or nonmotorized recreation  
4317 summer-use trail and related infrastructure that is prioritized by the advisory committee for  
4318 restoration or rehabilitation to maintain usability and sustainability of trails that receive or have  
4319 received high use by the public.

4320 [~~(5)~~] (4) "Public lands" includes local, state, and federal lands.

4321 [~~(6)~~] (5) "Rehabilitation or restoration" means returning an outdoor recreation structure  
4322 or trail that has been degraded, damaged, or destroyed to its previously useful state by means of  
4323 repair, modification, or alteration.

4324 Section 100. Section **79-8-202** is amended to read:

4325 **79-8-202. Creation of grant program.**

4326 (1) (a) There is created the "Recreation Restoration Infrastructure Grant Program"  
4327 administered by the division.

4328 (b) Subject to Subsection (1)(c), 5% percent of the unencumbered amount in the [~~Utah~~]  
4329 Outdoor Recreation Infrastructure Account, created in Section [79-8-106](#), at the beginning of  
4330 each fiscal year may be used for the grant program.

4331 (c) The percentage outlined in Subsection (1)(b) may be increased or decreased at the  
4332 beginning of a fiscal year if approved by the executive director after consultation with the  
4333 director and the advisory committee.

4334 (2) The division may seek to accomplish the following objectives in administering the

4335 grant program:

4336 (a) rehabilitate or restore high priority trails for both motorized and nonmotorized uses;

4337 (b) rehabilitate or restore high demand recreation areas on public lands; and

4338 (c) encourage the public land entities to engage with volunteer groups to aid with

4339 portions of needed trail work.

4340 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

4341 division shall make rules, after consulting with [~~the Outdoor Adventure Commission~~] the

4342 advisory committee, establishing the eligibility and reporting criteria for an entity to receive a

4343 recreation restoration infrastructure grant, including:

4344 (a) the form and process of submitting annual project proposals to the division for a

4345 recreation restoration infrastructure grant;

4346 (b) which entities are eligible to apply for a recreation restoration infrastructure grant;

4347 (c) specific categories of recreation restoration projects that are eligible for a recreation

4348 restoration infrastructure grant;

4349 (d) the method and formula for determining recreation restoration infrastructure grant

4350 amounts; and

4351 (e) the reporting requirements of a recipient of a recreation restoration infrastructure

4352 grant.

4353 Section 101. Section **79-8-302** is amended to read:

4354 **79-8-302. Creation and purpose of the UCORE grant program.**

4355 (1) There is created the Utah Children's Outdoor Recreation and Education Grant

4356 Program administered by the division.

4357 (2) The division may seek to accomplish the following objectives in administering the

4358 UCORE grant program:

4359 (a) promote the health and social benefits of outdoor recreation to the state's children;

4360 (b) encourage children to develop the skills and confidence to be physically active for

4361 life;

4362 (c) provide outdoor recreational opportunities to underserved [~~or underprivileged~~]

4363 communities in the state; and

4364 (d) encourage hands-on outdoor or nature-based learning and play to prepare children

4365 for achievement in science, technology, engineering, and math.

4366 Section 102. Section **79-8-303** is amended to read:

4367 **79-8-303. Rulemaking and requirements for awarding a UCORE grant.**

4368 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
4369 division, after consulting with the [~~Outdoor Adventure Commission~~] advisory committee, shall  
4370 make rules establishing the eligibility and reporting criteria for an entity to receive a UCORE  
4371 grant, including:

4372 (a) the form and process of submitting an application to the division for a UCORE  
4373 grant;

4374 (b) which entities are eligible to apply for a UCORE grant;

4375 (c) specific categories of children's programs that are eligible for a UCORE grant;

4376 (d) the method and formula for determining grant amounts; and

4377 (e) the reporting requirements of grant recipients.

4378 (2) In determining the award of a UCORE grant, the division may prioritize a children's  
4379 program that will serve an [~~underprivileged or~~] underserved community in the state.

4380 (3) A UCORE grant may only be awarded by the executive director after consultation  
4381 with the director and the [~~Outdoor Adventure Commission~~] advisory committee.

4382 (4) The following entities may not receive a UCORE grant under this part:

4383 (a) a federal government entity;

4384 (b) a state agency, except for public schools and institutions of higher education; and

4385 (c) a for-profit entity.

4386 (5) In awarding UCORE grants, consideration shall be given to entities that implement  
4387 programs that:

4388 (a) contribute to healthy and active lifestyles through outdoor recreation; and

4389 (b) include one or more of the following attributes in their programs or initiatives:

4390 (i) serve children with the greatest needs in rural, suburban, and urban areas of the  
4391 state;

4392 (ii) provide students with opportunities to directly experience nature;

4393 (iii) maximize the number of children who can participate;

4394 (iv) commit matching and in-kind resources;

4395 (v) create partnerships with public and private entities;

4396 (vi) include ongoing program evaluation and assessment;

4397 (vii) ~~[utilize]~~ use veterans in program implementation;  
4398 (viii) include outdoor or nature-based programming that incorporates concept learning  
4399 in science, technology, engineering, or math; or

4400 (ix) ~~[utilize]~~ use educated volunteers in program implementation.

