

Representative Joel Ferry proposes the following substitute bill:

NATURAL RESOURCES REVISIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel Ferry

Senate Sponsor: Michael K. McKell

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 local action in some circumstances;
- 47 ▶ creates the Division of Conservation within the Department of Agriculture and
- 48 Food;
- 49 ▶ provides for coordination of conservation efforts;
- 50 ▶ addresses rulemaking authority, including requiring rulemaking related to
- 51 off-highway vehicles, clarifying rulemaking by the Division of Outdoor Recreation,
- 52 and rulemaking related to grants;
- 53 ▶ modifies sunset and repeal dates;
- 54 ▶ modifies definition provisions;
- 55 ▶ provides for transition; and
- 56 ▶ makes technical and conforming changes.

57 **Money Appropriated in this Bill:**

58 This bill appropriates in fiscal year 2023:

59 ▶ to the Department of Natural Resources -- Pass Through, as an ongoing
60 appropriation:

61 • from General Fund, \$130,000;

62 ▶ to the Department of Natural Resources -- Recreation Management, as an ongoing
63 appropriation:

64 • from General Fund, \$150,000;

65 ▶ to the Department of Agriculture and Food -- Conservation, as an ongoing
66 appropriation:

67 • from General Fund, \$120,000;

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

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

70 ▶ to the Department of Natural Resources -- Recreation Management, as an ongoing
71 appropriation:

72 • from General Fund, \$338,700.

73 **Other Special Clauses:**

74 This bill provides a special effective date.

75 This bill provides revisor instructions.

76 **Utah Code Sections Affected:**

77 AMENDS:

78 [4-2-103](#), as last amended by Laws of Utah 2018, Chapter 200

79 [4-18-102](#), as last amended by Laws of Utah 2021, Chapter 178

80 [4-18-105](#), as last amended by Laws of Utah 2019, Chapter 178

81 [9-9-112](#), as enacted by Laws of Utah 2021, Chapter 380 and last amended by
82 Coordination Clause, Laws of Utah 2021, Chapter 280

83 [23-14-14.2](#), as enacted by Laws of Utah 2007, Chapter 189

84 [35A-8-2105](#), as renumbered and amended by Laws of Utah 2018, Chapter 182

85 [41-1a-418](#), as last amended by Laws of Utah 2021, Chapters 219, 280, and 378

86 [41-1a-422](#), as last amended by Laws of Utah 2021, Chapters 219, 280, and 378

87 [41-6a-1509](#), as last amended by Laws of Utah 2021, Chapter 280

88 **41-22-2**, as last amended by Laws of Utah 2021, Chapter 280
89 **41-22-5.1**, as last amended by Laws of Utah 2021, Chapter 280
90 **41-22-5.5**, as last amended by Laws of Utah 2021, Chapter 280
91 **41-22-8**, as last amended by Laws of Utah 2021, Chapter 280
92 **41-22-10**, as last amended by Laws of Utah 2021, Chapter 280
93 **41-22-10.7**, as last amended by Laws of Utah 2021, Chapter 280
94 **41-22-19**, as last amended by Laws of Utah 2012, Chapter 71
95 **41-22-31**, as last amended by Laws of Utah 2021, Chapter 280
96 **41-22-33**, as last amended by Laws of Utah 2021, Chapter 280
97 **41-22-35**, as last amended by Laws of Utah 2021, Chapter 280
98 **53-2a-1102**, as last amended by Laws of Utah 2021, Chapter 395
99 **57-14-204**, as last amended by Laws of Utah 2021, Chapter 280
100 **59-13-201**, as last amended by Laws of Utah 2021, Chapter 280
101 **59-21-2**, as last amended by Laws of Utah 2021, Chapter 280
102 **59-28-103**, as last amended by Laws of Utah 2021, Chapter 280
103 **63C-21-201**, as last amended by Laws of Utah 2021, Chapter 280
104 **63C-21-202**, as last amended by Laws of Utah 2021, Chapter 280
105 **63I-1-241**, as last amended by Laws of Utah 2020, Chapters 84 and 154
106 **63I-1-263**, as last amended by Laws of Utah 2021, Chapters 70, 72, 84, 90, 171, 196,
107 260, 280, 282, 345, 382, 401, 421 and last amended by Coordination Clause, Laws
108 of Utah 2021, Chapter 382
109 **63I-1-273**, as last amended by Laws of Utah 2021, Chapter 229
110 **63I-1-279**, as last amended by Laws of Utah 2021, Chapter 280
111 **63I-2-204**, as last amended by Laws of Utah 2018, Chapter 51
112 **63I-2-279**, as enacted by Laws of Utah 2021, Chapter 280
113 **63J-1-601**, as last amended by Laws of Utah 2021, Chapter 280
114 **63J-1-602.2**, as last amended by Laws of Utah 2021, Chapters 179, 344, 412, 421, and
115 424
116 **63L-7-104**, as last amended by Laws of Utah 2021, Chapter 280
117 **63L-11-402**, as last amended by Laws of Utah 2021, Chapters 184, 280 and
118 renumbered and amended by Laws of Utah 2021, Chapter 382 and last amended by

- 119 Coordination Clause, Laws of Utah 2021, Chapter 382
- 120 [63N-3-602](#), as enacted by Laws of Utah 2021, Chapter 411
- 121 [65A-3-1](#), as last amended by Laws of Utah 2021, Chapter 280
- 122 [65A-10-2](#), as last amended by Laws of Utah 2021, Chapter 280
- 123 [72-11-204](#), as last amended by Laws of Utah 2021, Chapter 280
- 124 [73-3-31](#), as last amended by Laws of Utah 2021, Chapter 280
- 125 [73-18-2](#), as last amended by Laws of Utah 2021, Chapter 280
- 126 [73-18-3.5](#), as last amended by Laws of Utah 2021, Chapter 280
- 127 [73-18-4](#), as last amended by Laws of Utah 2021, Chapter 280
- 128 [73-18-7](#), as last amended by Laws of Utah 2021, Chapters 135 and 280
- 129 [73-18-8](#), as last amended by Laws of Utah 2021, Chapter 280
- 130 [73-18-11](#), as last amended by Laws of Utah 2021, Chapter 280
- 131 [73-18-13](#), as last amended by Laws of Utah 2021, Chapter 280
- 132 [73-18-13.5](#), as last amended by Laws of Utah 2021, Chapter 280
- 133 [73-18-15](#), as last amended by Laws of Utah 2021, Chapter 280
- 134 [73-18-16](#), as last amended by Laws of Utah 2021, Chapter 280
- 135 [73-18a-1](#), as last amended by Laws of Utah 2021, Chapter 280
- 136 [73-18a-4](#), as last amended by Laws of Utah 2021, Chapter 280
- 137 [73-18a-5](#), as last amended by Laws of Utah 2021, Chapter 280
- 138 [73-18a-12](#), as last amended by Laws of Utah 2021, Chapter 280
- 139 [73-18b-1](#), as last amended by Laws of Utah 2021, Chapter 280
- 140 [73-18c-102](#), as last amended by Laws of Utah 2021, Chapter 280
- 141 [73-18c-201](#), as last amended by Laws of Utah 2021, Chapter 280
- 142 [77-2-4.3](#), as last amended by Laws of Utah 2021, Chapter 280
- 143 [78A-5-110](#), as last amended by Laws of Utah 2021, Chapter 280
- 144 [78A-7-120](#), as last amended by Laws of Utah 2021, Chapter 280
- 145 [79-2-201](#), as last amended by Laws of Utah 2021, Chapters 280 and 382
- 146 [79-2-202](#), as last amended by Laws of Utah 2020, Chapter 352
- 147 [79-2-206](#), as enacted by Laws of Utah 2021, Chapter 280 and further amended by
- 148 Revisor Instructions, Laws of Utah 2021, Chapter 280
- 149 [79-4-203](#), as last amended by Laws of Utah 2021, Chapter 280

- 150 [79-4-1103](#), as last amended by Laws of Utah 2021, Chapter 282
- 151 [79-5-102](#), as last amended by Laws of Utah 2021, Chapter 280
- 152 [79-5-501](#), as last amended by Laws of Utah 2021, Chapter 280
- 153 [79-5-503](#), as last amended by Laws of Utah 2011, Chapter 342
- 154 [79-6-302](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 155 [79-6-505](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 156 [79-6-605](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 157 [79-7-102](#), as enacted by Laws of Utah 2021, Chapter 280
- 158 [79-7-201](#), as enacted by Laws of Utah 2021, Chapter 280
- 159 [79-7-203](#), as enacted by Laws of Utah 2021, Chapter 280
- 160 [79-8-102](#), as enacted by Laws of Utah 2021, Chapter 280
- 161 [79-8-103](#), as enacted by Laws of Utah 2021, Chapter 280
- 162 [79-8-106](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 163 [79-8-201](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 164 [79-8-202](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 165 [79-8-302](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 166 [79-8-303](#), as last amended by Laws of Utah 2021, Chapter 282 and renumbered and
- 167 amended by Laws of Utah 2021, Chapter 280 and last amended by Coordination
- 168 Clause, Laws of Utah 2021, Chapter 280
- 169 [79-8-304](#), as renumbered and amended by Laws of Utah 2021, Chapter 280

170 ENACTS:

- 171 [4-46-101](#), Utah Code Annotated 1953
- 172 [4-46-103](#), Utah Code Annotated 1953
- 173 [4-46-104](#), Utah Code Annotated 1953
- 174 [4-46-201](#), Utah Code Annotated 1953
- 175 [4-46-401](#), Utah Code Annotated 1953
- 176 [4-46-402](#), Utah Code Annotated 1953
- 177 [4-46-403](#), Utah Code Annotated 1953
- 178 [79-1-104](#), Utah Code Annotated 1953
- 179 [79-7-206](#), Utah Code Annotated 1953

180 RENUMBERS AND AMENDS:

181 **4-46-102**, (Renumbered from 11-38-102, as last amended by Laws of Utah 2021,
182 Chapters 181 and 344)
183 **4-46-202**, (Renumbered from 11-38-202, as last amended by Laws of Utah 2021,
184 Chapter 181)
185 **4-46-301**, (Renumbered from 11-38-301, as last amended by Laws of Utah 2009,
186 Chapter 368)
187 **4-46-302**, (Renumbered from 11-38-302, as last amended by Laws of Utah 2021,
188 Chapter 181)
189 **4-46-303**, (Renumbered from 11-38-304, as last amended by Laws of Utah 2017,
190 Chapter 51)
191 **79-7-103**, (Renumbered from 63N-9-103, as renumbered and amended by Laws of Utah
192 2015, Chapter 283)
193 **79-7-303**, (Renumbered from 79-4-404, as renumbered and amended by Laws of Utah
194 2009, Chapter 344)
195 **79-8-401**, (Renumbered from 63N-9-202, as last amended by Laws of Utah 2021,
196 Chapter 280)
197 **79-8-402**, (Renumbered from 63N-9-203, as last amended by Laws of Utah 2021,
198 Chapter 282)
199 REPEALS:
200 **11-38-101**, as enacted by Laws of Utah 1999, Chapter 24
201 **11-38-201**, as last amended by Laws of Utah 2021, Chapter 382
202 **11-38-203**, as last amended by Laws of Utah 2021, Chapter 382
203 **63N-9-101**, as renumbered and amended by Laws of Utah 2015, Chapter 283
204 **63N-9-102**, as last amended by Laws of Utah 2021, Chapter 280
205 **63N-9-104**, as last amended by Laws of Utah 2021, Chapters 282 and 382
206 **63N-9-105**, as last amended by Laws of Utah 2016, Chapter 88
207 **63N-9-106**, as last amended by Laws of Utah 2021, Chapters 280 and 282
208 **63N-9-201**, as enacted by Laws of Utah 2016, Chapter 88
209 **79-5-201**, as last amended by Laws of Utah 2021, Chapter 280
210 **79-5-202**, as last amended by Laws of Utah 2010, Chapters 256 and 286
211 **79-7-101**, as enacted by Laws of Utah 2021, Chapter 280

212 [79-8-104](#), as enacted by Laws of Utah 2021, Chapter 280

213 [79-8-105](#), as renumbered and amended by Laws of Utah 2021, Chapter 280

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

215 [4-46-104](#), Utah Code Annotated 1953

216 [79-2-206](#), as enacted by Laws of Utah 2021, Chapter 280 and further amended by
217 Revisor Instructions, Laws of Utah 2021, Chapter 280



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

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

221 **4-2-103. Functions, powers, and duties of department -- Fees for services --**
222 **Marketing orders -- Procedure -- Purchasing and auditing.**

223 (1) The department shall:

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

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

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

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

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

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

235 (i) promote orderly market conditions for any product;

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

237 (iii) only promote and not restrict or restrain the marketing of Utah agricultural
238 commodities;

239 (f) administer and enforce all laws assigned to the department by the Legislature;

240 (g) establish standards and grades for agricultural products and fix and collect
241 reasonable fees for services performed by the department in conjunction with the grading of
242 agricultural products;

243 (h) establish operational standards for any establishment that manufactures, processes,
244 produces, distributes, stores, sells, or offers for sale any agricultural product;

245 (i) adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
246 rules necessary for the effective administration of the agricultural laws of the state;

247 (j) when necessary, make investigations, subpoena witnesses and records, conduct
248 hearings, issue orders, and make recommendations concerning [aH] matters related to
249 agriculture;

250 (k) (i) inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse, or any
251 private or public place that may become infested or infected with harmful insects, plant
252 diseases, noxious or poisonous weeds, or other agricultural pests;

253 (ii) establish and enforce quarantines;

254 (iii) issue and enforce orders and rules for the control and eradication of pests,
255 wherever they may exist within the state; and

256 (iv) perform other duties relating to plants and plant products considered advisable and
257 not contrary to law;

258 (l) inspect apiaries for diseases inimical to bees and beekeeping;

259 (m) take charge of any agricultural exhibit within the state, if considered necessary by
260 the department, and award premiums at that exhibit;

261 (n) [assist] provide for the coordination of state conservation efforts, including by:

262 (i) assisting the Conservation Commission in the administration of [Title 4,] Chapter
263 18, Conservation Commission Act[~~, and administer and disburse any funds~~];

264 (ii) implementing Chapter 46, Conservation Coordination Act, including entering into
265 agreements with other state agencies; and

266 (iii) administering and disbursing money available to assist conservation districts in the
267 state in the conservation of the state's soil and water resources;

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

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

271 (q) ensure that any training or certification required of a public official or public
272 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
273 22, State Training and Certification Requirements, if the training or certification is required:

274 (i) under this title;

275 (ii) by the department; or

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

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

278 (2) The department, by following the procedures and requirements of Section

279 63J-1-504, may adopt a schedule of fees assessed for services provided by the department.

280 (3) (a) [~~No~~] A marketing order issued under Subsection (1)(e) [~~shall~~] may not take

281 effect until:

282 (i) the department gives notice of the proposed order to the producers and handlers of

283 the affected product;

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

285 (iii) at least 50% of the registered producers and handlers of the affected products vote

286 in favor of the proposed order.

287 (b) (i) The department may establish boards of control to administer marketing orders

288 and the proceeds derived from any order.

289 (ii) A board of control shall:

290 (A) ensure that [~~all~~] proceeds are placed in an account in the board of control's name in

291 a depository institution; and

292 (B) ensure that the account is annually audited by an accountant approved by the

293 commissioner.

294 (4) [~~Funds~~] Money collected by grain grading, as provided by Subsection (1)(g), shall

295 be deposited into the General Fund as dedicated credits for the grain grading program.

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

297 (a) purchase, as authorized or required by law, services that the department is

298 responsible to provide for legally eligible persons;

299 (b) take necessary steps, including legal action, to recover money or the monetary value

300 of services provided to a recipient who is not eligible;

301 (c) examine and audit the expenditures of any public funds provided to a local

302 authority, agency, or organization that contracts with or receives funds from those authorities or

303 agencies; and

304 (d) accept and administer grants from the federal government and from other sources,

305 public or private.

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

307 **4-18-102. Findings and declarations -- Duties.**

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

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

311 and

312 (b) the preservation of soil and water resources requires planning and programs to

313 ensure:

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

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

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

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

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

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

321 (a) the success of rural communities;

322 (b) the historical culture of the state;

323 (c) maintaining healthy farmland;

324 (d) maintaining high water quality;

325 (e) maintaining abundant wildlife;

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

327 (g) helping to stabilize the state economy.

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

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

332 (6) The department shall administer the Utah Agriculture Certificate of Environmental
333 Stewardship Program, created in Section [4-18-107](#), to encourage each agricultural producer in
334 this state to operate in a reasonable and responsible manner to maintain the integrity of the
335 state's resources.

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

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

340 **4-18-105. Conservation Commission -- Functions and duties.**

341 (1) The commission shall:

342 (a) facilitate the development and implementation of the strategies and programs
343 necessary to:

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

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

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

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

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

352 (e) approve and make loans for agricultural purposes, through the loan advisory
353 [~~subcommittee~~] board described in Section [4-18-106](#), from the Agriculture Resource
354 Development Fund;

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

360 (g) seek to coordinate soil and water protection, conservation, and development
361 activities and programs of state agencies, local governmental units, other states, special interest
362 groups, and federal agencies; [~~and~~]

363 (h) when assigned by the governor, when required by contract with the Department of
364 Environmental Quality, or when required by contract with the United States Environmental
365 Protection Agency:

366 (i) develop programs for the prevention, control, or abatement of new or existing

367 pollution to the soil, water, or air of the state;

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

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

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

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

376 (vi) establish administrative penalties relating to agricultural discharges as defined in
377 Section 4-18-103 that are proportional to the seriousness of the resulting environmental
378 harm[-]; and

379 (i) coordinate with the Division of Conservation created in Section 4-46-401.

380 (2) The commission may:

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

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

385 (c) take necessary action to promote and enforce the purpose and findings of Section
386 4-18-102;

387 (d) sue and be sued; and

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

391 Section 4. Section 4-46-101 is enacted to read:

392 **CHAPTER 46. CONSERVATION COORDINATION ACT**

393 **Part 1. General Provisions**

394 **4-46-101. Policy.**

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

397 Section 5. Section 4-46-102, which is renumbered from Section 11-38-102 is

398 renumbered and amended to read:

399 ~~[[11-38-102].~~ 4-46-102. Definitions.

400 As used in this chapter:

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

404 ~~[(2)]~~ (1) "Agricultural land" has the same meaning as "land in agricultural use" under
405 Section 59-2-502.

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

409 ~~[(4)]~~ (2) [~~"Commission" means the Quality Growth Commission~~] "Board" means the
410 Land Conservation Board established in Section ~~[[11-38-201]~~ 4-46-201.

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

414 (3) "Conservation commission" means the Conservation Commission created in
415 Section 4-18-104.

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

418 (5) "Director" means the director of the Division of Conservation.

419 (6) "Division" means the Division of Conservation created in Section 4-46-401.

420 (7) "Land use authority" means:

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

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

423 ~~[(6)]~~ (8) "Local entity" means a county, city, or town.

424 ~~[(7)]~~ (9) (a) "Open land" means land that is:

425 (i) preserved in or restored to a predominantly natural, open, and undeveloped
426 condition; and

427 (ii) used for:

428 (A) wildlife habitat;

429 (B) cultural or recreational use;
430 (C) watershed protection; or
431 (D) another use consistent with the preservation of the land in or restoration of the land
432 to a predominantly natural, open, and undeveloped condition.

433 (b) (i) "Open land" does not include land whose predominant use is as a developed
434 facility for active recreational activities, including baseball, tennis, soccer, golf, or other
435 sporting or similar activity.

436 (ii) The condition of land does not change from a natural, open, and undeveloped
437 condition because of the development or presence on the land of facilities, including trails,
438 waterways, and grassy areas, that:

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

440 (B) facilitate the public's access to or use of the land for the enjoyment of [its] the
441 land's natural, scenic, or aesthetic qualities and for compatible recreational activities.

442 ~~[(8)]~~ (10) "Program" means the LeRay McAllister Critical Land Conservation Program
443 established in Section ~~[11-38-301]~~ [4-46-301](#).

444 ~~[(9) "Surplus land" means real property owned by the Department of Government~~
445 ~~Operations, the Department of Agriculture and Food, the Department of Natural Resources, or~~
446 ~~the Department of Transportation that the individual department determines not to be necessary~~
447 ~~for carrying out the mission of the department.]~~

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

449 (i) efforts to optimize and preserve the uses of land for the benefit of the state's
450 agricultural industry and natural resources; and

451 (ii) conservation of working landscapes that if conserved, preserves the state's
452 agricultural industry and natural resources, such as working agricultural land.

453 (b) "State conservation efforts" does not include the purpose of opening private
454 property to public access without the consent of the owner of the private property.

455 ~~[(10)]~~ (12) (a) "Working agricultural land" means agricultural land for which an owner
456 or producer engages in the activity of producing for commercial purposes crops, orchards,
457 livestock, poultry, aquaculture, livestock products, or poultry products and the facilities,
458 equipment, and property used to facilitate the activity.

459 (b) "Working agricultural land" includes an agricultural protection area established

460 under Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials
461 Protection Areas.

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

463 **4-46-103. Application of chapter to wildlife issues.**

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

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

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

472 **4-46-104. Transition.**

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

475 (a) the agency administrating the grant shall be transferred to the board in the same
476 manner as the statutory responsibility is transferred under this bill; and

477 (b) the grant is subject to the terms of the grant and may be terminated under the terms
478 of the grant.