4401 Section 103. Section **79-8-304** is amended to read:

4402 **79-8-304. Utah Children's Outdoor Recreation and Education Fund -- Uses --**  
4403 **Costs.**

4404 (1) There is created an expendable special revenue fund known as the "Utah Children's  
4405 Outdoor Recreation and Education Fund," which the division shall use to fund the Utah  
4406 Children's Outdoor Recreation and Education Grant Program created in Section [79-8-302](#).

4407 (2) The fund consists of:

4408 (a) appropriations made by the Legislature;

4409 (b) interest earned on the account; and

4410 (c) private donations, grants, gifts, bequests, or money made available from any other  
4411 source to implement this part.

4412 (3) The division shall, with the advice of [~~the Utah Outdoor Recreation Grant Advisory~~  
4413 ~~Committee created in Section [79-8-105](#)]~~ the advisory committee, administer the fund.

4414 (4) The cost of administering the fund shall be paid from money in the fund.

4415 (5) Interest accrued from investment of money in the fund shall remain in the fund.

4416 Section 104. Section **79-8-401**, which is renumbered from Section 63N-9-202 is  
4417 renumbered and amended to read:

4418 **Part 4. Outdoor Recreational Infrastructure Grant Program**

4419 [~~63N-9-202~~]. **79-8-401. Creation and purpose of infrastructure grant**  
4420 **program.**

4421 (1) There is created the Outdoor Recreational Infrastructure Grant Program  
4422 administered by the [~~outdoor recreation office~~] division.

4423 (2) The [~~outdoor recreation office~~] division may seek to accomplish the following  
4424 objectives in administering the infrastructure grant program:

4425 (a) build, maintain, and promote recreational infrastructure to provide greater access to  
4426 low-cost outdoor recreation for the state's citizens;

4427 (b) encourage residents and nonresidents of the state to take advantage of the beauty of



4428 Utah's outdoors;

4429 (c) encourage individuals and businesses to relocate to the state;

4430 (d) promote outdoor exercise; and

4431 (e) provide outdoor recreational opportunities to an underserved [~~or underprivileged~~]

4432 community in the state.

4433 (3) The advisory committee shall advise and make recommendations to the [~~outdoor~~

4434 ~~recreation office~~] division regarding infrastructure grants.

4435 Section 105. Section ~~79-8-402~~, which is renumbered from Section 63N-9-203 is

4436 renumbered and amended to read:

4437 [~~63N-9-203~~]. 79-8-402. Rulemaking and requirements for awarding an

4438 infrastructure grant.

4439 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and

4440 after consultation with the advisory committee, the [~~outdoor recreation office~~] division shall

4441 make rules establishing the eligibility and reporting criteria for an entity to receive an

4442 infrastructure grant, including:

4443 (a) the form and process of submitting an application to the [~~outdoor recreation office~~]

4444 division for an infrastructure grant;

4445 (b) which entities are eligible to apply for an infrastructure grant;

4446 (c) specific categories of recreational infrastructure projects that are eligible for an

4447 infrastructure grant;

4448 (d) the method and formula for determining grant amounts; and

4449 (e) the reporting requirements of grant recipients.

4450 (2) In determining the award of an infrastructure grant, the [~~outdoor recreation office~~]

4451 division may prioritize a recreational infrastructure project that will serve an [~~underprivileged~~

4452 ~~or~~] underserved community.

4453 (3) An infrastructure grant may only be awarded by the executive director after

4454 consultation with the director and the [~~GO Utah board~~] advisory committee.

4455 (4) The following entities may not receive an infrastructure grant under this part:

4456 (a) a federal government entity;

4457 (b) a state agency; and

4458 (c) a for-profit entity.

- 4459 (5) An infrastructure grant may only be awarded under this part:  
4460 (a) for a recreational infrastructure project that is accessible to the general public; and  
4461 (b) subject to Subsections (6) and (7), if the grant recipient agrees to provide matching  
4462 funds having a value:  
4463 (i) equal to or greater than the amount of the infrastructure grant[-]; or  
4464 (ii) established in accordance with rules made by the division, after consultation with  
4465 the advisory committee, and in accordance with Title 63G, Chapter 3, Utah Administrative  
4466 Rulemaking Act.  
4467 (6) Up to 50% of the grant recipient match described in Subsection (5)(b) may be  
4468 provided through an in-kind contribution by the grant recipient, if:  
4469 (a) approved by the executive director after consultation with the director and the [~~GO~~  
4470 ~~Utah board~~] advisory committee; and  
4471 (b) the in-kind donation does not include real property.  
4472 (7) An infrastructure grant may not be awarded under this part if the grant, or the grant  
4473 recipient match described in Subsection (5)(b), will be used for the purchase of real property or  
4474 for the purchase or transfer of a conservation easement.