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

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

483 **Part 2. Land Conservation Board**

484 **4-46-201. Land Conservation Board.**

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

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

487 (b) the commissioner of the Department of Agriculture and Food or the commissioner's
488 designee;

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

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

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

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

495 (ii) one of whom shall be from the residential construction industry, nominated by an
496 association representing Utah home builders;

497 (iii) one of whom shall be from the real estate industry, nominated by an association
498 representing Utah realtors;

499 (iv) one representative of an association representing farmers, selected from a list of
500 nominees submitted by at least one association representing farmers;

501 (v) one representative of an association representing cattlemen, selected from a list of
502 nominees submitted by at least one association representing cattlemen;

503 (vi) one representative of an association representing wool growers, selected from a list
504 of nominees submitted by at least one association representing wool growers;

505 (vii) one representative of land trusts; and

506 (viii) one representative of an association representing conservation districts created
507 under Title 17D, Chapter 3, Conservation District Act, selected from a list of nominees
508 submitted by at least one association representing conservation districts.

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

511 (b) The governor shall select:

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

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

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

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

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

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

526 (5) (a) Subject to Subsection (5)(b), board members shall elect a chair from their
527 number and establish rules for the organization and operation of the board.

528 (b) The board member who is chair may not vote during the board member's tenure as
529 chair, except the chair may vote if there is a tie vote of board members.

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

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

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

534 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
535 [63A-3-107](#).

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

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

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

540 **~~[11-38-202].~~ 4-46-202. Board duties and powers -- No regulatory**
541 **authority -- Criteria.**

542 (1) The ~~[commission]~~ board shall:

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

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

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

548 ~~[(d) conduct a review in 2002 and each year thereafter to determine progress statewide~~
549 ~~on accomplishing the purposes of this chapter, and give a report of each review to the Political~~
550 ~~Subdivisions Interim Committee of the Legislature by November 30 of the year of the review;]~~

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

552 ~~[(f) assist as many local entities as possible, at their request, to identify principles of~~

553 growth that the local entity may consider implementing to help achieve the highest possible
554 quality of growth for that entity;]

555 [(g)] (b) fulfill other responsibilities imposed on the [commission] board by the
556 Legislature[; and].

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

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

560 [(3)] (2) The [commission] board may not exercise any regulatory authority.

561 [(4)] (3) In carrying out the [commission's] board's powers and duties under this
562 chapter, the [commission] board shall adopt ranking criteria that is substantially similar to the
563 ranking criteria used by the Agriculture Conservation Easement Program and Agriculture Land
564 Easement as determined by the Natural Resources Conservation Service under the United
565 States Department of Agriculture.

566 Section 10. Section **4-46-301**, which is renumbered from Section 11-38-301 is
567 renumbered and amended to read:

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

569 [~~11-38-301~~]. **4-46-301. LeRay McAllister Critical Land Conservation**
570 **Program.**

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

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

575 Section 11. Section **4-46-302**, which is renumbered from Section 11-38-302 is
576 renumbered and amended to read:

577 [~~11-38-302~~]. **4-46-302. Use of money in program -- Criteria --**
578 **Administration.**

579 (1) Subject to Subsection (2), the [commission] board may authorize the use of money
580 in the program, by grant, to:

581 (a) a local entity;

582 (b) the Department of Natural Resources created under Section [79-2-201](#);

583 (c) [~~the Department of Agriculture and Food created under Section [4-2-102](#)~~] an entity

584 within the department; or

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

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

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

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

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

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

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

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

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

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

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

611 (i) working agricultural land; and

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

615 watershed.

616 (f) (i) The [~~commission~~] board may not make a grant from the program that exceeds
617 \$1,000,000 until after making a report to the Legislative Management Committee about the
618 grant.

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

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

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

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

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

631 (d) the funds available;

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

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

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

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

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

641 (5) An interest in real property purchased with money from the program shall be held
642 and administered by the state or a local entity.

643 (6) (a) The board may not authorize the use of money under this section for a project
644 unless the land use authority for the land in which the project is located consents to the project.

645 (b) To obtain consent to a project, the person who is seeking money from the program

646 shall submit a request for consent to a project with the applicable land use authority. The land
647 use authority may grant or deny consent. If the land use authority does not take action within 60
648 days from the day on which the request for consent is filed with the land use authority under
649 this Subsection (6), the board shall treat the project as having the consent of the land use
650 authority.

651 (c) An action of a land use authority under this Subsection (6) is not a land use decision
652 subject to:

653 (i) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or

654 (ii) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

655 Section 12. Section **4-46-303**, which is renumbered from Section 11-38-304 is

656 renumbered and amended to read:

657 ~~[11-38-304].~~ **4-46-303. Board to report annually.**

658 The ~~[commission]~~ board shall submit an annual report to the Infrastructure and General
659 Government and Natural Resources, Agriculture, and Environmental Quality Appropriations
660 Subcommittees:

661 (1) specifying the amount of each disbursement from the program;

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

664 (3) detailing the conditions, if any, placed by the ~~[commission]~~ board on disbursements
665 from the program.

666 Section 13. Section **4-46-401** is enacted to read:

667 **Part 4. Division of Conservation**

668 **4-46-401. Division of Conservation created -- Director.**

669 (1) Within the department there is created the Division of Conservation.

670 (2) (a) The director is the executive and administrative head of the division.

671 (b) The director shall administer this part subject to the administration and general
672 supervision of the commissioner.

673 (3) The division shall coordinate state conservation efforts by:

674 (a) staffing the board created in Section [4-46-201](#);

675 (b) coordinating with a conservation district in accordance with Section [4-46-402](#);

676 (c) coordinating with an agency or division within the department, the Department of

677 Natural Resources, other state agencies, counties, cities, towns, local land trust entities, and
678 federal agencies;

679 (d) facilitating obtaining federal funds in addition to state funds used for state
680 conservation efforts;

681 (e) monitoring and providing for the management of conservation easements on state
682 lands, including coordination with the Division of Wildlife Resources in the Division of
683 Wildlife Resources' administration of Section 23-14-14.2; and

684 (f) implementing rules made by the department in accordance with Title 63G, Chapter
685 3, Utah Administrative Rulemaking Act, and Section 4-46-403.

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

688 Section 14. Section 4-46-402 is enacted to read:

689 **4-46-402. Training -- Coordination with conservation districts.**

690 (1) The division shall provide training to the conservation commission concerning:

691 (a) funding state conservation efforts; and

692 (b) coordinating state conservation efforts.

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

695 Section 15. Section 4-46-403 is enacted to read:

696 **4-46-403. Conservation rules.**

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

699 (1) establish requirements for the training described in Section 4-46-402; and

700 (2) establish the procedures the division shall follow in coordinating state conservation
701 efforts.

702 Section 16. Section 9-9-112 is amended to read:

703 **9-9-112. Bears Ears Visitor Center Advisory Committee.**

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

708 (2) As used in this section:

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

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

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

714 (i) five voting members as follows:

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

716 (B) a representative of the Ute Mountain Ute Tribe, appointed by the Ute Mountain
717 Ute Tribe;

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

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

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

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

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

724 (B) two members of the House of Representatives, appointed by the speaker of the
725 House of Representatives.

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

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

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

733 (6) (a) If a vacancy occurs in the membership of the advisory committee appointed
734 under Subsection (3), the member shall be replaced in the same manner in which the original
735 appointment was made.

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

738 (7) (a) A majority of the voting members of the advisory committee constitutes a

739 quorum.

740 (b) The action of a majority of a quorum constitutes an action of the advisory
741 committee.

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

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

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

750 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
751 63A-3-107.

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

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

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

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

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

760 (i) potential locations for the visitor center;

761 (ii) purposes for the visitor center; and

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

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

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

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

769 (13) The advisory committee shall hold at least one public hearing to obtain public

770 comment on the creation of a Bears Ears visitor center.

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

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

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

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

776 Section 17. Section ~~23-14-14.2~~ is amended to read:

777 **23-14-14.2. Wildlife Resources Conservation Easement Restricted Account.**

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

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

781 (a) grants from private foundations;

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

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

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

786 (e) donations from any other person; and

787 (f) interest on account money.

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

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

792 Section 18. Section ~~35A-8-2105~~ is amended to read:

793 **~~35A-8-2105. Allocation of volume cap.~~**

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

796 (b) The board of review may distribute up to 50% of each increase in the volume cap
797 for use in development that occurs in quality growth areas, depending upon the board's analysis
798 of the relative need for additional volume cap between development in quality growth areas
799 and the allotment accounts under Section ~~35A-8-2106~~.

800 (2) To obtain an allocation of the volume cap, issuing authorities shall submit to the

801 board of review an application containing information required by the procedures and
802 processes of the board of review.

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

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

807 (i) the principal amount of the bonds proposed to be issued;

808 (ii) the nature and the location of the project or the type of program;

809 (iii) the likelihood that the bonds will be sold and the timeframe of bond issuance;

810 (iv) whether the project or program could obtain adequate financing without an
811 allocation of volume cap;

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

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

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

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

820 (ix) if the project is a residential rental project, the degree to which the residential
821 rental project:

822 (A) targets lower income populations; and

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

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

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

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

831 (b) From July 1 to August 15 of each year, the board of review shall set aside at least

832 50% of the Pool Account that may only be allocated to manufacturing projects.

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

834 **41-1a-418. Authorized special group license plates.**

835 (1) The division shall only issue special group license plates in accordance with this
836 section through Section **41-1a-422** to a person who is specified under this section within the
837 categories listed as follows:

838 (a) disability special group license plates issued in accordance with Section **41-1a-420**;

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

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

841 (ii) former prisoner of war;

842 (iii) recipient of a Purple Heart;

843 (iv) disabled veteran;

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

845 (vi) recipient of a campaign or combat theater award determined by the Department of

846 Veterans and Military Affairs;

847 (c) unique vehicle type special group license plates, as for historical, collectors value,

848 or other unique vehicle type, which plates are issued for:

849 (i) a special interest vehicle;

850 (ii) a vintage vehicle;

851 (iii) a farm truck; or

852 (iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as
853 defined in Section **59-13-102**; or

854 (B) beginning on the effective date of rules made by the Department of Transportation

855 authorized under Subsection **41-6a-702(5)(b)** and until Subsection (4) applies, a vehicle

856 powered by clean fuel that meets the standards established by the Department of Transportation

857 in rules authorized under Subsection **41-6a-702(5)(b)**;

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

859 (i) a current member of the Legislature;

860 (ii) a current member of the United States Congress;

861 (iii) a current member of the National Guard;

862 (iv) a licensed amateur radio operator;

- 863 (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;
- 864 (vi) an emergency medical technician;
- 865 (vii) a current member of a search and rescue team;
- 866 (viii) a current honorary consulate designated by the United States Department of
867 State;
- 868 (ix) an individual supporting commemoration and recognition of women's suffrage;
- 869 (x) an individual supporting a fraternal, initiatic order for those sharing moral and
870 metaphysical ideals, and designed to teach ethical and philosophical matters of brotherly love,
871 relief, and truth;
- 872 (xi) an individual supporting the Utah Wing of the Civil Air Patrol; or
- 873 (xii) an individual supporting the recognition and continuation of the work and life of
874 Dr. Martin Luther King, Jr.; or
- 875 (e) support special group license plates, as for a contributor to an institution or cause,
876 which plates are issued for a contributor to:
- 877 (i) an institution's scholastic scholarship fund;
- 878 (ii) the Division of Wildlife Resources;
- 879 (iii) the Department of Veterans and Military Affairs;
- 880 (iv) [~~the Division of State Parks or~~] the Division of Outdoor Recreation;
- 881 (v) the Department of Agriculture and Food;
- 882 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 883 (vii) the Boy Scouts of America;
- 884 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 885 (ix) the Boys and Girls Clubs of America;
- 886 (x) Utah public education;
- 887 (xi) programs that provide support to organizations that create affordable housing for
888 those in severe need through the Division of Real Estate;
- 889 (xii) the Department of Public Safety;
- 890 (xiii) programs that support Zion National Park;
- 891 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
892 organizations;
- 893 (xv) programs that promote bicycle operation and safety awareness;

- 894 (xvi) programs that conduct or support cancer research;
- 895 (xvii) programs that create or support autism awareness;
- 896 (xviii) programs that create or support humanitarian service and educational and
897 cultural exchanges;
- 898 (xix) until September 30, 2017, programs that conduct or support prostate cancer
899 awareness, screening, detection, or prevention;
- 900 (xx) programs that support and promote adoptions;
- 901 (xxi) programs that support issues affecting women and children through an
902 organization affiliated with a national professional men's basketball organization;
- 903 (xxii) programs that strengthen youth soccer, build communities, and promote
904 environmental sustainability through an organization affiliated with a professional men's soccer
905 organization;
- 906 (xxiii) programs that support children with heart disease;
- 907 (xxiv) programs that support the operation and maintenance of the Utah Law
908 Enforcement Memorial;
- 909 (xxv) programs that provide assistance to children with cancer;
- 910 (xxvi) programs that promote leadership and career development through agricultural
911 education;
- 912 (xxvii) the Utah State Historical Society;
- 913 (xxviii) programs to transport veterans to visit memorials honoring the service and
914 sacrifices of veterans;
- 915 (xxix) programs that promote motorcycle safety awareness;
- 916 (xxx) organizations that promote clean air through partnership, education, and
917 awareness;
- 918 (xxxi) programs dedicated to strengthening the state's Latino community through
919 education, mentoring, and leadership opportunities;
- 920 (xxxii) organizations dedicated to facilitating, connecting, registering, and advocating
921 for organ donors and donor families; or
- 922 (xxxiii) public education on behalf of the Kiwanis International clubs.
- 923 (2) (a) The division may not issue a new type of special group license plate or decal
924 unless the division receives:

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

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

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

934 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and
935 hold applications for support special group license plates or decals authorized in Section
936 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications.

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

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

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

947 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
948 registration of a motor vehicle that has been issued a firefighter recognition special group
949 license plate unless the applicant is a contributor as defined in Subsection
950 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

951 (ii) A registered owner of a vehicle that has been issued a firefighter recognition
952 special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle
953 registration shall:

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

956 (B) replace the firefighter recognition special group license plate with a new license
957 plate.

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

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

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

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

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

973 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
974 **contribution collection procedures.**

975 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

994 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to
995 assist people who have severe housing needs;

996 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118
997 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
998 Safety employees;

999 (M) the Division of [~~State Parks~~] Outdoor Recreation for distribution to organizations
1000 that provide support for Zion National Park;

1001 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support
1002 firefighter organizations;

1003 (O) the Share the Road Bicycle Support Restricted Account created in Section
1004 72-2-127 to support bicycle operation and safety awareness programs;

1005 (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support
1006 cancer research programs;

1007 (Q) Autism Awareness Restricted Account created in Section 53F-9-401 to support
1008 autism awareness programs;

1009 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account
1010 created in Section 9-17-102 to support humanitarian service and educational and cultural
1011 programs;

1012 (S) Upon renewal of a prostate cancer support special group license plate, to the Cancer
1013 Research Restricted Account created in Section 26-21a-302 to support cancer research
1014 programs;

1015 (T) the Choose Life Adoption Support Restricted Account created in Section
1016 62A-4a-608 to support programs that promote adoption;

1017 (U) the National Professional Men's Basketball Team Support of Women and Children

1018 Issues Restricted Account created in Section [62A-1-202](#);

1019 (V) the Utah Law Enforcement Memorial Support Restricted Account created in

1020 Section [53-1-120](#);

1021 (W) the Children with Cancer Support Restricted Account created in Section

1022 [26-21a-304](#) for programs that provide assistance to children with cancer;

1023 (X) the National Professional Men's Soccer Team Support of Building Communities

1024 Restricted Account created in Section [9-19-102](#);

1025 (Y) the Children with Heart Disease Support Restricted Account created in Section

1026 [26-58-102](#);

1027 (Z) the Utah Intracurricular Student Organization Support for Agricultural Education

1028 and Leadership Restricted Account created in Section [4-42-102](#);

1029 (AA) the Division of Wildlife Resources for the Support for State-Owned Shooting

1030 Ranges Restricted Account created in Section [23-14-13.5](#), for the creation of new, and

1031 operation and maintenance of existing, state-owned firearm shooting ranges;

1032 (BB) the Utah State Historical Society to further the mission and purpose of the Utah

1033 State Historical Society;

1034 (CC) the Motorcycle Safety Awareness Support Restricted Account created in Section

1035 [72-2-130](#);

1036 (DD) the Transportation of Veterans to Memorials Support Restricted Account created

1037 in Section [71-14-102](#);

1038 (EE) clean air support causes, with half of the donation deposited into the Clean Air

1039 Support Restricted Account created in Section [19-1-109](#), and half of the donation deposited

1040 into the Clean Air Fund created in Section [59-10-1319](#);

1041 (FF) the Latino Community Support Restricted Account created in Section [13-1-16](#);

1042 (GG) the Allyson Gamble Organ Donation Contribution Fund created in Section

1043 [26-18b-101](#); or

1044 (HH) public education on behalf of the Kiwanis International clubs, with the amount of

1045 the donation required to cover the costs of issuing, ordering, or reordering Kiwanis support

1046 special group plates, as determined by the State Tax Commission, deposited into the Kiwanis

1047 Education Support Fund created in Section [53F-9-403](#), and all remaining donation amounts

1048 deposited into the Education Fund.

1049 (ii) (A) For a veterans special group license plate described in Subsection (4) or
1050 41-1a-421(1)(a)(v) [~~or 41-1a-422(4)~~], "contributor" means a person who has donated or in
1051 whose name at least a \$25 donation at the time of application and \$10 annual donation
1052 thereafter has been made.

1053 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a
1054 person who:

1055 (I) has donated or in whose name at least \$30 has been donated at the time of
1056 application and annually after the time of application; and

1057 (II) is a member of a trade organization for real estate licensees that has more than
1058 15,000 Utah members.

1059 (C) For an Honoring Heroes special group license plate, "contributor" means a person
1060 who has donated or in whose name at least \$35 has been donated at the time of application and
1061 annually thereafter.

1062 (D) For a firefighter support special group license plate, "contributor" means a person
1063 who:

1064 (I) has donated or in whose name at least \$15 has been donated at the time of
1065 application and annually after the time of application; and

1066 (II) is a currently employed, volunteer, or retired firefighter.

1067 (E) For a cancer research special group license plate, "contributor" means a person who
1068 has donated or in whose name at least \$35 has been donated at the time of application and
1069 annually after the time of application.

1070 (F) For a Utah Law Enforcement Memorial Support special group license plate,
1071 "contributor" means a person who has donated or in whose name at least \$35 has been donated
1072 at the time of application and annually thereafter.

1073 (b) "Institution" means a state institution of higher education as defined under Section
1074 53B-3-102 or a private institution of higher education in the state accredited by a regional or
1075 national accrediting agency recognized by the United States Department of Education.

1076 (2) (a) An applicant for original or renewal collegiate special group license plates under
1077 Subsection (1)(a)(i) must be a contributor to the institution named in the application and
1078 present the original contribution verification form under Subsection (2)(b) or make a
1079 contribution to the division at the time of application under Subsection (3).

1080 (b) An institution with a support special group license plate shall issue to a contributor
1081 a verification form designed by the commission containing:

- 1082 (i) the name of the contributor;
- 1083 (ii) the institution to which a donation was made;
- 1084 (iii) the date of the donation; and
- 1085 (iv) an attestation that the donation was for a scholastic scholarship.

1086 (c) The state auditor may audit each institution to verify that the money collected by the
1087 institutions from contributors is used for scholastic scholarships.

1088 (d) After an applicant has been issued collegiate license plates or renewal decals, the
1089 commission shall charge the institution whose plate was issued, a fee determined in accordance
1090 with Section 63J-1-504 for management and administrative expenses incurred in issuing and
1091 renewing the collegiate license plates.

1092 (e) If the contribution is made at the time of application, the contribution shall be
1093 collected, treated, and deposited as provided under Subsection (3).

1094 (3) (a) An applicant for original or renewal support special group license plates under
1095 this section must be a contributor to the sponsoring organization associated with the license
1096 plate.

1097 (b) This contribution shall be:

- 1098 (i) unless collected by the named institution under Subsection (2), collected by the
1099 division;
- 1100 (ii) considered a voluntary contribution for the funding of the activities specified under
1101 this section and not a motor vehicle registration fee;
- 1102 (iii) deposited into the appropriate account less actual administrative costs associated
1103 with issuing the license plates; and
- 1104 (iv) for a firefighter special group license plate, deposited into the appropriate account
1105 less:

1106 (A) the costs of reordering firefighter special group license plate decals; and

1107 (B) the costs of replacing recognition special group license plates with new license
1108 plates under Subsection 41-1a-1211(13).

1109 (c) The donation described in Subsection (1)(a) must be made in the 12 months [~~prior~~
1110 ~~to~~] before registration or renewal of registration.

1111 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to
1112 the division when issuing original:

- 1113 (i) snowmobile license plates; or
- 1114 (ii) conservation license plates.

1115 (4) Veterans license plates shall display one of the symbols representing the Army,
1116 Navy, Air Force, Marines, Coast Guard, or American Legion.

1117 Section 21. Section **41-6a-1509** is amended to read:

1118 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**
1119 **Registration and licensing requirements -- Equipment requirements.**

1120 (1) (a) Except as provided in Subsection (1)(b), an individual may operate an all-terrain
1121 type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that meets the
1122 requirements of this section as a street-legal ATV on a street or highway.

1123 (b) An individual may not operate an all-terrain type I vehicle, all-terrain type II
1124 vehicle, or all-terrain type III vehicle as a street-legal ATV on a highway if:

- 1125 (i) the highway is an interstate system as defined in Section [72-1-102](#); or
- 1126 (ii) the highway is in a county of the first class and both of the following criterion is
1127 met:

1128 (A) the highway is near a grade separated portion of the highway; and

1129 (B) the highway has a posted speed limit higher than 50 miles per hour.

1130 (c) Nothing in this section authorizes the operation of a street-legal ATV in an area that
1131 is not open to motor vehicle use.

1132 (2) A street-legal ATV shall comply with Section [59-2-405.2](#), Subsection
1133 [41-1a-205\(1\)](#), Subsection [53-8-205\(1\)\(b\)](#), and the same requirements as:

1134 (a) a motorcycle for:

1135 (i) traffic rules under [~~Title 41, Chapter 6a, Traffic Code~~] this chapter;

1136 (ii) titling, odometer statement, vehicle identification, license plates, and registration,
1137 excluding registration fees, under [~~Title 41,~~] Chapter 1a, Motor Vehicle Act; and

1138 (iii) the county motor vehicle emissions inspection and maintenance programs under
1139 Section [41-6a-1642](#);

1140 (b) a motor vehicle for:

1141 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and

- 1142 (ii) motor vehicle insurance under [~~Title 41,~~] Chapter 12a, Financial Responsibility of
1143 Motor Vehicle Owners and Operators Act; and
- 1144 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under
1145 [~~Title 41,~~] Chapter 22, Off-Highway Vehicles, and [~~Title 41,~~] Chapter 3, Motor Vehicle
1146 Business Regulation Act, unless otherwise specified in this section.
- 1147 (3) (a) The owner of an all-terrain type I vehicle being operated as a street-legal ATV
1148 shall ensure that the vehicle is equipped with:
- 1149 (i) one or more headlamps that meet the requirements of Section 41-6a-1603;
1150 (ii) one or more tail lamps;
1151 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
1152 with a white light;
1153 (iv) one or more red reflectors on the rear;
1154 (v) one or more stop lamps on the rear;
1155 (vi) amber or red electric turn signals, one on each side of the front and rear;
1156 (vii) a braking system, other than a parking brake, that meets the requirements of
1157 Section 41-6a-1623;
1158 (viii) a horn or other warning device that meets the requirements of Section
1159 41-6a-1625;
1160 (ix) a muffler and emission control system that meets the requirements of Section
1161 41-6a-1626;
1162 (x) rearview mirrors on the right and left side of the driver in accordance with Section
1163 41-6a-1627;
1164 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
1165 (xii) a speedometer, illuminated for nighttime operation;
1166 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
1167 seat designed for passengers; and
1168 (xiv) tires that:
1169 (A) are not larger than the tires that the all-terrain vehicle manufacturer made available
1170 for the all-terrain vehicle model; and
1171 (B) have at least 2/32 inches or greater tire tread.
- 1172 (b) The owner of an all-terrain type II vehicle or all-terrain type III vehicle being

- 1173 operated as a street-legal all-terrain vehicle shall ensure that the vehicle is equipped with:
- 1174 (i) two headlamps that meet the requirements of Section 41-6a-1603;
- 1175 (ii) two tail lamps;
- 1176 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
- 1177 with a white light;
- 1178 (iv) one or more red reflectors on the rear;
- 1179 (v) two stop lamps on the rear;
- 1180 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 1181 (vii) a braking system, other than a parking brake, that meets the requirements of
- 1182 Section 41-6a-1623;
- 1183 (viii) a horn or other warning device that meets the requirements of Section
- 1184 41-6a-1625;
- 1185 (ix) a muffler and emission control system that meets the requirements of Section
- 1186 41-6a-1626;
- 1187 (x) rearview mirrors on the right and left side of the driver in accordance with Section
- 1188 41-6a-1627;
- 1189 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 1190 (xii) a speedometer, illuminated for nighttime operation;
- 1191 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
- 1192 seat designed for passengers;
- 1193 (xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle
- 1194 occupant;
- 1195 (xv) a seat with a height between 20 and 40 inches when measured at the forward edge
- 1196 of the seat bottom; and
- 1197 (xvi) tires that:
- 1198 (A) do not exceed 44 inches in height; and
- 1199 (B) have at least 2/32 inches or greater tire tread.
- 1200 (c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle
- 1201 with wheel covers, mudguards, flaps, or splash aprons.
- 1202 (4) (a) Subject to the requirements of Subsection (4)(b), an operator of a street-legal
- 1203 all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not

1204 exceed the lesser of:

1205 (i) the posted speed limit; or

1206 (ii) 50 miles per hour.

1207 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal
1208 all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:

1209 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the
1210 roadway; and

1211 (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the
1212 front and back of both sides of the vehicle.

1213 (5) (a) A nonresident operator of an off-highway vehicle that is authorized to be
1214 operated on the highways of another state has the same rights and privileges as a street-legal
1215 ATV that is granted operating privileges on the highways of this state, subject to the
1216 restrictions under this section and rules made by the Division of Outdoor Recreation, after
1217 ~~[consulting]~~ notifying the Outdoor Adventure Commission, if the other state offers reciprocal
1218 operating privileges to Utah residents.

1219 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1220 Division of Outdoor Recreation, after ~~[consultation with]~~ notifying the Outdoor Adventure
1221 Commission, shall establish eligibility requirements for reciprocal operating privileges for
1222 nonresident users granted under Subsection (5)(a).

1223 (6) Nothing in this chapter restricts the owner of an off-highway vehicle from operating
1224 the off-highway vehicle in accordance with Section [41-22-10.5](#).

1225 (7) A violation of this section is an infraction.

1226 Section 22. Section **41-22-2** is amended to read:

1227 **41-22-2. Definitions.**

1228 As used in this chapter:

1229 (1) "Advisory council" means ~~[the Off-highway Vehicle Advisory Council]~~ an advisory
1230 council appointed by the Division of Outdoor Recreation that has within the advisory council's
1231 duties advising on policies related to the use of off-highway vehicles.

1232 (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width,
1233 having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure
1234 tires, having a seat designed to be straddled by the operator, and designed for or capable of

1235 travel over unimproved terrain.

1236 (3) (a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width,
1237 traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a
1238 rollover protection system, and designed for or capable of travel over unimproved terrain, and
1239 is:

1240 (i) an electric-powered vehicle; or

1241 (ii) a vehicle powered by an internal combustion engine and has an unladen dry weight
1242 of 2,500 pounds or less.

1243 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to
1244 carry a person with a disability, any vehicle not specifically designed for recreational use, or
1245 farm tractors as defined under Section [41-1a-102](#).

1246 (4) (a) "All-terrain type III vehicle" means any other motor vehicle, not defined in
1247 Subsection (2), (3), (12), or (22), designed for or capable of travel over unimproved terrain.

1248 (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to
1249 carry a person with a disability, any vehicle not specifically designed for recreational use, or
1250 farm tractors as defined under Section [41-1a-102](#).

1251 (5) "Commission" means the Outdoor Adventure Commission.

1252 (6) "Cross-country" means across natural terrain and off an existing highway, road,
1253 route, or trail.

1254 (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at
1255 wholesale or retail.

1256 (8) "Division" means the Division of Outdoor Recreation.

1257 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed
1258 for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of
1259 10 pounds per square inch or less as recommended by the vehicle manufacturer.

1260 (10) "Manufacturer" means a person engaged in the business of manufacturing
1261 off-highway vehicles.

1262 (11) (a) "Motor vehicle" means every vehicle which is self-propelled.

1263 (b) "Motor vehicle" includes an off-highway vehicle.

1264 (12) "Motorcycle" means every motor vehicle having a saddle for the use of the
1265 operator and designed to travel on not more than two tires.

1266 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,
1267 all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is used by
1268 the owner or the owner's agent for agricultural operations.

1269 (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,
1270 all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle.

1271 (15) "Operate" means to control the movement of or otherwise use an off-highway
1272 vehicle.

1273 (16) "Operator" means the person who is in actual physical control of an off-highway
1274 vehicle.

1275 (17) "Organized user group" means an off-highway vehicle organization incorporated
1276 as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit
1277 Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.

1278 (18) "Owner" means a person, other than a person with a security interest, having a
1279 property interest or title to an off-highway vehicle and entitled to the use and possession of that
1280 vehicle.

1281 (19) "Public land" means land owned or administered by any federal or state agency or
1282 any political subdivision of the state.

1283 (20) "Register" means the act of assigning a registration number to an off-highway
1284 vehicle.

1285 (21) "Roadway" is used as defined in Section [41-6a-102](#).

1286 (22) "Snowmobile" means any motor vehicle designed for travel on snow or ice and
1287 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

1288 (23) "Street or highway" means the entire width between boundary lines of every way
1289 or place of whatever nature, when any part of it is open to the use of the public for vehicular
1290 travel.

1291 (24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as
1292 defined in Section [41-6a-102](#).

1293 Section 23. Section **41-22-5.1** is amended to read:

1294 **41-22-5.1. Rules of division relating to display of registration stickers.**

1295 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1296 division, after [~~consultation with~~] notifying the commission, shall make rules for the display of

1297 a registration sticker on an off-highway vehicle in accordance with Section [41-22-3](#).

1298 Section 24. Section [41-22-5.5](#) is amended to read:

1299 **41-22-5.5. Off-highway husbandry vehicles.**

1300 (1) (a) (i) The owner of an all-terrain type I vehicle, motorcycle, all-terrain type II
1301 vehicle, all-terrain type III vehicle, or snowmobile used for agricultural purposes may apply to
1302 the Motor Vehicle Division for an off-highway implement of husbandry sticker.

1303 (ii) Each application under Subsection (1)(a)(i) shall be accompanied by:

1304 (A) evidence of ownership;

1305 (B) a title or a manufacturer's certificate of origin; and

1306 (C) a signed statement certifying that the off-highway vehicle is used for agricultural
1307 purposes.

1308 (iii) The owner shall receive an off-highway implement of husbandry sticker upon
1309 production of:

1310 (A) the documents required under this Subsection (1); and

1311 (B) payment of an off-highway implement of husbandry sticker fee established by the
1312 division, after [~~consultation with~~] notifying the commission, not to exceed \$10.

1313 (b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or
1314 highways, it shall also be registered under Section [41-22-3](#).

1315 (c) The off-highway implement of husbandry sticker shall be displayed in a manner
1316 prescribed by the division and shall identify the all-terrain type I vehicle, motorcycle, all-terrain
1317 type II vehicle, all-terrain type III vehicle, or snowmobile as an off-highway implement of
1318 husbandry.

1319 (2) The off-highway implement of husbandry sticker is valid only for the life of the
1320 ownership of the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type
1321 III vehicle, or snowmobile and is not transferable.

1322 (3) The off-highway implement of husbandry sticker is valid for an all-terrain type I
1323 vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile that is
1324 being operated adjacent to a roadway:

1325 (a) when the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain
1326 type III vehicle, or snowmobile is only being used to travel from one parcel of land owned,
1327 operated, permitted, or leased for agricultural purposes by the owner of the vehicle to another

1328 parcel of land owned, operated, permitted, or leased for agricultural purposes by the owner; and

1329 (b) when this operation is necessary for the furtherance of agricultural purposes.

1330 (4) If the operation of an off-highway implement of husbandry adjacent to a roadway is

1331 impractical, it may be operated on the roadway if the operator exercises due care towards

1332 conventional motor vehicle traffic.

1333 (5) It is unlawful to operate an off-highway implement of husbandry along, across, or

1334 within the boundaries of an interstate freeway.

1335 (6) A violation of this section is an infraction.

1336 Section 25. Section **41-22-8** is amended to read:

1337 **41-22-8. Registration fees.**

1338 (1) The division, after [~~consultation with~~] notifying the commission, shall establish the

1339 fees [~~which~~] that shall be paid in accordance with this chapter, subject to the following:

1340 (a) (i) Except as provided in Subsection (1)(a)(ii) or (iii), the fee for each off-highway

1341 vehicle registration may not exceed \$35.

1342 (ii) The fee for each snowmobile registration may not exceed \$26.

1343 (iii) The fee for each street-legal all-terrain vehicle may not exceed \$72.

1344 (b) The fee for each duplicate registration card may not exceed \$3.

1345 (c) The fee for each duplicate registration sticker may not exceed \$5.

1346 (2) A fee may not be charged for an off-highway vehicle that is owned and operated by

1347 the United States Government, this state, or its political subdivisions.

1348 (3) (a) In addition to the fees under this section, Section [41-22-33](#), and Section

1349 [41-22-34](#), the Motor Vehicle Division shall require a person to pay one dollar to register an

1350 off-highway vehicle under Section [41-22-3](#).

1351 (b) The Motor Vehicle Division shall deposit the fees the Motor Vehicle Division

1352 collects under Subsection (3)(a) into the Spinal Cord and Brain Injury Rehabilitation Fund

1353 described in Section [26-54-102](#).

1354 Section 26. Section **41-22-10** is amended to read:

1355 **41-22-10. Powers of division relating to off-highway vehicles.**

1356 [(+)] The division may:

1357 [(a)] (1) appoint and seek recommendations from the [~~Off-highway Vehicle Advisory~~

1358 ~~Council~~] advisory council representing the various off-highway vehicle, conservation, and

1359 other appropriate interests; and

1360 ~~[(b)]~~ (2) adopt a uniform marker and sign system for use by agents of appropriate
1361 federal, state, county, and city agencies in areas of off-highway vehicle use.

1362 ~~[(2) The division shall receive and distribute voluntary contributions collected under
1363 Section 41-1a-230.6 in accordance with Section 41-22-19.5.]~~

1364 Section 27. Section 41-22-10.7 is amended to read:

1365 **41-22-10.7. Vehicle equipment requirements -- Rulemaking -- Exceptions.**

1366 (1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped
1367 with:

1368 (a) brakes adequate to control the movement of and to stop and hold the vehicle under
1369 normal operating conditions;

1370 (b) headlights and taillights when operated between sunset and sunrise;

1371 (c) a noise control device and except for a snowmobile, a spark arrestor device; and

1372 (d) when operated on sand dunes designated by the division, a safety flag that is:

1373 (i) red or orange in color;

1374 (ii) a minimum of six by 12 inches; and

1375 (iii) attached to:

1376 (A) the off-highway vehicle so that the safety flag is at least eight feet above the
1377 surface of level ground; or

1378 (B) the protective headgear of a person operating a motorcycle so that the safety flag is
1379 at least 18 inches above the top of the person's head.

1380 (2) A violation of Subsection (1) is an infraction.

1381 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1382 division may make rules, after ~~[consultation with]~~ notifying the commission, which set
1383 standards for the equipment and which designate sand dunes where safety flags are required
1384 under Subsection (1).

1385 (4) An off-highway implement of husbandry used only in agricultural operations and
1386 not operated on a highway, is exempt from the provisions of this section.

1387 Section 28. Section 41-22-19 is amended to read:

1388 **41-22-19. Deposit of fees and related money in Off-highway Vehicle Account --
1389 Use for facilities, costs and expenses of division, and education -- Request for matching**

1390 **funds.**

1391 (1) Except as provided under Subsections (3) and (4) and Sections 41-22-34 and
1392 41-22-36, [all] registration fees and related money collected by the Motor Vehicle Division or
1393 any agencies designated to act for the Motor Vehicle Division under this chapter shall be
1394 deposited as restricted revenue in the Off-highway Vehicle Account in the General Fund less
1395 the costs of collecting off-highway vehicle registration fees by the Motor Vehicle Division.
1396 The balance of the money may be used by the division [as follows]:

1397 (a) for the construction, improvement, operation, acquisition, or maintenance of
1398 publicly owned or administered off-highway vehicle facilities, including public access
1399 facilities;

1400 (b) for the mitigation of impacts associated with off-highway vehicle use;

1401 [~~(c) as grants or as matching funds with any federal agency, state agency, political~~
1402 ~~subdivision of the state, or organized user group for the construction, improvement, operation,~~
1403 ~~acquisition, or maintenance of publicly owned or administered off-highway vehicle facilities~~
1404 ~~including public access facilities;~~]

1405 [~~(d) for the administration and enforcement of the provisions of this chapter; and]~~

1406 [~~(e)~~] (c) for the education of off-highway vehicle users[-];

1407 (d) for off-highway vehicle access protection;

1408 (e) to support off-highway vehicle search and rescue activities and programs;

1409 (f) to promote and encourage off-highway vehicle tourism;

1410 (g) for other uses that further the policy set forth in Section 41-22-1;

1411 (h) as grants or matching funds with a federal agency, state agency, political
1412 subdivision of the state, or organized user group for any of the uses described in Subsections
1413 (1)(a) through (g); and

1414 (i) for the administration and enforcement of this chapter.

1415 (2) [~~All agencies or political subdivisions~~] An agency or political subdivision
1416 requesting matching funds shall submit plans for proposed off-highway vehicle facilities to the
1417 division for review and approval.

1418 (3) (a) One dollar and 50 cents of each annual registration fee collected under
1419 Subsection 41-22-8(1) and each off-highway vehicle user fee collected under Subsection
1420 41-22-35(2) shall be deposited in the Land Grant Management Fund created under Section

1421 53C-3-101.

1422 (b) The Utah School and Institutional Trust Lands Administration shall use the money
1423 deposited under Subsection (3)(a) for costs associated with off-highway vehicle use of legally
1424 accessible lands within its jurisdiction as follows:

1425 (i) to improve recreational opportunities on trust lands by constructing, improving,
1426 maintaining, or perfecting access for off-highway vehicle trails; and

1427 (ii) to mitigate impacts associated with off-highway vehicle use.

1428 (c) ~~Any~~ An unused balance of the money deposited under Subsection (3)(a)
1429 exceeding \$350,000 at the end of each fiscal year shall be deposited in the Off-highway
1430 Vehicle Account under Subsection (1).

1431 (4) One dollar of each off-highway vehicle registration fee collected under Subsection
1432 41-22-8(1) shall be deposited in the Utah Highway Patrol Aero Bureau Restricted Account
1433 created in Section 53-8-303.

1434 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1435 division, after notifying the commission, shall make rules as necessary to implement this
1436 section.

1437 Section 29. Section 41-22-31 is amended to read:

1438 **41-22-31. Division to set standards for safety program -- Safety certificates issued**
1439 **-- Cooperation with public and private entities -- State immunity from suit.**

1440 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1441 the division shall make rules, after ~~[consultation with]~~ notifying the commission, that establish
1442 curriculum standards for a comprehensive off-highway vehicle safety education and training
1443 program and shall implement this program.

1444 (b) The program shall be designed to develop and instill the knowledge, attitudes,
1445 habits, and skills necessary for the safe operation of an off-highway vehicle.

1446 (c) Components of the program shall include the preparation and dissemination of
1447 off-highway vehicle information and safety advice to the public and the training of off-highway
1448 vehicle operators.

1449 (d) Off-highway vehicle safety certificates shall be issued to those who successfully
1450 complete training or pass the knowledge and skills test established under the program.

1451 (2) The division shall cooperate with appropriate private organizations and

1452 associations, private and public corporations, and local government units to implement the
1453 program established under this section.

1454 (3) In addition to the governmental immunity granted in Title 63G, Chapter 7,
1455 Governmental Immunity Act of Utah, the state is immune from suit for any act, or failure to
1456 act, in any capacity relating to the off-highway vehicle safety education and training program.
1457 The state is also not responsible for any insufficiency or inadequacy in the quality of training
1458 provided by this program.

1459 Section 30. Section **41-22-33** is amended to read:

1460 **41-22-33. Fees for safety and education program -- Penalty -- Unlawful acts.**

1461 (1) A fee set by the division, after [~~consultation with~~] notifying the commission, in
1462 accordance with Section **63J-1-504** shall be added to the registration fee required to register an
1463 off-highway vehicle under Section **41-22-8** to help fund the off-highway vehicle safety and
1464 education program.

1465 (2) If the division modifies the fee under Subsection (1), the modification shall take
1466 effect on the first day of the calendar quarter after 90 days from the day on which the division
1467 provides the State Tax Commission:

- 1468 (a) notice from the division stating that the division will modify the fee; and
- 1469 (b) a copy of the fee modification.

1470 Section 31. Section **41-22-35** is amended to read:

1471 **41-22-35. Off-highway vehicle user fee -- Decal -- Agents -- Penalty for fraudulent**
1472 **issuance of decal -- Deposit and use of fee revenue.**

1473 (1) (a) Except as provided in Subsection (1)(b), any person owning or operating a
1474 nonresident off-highway vehicle who operates or gives another person permission to operate
1475 the nonresident off-highway vehicle on any public land, trail, street, or highway in this state
1476 shall:

- 1477 (i) apply for an off-highway vehicle decal issued exclusively for an off-highway
1478 vehicle owned by a nonresident of the state;
- 1479 (ii) pay an annual off-highway vehicle user fee; and
- 1480 (iii) provide evidence that the owner is a nonresident.