4475 Section 106. **Repealer.**

4476 This bill repeals:

4477 Section **11-38-101**, Title.

4478 Section **11-38-201**, **Quality Growth Commission -- Term of office -- Vacancy --**

4479 **Organization -- Expenses -- Staff.**

4480 Section **11-38-203**, **Commission may provide assistance to local entities.**

4481 Section **63N-9-101**, Title.

4482 Section **63N-9-102**, **Definitions.**

4483 Section **63N-9-104**, **Creation of outdoor recreation office and appointment of**  
4484 **director -- Responsibilities of outdoor recreation office.**

4485 Section **63N-9-105**, **Duties of director.**

4486 Section **63N-9-106**, **Annual report.**

4487 Section **63N-9-201**, Title.

4488 Section **79-5-201**, **Recreational Trails Advisory Council.**

4489 Section **79-5-202**, **Council membership -- Expenses.**

4490 Section [79-7-101](#), Title.

4491 Section [79-8-104](#), Annual report.

4492 Section [79-8-105](#), Utah Outdoor Recreation Grant Advisory Committee --

4493 **Membership -- Duties -- Expenses.**

4494 Section 107. **Appropriation.**

4495 The following sums of money are appropriated for the fiscal year beginning July 1,  
 4496 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for  
 4497 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
 4498 Act, the Legislature appropriates the following sums of money from the funds or accounts  
 4499 indicated for the use and support of the government of the state of Utah.

4500 ITEM 1

4501 To Department of Natural Resources --  $\hat{H} \rightarrow$  ~~[Conservation]~~ **Pass Through**  $\leftarrow \hat{H}$

4502 From General Fund \$130,000

4503 Schedule of Programs:

4504  $\hat{H} \rightarrow$  ~~[Conservation]~~ **Pass Through**  $\leftarrow \hat{H}$  \$130,000

4505 The Legislature intends that the money appropriated under this item be used only for  
 4506 the purpose of conservation efforts in accordance with Subsection [79-2-202](#)(5) enacted in this  
 4507 bill.

4508 ITEM 2

4509 To Department of Natural Resources --  $\hat{H} \rightarrow$  ~~[Outdoor Recreation]~~ **Recreation**

4509a **Management**  $\leftarrow \hat{H}$

4510 From General Fund \$150,000

4511 Schedule of Programs:

4512  $\hat{H} \rightarrow$  ~~[Outdoor Recreation Administration]~~ **Recreation Management**  $\leftarrow \hat{H}$

4512a \$150,000

4513 The Legislature intends that the money appropriated under this item be used for the  
 4514 administration of the Division of Outdoor Recreation in accordance with this bill.

4515 ITEM 3

4516 To Department of Agriculture and Food -- Conservation

4517 From General Fund \$120,000

4518 Schedule of Programs:

4519 Conservation Administration \$120,000

4520 The Legislature intends that the money appropriated under this item be used for

4521 conservation efforts in accordance with this bill.

4522 ITEM 4

4523 To Governor's Office of Economic Opportunity

4524 From General Fund (\$338,700)

4525 Schedule of Programs:

4526 H→ ~~[Outdoor Recreation]~~ Business Outreach & International Trade ←H

4526a (\$338,700)

4527 ITEM 5

4528 To Department of Natural Resources -- H→ ~~[Outdoor Recreation]~~ Recreation

4528a Management ←H

4529 From General Fund \$338,700

4530 Schedule of Programs:

4531 H→ ~~[Outdoor Recreation]~~ Recreation Management ←H

4531a \$338,700

4532 The Legislature intends that, at the close of fiscal year 2022, the Division of Finance

4533 transfer any fiscal year H→ ~~[2021]~~ 2022 ←H closing nonlapsing balances or carry forward funding

4533a in H→ support of ←H the Office

4534 of Outdoor Recreation to the Department of Natural Resources - H→ ~~[Outdoor Recreation]~~

4534a Recreation Management ←H , as fiscal

4535 year 2023 beginning nonlapsing balances.

4536 Section 108. Effective date.

4537 This bill takes effect on July 1, 2022.

4538 Section 109. Revisor instructions.

4539 The Legislature intends that the Office of Legislative Research and General Counsel, in

4540 preparing the Utah Code database for publication on July 1, 2022:

4541 (1) replace the references in Subsections [4-46-104](#)(1)(a) and (2) from "this bill" to the

4542 bill's designated chapter number in the Laws of Utah;

4543 (2) replace the references in Subsections [79-2-206](#)(2)(c), (4)(a)(i) and (4)(b) from "this

4544 bill" to the bill's designated chapter number in the Laws of Utah;

4545 (3) replace cross references to sections renumbered by this bill that are added to the

4546 Utah Code by legislation passed during the 2022 General Session that become law;

4547 (4) replace references to the "Division of Recreation" to the "Division of Outdoor

4548 Recreation" in any new language added to the Utah Code by legislation, other than Section

4549 [79-2-206](#), passed during the 2022 General Session that becomes law; and

4550 (5) replace references to the "Quality Growth Commission" to the "Land Conservation

4551 Board" in any new language added to the Utah Code by legislation, other than Section

4552 [4-46-104](#), passed during the 2022 General Session that becomes law.