1481 (b) The provisions of Subsection (1)(a) do not apply to an off-highway vehicle if the
1482 off-highway vehicle is:

- 1483 (i) used exclusively as an off-highway implement of husbandry;
- 1484 (ii) used exclusively for the purposes of a scheduled competitive event sponsored by a
1485 public or private entity or another event sponsored by a governmental entity under rules made
1486 by the division, after [~~consultation with~~] notifying the commission;
- 1487 (iii) owned and operated by a state government agency and the operation of the
1488 off-highway vehicle within the boundaries of the state is within the course and scope of the
1489 duties of the agency; or
- 1490 (iv) used exclusively for the purpose of an off-highway vehicle manufacturer
1491 sponsored event within the state under rules made by the division.
- 1492 (2) The off-highway vehicle user fee is \$30.
- 1493 (3) Upon compliance with the provisions of Subsection (1)(a), the nonresident shall:
- 1494 (a) receive a nonresident off-highway vehicle user decal indicating compliance with the
1495 provisions of Subsection (1)(a); and
- 1496 (b) display the decal on the off-highway vehicle in accordance with rules made by the
1497 division.
- 1498 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1499 division, after [~~consultation with~~] notifying the commission, shall make rules establishing:
- 1500 (a) procedures for:
- 1501 (i) the payment of off-highway vehicle user fees; and
- 1502 (ii) the display of a decal on an off-highway vehicle as required under Subsection
1503 (3)(b);
- 1504 (b) acceptable evidence indicating compliance with Subsection (1);
- 1505 (c) eligibility for scheduled competitive events or other events under Subsection
1506 (1)(b)(ii); and
- 1507 (d) eligibility for an off-highway vehicle manufacturer sponsored event under
1508 Subsection (1)(b)(iv).
- 1509 (5) (a) An off-highway vehicle user decal may be issued and the off-highway vehicle
1510 user fee may be collected by the division or agents of the division.
- 1511 (b) An agent shall retain 10% of all off-highway vehicle user fees collected.
- 1512 (c) The division may require agents to obtain a bond in a reasonable amount.
- 1513 (d) On or before the tenth day of each month, each agent shall:

- 1514 (i) report all sales to the division; and
1515 (ii) submit all off-highway vehicle user fees collected less the remuneration provided in
1516 Subsection (5)(b).
- 1517 (e) (i) If an agent fails to pay the amount due, the division may assess a penalty of 20%
1518 of the amount due.
- 1519 (ii) Delinquent payments shall bear interest at the rate of 1% per month.
- 1520 (iii) If the amount due is not paid because of bad faith or fraud, the division shall assess
1521 a penalty of 100% of the total amount due together with interest.
- 1522 (f) All fees collected by an agent, except the remuneration provided in Subsection
1523 (5)(b), shall:
- 1524 (i) be kept separate and apart from the private funds of the agent; and
1525 (ii) belong to the state.
- 1526 (g) An agent may not issue an off-highway vehicle user decal to any person unless the
1527 person furnishes evidence of compliance with the provisions of Subsection (1)(a).
- 1528 (h) A violation of any provision of this Subsection (5) is a class B misdemeanor and
1529 may be cause for revocation of the agent authorization.
- 1530 (6) Revenue generated by off-highway vehicle user fees shall be deposited in the
1531 Off-highway Vehicle Account created in Section [41-22-19](#).
- 1532 Section 32. Section **53-2a-1102** is amended to read:
- 1533 **53-2a-1102. Search and Rescue Financial Assistance Program -- Uses --**
1534 **Rulemaking -- Distribution.**
- 1535 (1) As used in this section:
- 1536 (a) "Assistance card program" means the Utah Search and Rescue Assistance Card
1537 Program created within this section.
- 1538 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a
1539 participant.
- 1540 (c) "Participant" means an individual, family, or group who is registered pursuant to
1541 this section as having a valid card at the time search, rescue, or both are provided.
- 1542 (d) "Program" means the Search and Rescue Financial Assistance Program created
1543 within this section.
- 1544 (e) (i) "Reimbursable base expenses" means those reasonable expenses incidental to

1545 search and rescue activities.

1546 (ii) "Reimbursable base expenses" include:

1547 (A) rental for fixed wing aircraft, snowmobiles, boats, and generators;

1548 (B) replacement and upgrade of search and rescue equipment;

1549 (C) training of search and rescue volunteers;

1550 (D) costs of providing life insurance and workers' compensation benefits for volunteer

1551 search and rescue team members under Section [67-20-7.5](#); and

1552 (E) any other equipment or expenses necessary or appropriate for conducting search

1553 and rescue activities.

1554 (iii) "Reimbursable base expenses" do not include any salary or overtime paid to an

1555 individual on a regular or permanent payroll, including permanent part-time employees of any

1556 agency of the state.

1557 (f) "Rescue" means search services, rescue services, or both search and rescue services.

1558 (2) There is created the Search and Rescue Financial Assistance Program within the

1559 division.

1560 (3) (a) The financial program and the assistance card program shall be funded from the

1561 following revenue sources:

1562 (i) any voluntary contributions to the state received for search and rescue operations;

1563 (ii) money received by the state under Subsection (11) and under Sections [23-19-42](#),

1564 [41-22-34](#), and [73-18-24](#);

1565 (iii) money deposited under Subsection [59-12-103](#)(14);

1566 (iv) contributions deposited in accordance with Section [41-1a-230.7](#); and

1567 (v) appropriations made to the program by the Legislature.

1568 (b) [~~All money~~] Money received from the revenue sources in Subsections (3)(a)(i), (ii),

1569 and (iv), and 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the

1570 General Fund as a dedicated credit to be used solely for the program.

1571 (c) [~~10%~~] Ten percent of the money described in Subsection (3)(a)(iii) shall be

1572 deposited into the General Fund as a dedicated credit to be used solely to promote the

1573 assistance card program.

1574 (d) [~~All funding~~] Funding for the program is nonlapsing.

1575 (4) Subject to Subsections (3)(b) and (c), the director shall use the money described in

1576 this section to reimburse counties for all or a portion of each county's reimbursable base
1577 expenses for search and rescue operations, subject to:

1578 (a) the approval of the Search and Rescue Advisory Board as provided in Section
1579 53-2a-1104;

1580 (b) money available in the program; and

1581 (c) rules made under Subsection (7).

1582 (5) Money described in Subsection (3) may not be used to reimburse for any paid
1583 personnel costs or paid man hours spent in emergency response and search and rescue related
1584 activities.

1585 (6) The Legislature finds that these funds are for a general and statewide public
1586 purpose.

1587 (7) The division, with the approval of the Search and Rescue Advisory Board, shall
1588 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
1589 consistent with this section:

1590 (a) specifying the costs that qualify as reimbursable base expenses;

1591 (b) defining the procedures of counties to submit expenses and be reimbursed;

1592 (c) defining a participant in the assistance card program, including:

1593 (i) individuals; and

1594 (ii) families and organized groups who qualify as participants;

1595 (d) defining the procedure for issuing a card to a participant;

1596 (e) defining excluded expenses that may not be reimbursed under the program,
1597 including medical expenses;

1598 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card
1599 Program;

1600 (g) establishing the frequency of review of the fee schedule;

1601 (h) providing for the administration of the program; and

1602 (i) providing a formula to govern the distribution of available money among the
1603 counties for uncompensated search and rescue expenses based on:

1604 (i) the total qualifying expenses submitted;

1605 (ii) the number of search and rescue incidents per county population;

1606 (iii) the number of victims that reside outside the county; and

1607 (iv) the number of volunteer hours spent in each county in emergency response and
1608 search and rescue related activities per county population.

1609 (8) (a) The division shall, in consultation with the [~~Outdoor Recreation Office~~]
1610 Division of Outdoor Recreation, establish the fee schedule of the Utah Search and Rescue
1611 Assistance Card Program under Subsection 63J-1-504(6).

1612 (b) The division shall provide a discount of not less than 10% of the card fee under
1613 Subsection (8)(a) to a person who has paid a fee under Section 23-19-42, 41-22-34, or
1614 73-18-24 during the same calendar year in which the person applies to be a participant in the
1615 assistance card program.

1616 (9) Counties may not bill reimbursable base expenses to an individual for costs
1617 incurred for the rescue of an individual, if the individual is a current participant in the Utah
1618 Search and Rescue Assistance Card Program at the time of rescue, unless:

1619 (a) the rescuing county finds that the participant acted recklessly in creating a situation
1620 resulting in the need for the county to provide rescue services; or

1621 (b) the rescuing county finds that the participant intentionally created a situation
1622 resulting in the need for the county to provide rescue services.

1623 (10) (a) There is created the Utah Search and Rescue Assistance Card Program. The
1624 program is located within the division.

1625 (b) The program may not be [~~utilized~~] used to cover any expenses, such as medically
1626 related expenses, that are not reimbursable base expenses related to the rescue.

1627 (11) (a) To participate in the program, a person shall purchase a search and rescue
1628 assistance card from the division by paying the fee as determined by the division in Subsection
1629 (8).

1630 (b) The money generated by the fees shall be deposited into the General Fund as a
1631 dedicated credit for the Search and Rescue Financial Assistance Program created in this
1632 section.

1633 (c) Participation and payment of fees by a person under Sections 23-19-42, 41-22-34,
1634 and 73-18-24 do not constitute purchase of a card under this section.

1635 (12) The division shall consult with the [~~Outdoor Recreation Office~~] Division of
1636 Outdoor Recreation regarding:

1637 (a) administration of the assistance card program; and

1638 (b) outreach and marketing strategies.

1639 (13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance
1640 Card Program under this section is exempt from being considered insurance as that term is
1641 defined in Section 31A-1-301.

1642 Section 33. Section 57-14-204 is amended to read:

1643 **57-14-204. Liability not limited where willful or malicious conduct involved or**
1644 **admission fee charged.**

1645 (1) Nothing in this part limits any liability that otherwise exists for:

1646 (a) willful or malicious failure to guard or warn against a dangerous condition, use,
1647 structure, or activity;

1648 (b) deliberate, willful, or malicious injury to persons or property; or

1649 (c) an injury suffered where the owner of land charges a person to enter or go on the
1650 land or use the land for any recreational purpose.

1651 (2) For purposes of Subsection (1)(c), if the land is leased to the state or a subdivision
1652 of the state, any consideration received by the owner for the lease is not a charge within the
1653 meaning of this section.

1654 (3) Any person who hunts upon a cooperative wildlife management unit, as authorized
1655 by Title 23, Chapter 23, Cooperative Wildlife Management Units, is not considered to have
1656 paid a fee within the meaning of this section.

1657 (4) Owners of a dam or reservoir who allow recreational use of the dam or reservoir
1658 and its surrounding area and do not themselves charge a fee for that use, are considered not to
1659 have charged for that use within the meaning of Subsection (1)(c), even if the user pays a fee to
1660 the Division of State Parks or the Division of Outdoor Recreation for the use of the services
1661 and facilities at that dam or reservoir.

1662 (5) The state or a subdivision of the state that owns property purchased for a railway
1663 corridor is considered not to have charged for use of the railway corridor within the meaning of
1664 Subsection (1)(c), even if the user pays a fee for travel on a privately owned rail car that crosses
1665 or travels over the railway corridor of the state or a subdivision of the state:

1666 (a) allows recreational use of the railway corridor and its surrounding area; and

1667 (b) does not charge a fee for that use.

1668 Section 34. Section 59-13-201 is amended to read:

1669 **59-13-201. Rate -- Tax basis -- Exemptions -- Revenue deposited into the**
1670 **Transportation Fund -- Restricted account for boating uses -- Refunds -- Reduction of tax**
1671 **in limited circumstances.**

1672 (1) (a) Subject to the provisions of this section and except as provided in Subsection
1673 (1)(e), a tax is imposed at the rate of 16.5% of the statewide average rack price of a gallon of
1674 motor fuel per gallon upon all motor fuel that is sold, used, or received for sale or used in this
1675 state.

1676 (b) (i) Until December 31, 2018, and subject to the requirements under Subsection
1677 (1)(c), the statewide average rack price of a gallon of motor fuel under Subsection (1)(a) shall
1678 be determined by calculating the previous fiscal year statewide average rack price of a gallon of
1679 regular unleaded motor fuel, excluding federal and state excise taxes, for the 12 months ending
1680 on the previous June 30 as published by an oil pricing service.

1681 (ii) Beginning on January 1, 2019, and subject to the requirements under Subsection
1682 (1)(c), the statewide average rack price of a gallon of motor fuel under Subsection (1)(a) shall
1683 be determined by calculating the previous three fiscal years statewide average rack price of a
1684 gallon of regular unleaded motor fuel, excluding federal and state excise taxes, for the 36
1685 months ending on the previous June 30 as published by an oil pricing service.

1686 (c) (i) Subject to the requirement in Subsection (1)(c)(ii), the statewide average rack
1687 price of a gallon of motor fuel determined under Subsection (1)(b) may not be less than \$1.78
1688 per gallon.

1689 (ii) Beginning on January 1, 2019, the commission shall, on January 1, annually adjust
1690 the minimum statewide average rack price of a gallon of motor fuel described in Subsection
1691 (1)(c)(i) by taking the minimum statewide average rack price of a gallon of motor fuel for the
1692 previous calendar year and adding an amount equal to the greater of:

1693 (A) an amount calculated by multiplying the minimum statewide average rack price of
1694 a gallon of motor fuel for the previous calendar year by the actual percent change during the
1695 previous fiscal year in the Consumer Price Index; and

1696 (B) 0.

1697 (iii) The statewide average rack price of a gallon of motor fuel determined by the
1698 commission under Subsection (1)(b) may not exceed \$2.43 per gallon.

1699 (iv) The minimum statewide average rack price of a gallon of motor fuel described and

1700 adjusted under Subsections (1)(c)(i) and (ii) may not exceed the maximum statewide average
1701 rack price of a gallon of motor fuel under Subsection (1)(c)(iii).

1702 (d) (i) The commission shall annually:

1703 (A) determine the statewide average rack price of a gallon of motor fuel in accordance
1704 with Subsections (1)(b) and (c);

1705 (B) adjust the fuel tax rate imposed under Subsection (1)(a), rounded to the nearest
1706 one-tenth of a cent, based on the determination under Subsection (1)(b);

1707 (C) publish the adjusted fuel tax as a cents per gallon rate; and

1708 (D) post or otherwise make public the adjusted fuel tax rate as determined in
1709 Subsection (1)(d)(i)(B) no later than 60 days [~~prior to~~] before the annual effective date under
1710 Subsection (1)(d)(ii).

1711 (ii) The tax rate imposed under this Subsection (1) and adjusted as required under
1712 Subsection (1)(d)(i) shall take effect on January 1 of each year.

1713 (e) In lieu of the tax imposed under Subsection (1)(a) and subject to the provisions of
1714 this section, a tax is imposed at the rate of 3/19 of the rate imposed under Subsection (1)(a),
1715 rounded up to the nearest penny, upon all motor fuels that meet the definition of clean fuel in
1716 Section 59-13-102 and are sold, used, or received for sale or use in this state.

1717 (2) Any increase or decrease in tax rate applies to motor fuel that is imported to the
1718 state or sold at refineries in the state on or after the effective date of the rate change.

1719 (3) (a) No motor fuel tax is imposed upon:

1720 (i) motor fuel that is brought into and sold in this state in original packages as purely
1721 interstate commerce sales;

1722 (ii) motor fuel that is exported from this state if proof of actual exportation on forms
1723 prescribed by the commission is made within 180 days after exportation;

1724 (iii) motor fuel or components of motor fuel that is sold and used in this state and
1725 distilled from coal, oil shale, rock asphalt, bituminous sand, or solid hydrocarbons located in
1726 this state; or

1727 (iv) motor fuel that is sold to the United States government, this state, or the political
1728 subdivisions of this state.

1729 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1730 commission shall make rules governing the procedures for administering the tax exemption

1731 provided under Subsection (3)(a)(iv).

1732 (4) The commission may either collect no tax on motor fuel exported from the state or,
1733 upon application, refund the tax paid.

1734 (5) (a) All revenue received by the commission under this part shall be deposited daily
1735 with the state treasurer and credited to the Transportation Fund.

1736 (b) An appropriation from the Transportation Fund shall be made to the commission to
1737 cover expenses incurred in the administration and enforcement of this part and the collection of
1738 the motor fuel tax.

1739 (6) (a) The commission shall determine what amount of motor fuel tax revenue is
1740 received from the sale or use of motor fuel used in motorboats registered under [~~the provisions~~
1741 ~~of the~~] Title 73, Chapter 18, State Boating Act, and this amount shall be deposited [~~in~~] into a
1742 restricted revenue account in the General Fund of the state.

1743 (b) The funds from this account shall be used for the construction, improvement,
1744 operation, and maintenance of state-owned boating facilities and for the payment of the costs
1745 and expenses of the Division of Outdoor Recreation in administering and enforcing [~~the~~] Title
1746 73, Chapter 18, State Boating Act.

1747 (7) (a) The United States government or any of its instrumentalities, this state, or a
1748 political subdivision of this state that has purchased motor fuel from a licensed distributor or
1749 from a retail dealer of motor fuel and has paid the tax on the motor fuel as provided in this
1750 section is entitled to a refund of the tax and may file with the commission for a quarterly
1751 refund.

1752 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1753 commission shall make rules governing the application and refund provided for in Subsection
1754 (7)(a).

1755 (8) (a) The commission shall refund annually into the [~~Off-Highway~~] Off-highway
1756 Vehicle Account in the General Fund an amount equal to .5% of the motor fuel tax revenues
1757 collected under this section.

1758 (b) This amount shall be used as provided in Section [41-22-19](#).

1759 (9) (a) Beginning on April 1, 2001, a tax imposed under this section on motor fuel that
1760 is sold, used, or received for sale or use in this state is reduced to the extent provided in
1761 Subsection (9)(b) if:

- 1762 (i) a tax imposed on the basis of the sale, use, or receipt for sale or use of the motor
1763 fuel is paid to the Navajo Nation;
- 1764 (ii) the tax described in Subsection (9)(a)(i) is imposed without regard to whether or
1765 not the person required to pay the tax is an enrolled member of the Navajo Nation; and
- 1766 (iii) the commission and the Navajo Nation execute and maintain an agreement as
1767 provided in this Subsection (9) for the administration of the reduction of tax.
- 1768 (b) (i) If but for Subsection (9)(a) the motor fuel is subject to a tax imposed by this
1769 section:
- 1770 (A) the state shall be paid the difference described in Subsection (9)(b)(ii) if that
1771 difference is greater than \$0; and
- 1772 (B) a person may not require the state to provide a refund, a credit, or similar tax relief
1773 if the difference described in Subsection (9)(b)(ii) is less than or equal to \$0.
- 1774 (ii) The difference described in Subsection (9)(b)(i) is equal to the difference between:
- 1775 (A) the amount of tax imposed on the motor fuel by this section; less
- 1776 (B) the tax imposed and collected by the Navajo Nation on the motor fuel.
- 1777 (c) For purposes of Subsections (9)(a) and (b), the tax paid to the Navajo Nation under
1778 a tax imposed by the Navajo Nation on the basis of the sale, use, or receipt for sale or use of
1779 motor fuel does not include any interest or penalties a taxpayer may be required to pay to the
1780 Navajo Nation.
- 1781 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1782 commission shall make rules governing the procedures for administering the reduction of tax
1783 provided under this Subsection (9).
- 1784 (e) The agreement required under Subsection (9)(a):
- 1785 (i) may not:
- 1786 (A) authorize the state to impose a tax in addition to a tax imposed under this chapter;
- 1787 (B) provide a reduction of taxes greater than or different from the reduction described
1788 in this Subsection (9); or
- 1789 (C) affect the power of the state to establish rates of taxation;
- 1790 (ii) shall:
- 1791 (A) be in writing;
- 1792 (B) be signed by:

- 1793 (I) the chair of the commission or the chair's designee; and
- 1794 (II) a person designated by the Navajo Nation that may bind the Navajo Nation;
- 1795 (C) be conditioned on obtaining any approval required by federal law;
- 1796 (D) state the effective date of the agreement; and
- 1797 (E) state any accommodation the Navajo Nation makes related to the construction and
- 1798 maintenance of state highways and other infrastructure within the Utah portion of the Navajo
- 1799 Nation; and
- 1800 (iii) may:
- 1801 (A) notwithstanding Section 59-1-403, authorize the commission to disclose to the
- 1802 Navajo Nation information that is:
- 1803 (I) contained in a document filed with the commission; and
- 1804 (II) related to the tax imposed under this section;
- 1805 (B) provide for maintaining records by the commission or the Navajo Nation; or
- 1806 (C) provide for inspections or audits of distributors, carriers, or retailers located or
- 1807 doing business within the Utah portion of the Navajo Nation.
- 1808 (f) (i) If, on or after April 1, 2001, the Navajo Nation changes the tax rate of a tax
- 1809 imposed on motor fuel, any change in the reduction of taxes under this Subsection (9) as a
- 1810 result of the change in the tax rate is not effective until the first day of the calendar quarter after
- 1811 a 60-day period beginning on the date the commission receives notice:
- 1812 (A) from the Navajo Nation; and
- 1813 (B) meeting the requirements of Subsection (9)(f)(ii).
- 1814 (ii) The notice described in Subsection (9)(f)(i) shall state:
- 1815 (A) that the Navajo Nation has changed or will change the tax rate of a tax imposed on
- 1816 motor fuel;
- 1817 (B) the effective date of the rate change of the tax described in Subsection (9)(f)(ii)(A);
- 1818 and
- 1819 (C) the new rate of the tax described in Subsection (9)(f)(ii)(A).
- 1820 (g) If the agreement required by Subsection (9)(a) terminates, a reduction of tax is not
- 1821 permitted under this Subsection (9) beginning on the first day of the calendar quarter after a
- 1822 30-day period beginning on the day the agreement terminates.
- 1823 (h) If there is a conflict between this Subsection (9) and the agreement required by

1824 Subsection (9)(a), this Subsection (9) governs.

1825 Section 35. Section **59-21-2** is amended to read:

1826 **59-21-2. Mineral Bonus Account created -- Contents -- Use of Mineral Bonus**
1827 **Account money -- Mineral Lease Account created -- Contents -- Appropriation of money**
1828 **from Mineral Lease Account.**

1829 (1) (a) There is created a restricted account within the General Fund known as the
1830 "Mineral Bonus Account."

1831 (b) The Mineral Bonus Account consists of federal mineral lease bonus payments
1832 deposited pursuant to Subsection **59-21-1(3)**.

1833 (c) The Legislature shall make appropriations from the Mineral Bonus Account in
1834 accordance with Section 35 of the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 191.

1835 (d) The state treasurer shall:

1836 (i) invest the money in the Mineral Bonus Account by following the procedures and
1837 requirements of Title 51, Chapter 7, State Money Management Act; and

1838 (ii) deposit all interest or other earnings derived from the account into the Mineral
1839 Bonus Account.

1840 (e) The Division of Finance shall, beginning on July 1, 2017, annually deposit 30% of
1841 mineral lease bonus payments deposited under Subsection (1)(b) from the previous fiscal year
1842 into the Wildland Fire Suppression Fund created in Section **65A-8-204**, up to \$2,000,000 but
1843 not to exceed 20% of the amount expended in the previous fiscal year from the Wildland Fire
1844 Suppression Fund.

1845 (2) (a) There is created a restricted account within the General Fund known as the
1846 "Mineral Lease Account."

1847 (b) The Mineral Lease Account consists of federal mineral lease money deposited
1848 pursuant to Subsection **59-21-1(1)**.

1849 (c) The Legislature shall make appropriations from the Mineral Lease Account as
1850 provided in Subsection **59-21-1(1)** and this Subsection (2).

1851 (d) (i) Except as provided in Subsections (2)(d)(ii) and (iii), the Legislature shall
1852 annually appropriate 32.5% of all deposits made to the Mineral Lease Account to the
1853 Permanent Community Impact Fund established by Section **35A-8-303**.

1854 (ii) For fiscal year 2016-17 only and from the amount required to be deposited under

1855 Subsection (2)(d)(i), the Legislature shall appropriate \$26,000,000 of the deposits made to the
1856 Mineral Lease Account to the Impacted Communities Transportation Development Restricted
1857 Account established by Section 72-2-128.

1858 (iii) For fiscal year 2017-18 only and from the amount required to be deposited under
1859 Subsection (2)(d)(i), the Legislature shall appropriate \$27,000,000 of the deposits made to the
1860 Mineral Lease Account to the Impacted Communities Transportation Development Restricted
1861 Account established by Section 72-2-128.

1862 (e) The Legislature shall annually appropriate 2.25% of all deposits made to the
1863 Mineral Lease Account to the State Board of Education, to be used for education research and
1864 experimentation in the use of staff and facilities designed to improve the quality of education in
1865 Utah.

1866 (f) The Legislature shall annually appropriate 2.25% of all deposits made to the
1867 Mineral Lease Account to the Utah Geological Survey, to be used for activities carried on by
1868 the survey having as a purpose the development and exploitation of natural resources in the
1869 state.

1870 (g) The Legislature shall annually appropriate 2.25% of all deposits made to the
1871 Mineral Lease Account to the Water Research Laboratory at Utah State University, to be used
1872 for activities carried on by the laboratory having as a purpose the development and exploitation
1873 of water resources in the state.

1874 (h) (i) The Legislature shall annually appropriate to the Division of Finance 40% of all
1875 deposits made to the Mineral Lease Account to be distributed as provided in Subsection
1876 (2)(h)(ii) to:

1877 (A) counties;

1878 (B) special service districts established:

1879 (I) by counties;

1880 (II) under Title 17D, Chapter 1, Special Service District Act; and

1881 (III) for the purpose of constructing, repairing, or maintaining roads; or

1882 (C) special service districts established:

1883 (I) by counties;

1884 (II) under Title 17D, Chapter 1, Special Service District Act; and

1885 (III) for other purposes authorized by statute.

- 1886 (ii) The Division of Finance shall allocate the funds specified in Subsection (2)(h)(i):
1887 (A) in amounts proportionate to the amount of mineral lease money generated by each
1888 county; and
1889 (B) to a county or special service district established by a county under Title 17D,
1890 Chapter 1, Special Service District Act, as determined by the county legislative body.
- 1891 (i) (i) The Legislature shall annually appropriate 5% of all deposits made to the
1892 Mineral Lease Account to the Department of Workforce Services to be distributed to:
- 1893 (A) special service districts established:
1894 (I) by counties;
1895 (II) under Title 17D, Chapter 1, Special Service District Act; and
1896 (III) for the purpose of constructing, repairing, or maintaining roads; or
1897 (B) special service districts established:
1898 (I) by counties;
1899 (II) under Title 17D, Chapter 1, Special Service District Act; and
1900 (III) for other purposes authorized by statute.
- 1901 (ii) The Department of Workforce Services may distribute the amounts described in
1902 Subsection (2)(i)(i) only to special service districts established under Title 17D, Chapter 1,
1903 Special Service District Act, by counties:
- 1904 (A) of the third, fourth, fifth, or sixth class;
1905 (B) in which 4.5% or less of the mineral lease money within the state is generated; and
1906 (C) that are significantly socially or economically impacted as provided in Subsection
1907 (2)(i)(iii) by the development of minerals under the Mineral Lands Leasing Act, 30 U.S.C. Sec.
1908 181 et seq.
- 1909 (iii) The significant social or economic impact required under Subsection (2)(i)(ii)(C)
1910 shall be as a result of:
- 1911 (A) the transportation within the county of hydrocarbons, including solid hydrocarbons
1912 as defined in Section [59-5-101](#);
1913 (B) the employment of persons residing within the county in hydrocarbon extraction,
1914 including the extraction of solid hydrocarbons as defined in Section [59-5-101](#); or
1915 (C) a combination of Subsections (2)(i)(iii)(A) and (B).
1916 (iv) For purposes of distributing the appropriations under this Subsection (2)(i) to

1917 special service districts established by counties under Title 17D, Chapter 1, Special Service
1918 District Act, the Department of Workforce Services shall:

1919 (A) (I) allocate 50% of the appropriations equally among the counties meeting the
1920 requirements of Subsections (2)(i)(ii) and (iii); and

1921 (II) allocate 50% of the appropriations based on the ratio that the population of each
1922 county meeting the requirements of Subsections (2)(i)(ii) and (iii) bears to the total population
1923 of all of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii); and

1924 (B) after making the allocations described in Subsection (2)(i)(iv)(A), distribute the
1925 allocated revenues to special service districts established by the counties under Title 17D,
1926 Chapter 1, Special Service District Act, as determined by the executive director of the
1927 Department of Workforce Services after consulting with the county legislative bodies of the
1928 counties meeting the requirements of Subsections (2)(i)(ii) and (iii).

1929 (v) The executive director of the Department of Workforce Services:

1930 (A) shall determine whether a county meets the requirements of Subsections (2)(i)(ii)
1931 and (iii);

1932 (B) shall distribute the appropriations under Subsection (2)(i)(i) to special service
1933 districts established by counties under Title 17D, Chapter 1, Special Service District Act, that
1934 meet the requirements of Subsections (2)(i)(ii) and (iii); and

1935 (C) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1936 may make rules:

1937 (I) providing a procedure for making the distributions under this Subsection (2)(i) to
1938 special service districts; and

1939 (II) defining the term "population" for purposes of Subsection (2)(i)(iv).

1940 (j) (i) The Legislature shall annually make the following appropriations from the
1941 Mineral Lease Account:

1942 (A) an amount equal to 52 cents multiplied by the number of acres of school or
1943 institutional trust lands, lands owned by the Division of State Parks or the Division of Outdoor
1944 Recreation, and lands owned by the Division of Wildlife Resources that are not under an in lieu
1945 of taxes contract, to each county in which those lands are located;

1946 (B) to each county in which school or institutional trust lands are transferred to the
1947 federal government after December 31, 1992, an amount equal to the number of transferred

1948 acres in the county multiplied by a payment per acre equal to the difference between 52 cents
1949 per acre and the per acre payment made to that county in the most recent payment under the
1950 federal payment in lieu of taxes program, 31 U.S.C. Sec. 6901 et seq., unless the federal
1951 payment was equal to or exceeded the 52 cents per acre, in which case a payment under this
1952 Subsection (2)(j)(i)(B) may not be made for the transferred lands;

1953 (C) to each county in which federal lands, which are entitlement lands under the federal
1954 in lieu of taxes program, are transferred to the school or institutional trust, an amount equal to
1955 the number of transferred acres in the county multiplied by a payment per acre equal to the
1956 difference between the most recent per acre payment made under the federal payment in lieu of
1957 taxes program and 52 cents per acre, unless the federal payment was equal to or less than 52
1958 cents per acre, in which case a payment under this Subsection (2)(j)(i)(C) may not be made for
1959 the transferred land; and

1960 (D) to a county of the fifth or sixth class, an amount equal to the product of:

1961 (I) \$1,000; and

1962 (II) the number of residences described in Subsection (2)(j)(iv) that are located within
1963 the county.

1964 (ii) A county receiving money under Subsection (2)(j)(i) may, as determined by the
1965 county legislative body, distribute the money or a portion of the money to:

1966 (A) special service districts established by the county under Title 17D, Chapter 1,
1967 Special Service District Act;

1968 (B) school districts; or

1969 (C) public institutions of higher education.

1970 (iii) (A) Beginning in fiscal year 1994-95 and in each year after fiscal year 1994-95, the
1971 Division of Finance shall increase or decrease the amounts per acre provided for in Subsections
1972 (2)(j)(i)(A) through (C) by the average annual change in the Consumer Price Index for all urban
1973 consumers published by the Department of Labor.

1974 (B) For fiscal years beginning on or after fiscal year 2001-02, the Division of Finance
1975 shall increase or decrease the amount described in Subsection (2)(j)(i)(D)(I) by the average
1976 annual change in the Consumer Price Index for all urban consumers published by the
1977 Department of Labor.

1978 (iv) Residences for purposes of Subsection (2)(j)(i)(D)(II) are residences that are:

- 1979 (A) owned by:
- 1980 (I) the Division of State Parks [or];
- 1981 (II) the Division of Outdoor Recreation; or
- 1982 [~~(H)~~] (III) the Division of Wildlife Resources;
- 1983 (B) located on lands that are owned by:
- 1984 (I) the Division of State Parks [or];
- 1985 (II) the Division of Outdoor Recreation; or
- 1986 [~~(H)~~] (III) the Division of Wildlife Resources; and
- 1987 (C) are not subject to taxation under:
- 1988 (I) Chapter 2, Property Tax Act; or
- 1989 (II) Chapter 4, Privilege Tax.
- 1990 (k) The Legislature shall annually appropriate to the Permanent Community Impact
- 1991 Fund all deposits remaining in the Mineral Lease Account after making the appropriations
- 1992 provided for in Subsections (2)(d) through (j).
- 1993 (3) (a) Each agency, board, institution of higher education, and political subdivision
- 1994 receiving money under this chapter shall provide the Legislature, through the Office of the
- 1995 Legislative Fiscal Analyst, with a complete accounting of the use of that money on an annual
- 1996 basis.
- 1997 (b) The accounting required under Subsection (3)(a) shall:
- 1998 (i) include actual expenditures for the prior fiscal year, budgeted expenditures for the
- 1999 current fiscal year, and planned expenditures for the following fiscal year; and
- 2000 (ii) be reviewed by the Business, Economic Development, and Labor Appropriations
- 2001 Subcommittee as part of its normal budgetary process under Title 63J, Chapter 1, Budgetary
- 2002 Procedures Act.
- 2003 Section 36. Section **59-28-103** is amended to read:
- 2004 **59-28-103. Imposition -- Rate -- Revenue distribution.**
- 2005 (1) Subject to the other provisions of this chapter, the state shall impose a tax on the
- 2006 transactions described in Subsection [59-12-103\(1\)\(i\)](#) at a rate of .32%.
- 2007 (2) The tax imposed under this chapter is in addition to any other taxes imposed on the
- 2008 transactions described in Subsection [59-12-103\(1\)\(i\)](#).
- 2009 (3) (a) (i) Subject to Subsection (3)(a)(ii), the commission shall deposit 6% of the

2010 revenue the state collects from the tax under this chapter into the Hospitality and Tourism
2011 Management Education Account created in Section [53F-9-501](#) to fund the Hospitality and
2012 Tourism Management Career and Technical Education Pilot Program created in Section
2013 [53E-3-515](#).

2014 (ii) The commission may not deposit more than \$300,000 into the Hospitality and
2015 Tourism Management Education Account under Subsection (3)(a)(i) in a fiscal year.

2016 (b) Except for the amount deposited into the Hospitality and Tourism Management
2017 Education Account under Subsection (3)(a) and the administrative charge retained under
2018 Subsection [59-28-104](#)(4), the commission shall deposit any revenue the state collects from the
2019 tax under this chapter into the Outdoor Recreation Infrastructure Account created in Section
2020 [79-8-106](#) to fund the Outdoor Recreational Infrastructure Grant Program created in Section
2021 [~~63N-9-202~~] [79-8-401](#) and the Recreation Restoration Infrastructure Grant Program created in
2022 Section [79-8-202](#).

2023 Section 37. Section **63C-21-201** is amended to read:

2024 **63C-21-201. Outdoor Adventure Commission created.**

2025 (1) There is created the Outdoor Adventure Commission consisting of the following
2026 [~~+5~~] 14 members:

2027 (a) one member of the Senate, appointed by the president of the Senate;

2028 (b) one member of the House of Representatives, appointed by the speaker of the
2029 House of Representatives;

2030 [~~(c) the director of the Utah Office of Outdoor Recreation, or the director's designee;~~]

2031 [~~(d)~~] (c) the managing director of the Utah Office of Tourism, or the managing
2032 director's designee;

2033 [~~(e)~~] (d) the director of the Division of Outdoor Recreation, or the director's designee;

2034 [~~(f)~~] (e) the director of the School and Institutional Trust Lands Administration, or the
2035 director's designee;

2036 [~~(g)~~] (f) the coordinator of the Off-Highway Vehicle [~~and Recreational Trails~~] Program
2037 within the Division of Outdoor Recreation;

2038 [~~(h)~~] (g) a representative of the agriculture industry appointed jointly by the president
2039 of the Senate and the speaker of the House of Representatives;

2040 [~~(i)~~] (h) a representative of the natural resources development industry appointed

2041 jointly by the president of the Senate and the speaker of the House of Representatives;
2042 ~~[(j)]~~ (i) one representative of the Utah League of Cities and Towns appointed by the
2043 Utah League of Cities and Towns;
2044 ~~[(k)]~~ (j) one representative of the Utah Association of Counties appointed by the Utah
2045 Association of Counties;
2046 ~~[(l)]~~ (k) one individual appointed jointly by the Utah League of Cities and Towns and
2047 the Utah Association of Counties;
2048 ~~[(m)]~~ (l) a representative of conservation interests appointed jointly by the president of
2049 the Senate and the speaker of the House of Representatives;
2050 ~~[(n)]~~ (m) a representative of the outdoor recreation industry appointed jointly by the
2051 president of the Senate and the speaker of the House of Representatives; and
2052 ~~[(o)]~~ (n) the coordinator of the boating program within the Division of Outdoor
2053 Recreation.
2054 (2) The commission shall annually select one of ~~[its]~~ the commission's members to be
2055 the chair of the commission.
2056 (3) (a) If a vacancy occurs in the membership of the commission appointed under
2057 Subsection (1)(a) or (b), or Subsections ~~[(1)(h) through (n)]~~ (1)(g) through (m), the member
2058 shall be replaced in the same manner in which the original appointment was made.
2059 (b) A member appointed under Subsections ~~[(1)(h) through (n)]~~ (1)(g) through (m)
2060 shall serve a term of four years and until the member's successor is appointed and qualified.
2061 (c) Notwithstanding the requirements of Subsection (3)(b), for members appointed
2062 under Subsections ~~[(1)(h) through (n)]~~ (1)(g) through (m), the division shall, at the time of
2063 appointment or reappointment, adjust the length of terms to ensure that the terms of
2064 commission members are staggered so that approximately half of the commission members
2065 appointed under Subsections ~~[(1)(h) through (n)]~~ (1)(g) through (m) are appointed every two
2066 years.
2067 (d) An individual may be appointed to more than one term.
2068 (4) (a) Eight commission members constitutes a quorum.
2069 (b) The action of a majority of a quorum constitutes an action of the commission.
2070 (5) (a) The salary and expenses of a commission member who is a legislator shall be
2071 paid in accordance with Section 36-2-2, Legislative Joint Rules, Title 5, Chapter 2, Lodging,

2072 Meal, and Transportation Expenses, and Legislative Joint Rules, Title 5, Chapter 3, Legislator
2073 Compensation.

2074 (b) A commission member who is not a legislator may not receive compensation or
2075 benefits for the member's service on the commission, but may receive per diem and
2076 reimbursement for travel expenses incurred as a commission member at the rates established by
2077 the Division of Finance under:

2078 (i) Sections 63A-3-106 and 63A-3-107; and

2079 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2080 63A-3-107.

2081 (6) The Department of Transportation shall serve as a technical advisor to the
2082 commission.

2083 (7) The Division of Outdoor Recreation, created in Section 79-7-201, shall provide
2084 staff support to the commission.

2085 Section 38. Section 63C-21-202 is amended to read:

2086 **63C-21-202. Strategic plan -- Commission powers and duties -- Consultant --**
2087 **Reports.**

2088 (1) (a) The commission shall gather information on recreation assets from state and
2089 local agencies and other sources and develop a strategic plan aimed at meeting the future needs
2090 of outdoor recreation within the state to enhance the quality of life of Utah residents. Asset lists
2091 received from state and local agencies shall include:

2092 (i) common data points, to be established by the [~~Office of Outdoor Recreation~~]
2093 Division of Outdoor Recreation that can be uniformly compared with other recreation assets
2094 within the state, such as asset type, size, unique characteristics, vegetation, land ownership, and
2095 similar items;

2096 (ii) any specific needs, challenges, or limitations on recreation use of the assets; and

2097 (iii) a ranking of potential enhancements to the assets related to recreation use.

2098 (b) The strategic plan shall address:

2099 (i) outdoor recreation as a major contributor to residents' quality of life;

2100 (ii) the needs and impacts of residents who engage in outdoor recreation;

2101 (iii) the impact on local communities related to outdoor recreation, including the costs
2102 associated with emergency services and infrastructure;

- 2103 (iv) outdoor recreation as a means to retain and attract an exceptional workforce to
2104 provide for a sustainable economy;
- 2105 (v) impacts to the environment, wildlife, and natural resources and measures to
2106 preserve the natural beauty of the state as more people engage in outdoor recreation;
- 2107 (vi) identify opportunities for sustainable revenue sources to provide for maintenance
2108 and future needs;
- 2109 (vii) the interface with public lands that are federally managed and private lands; and
2110 (viii) other items determined by the commission.
- 2111 (2) The commission shall:
- 2112 (a) engage one or more consultants to:
- 2113 (i) manage the strategic planning process in accordance with Subsection (3); and
2114 (ii) conduct analytical work in accordance with Subsection (3);
- 2115 (b) guide the analytical work of a consultant described in Subsection (2)(a) and review
2116 the results of the work;
- 2117 (c) coordinate with a consultant described in Subsection (2)(a) to engage in a process
2118 and create a strategic plan;
- 2119 (d) conduct regional meetings to gather stakeholder input during the strategic planning
2120 process;
- 2121 (e) seek input from federal entities including the United States Department of the
2122 Interior, the United States Department of Agriculture, and Utah's congressional delegation; and
- 2123 (f) produce a final report including a strategic plan and any recommendations.
- 2124 (3) The commission, by contract with a consultant engaged under Subsection (2)(a),
2125 shall direct the consultant to:
- 2126 (a) conduct an inventory of existing outdoor recreation resources, programs, and
2127 information;
- 2128 (b) conduct an analysis of what is needed to develop and implement an effective
2129 outdoor recreation strategy aimed at enhancing the quality of life of Utah residents;
- 2130 (c) collect and analyze data related to the future projected conditions of the outdoor
2131 recreation resources, programs, and information, including the affordability and financing of
2132 outdoor recreation;
- 2133 (d) develop alternatives to the projection described in Subsection (3)(c) by modeling

2134 potential changes to the outdoor recreation industry and economic growth;

2135 (e) in coordination with the commission, engage in extensive local stakeholder
2136 involvement to better understand the needs of, concerns of, and opportunities for different
2137 communities and outdoor recreation user types;

2138 (f) recommend accountability or performance measures to assess the effectiveness of
2139 the outdoor recreation system;

2140 (g) based on the data described in this Subsection (3), make comparisons between
2141 outdoor recreation in Utah and outdoor recreation in other states or countries;

2142 (h) in coordination with the commission, conduct the regional meetings described in
2143 Subsection (2)(d) to share information and seek input from a range of stakeholders;

2144 (i) recommend changes to the governance system for outdoor recreation that would
2145 facilitate implementation of the strategic plan;

2146 (j) engage in any other data collection or analysis requested by the commission; and

2147 (k) produce for the commission:

2148 (i) a draft report of findings, observations, and strategic priorities, including:

2149 (A) a statewide vision and strategy for outdoor recreation;

2150 (B) a strategy for how to meaningfully engage stakeholders throughout the state;

2151 (C) funding needs related to outdoor recreation; and

2152 (D) recommendations for the steps the state should take to implement a statewide
2153 vision and strategy for outdoor recreation; and

2154 (ii) a final report, incorporating feedback from the commission on the draft report
2155 described in Subsection (3)(k)(i), regarding the future of the outdoor recreation in the state.

2156 [~~(4) The commission shall consult with the Division of Recreation as provided by~~
2157 ~~statute.~~]

2158 Section 39. Section **63I-1-241** is amended to read:

2159 **63I-1-241. Repeal dates, Title 41.**

2160 (1) Subsection [41-1a-1201\(9\)](#), related to the Spinal Cord and Brain Injury
2161 Rehabilitation Fund, is repealed January 1, 2025.

2162 (2) Section [41-3-106](#), which creates an advisory board related to motor vehicle
2163 business regulation, is repealed July 1, 2024.

2164 (3) The following subsections addressing lane filtering are repealed on July 1, 2022:

- 2165 (a) Subsection 41-6a-102(30) that defines "lane filtering";
- 2166 (b) Subsection 41-6a-704(5); and
- 2167 (c) Subsection 41-6a-710(1)(c).
- 2168 (4) Subsection 41-6a-1406(6)(b)(iii), related to the Spinal Cord and Brain Injury
- 2169 Rehabilitation Fund, is repealed January 1, 2025.
- 2170 (5) Subsections 41-22-2(1) and 41-22-10(1)(a), which [~~create the Off-highway Vehicle~~
- 2171 ~~Advisory Council~~] authorize an advisory council that includes in the advisory council's duties
- 2172 addressing off-highway vehicle issues, are repealed July 1, 2027.
- 2173 (6) Subsection 41-22-8(3), related to the Spinal Cord and Brain Injury Rehabilitation
- 2174 Fund, is repealed January 1, 2025.
- 2175 Section 40. Section 63I-1-263 is amended to read:
- 2176 **63I-1-263. Repeal dates, Titles 63A to 63N.**
- 2177 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:
- 2178 (a) Section 63A-16-102 is repealed;
- 2179 (b) Section 63A-16-201 is repealed; and
- 2180 (c) Section 63A-16-202 is repealed.
- 2181 (2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital
- 2182 improvement funding, is repealed July 1, 2024.
- 2183 (3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,
- 2184 2023.
- 2185 (4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review
- 2186 Committee, are repealed July 1, 2023.
- 2187 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
- 2188 1, 2028.
- 2189 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
- 2190 2025.
- 2191 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
- 2192 2024.
- 2193 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
- 2194 repealed July 1, 2023.
- 2195 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed

- 2196 July 1, 2023.
- 2197 (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
2198 repealed July 1, 2026.
- 2199 (11) Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed
2200 July 1, 2025.
- 2201 (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities
2202 Advisory Board, is repealed July 1, 2026.
- 2203 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
2204 2025.
- 2205 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
2206 2024.
- 2207 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 2208 (16) Subsection [63J-1-602.1](#)(17), Nurse Home Visiting Restricted Account is repealed
2209 July 1, 2026.
- 2210 (17) (a) Subsection [63J-1-602.1](#)(61), relating to the Utah Statewide Radio System
2211 Restricted Account, is repealed July 1, 2022.
- 2212 (b) When repealing Subsection [63J-1-602.1](#)(61), the Office of Legislative Research and
2213 General Counsel shall, in addition to the office's authority under Subsection [36-12-12](#)(3), make
2214 necessary changes to subsection numbering and cross references.
- 2215 (18) Subsection [63J-1-602.2](#)~~(5)~~(4), referring to dedicated credits to the Utah Marriage
2216 Commission, is repealed July 1, 2023.
- 2217 (19) Subsection [63J-1-602.2](#)~~(6)~~(5), referring to the Trip Reduction Program, is
2218 repealed July 1, 2022.
- 2219 (20) Subsection [63J-1-602.2](#)~~(24)~~(23), related to the Utah Seismic Safety
2220 Commission, is repealed January 1, 2025.
- 2221 (21) [~~Title 63J, Chapter 4, Part 5~~] Title 63L, Chapter 11, Part 4, Resource
2222 Development Coordinating Committee, is repealed July 1, 2027.
- 2223 (22) In relation to the advisory committee created in Subsection [63L-11-305](#)(3), on July
2224 1, 2022:
- 2225 (a) Subsection [63L-11-305](#)(1)(a), which defines "advisory committee," is repealed; and
2226 (b) Subsection [63L-11-305](#)(3), which creates the advisory committee, is repealed.

- 2227 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on
2228 January 1, 2023:
- 2229 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are
2230 repealed;
- 2231 (b) Section [63M-7-305](#), the language that states "council" is replaced with
2232 "commission";
- 2233 (c) Subsection [63M-7-305](#)(1) is repealed and replaced with:
2234 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and
2235 (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:
2236 "(2) The commission shall:
- 2237 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
2238 Drug-Related Offenses Reform Act; and
- 2239 (b) coordinate the implementation of Section [77-18-104](#) and related provisions in
2240 Subsections [77-18-103](#)(2)(c) and (d)."
- 2241 (24) The Crime Victim Reparations and Assistance Board, created in Section
2242 [63M-7-504](#), is repealed July 1, 2027.
- 2243 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July
2244 1, 2022.
- 2245 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.
- 2246 (27) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating
2247 Council, is repealed July 1, 2024.
- 2248 (28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 2249 (29) Section [63N-2-512](#), related to the Hotel Impact Mitigation Fund, is repealed July
2250 1, 2028.
- 2251 (30) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
2252 January 1, 2021.
- 2253 (b) Section [59-9-107](#) regarding tax credits against premium taxes is repealed for
2254 calendar years beginning on or after January 1, 2021.
- 2255 (c) Notwithstanding Subsection (30)(b), an entity may carry forward a tax credit in
2256 accordance with Section [59-9-107](#) if:
- 2257 (i) the person is entitled to a tax credit under Section [59-9-107](#) on or before December

2258 31, 2020; and

2259 (ii) the qualified equity investment that is the basis of the tax credit is certified under
2260 Section [63N-2-603](#) on or before December 31, 2023.

2261 (31) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed
2262 July 1, 2023.

2263 (32) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,
2264 2025.

2265 [~~33) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,~~
2266 ~~is repealed January 1, 2028.~~]

2267 Section 41. Section **63I-1-273** is amended to read:

2268 **63I-1-273. Repeal dates, Title 73.**

2269 (1) Title 73, Chapter 27, Legislative Water Development Commission, is repealed
2270 January 1, 2031.

2271 (2) Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, is repealed July 1,
2272 2025.

2273 (3) Section [73-18-3.5](#), which [~~creates the Boating Advisory Council~~] authorizes the
2274 Division of Outdoor Recreation to appoint an advisory council that includes in the advisory
2275 council's duties advising on boating policies, is repealed July 1, 2024.

2276 (4) Title 73, Chapter 30, Great Salt Lake Advisory Council Act, is repealed July 1,
2277 2027.

2278 (5) In relation to Title 73, Chapter 31, Water Banking Act, on December 31, 2030:

2279 (a) Subsection [73-1-4\(2\)\(e\)\(xi\)](#) is repealed;

2280 (b) Subsection [73-10-4\(1\)\(h\)](#) is repealed; and

2281 (c) Title 73, Chapter 31, Water Banking Act, is repealed.

2282 Section 42. Section **63I-1-279** is amended to read:

2283 **63I-1-279. Repeal dates, Title 79.**

2284 (1) Subsection [79-2-201\(2\)\(~~t~~\)\(p\)](#), related to the Heritage Trees Advisory Committee,
2285 is repealed July 1, 2026.

2286 (2) Subsection [79-2-201\(2\)\(~~s~~\)\(q\)](#), related to the [~~Recreational Trails Advisory~~
2287 ~~Council~~] Utah Outdoor Recreation Infrastructure Advisory Committee, is repealed July 1,
2288 2027.

2289 (3) Subsection 79-2-201(2)(~~t~~)(r)(i), related to ~~[the Boating Advisory Council]~~ an
 2290 advisory council created by the Division of Outdoor Recreation to advise on boating policies, is
 2291 repealed July 1, 2024.

2292 (4) Subsection 79-2-201(2)(~~t~~)(s), related to the Wildlife Board Nominating
 2293 Committee, is repealed July 1, 2023.

2294 (5) Subsection 79-2-201(2)(~~v~~)(t), related to regional advisory councils for the
 2295 Wildlife Board, is repealed July 1, 2023.

2296 ~~[(6) Title 79, Chapter 5, Part 2, Advisory Council, which creates the Recreational~~
 2297 ~~Trails Advisory Council, is repealed July 1, 2027.]~~

2298 (6) Section 79-7-206, creating the Utah Outdoor Recreation Infrastructure Advisory
 2299 Committee, is repealed July 1, 2027.

2300 (7) Title 79, Chapter 8, Part 4, Outdoor Recreational Infrastructure Grant Program, is
 2301 repealed January 1, 2028.

2302 Section 43. Section **63I-2-204** is amended to read:

2303 **63I-2-204. Repeal dates -- Title 4.**

2304 (1) Title 4, Chapter 2, Part 6, Local Food Advisory Council, is repealed November 30,
 2305 2022.

2306 (2) Section 4-46-104, Transition, is repealed July 1, 2024.

2307 Section 44. Section **63I-2-279** is amended to read:

2308 **63I-2-279. Repeal dates, Title 79.**

2309 (1) Section 79-2-206, Transition, is repealed July 1, ~~[2022]~~ 2024.

2310 (2) Title 79, Chapter 6, Part 8, Voluntary Home Energy Information Pilot Program Act,
 2311 is repealed January 1, 2022.

2312 Section 45. Section **63J-1-601** is amended to read:

2313 **63J-1-601. End of fiscal year -- Unexpended balances -- Funds not to be closed**
 2314 **out -- Pending claims -- Transfer of amounts from item of appropriation -- Nonlapsing**
 2315 **accounts and funds -- Institutions of higher education to report unexpended balances.**

2316 (1) As used in this section:

2317 (a) "Education grant subrecipient" means a nonfederal entity that:

2318 (i) receives a subaward from the State Board of Education to carry out at least part of a
 2319 federal or state grant program; and

2320 (ii) does not include an individual who is a beneficiary of the federal or state grant
2321 program.

2322 (b) "Transaction control number" means the unique numerical identifier established by
2323 the Department of Health to track each medical claim and indicates the date on which the claim
2324 is entered.

2325 (2) On or before August 31 of each fiscal year, the director of the Division of Finance
2326 shall close out to the proper fund or account all remaining unexpended and unencumbered
2327 balances of appropriations made by the Legislature, except:

2328 (a) those funds classified under Title 51, Chapter 5, Funds Consolidation Act, as:

2329 (i) enterprise funds;

2330 (ii) internal service funds;

2331 (iii) trust and agency funds;

2332 (iv) capital projects funds;

2333 (v) discrete component unit funds;

2334 (vi) debt service funds; and

2335 (vii) permanent funds;

2336 (b) those appropriations from a fund or account or appropriations to a program that are
2337 designated as nonlapsing under Section [63J-1-602.1](#) or [63J-1-602.2](#);

2338 (c) expendable special revenue funds, unless specifically directed to close out the fund
2339 in the fund's enabling legislation;

2340 (d) acquisition and development funds appropriated to the Division of State Parks or
2341 the Division of Outdoor Recreation;

2342 (e) funds encumbered to pay purchase orders issued [~~prior to~~] before May 1 for capital
2343 equipment if delivery is expected before June 30; and

2344 (f) unexpended and unencumbered balances of appropriations that meet the
2345 requirements of Section [63J-1-603](#).

2346 (3) (a) Liabilities and related expenses for goods and services received on or before
2347 June 30 shall be recognized as expenses due and payable from appropriations made [~~prior to~~]
2348 before June 30.

2349 (b) The liability and related expense shall be recognized within time periods
2350 established by the Division of Finance but shall be recognized not later than August 31.

2351 (c) Liabilities and expenses not so recognized may be paid from regular departmental
2352 appropriations for the subsequent fiscal year, if these claims do not exceed unexpended and
2353 unencumbered balances of appropriations for the years in which the obligation was incurred.

2354 (d) ~~[No amounts may]~~ Amounts may not be transferred from an item of appropriation
2355 of any department, institution, or agency into the Capital Projects Fund or any other fund
2356 without the prior express approval of the Legislature.

2357 (4) (a) For purposes of this chapter, a claim processed under the authority of Title 26,
2358 Chapter 18, Medical Assistance Act:

2359 (i) is not a liability or an expense to the state for budgetary purposes, unless the
2360 Division of Health Care Financing receives the claim within the time periods established by the
2361 Division of Finance under Subsection (3)(b); and

2362 (ii) is not subject to Subsection (3)(c).

2363 (b) The transaction control number that the Division of Health Care Financing records
2364 on each claim invoice is the date of receipt.

2365 (5) (a) For purposes of this chapter, a claim processed in accordance with Title 35A,
2366 Chapter 13, Utah State Office of Rehabilitation Act:

2367 (i) is not a liability or an expense to the state for budgetary purposes, unless the Utah
2368 State Office of Rehabilitation receives the claim within the time periods established by the
2369 Division of Finance under Subsection (3)(b); and

2370 (ii) is not subject to Subsection (3)(c).

2371 (b) (i) The Utah State Office of Rehabilitation shall mark each claim invoice with the
2372 date on which the Utah State Office of Rehabilitation receives the claim invoice.

2373 (ii) The date described in Subsection (5)(b)(i) is the date of receipt for purposes of this
2374 section.

2375 (6) (a) For purposes of this chapter, a reimbursement request received from an
2376 education grant subrecipient:

2377 (i) is not a liability or expense to the state for budgetary purposes, unless the State
2378 Board of Education receives the claim within the time periods described in Subsection (3)(b);
2379 and

2380 (ii) is not subject to Subsection (3)(c).

2381 (b) The transaction control number that the State Board of Education records on a

2382 claim invoice is the date of receipt.

2383 (7) Any balance from an appropriation to a state institution of higher education that
2384 remains unexpended at the end of the fiscal year shall be reported to the Division of Finance by
2385 the September 1 following the close of the fiscal year.

2386 Section 46. Section **63J-1-602.2** is amended to read:

2387 **63J-1-602.2. List of nonlapsing appropriations to programs.**

2388 Appropriations made to the following programs are nonlapsing:

2389 (1) The Legislature and the Legislature's committees.

2390 (2) The State Board of Education, including all appropriations to agencies, line items,
2391 and programs under the jurisdiction of the State Board of Education, in accordance with
2392 Section **53F-9-103**.

2393 (3) The Percent-for-Art Program created in Section **9-6-404**.

2394 (4) The LeRay McAllister Critical Land Conservation Program created in Section
2395 [~~11-38-301~~] **4-46-301**.

2396 (5) Dedicated credits accrued to the Utah Marriage Commission as provided under
2397 Subsection **17-16-21(2)(d)(ii)**.

2398 (6) The Trip Reduction Program created in Section **19-2a-104**.

2399 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under
2400 the Pelican Management Act, as provided in Section **23-21a-6**.

2401 (8) The emergency medical services grant program in Section **26-8a-207**.

2402 (9) The primary care grant program created in Section **26-10b-102**.

2403 (10) Sanctions collected as dedicated credits from Medicaid provider under Subsection
2404 **26-18-3(7)**.

2405 (11) The Utah Health Care Workforce Financial Assistance Program created in Section
2406 **26-46-102**.

2407 (12) The Rural Physician Loan Repayment Program created in Section **26-46a-103**.

2408 (13) The Opiate Overdose Outreach Pilot Program created in Section **26-55-107**.

2409 (14) Funds that the Department of Alcoholic Beverage Control retains in accordance
2410 with Subsection **32B-2-301 (9)(a)** or (b).

2411 (15) The General Assistance program administered by the Department of Workforce
2412 Services, as provided in Section **35A-3-401**.

- 2413 (16) The Utah National Guard, created in Title 39, Militia and Armories.
- 2414 (17) The State Tax Commission under Section [41-1a-1201](#) for the:
- 2415 (a) purchase and distribution of license plates and decals; and
- 2416 (b) administration and enforcement of motor vehicle registration requirements.
- 2417 (18) The Search and Rescue Financial Assistance Program, as provided in Section
- 2418 [53-2a-1102](#).
- 2419 (19) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 2420 (20) The Utah Board of Higher Education for teacher preparation programs, as
- 2421 provided in Section [53B-6-104](#).
- 2422 (21) The Medical Education Program administered by the Medical Education Council,
- 2423 as provided in Section [53B-24-202](#).
- 2424 (22) The Division of Services for People with Disabilities, as provided in Section
- 2425 [62A-5-102](#).
- 2426 (23) The Division of Fleet Operations for the purpose of upgrading underground
- 2427 storage tanks under Section [63A-9-401](#).
- 2428 (24) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 2429 (25) Appropriations to the Division of Technology Services for technology innovation
- 2430 as provided under Section [63A-16-903](#).
- 2431 (26) The Office of Administrative Rules for publishing, as provided in Section
- 2432 [63G-3-402](#).
- 2433 (27) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
- 2434 Colorado River Authority of Utah Act.
- 2435 (28) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act,
- 2436 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 2437 (29) Appropriations to fund the Governor's Office of Economic Opportunity's Rural
- 2438 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
- 2439 Employment Expansion Program.
- 2440 (30) Appropriations to fund programs for the Jordan River Recreation Area as
- 2441 described in Section [65A-2-8](#).
- 2442 (31) The Division of Human Resource Management user training program, as provided
- 2443 in Section [63A-17-106](#).

2444 (32) A public safety answering point's emergency telecommunications service fund, as
2445 provided in Section 69-2-301.

2446 (33) The Traffic Noise Abatement Program created in Section 72-6-112.

2447 (34) The money appropriated from the Navajo Water Rights Negotiation Account to
2448 the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a
2449 settlement of federal reserved water right claims.

2450 (35) The Judicial Council for compensation for special prosecutors, as provided in
2451 Section 77-10a-19.

2452 (36) A state rehabilitative employment program, as provided in Section 78A-6-210.

2453 (37) The Utah Geological Survey, as provided in Section 79-3-401.

2454 (38) The Bonneville Shoreline Trail Program created under Section 79-5-503.

2455 (39) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
2456 78B-6-144.5.

2457 (40) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
2458 Defense Commission.

2459 (41) The program established by the Division of Facilities Construction and
2460 Management under Section 63A-5b-703 under which state agencies receive an appropriation
2461 and pay lease payments for the use and occupancy of buildings owned by the Division of
2462 Facilities Construction and Management.

2463 Section 47. Section 63L-7-104 is amended to read:

2464 **63L-7-104. Identification of a potential wilderness area.**

2465 (1) (a) Subject to Subsection (1)(b), the director of PLPCO, within one year of the
2466 acquisition date, shall identify within a parcel of acquired land any conservation areas.

2467 (b) Before identifying a parcel of land as a conservation area, the director of PLPCO
2468 shall:

2469 (i) inform the School and Institutional Trust Lands Administration that a parcel is
2470 being considered for designation as a conservation area; and

2471 (ii) provide the School and Institutional Trust Lands Administration with the
2472 opportunity to trade out land owned by the School and Institutional Trust Lands Administration
2473 for the parcel in question subject to reaching an exchange agreement with the agency that
2474 manages the parcel.

- 2475 (2) The director of PLPCO shall:
- 2476 (a) file a map and legal description of each identified conservation area with the
- 2477 governor, the Senate, and the House of Representatives;
- 2478 (b) maintain, and make available to the public, records pertaining to identified
- 2479 conservation areas, including:
- 2480 (i) maps;
- 2481 (ii) legal descriptions;
- 2482 (iii) copies of proposed regulations governing the conservation area; and
- 2483 (iv) copies of public notices of, and reports submitted to the Legislature, regarding
- 2484 pending additions, eliminations, or modifications to a conservation area; and
- 2485 (c) within five years of the date of acquisition:
- 2486 (i) review each identified conservation area for its suitability to be classified as a
- 2487 protected wilderness area; and
- 2488 (ii) report the findings under Subsection (2)(c)(i) to the governor.
- 2489 (3) The records described in Subsection (2)(b) shall be available for inspection at:
- 2490 (a) the PLPCO office;
- 2491 (b) the main office of DNR;
- 2492 (c) a regional office of the Division of Forestry, Fire, and State Lands for any record
- 2493 that deals with an identified conservation area in that region; and
- 2494 (d) the Division of State Parks or the Division of Outdoor Recreation.
- 2495 (4) A conservation area may be designated as a protected wilderness area as described
- 2496 in Section [63L-7-105](#).
- 2497 (5) A conservation area identified under Subsection (1) shall be managed by DNR, in
- 2498 coordination with the county government having jurisdiction over the area, without the
- 2499 conservation area being designated as a protected wilderness area unless otherwise provided by
- 2500 the Legislature.
- 2501 Section 48. Section **63L-11-402** is amended to read:
- 2502 **63L-11-402. Membership -- Terms -- Chair -- Expenses.**
- 2503 (1) The Resource Development Coordinating Committee consists of the following [25]
- 2504 26 members:
- 2505 (a) the state science advisor;

2506 (b) a representative from the Department of Agriculture and Food appointed by the
2507 [~~executive director~~] commissioner of the Department of Agriculture and Food;

2508 (c) a representative from the Department of Cultural and Community Engagement
2509 appointed by the executive director of the Department of Cultural and Community
2510 Engagement;

2511 (d) a representative from the Department of Environmental Quality appointed by the
2512 executive director of the Department of Environmental Quality;

2513 (e) a representative from the Department of Natural Resources appointed by the
2514 executive director of the Department of Natural Resources;

2515 (f) a representative from the Department of Transportation appointed by the executive
2516 director of the Department of Transportation;

2517 (g) a representative from the Governor's Office of Economic Opportunity appointed by
2518 the director of the Governor's Office of Economic Opportunity;

2519 (h) a representative from the Housing and Community Development Division
2520 appointed by the director of the Housing and Community Development Division;

2521 (i) a representative from the Division of State History appointed by the director of the
2522 Division of State History;

2523 (j) a representative from the Division of Air Quality appointed by the director of the
2524 Division of Air Quality;

2525 (k) a representative from the Division of Drinking Water appointed by the director of
2526 the Division of Drinking Water;

2527 (l) a representative from the Division of Environmental Response and Remediation
2528 appointed by the director of the Division of Environmental Response and Remediation;

2529 (m) a representative from the Division of Waste Management and Radiation Control
2530 appointed by the director of the Division of Waste Management and Radiation Control;

2531 (n) a representative from the Division of Water Quality appointed by the director of the
2532 Division of Water Quality;

2533 (o) a representative from the Division of Oil, Gas, and Mining appointed by the
2534 director of the Division of Oil, Gas, and Mining;

2535 (p) a representative from the Division of Parks appointed by the director of the
2536 Division of Parks;

2537 (q) a representative from the Division of Outdoor Recreation appointed by the director
2538 of the Division of Outdoor Recreation;

2539 (r) a representative from the Division of Forestry, Fire, and State Lands appointed by
2540 the director of the Division of Forestry, Fire, and State Lands;

2541 (s) a representative from the Utah Geological Survey appointed by the director of the
2542 Utah Geological Survey;

2543 (t) a representative from the Division of Water Resources appointed by the director of
2544 the Division of Water Resources;

2545 (u) a representative from the Division of Water Rights appointed by the director of the
2546 Division of Water Rights;

2547 (v) a representative from the Division of Wildlife Resources appointed by the director
2548 of the Division of Wildlife Resources;

2549 (w) a representative from the School and Institutional Trust Lands Administration
2550 appointed by the director of the School and Institutional Trust Lands Administration;

2551 (x) a representative from the Division of Facilities Construction and Management
2552 appointed by the director of the Division of Facilities Construction and Management; [~~and~~]

2553 (y) a representative from the Division of Emergency Management appointed by the
2554 director of the Division of Emergency Management[~~;~~]; and

2555 (z) a representative from the Division of Conservation, created under Section [4-46-401](#),
2556 appointed by the director of the Division of Conservation.

2557 (2) (a) As particular issues require, the coordinating committee may, by majority vote
2558 of the members present, appoint additional temporary members to serve as ex officio voting
2559 members.

2560 (b) Those ex officio members may discuss and vote on the issue or issues for which
2561 they were appointed.

2562 (3) A chair shall be selected by a [~~majority~~] vote of 14 committee members with the
2563 concurrence of the executive director.

2564 (4) A member may not receive compensation or benefits for the member's service, but
2565 may receive per diem and travel expenses in accordance with:

2566 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

2567 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

2568 63A-3-107.

2569 Section 49. Section 63N-3-602 is amended to read:

2570 **63N-3-602. Definitions.**

2571 As used in this part:

2572 (1) "Affordable housing" means [~~the same as that term is defined in Section~~
2573 ~~11-38-102~~] housing occupied or reserved for occupancy by households with a gross household
2574 income equal to or less than 80% of the median gross income of the applicable municipal or
2575 county statistical area for households of the same size.

2576 (2) "Agency" means the same as that term is defined in Section 17C-1-102.

2577 (3) "Base taxable value" means a property's taxable value as shown upon the
2578 assessment roll last equalized during the base year.

2579 (4) "Base year" means, for a proposed housing and transit reinvestment zone area, a
2580 year determined by the last equalized tax roll before the adoption of the housing and transit
2581 reinvestment zone.

2582 (5) (a) "Commuter rail" means a heavy-rail passenger rail transit facility operated by a
2583 large public transit district.

2584 (b) "Commuter rail" does not include a light-rail passenger rail facility of a large public
2585 transit district.

2586 (6) "Commuter rail station" means a station, stop, or terminal along an existing
2587 commuter rail line, or along an extension to an existing commuter rail line or new commuter
2588 rail line that is included in a metropolitan planning organization's adopted long-range
2589 transportation plan.

2590 (7) "Dwelling unit" means one or more rooms arranged for the use of one or more
2591 individuals living together, as a single housekeeping unit normally having cooking, living,
2592 sanitary, and sleeping facilities.

2593 (8) "Enhanced development" means the construction of mixed uses including housing,
2594 commercial uses, and related facilities, at an average density of 50 dwelling units or more per
2595 acre on the developable acres.

2596 (9) "Enhanced development costs" means extra costs associated with structured
2597 parking costs, vertical construction costs, horizontal construction costs, life safety costs,
2598 structural costs, conveyor or elevator costs, and other costs incurred due to the increased height

2599 of buildings or enhanced development.

2600 (10) "Horizontal construction costs" means the additional costs associated with
2601 earthwork, over excavation, utility work, transportation infrastructure, and landscaping to
2602 achieve enhanced development in the housing and transit reinvestment zone.

2603 (11) "Housing and transit reinvestment zone" means a housing and transit reinvestment
2604 zone created pursuant to this part.

2605 (12) "Housing and transit reinvestment zone committee" means a housing and transit
2606 reinvestment zone committee created pursuant to Section 63N-3-605.

2607 (13) "Large public transit district" means the same as that term is defined in Section
2608 17B-2a-802.

2609 (14) "Metropolitan planning organization" means the same as that term is defined in
2610 Section 72-1-208.5.

2611 (15) "Mixed use development" means development with a mix of multi-family
2612 residential use and at least one additional land use.

2613 (16) "Municipality" means the same as that term is defined in Section 10-1-104.

2614 (17) "Participant" means the same as that term is defined in Section 17C-1-102.

2615 (18) "Participation agreement" means the same as that term is defined in Section
2616 17C-1-102.

2617 (19) "Public transit county" means a county that has created a small public transit
2618 district.

2619 (20) "Public transit hub" means a public transit depot or station where four or more
2620 routes serving separate parts of the county-created transit district stop to transfer riders between
2621 routes.

2622 (21) "Sales and use tax base year" means a sales and use tax year determined by the
2623 first year pertaining to the tax imposed in Section 59-12-103 after the sales and use tax
2624 boundary for a housing and transit reinvestment zone is established.

2625 (22) "Sales and use tax boundary" means a boundary created as described in Section
2626 63N-3-604, based on state sales and use tax collection that corresponds as closely as reasonably
2627 practicable to the housing and transit reinvestment zone boundary.

2628 (23) "Sales and use tax increment" means the difference between:

2629 (a) the amount of state sales and use tax revenue generated each year following the

2630 sales and use tax base year by the sales and use tax from the area within a housing and transit
2631 reinvestment zone designated in the housing and transit reinvestment zone proposal as the area
2632 from which sales and use tax increment is to be collected; and

2633 (b) the amount of state sales and use tax revenue that was generated from that same
2634 area during the sales and use tax base year.

2635 (24) "Sales and use tax revenue" means revenue that is generated from the tax imposed
2636 under Section 59-12-103.

2637 (25) "Small public transit district" means the same as that term is defined in Section
2638 17B-2a-802.

2639 (26) "Tax commission" means the State Tax Commission created in Section 59-1-201.

2640 (27) "Tax increment" means the difference between:

2641 (a) the amount of property tax revenue generated each tax year by a taxing entity from
2642 the area within a housing and transit reinvestment zone designated in the housing and transit
2643 reinvestment zone proposal as the area from which tax increment is to be collected, using the
2644 current assessed value and each taxing entity's current certified tax rate as defined in Section
2645 59-2-924; and

2646 (b) the amount of property tax revenue that would be generated from that same area
2647 using the base taxable value and each taxing entity's current certified tax rate as defined in
2648 Section 59-2-924.

2649 (28) "Taxing entity" means the same as that term is defined in Section 17C-1-102.

2650 (29) "Vertical construction costs" means the additional costs associated with
2651 construction above four stories and structured parking to achieve enhanced development in the
2652 housing and transit reinvestment zone.

2653 Section 50. Section 65A-3-1 is amended to read:

2654 **65A-3-1. Trespassing on state lands -- Penalties.**

2655 (1) As used in this section:

2656 (a) "Anchored" means the same as that term is defined in Section 73-18-2.

2657 (b) "Beached" means the same as that term is defined in Section 73-18-2.

2658 (c) "Motorboat" means the same as that term is defined in Section 73-18-2.

2659 (d) "Vessel" means the same as that term is defined in Section 73-18-2.

2660 (2) A person is guilty of a class B misdemeanor and liable for the civil damages

- 2661 prescribed in Subsection (4) if, without written authorization from the division, the person:
- 2662 (a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand,
- 2663 soil, vegetation, or improvement on state lands;
- 2664 (b) grazes livestock on state lands;
- 2665 (c) uses, occupies, or constructs improvements or structures on state lands;
- 2666 (d) uses or occupies state lands for more than 30 days after the cancellation or
- 2667 expiration of written authorization;
- 2668 (e) knowingly and willfully uses state lands for commercial gain;
- 2669 (f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological,
- 2670 or paleontological resource on state lands;
- 2671 (g) starts or maintains a fire on state lands except in a posted and designated area;
- 2672 (h) camps on state lands, except in posted or designated areas;
- 2673 (i) camps on state lands for longer than 15 consecutive days at the same location or
- 2674 within one mile of the same location;
- 2675 (j) camps on state lands for 15 consecutive days, and then returns to camp at the same
- 2676 location before 15 consecutive days have elapsed after the day on which the person left that
- 2677 location;
- 2678 (k) leaves an anchored or beached vessel unattended for longer than 48 hours on state
- 2679 lands;
- 2680 (l) anchors or beaches a vessel on state lands at the same location for longer than 72
- 2681 hours or within two miles of the same location for longer than 72 hours;
- 2682 (m) anchors or beaches a vessel on state lands at the same location for 72 hours, and
- 2683 then returns to anchor or beach the vessel at the same location or within two miles of the same
- 2684 location before 72 hours have elapsed after the day on which the person left that location;
- 2685 (n) posts a sign claiming state land as private property;
- 2686 (o) prohibits, prevents, or obstructs public entry to state land where public entry is
- 2687 authorized by the division; or
- 2688 (p) parks or operates a motor vehicle on the bed of a navigable lake or river except in
- 2689 those areas:
- 2690 (i) supervised by the Division of State Parks, the Division of Outdoor Recreation, or
- 2691 another state or local enforcement entity; and

2692 (ii) which are posted as open to vehicle use.

2693 (3) A person is guilty of a class C misdemeanor and liable for civil damages described
2694 in Subsection (4) if, on state lands surrounding Bear Lake and without written authorization of
2695 the division, the person:

2696 (a) parks or operates a motor vehicle in an area on the exposed lake bed that is
2697 specifically posted by the division as closed for usage;

2698 (b) camps, except in an area that is posted and designated as open to camping;

2699 (c) exceeds a speed limit of 10 miles per hour while operating a motor vehicle;

2700 (d) drives recklessly while operating a motor vehicle;

2701 (e) parks or operates a motor vehicle within an area between the water's edge and 100
2702 feet of the water's edge except as necessary to:

2703 (i) launch or retrieve a motorboat, if the person is permitted to launch or retrieve a
2704 motorboat;

2705 (ii) transport an individual with limited mobility; or

2706 (iii) deposit or retrieve equipment to a beach site;

2707 (f) travels in a motor vehicle parallel to the water's edge:

2708 (i) in areas designated by the division as closed;

2709 (ii) a distance greater than 500 yards; or

2710 (iii) for purposes other than travel to or from a beach site;

2711 (g) parks or operates a motor vehicle between the hours of 10 p.m. and 7 a.m.; or

2712 (h) starts a campfire or uses fireworks.

2713 (4) A person who commits any act described in Subsection (2) or (3) is liable for
2714 damages in the amount of:

2715 (a) three times the value of the mineral or other resource removed, destroyed, or
2716 extracted;

2717 (b) three times the value of damage committed; or

2718 (c) three times the consideration which would have been charged by the division for
2719 use of the land during the period of trespass.

2720 (5) In addition to the damages described in Subsection (4), a person found guilty of a
2721 misdemeanor under Subsection (2) or (3) is subject to the penalties provided in Section

2722 [76-3-204](#).

2723 (6) Money collected under this section shall be deposited in the fund in which similar
2724 revenues from that land would be deposited.

2725 Section 51. Section **65A-10-2** is amended to read:

2726 **65A-10-2. Recreational use of sovereign lands.**

2727 (1) The division, with the approval of the executive director of the Department of
2728 Natural Resources and the governor, may set aside for public or recreational use any part of the
2729 lands claimed by the state as the beds of lakes or streams.

2730 (2) Management of those lands may be delegated to the Division of State Parks, the
2731 Division of Outdoor Recreation, the Division of Wildlife Resources, or any other state agency.

2732 Section 52. Section **72-11-204** is amended to read:

2733 **72-11-204. Vacancies -- Expenses -- Reimbursement -- Use of facilities of**
2734 **Department of Transportation -- Functions, powers, duties, rights, and responsibilities.**

2735 (1) When a vacancy occurs in the membership for any reason, the replacement shall be
2736 appointed for the unexpired term.

2737 (2) A member may not receive compensation or benefits for the member's service, but
2738 may receive per diem and travel expenses in accordance with:

2739 (a) Section [63A-3-106](#);

2740 (b) Section [63A-3-107](#); and

2741 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2742 [63A-3-107](#).

2743 (3) Reimbursement shall be made from fees collected by the committee for services
2744 rendered by ~~it~~ the committee.

2745 (4) The Department of Transportation shall supply the committee with office
2746 accommodation, space, equipment, and secretarial assistance the executive director considers
2747 adequate for the committee.

2748 (5) In addition to the functions, powers, duties, rights, and responsibilities granted to
2749 ~~it~~ the committee under this chapter, the committee shall assume and have all of the functions,
2750 powers, duties, rights, and responsibilities of the Division of Outdoor Recreation in relation to
2751 passenger ropeway systems pursuant to that chapter.

2752 Section 53. Section **73-3-31** is amended to read:

2753 **73-3-31. Water right for watering livestock on public land.**

- 2754 (1) As used in this section:
- 2755 (a) "Acquire" means to gain the right to use water through obtaining:
- 2756 (i) an approved application to appropriate water; or
- 2757 (ii) a perfected water right.
- 2758 (b) "Allotment" means a designated area of public land available for livestock grazing.
- 2759 (c) "Animal unit month (AUM)" is the amount of forage needed to sustain one cow and
- 2760 her calf, one horse, or five sheep and goats for one month.
- 2761 (d) (i) "Beneficial user" means the person that has the right to use the grazing permit.
- 2762 (ii) "Beneficial user" does not mean the public land agency issuing the grazing permit.
- 2763 (e) "Grazing permit" means a document authorizing livestock to graze on an allotment.
- 2764 (f) "Livestock" means a domestic animal raised or kept for profit or personal use.
- 2765 (g) "Livestock watering right" means a right for:
- 2766 (i) livestock to consume water:
- 2767 (A) directly from the water source located on public land; or
- 2768 (B) from an impoundment located on public land into which the water is diverted; and
- 2769 (ii) associated uses of water related to the raising and care of livestock on public land.
- 2770 (h) (i) "Public land" means land owned or managed by the United States or the state.
- 2771 (ii) "Public land" does not mean land owned by:
- 2772 (A) the Division of Wildlife Resources;
- 2773 (B) the School and Institutional Trust Lands Administration; [~~or~~]
- 2774 (C) the Division of State Parks; or
- 2775 (D) the Division of Outdoor Recreation.
- 2776 (i) "Public land agency" means the agency that owns or manages the public land.
- 2777 (2) A public land agency may not:
- 2778 (a) condition the issuance, renewal, amendment, or extension of any permit, approval,
- 2779 license, allotment, easement, right-of-way, or other land use occupancy agreement regarding
- 2780 livestock on the transfer of any water right directly to the public land agency;
- 2781 (b) require any water user to apply for, or acquire a water right in the name of, the
- 2782 public land agency as a condition for the issuance, renewal, amendment, or extension of any
- 2783 permit, approval, license, allotment, easement, right-of-way, or other land use occupancy
- 2784 agreement regarding livestock; or

2785 (c) acquire a livestock watering right if the public land agency is not a beneficial user.

2786 (3) The state engineer may not approve a change application under Section 73-3-3 for a
2787 livestock watering right without the consent of the beneficial user.

2788 (4) A beneficial user may file a nonuse application under Section 73-1-4 on a livestock
2789 watering right or a portion of a livestock watering right that the beneficial user puts to
2790 beneficial use.

2791 (5) A livestock watering right is appurtenant to the allotment on which the livestock is
2792 watered.

2793 (6) (a) (i) A beneficial user or a public land agency may file a request with the state
2794 engineer for a livestock water use certificate.

2795 (ii) The state engineer shall:

2796 (A) provide the livestock water use certificate application form on the Internet; and

2797 (B) allow electronic submission of the livestock water use certificate application.

2798 (b) The state engineer shall grant a livestock water use certificate to a beneficial user if
2799 the beneficial user:

2800 (i) demonstrates that the beneficial user has a right to use a grazing permit for the
2801 allotment to which the livestock watering right is appurtenant; and

2802 (ii) pays the fee set in accordance with Section 73-2-14.

2803 (c) A livestock water use certificate is valid as long as the livestock watering right is:

2804 (i) held by a beneficial user who has the right to use the grazing permit and graze
2805 livestock on the allotment;

2806 (ii) put to beneficial use within a seven-year time period; or

2807 (iii) subject to a nonuse application approved under Section 73-1-4.

2808 (7) A beneficial user may access or improve an allotment as necessary for the
2809 beneficial user to beneficially use, develop, and maintain the beneficial user's water right
2810 appurtenant to the allotment.

2811 (8) If a federal land management agency reduces livestock grazing AUMs on federal
2812 grazing allotments, and the reduction results in the partial forfeiture of an appropriated water
2813 right, the amount of water in question for nonuse as a livestock water right shall be held in trust
2814 by the state engineer until such water may be appropriated for livestock watering, consistent
2815 with this act and state law.

2816 (9) Nothing in this section affects a livestock watering right or a livestock water use
2817 certificate held by a public land agency on May 13, 2014.

2818 Section 54. Section **73-18-2** is amended to read:

2819 **73-18-2. Definitions.**

2820 As used in this chapter:

2821 (1) "Anchored" means a vessel that is temporarily attached to the bed or shoreline of a
2822 waterbody by any method and the hull of the vessel is not touching the bed or shoreline.

2823 (2) "Beached" means that a vessel's hull is resting on the bed or shoreline of a
2824 waterbody.

2825 (3) "Boat livery" means a person that holds a vessel for renting or leasing.

2826 (4) "Carrying passengers for hire" means to transport persons on vessels or to lead
2827 persons on vessels for consideration.

2828 (5) "Commission" means the Outdoor Adventure Commission.

2829 (6) "Consideration" means something of value given or done in exchange for
2830 something given or done by another.

2831 (7) "Dealer" means any person who is licensed by the appropriate authority to engage
2832 in and who is engaged in the business of buying and selling vessels or of manufacturing them
2833 for sale.

2834 (8) "Derelict vessel":

2835 (a) means a vessel that is left, stored, or abandoned upon the waters of this state in a
2836 wrecked, junked, or substantially dismantled condition; and

2837 (b) includes:

2838 (i) a vessel left at a Utah port or marina without consent of the agency or other entity
2839 administering the port or marine area; and

2840 (ii) a vessel left docked or grounded upon a property without the property owner's
2841 consent.

2842 (9) "Division" means the Division of Outdoor Recreation.

2843 (10) "Moored" means long term, on the water vessel storage in an area designated and
2844 properly marked by the division or other applicable managing agency.

2845 (11) "Motorboat" means any vessel propelled by machinery, whether or not the
2846 machinery is the principal source of propulsion.

- 2847 (12) "Operate" means to navigate, control, or otherwise use a vessel.
- 2848 (13) "Operator" means the person who is in control of a vessel while it is in use.
- 2849 (14) "Outfitting company" means any person who, for consideration:
- 2850 (a) provides equipment to transport persons on all waters of this state; and
- 2851 (b) supervises a person who:
- 2852 (i) operates a vessel to transport passengers; or
- 2853 (ii) leads a person on a vessel.
- 2854 (15) (a) "Owner" means a person, other than a lien holder, holding a proprietary
- 2855 interest in or the title to a vessel.
- 2856 (b) "Owner" includes a person entitled to the use or possession of a vessel subject to an
- 2857 interest by another person, reserved or created by agreement and securing payment or
- 2858 performance of an obligation.
- 2859 (c) "Owner" does not include a lessee under a lease not intended as security.
- 2860 (16) "Personal watercraft" means a motorboat that is:
- 2861 (a) less than 16 feet in length;
- 2862 (b) propelled by a water jet pump; and
- 2863 (c) designed to be operated by a person sitting, standing, or kneeling on the vessel,
- 2864 rather than sitting or standing inside the vessel.
- 2865 (17) "Racing shell" means a long, narrow watercraft:
- 2866 (a) outfitted with long oars and sliding seats; and
- 2867 (b) specifically designed for racing or exercise.
- 2868 (18) "Sailboat" means any vessel having one or more sails and propelled by wind.
- 2869 (19) "Vessel" means every type of watercraft, other than a seaplane on the water, used
- 2870 or capable of being used as a means of transportation on water.
- 2871 (20) "Wakeless speed" means an operating speed at which the vessel does not create or
- 2872 make a wake or white water trailing the vessel. This speed is not in excess of five miles per
- 2873 hour.
- 2874 (21) "Waters of this state" means any waters within the territorial limits of this state.
- 2875 Section 55. Section **73-18-3.5** is amended to read:
- 2876 **73-18-3.5. Advisory council.**
- 2877 The division, after [~~consultation with~~] notifying the commission, may appoint an

2878 advisory council [~~representing various~~] that includes:

2879 (1) representation of boating interests [~~to seek~~]; and

2880 (2) among the advisory council's duties, making recommendations on state boating
2881 policies.

2882 Section 56. Section **73-18-4** is amended to read:

2883 **73-18-4. Division may make rules and set fees.**

2884 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2885 division, after [~~consultation with~~] notifying the commission, shall [~~promulgate~~] make rules:

2886 (a) creating a uniform waterway marking system which shall be obeyed by all vessel
2887 operators;

2888 (b) regulating the placement of waterway markers and other permanent or anchored
2889 objects on the waters of this state;

2890 (c) zoning certain waters of this state for the purpose of prohibiting the operation of
2891 vessels or motors for safety and health purposes only;

2892 (d) regulating vessel operators who carry passengers for hire, boat liveries, and
2893 outfitting companies; and

2894 (e) regulating anchored, beached, moored, or abandoned vessels to minimize health,
2895 safety, and environmental concerns.

2896 (2) (a) The division, after [~~consultation with~~] notifying the commission, may set fees in
2897 accordance with Section **63J-1-504** for:

2898 (i) licensing vessel operators who carry passengers for hire; and

2899 (ii) registering:

2900 (A) outfitting companies; and

2901 (B) boat liveries.

2902 (b) The license and registration fees imposed pursuant to Subsection (2)(a) shall be
2903 deposited into the Boating Account created in Section **73-18-22**.

2904 Section 57. Section **73-18-7** is amended to read:

2905 **73-18-7. Registration requirements -- Exemptions -- Fee -- Agents -- Records --**

2906 **Period of registration and renewal -- Expiration -- Notice of transfer of interest or change**
2907 **of address -- Duplicate registration card -- Invalid registration -- Powers of division.**

2908 (1) (a) Except as provided by Section **73-18-9**, the owner of each motorboat and

2909 sailboat on the waters of this state shall register it with the division as provided in this chapter.

2910 (b) A person may not place, give permission for the placement of, operate, or give
2911 permission for the operation of a motorboat or sailboat on the waters of this state, unless the
2912 motorboat or sailboat is registered as provided in this chapter.

2913 (2) (a) The owner of a motorboat or sailboat required to be registered shall file an
2914 application for registration with the division on forms approved by the division.

2915 (b) The owner of the motorboat or sailboat shall sign the application and pay the fee set
2916 by the division, after [~~consultation with~~] notifying the commission, in accordance with Section
2917 [63J-1-504](#).

2918 (c) Before receiving a registration card and registration decals, the applicant shall
2919 provide the division with a certificate from the county assessor of the county in which the
2920 motorboat or sailboat has situs for taxation, stating that:

2921 (i) the property tax on the motorboat or sailboat for the current year has been paid;

2922 (ii) in the county assessor's opinion, the property tax is a lien on real property sufficient
2923 to secure the payment of the property tax; or

2924 (iii) the motorboat or sailboat is exempt by law from payment of property tax for the
2925 current year.

2926 (d) If the division modifies the fee under Subsection (2)(b), the modification shall take
2927 effect on the first day of the calendar quarter after 90 days from the day on which the division
2928 provides the State Tax Commission:

2929 (i) notice from the division stating that the division will modify the fee; and

2930 (ii) a copy of the fee modification.

2931 (e) (i) The division may enter into an agreement with the Motor Vehicle Division
2932 created in Section [41-1a-106](#) to administer the registration requirements described in this
2933 chapter.

2934 (ii) An individual may request automatic registration renewal as described in Section
2935 [41-1a-216](#).

2936 (3) (a) Upon receipt of the application in the approved form, the division shall record
2937 the receipt and issue to the applicant registration decals and a registration card that state the
2938 number assigned to the motorboat or sailboat and the name and address of the owner.

2939 (b) The registration card shall be available for inspection on the motorboat or sailboat

2940 for which it was issued, whenever that motorboat or sailboat is in operation.

2941 (4) The assigned number shall:

2942 (a) be painted or permanently attached to each side of the forward half of the motorboat
2943 or sailboat;

2944 (b) consist of plain vertical block characters not less than three inches in height;

2945 (c) contrast with the color of the background and be distinctly visible and legible;

2946 (d) have spaces or hyphens equal to the width of a letter between the letter and numeral
2947 groupings; and

2948 (e) read from left to right.

2949 (5) A motorboat or sailboat with a valid marine document issued by the United States
2950 Coast Guard is exempt from the number display requirements of Subsection (4).

2951 (6) The nonresident owner of any motorboat or sailboat already covered by a valid
2952 number that has been assigned to it according to federal law or a federally approved numbering
2953 system of the owner's resident state is exempt from registration while operating the motorboat
2954 or sailboat on the waters of this state unless the owner is operating in excess of the reciprocity
2955 period provided for in Subsection 73-18-9(1).

2956 (7) (a) If the ownership of a motorboat or sailboat changes, the new owner shall file a
2957 new application form and fee with the division, and the division shall issue a new registration
2958 card and registration decals in the same manner as provided for in Subsections (2) and (3).

2959 (b) The division shall reassign the current number assigned to the motorboat or sailboat
2960 to the new owner to display on the motorboat or sailboat.

2961 (8) If the United States Coast Guard has in force an overall system of identification
2962 numbering for motorboats or sailboats within the United States, the numbering system
2963 employed under this chapter by the division shall conform with that system.

2964 (9) (a) The division may authorize any person to act as its agent for the registration of
2965 motorboats and sailboats.

2966 (b) A number assigned, a registration card, and registration decals issued by an agent of
2967 the division in conformity with this chapter and rules of the division are valid.

2968 (10) (a) The Motor Vehicle Division shall classify all records of the division made or
2969 kept according to this section in the same manner that motor vehicle records are classified
2970 under Section 41-1a-116.

2971 (b) Division records are available for inspection in the same manner as motor vehicle
2972 records pursuant to Section 41-1a-116.

2973 (11) (a) (i) Each registration, registration card, and decal issued under this chapter shall
2974 continue in effect for 12 months, beginning with the first day of the calendar month of
2975 registration.

2976 (ii) A registration may be renewed by the owner in the same manner provided for in the
2977 initial application.

2978 (iii) The division shall reassign the current number assigned to the motorboat or
2979 sailboat when the registration is renewed.

2980 (b) Each registration, registration card, and registration decal expires the last day of the
2981 month in the year following the calendar month of registration.

2982 (c) If the last day of the registration period falls on a day in which the appropriate state
2983 or county offices are not open for business, the registration of the motorboat or sailboat is
2984 extended to 12 midnight of the next business day.

2985 (d) The division may receive applications for registration renewal and issue new
2986 registration cards at any time before the expiration of the registration, subject to the availability
2987 of renewal materials.

2988 (e) The new registration shall retain the same expiration month as recorded on the
2989 original registration even if the registration has expired.

2990 (f) The year of registration shall be changed to reflect the renewed registration period.

2991 (g) If the registration renewal application is an application generated by the division
2992 through its automated system, the owner is not required to surrender the last registration card or
2993 duplicate.

2994 (12) (a) An owner shall notify the division of:

2995 (i) the transfer of all or any part of the owner's interest, other than creation of a security
2996 interest, in a motorboat or sailboat registered in this state under Subsections (2) and (3); and

2997 (ii) the destruction or abandonment of the owner's motorboat or sailboat.

2998 (b) Notification must take place within 15 days of the transfer, destruction, or
2999 abandonment.

3000 (c) (i) The transfer, destruction, or abandonment of a motorboat or sailboat terminates
3001 its registration.

3002 (ii) Notwithstanding Subsection (12)(c)(i), a transfer of a part interest that does not
3003 affect the owner's right to operate a motorboat or sailboat does not terminate the registration.

3004 (13) (a) A registered owner shall notify the division within 15 days if the owner's
3005 address changes from the address appearing on the registration card and shall, as a part of this
3006 notification, furnish the division with the owner's new address.

3007 (b) The division may provide in the division's rules for:

3008 (i) the surrender of the registration card bearing the former address; and

3009 (ii) (A) the replacement of the card with a new registration card bearing the new
3010 address; or

3011 (B) the alteration of an existing registration card to show the owner's new address.

3012 (14) (a) If a registration card is lost or stolen, the division may collect a fee of \$4 for
3013 the issuance of a duplicate card.

3014 (b) If a registration decal is lost or stolen, the division may collect a fee of \$3 for the
3015 issuance of a duplicate decal.

3016 (15) A number other than the number assigned to a motorboat or sailboat or a number
3017 for a motorboat or sailboat granted reciprocity under this chapter may not be painted, attached,
3018 or otherwise displayed on either side of the bow of a motorboat or sailboat.

3019 (16) A motorboat or sailboat registration and number are invalid if obtained by
3020 knowingly falsifying an application for registration.

3021 (17) The division may designate the suffix to assigned numbers, and by following the
3022 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3023 make rules for:

3024 (a) the display of registration decals;

3025 (b) the issuance and display of dealer numbers and registrations; and

3026 (c) the issuance and display of temporary registrations.

3027 (18) A violation of this section is an infraction.

3028 Section 58. Section **73-18-8** is amended to read:

3029 **73-18-8. Safety equipment required to be on board vessels -- Penalties.**

3030 (1) (a) Except as provided in Subsection (1)(c), each vessel shall have, for each person
3031 on board, one wearable personal flotation device that is approved for the type of use by the
3032 commandant of the United States Coast Guard.

- 3033 (b) Each personal flotation device shall be:
- 3034 (i) in serviceable condition;
- 3035 (ii) legally marked with the United States Coast Guard approval number; and
- 3036 (iii) of an appropriate size for the person for whom it is intended.
- 3037 (c) (i) Sailboards and racing shells are exempt from the provisions of Subsections
- 3038 (1)(a) and (e).
- 3039 (ii) The division, after ~~[consultation with]~~ notifying the commission, may exempt
- 3040 certain types of vessels from the provisions of Subsection (1)(a) under certain conditions or
- 3041 upon certain waters.
- 3042 (d) The division may require by rule, after ~~[consultation with]~~ notifying the
- 3043 commission, for personal flotation devices to be worn:
- 3044 (i) while a person is on board a certain type of vessel;
- 3045 (ii) by a person under a certain age; or
- 3046 (iii) on certain waters of the state.
- 3047 (e) For vessels 16 feet or more in length, there shall also be on board one throwable
- 3048 personal flotation device which is approved for this use by the commandant of the United
- 3049 States Coast Guard.
- 3050 (2) The operator of a vessel operated between sunset and sunrise shall display lighted
- 3051 navigation lights approved by the division.
- 3052 (3) If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in
- 3053 any enclosure for any purpose, the vessel shall be equipped with an efficient natural or
- 3054 mechanical ventilation system that is capable of removing resulting gases before and during the
- 3055 time the vessel is occupied by any person.
- 3056 (4) Each vessel shall have fire extinguishing equipment on board.
- 3057 (5) Any inboard gasoline engine shall be equipped with a carburetor backfire flame
- 3058 control device.
- 3059 (6) The division may, after notifying the commission:
- 3060 (a) require additional safety equipment by rule ~~[made in consultation with the~~
- 3061 ~~commission]~~; and
- 3062 (b) adopt rules conforming with the requirements of this section which govern
- 3063 specifications for and the use of safety equipment.

3064 (7) A person may not operate or give permission for the operation of a vessel that is not
3065 equipped as required by this section or rules promulgated under this section.

3066 (8) A violation of this section is an infraction.

3067 Section 59. Section **73-18-11** is amended to read:

3068 **73-18-11. Regulation of muffling devices.**

3069 The division, after [~~consultation with~~] notifying the commission, shall adopt rules for
3070 the regulating of muffling devices on all vessels.

3071 Section 60. Section **73-18-13** is amended to read:

3072 **73-18-13. Duties of operator involved in accident -- Notification and reporting**
3073 **procedures -- Use of accident reports -- Giving false information as misdemeanor.**

3074 (1) As used in this section, "agent" has the same meaning as provided in Section
3075 [41-6a-404](#).

3076 (2) (a) It is the duty of the operator of a vessel involved in an accident, if the operator
3077 can do so without seriously endangering the operator's own vessel, crew, or passengers, to
3078 render aid to those affected by the accident as may be practicable.

3079 (b) The operator shall also give the operator's name, address, and identification of the
3080 operator's vessel in writing to:

3081 (i) any person injured; or

3082 (ii) the owner of any property damaged in the accident.

3083 (c) A violation of this Subsection (2) is a class B misdemeanor.

3084 (3) (a) The division, after [~~consultation with~~] notifying the commission, shall adopt
3085 rules governing the notification and reporting procedure for vessels involved in accidents.

3086 (b) The rules shall be consistent with federal requirements.

3087 (4) (a) Except as provided in Subsection (4)(b), all accident reports:

3088 (i) are protected and shall be for the confidential use of the division or other state,
3089 local, or federal agencies having use for the records for official governmental statistical,
3090 investigative, and accident prevention purposes; and

3091 (ii) may be disclosed only in a statistical form that protects the privacy of any person
3092 involved in the accident.

3093 (b) The division shall disclose a written accident report and its accompanying data to:

3094 (i) a person involved in the accident, excluding a witness to the accident;

- 3095 (ii) a person suffering loss or injury in the accident;
- 3096 (iii) an agent, parent, or legal guardian of a person described in Subsections (4)(b)(i)
- 3097 and (ii);
- 3098 (iv) a member of the press or broadcast news media;
- 3099 (v) a state, local, or federal agency that uses the records for official governmental,
- 3100 investigative, or accident prevention purposes;
- 3101 (vi) law enforcement personnel when acting in their official governmental capacity;
- 3102 and
- 3103 (vii) a licensed private investigator.

3104 (c) Information provided to a member of the press or broadcast news media under
3105 Subsection (4)(b)(iv) may only include:

- 3106 (i) the name, age, sex, and city of residence of each person involved in the accident;
- 3107 (ii) the make and model year of each vehicle involved in the accident;
- 3108 (iii) whether or not each person involved in the accident was covered by a vehicle
- 3109 insurance policy;
- 3110 (iv) the location of the accident; and
- 3111 (v) a description of the accident that excludes personal identifying information not
- 3112 listed in Subsection (4)(c)(i).

3113 (5) (a) Except as provided in Subsection (5)(c), an accident report may not be used as
3114 evidence in any civil or criminal trial, arising out of an accident.

3115 (b) Upon demand of any person who has, or claims to have, made the report, or upon
3116 demand of any court, the division shall furnish a certificate showing that a specified accident
3117 report has or has not been made to the division solely to prove a compliance or a failure to
3118 comply with the requirement that a report be made to the division.

3119 (c) Accident reports may be used as evidence when necessary to prosecute charges
3120 filed in connection with a violation of Subsection (6).

3121 (6) Any person who gives false information, knowingly or having reason to believe it is
3122 false, in an oral or written report as required in this chapter, is guilty of a class B misdemeanor.

3123 Section 61. Section **73-18-13.5** is amended to read:

3124 **73-18-13.5. Motorboat accidents -- Investigation and report of operator security**
3125 **-- Agency action if no security -- Surrender of registration materials.**

3126 (1) Upon request of a peace officer investigating an accident involving a motorboat as
3127 defined in Section 73-18c-102, the operator of the motorboat shall provide evidence of the
3128 owner's or operator's security required under Section 73-18c-301.

3129 (2) The peace officer shall record on a form approved by the division:

3130 (a) the information provided by the operator;

3131 (b) whether the operator provided insufficient or no information; and

3132 (c) whether the peace officer finds reasonable cause to believe that any information
3133 given is not correct.

3134 (3) The peace officer shall deposit all completed forms with the peace officer's agency,
3135 which shall forward the forms to the division no later than 10 days after receipt.

3136 (4) (a) The division shall revoke the registration of a motorboat as defined in Section
3137 73-18c-102 involved in an accident unless the owner or operator can demonstrate to the
3138 division compliance with the owner's or operator's security requirement of Section 73-18c-301
3139 at the time of the accident.

3140 (b) Any registration revoked shall be renewed in accordance with Section 73-18-7.

3141 (5) A person may appeal a revocation issued under Subsection (4) in accordance with
3142 procedures established by the division, after ~~[consultation with]~~ notifying the commission, by
3143 rule that are consistent with Title 63G, Chapter 4, Administrative Procedures Act.

3144 (6) (a) Any person whose registration is revoked under Subsection (4) shall return the
3145 registration card and decals for the motorboat to the division.

3146 (b) If the person fails to return the registration materials as required, they shall be
3147 confiscated under Section 73-18-13.6.

3148 (7) The division may, after ~~[consultation with]~~ notifying the commission, make rules
3149 for the enforcement of this section.

3150 (8) In this section, "evidence of owner's or operator's security" includes any one of the
3151 following:

3152 (a) the operator's:

3153 (i) insurance policy;

3154 (ii) binder notice;

3155 (iii) renewal notice; or

3156 (iv) card issued by an insurance company as evidence of insurance;

3157 (b) a copy of a surety bond, certified by the surety, which conforms to Section
3158 73-18c-102;

3159 (c) a certificate of the state treasurer issued under Section 73-18c-305; or

3160 (d) a certificate of self-funded coverage issued under Section 73-18c-306.

3161 Section 62. Section 73-18-15 is amended to read:

3162 **73-18-15. Division to adopt rules concerning water skiing and aquaplane riding**
3163 **and use of other devices towed behind a vessel.**

3164 The division, after [~~consultation with~~] notifying the commission, shall adopt rules for
3165 the regulation and safety of water skiing and aquaplane riding, and the use of other devices that
3166 are towed behind a vessel pursuant to this section and in accordance with Section 73-18-16.

3167 Section 63. Section 73-18-16 is amended to read:

3168 **73-18-16. Regattas, races, exhibitions -- Rules.**

3169 (1) The division may authorize the holding of regattas, motorboat or other boat races,
3170 marine parades, tournaments, or exhibitions on any waters of this state.

3171 (2) The division, after [~~consultation with~~] notifying the commission, may adopt rules
3172 concerning the safety of vessels and persons, either as observers or participants, that do not
3173 conflict with the provisions of Subsections (3) and (4).

3174 (3) A person may elect, at the person's own risk, to wear a non-Coast Guard approved
3175 personal floatation device if the person is on an American Water Ski Association regulation
3176 tournament slalom course and is:

3177 (a) engaged in barefoot water skiing;

3178 (b) water skiing in an American Water Ski Association regulation competition;

3179 (c) a performer participating in a professional exhibition or other tournament; or

3180 (d) practicing for an event described in Subsection (3)(b) or (c).

3181 (4) If a person is water skiing in an American Water Ski Association regulation
3182 tournament slalom course, an observer and flag are not required if the vessel is:

3183 (a) equipped with a wide angle mirror with a viewing surface of at least 48 square
3184 inches; and

3185 (b) operated by a person who is at least 18 years of age.

3186 (5) A violation of this section is an infraction.

3187 Section 64. Section 73-18a-1 is amended to read:

3188 **73-18a-1. Definitions.**

3189 As used in this chapter:

3190 (1) "Commission" means the Outdoor Adventure Commission.

3191 (2) "Division" means the Division of Outdoor Recreation.

3192 (3) "Human body waste" means excrement, feces, or other waste material discharged
3193 from the human body.

3194 (4) "Litter" means any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage,
3195 rubbish, or similar refuse discarded as no longer useful.

3196 (5) "Marine toilet" means any toilet or other receptacle permanently installed on or
3197 within any vessel for the purpose of receiving human body waste. This term does not include
3198 portable toilets which may be removed from a vessel in order to empty its contents.

3199 (6) "Operate" means to navigate, control, or otherwise use a vessel.

3200 (7) "Operator" means the person who is in control of a vessel while it is in use.

3201 (8) "Owner" means a person, other than a lien holder, holding a proprietary interest in
3202 or the title to a vessel. The term does not include a lessee under a lease not intended as
3203 security.

3204 (9) "Vessel" means every type of watercraft, other than a seaplane on the water, used or
3205 capable of being used as a means of transportation on water.

3206 (10) "Waters of this state" means all waters within the territorial limits of this state
3207 except those used exclusively for private purposes.

3208 Section 65. Section **73-18a-4** is amended to read:

3209 **73-18a-4. Marine toilets -- Pollution control devices required -- Rules established**
3210 **by division.**

3211 (1) Every marine toilet on a vessel used or operated upon the waters of this state shall
3212 be equipped with an approved pollution control device in operative condition.

3213 (2) The division, after [~~consultation with~~] notifying the commission, shall make rules
3214 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as provided in
3215 this chapter, establishing criteria or standards for definition and approval of acceptable
3216 pollution control devices for vessels.

3217 Section 66. Section **73-18a-5** is amended to read:

3218 **73-18a-5. Chemical treatment of marine toilet contents -- Rules established by**

3219 **division and Department of Environmental Quality.**

3220 The division, after [~~consultation with~~] notifying the commission, shall establish by rule,
3221 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, with approval
3222 by the Department of Environmental Quality, as provided in this chapter, standards relating to
3223 chemical treatment of marine toilet contents.

3224 Section 67. Section **73-18a-12** is amended to read:

3225 **73-18a-12. Rules made -- Subject to approval by Department of Environmental**
3226 **Quality.**

3227 The division, after [~~consultation with~~] notifying the commission, may [~~promulgate~~]
3228 make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which are
3229 necessary for the carrying out of duties, obligations, and powers conferred on the division by
3230 this chapter. These rules shall be subject to review and approval by the Department of
3231 Environmental Quality. This approval shall be recorded as part of the rules.

3232 Section 68. Section **73-18b-1** is amended to read:

3233 **73-18b-1. Water safety rules and regulations -- Adoption.**

3234 (1) The Division of Outdoor Recreation, after [~~consulting with~~] notifying the Outdoor
3235 Adventure Commission, may make rules necessary to promote safety in swimming, scuba
3236 diving, and related activities on any waters where public boating is permitted.

3237 (2) The Division of Outdoor Recreation may consider recommendations of and
3238 cooperate with other state agencies and the owners or operators of those waters.

3239 Section 69. Section **73-18c-102** is amended to read:

3240 **73-18c-102. Definitions.**

3241 As used in this chapter:

3242 (1) "Airboat" means a vessel propelled by air pressure caused by an airplane type
3243 propeller mounted above the stern and driven by an internal combustion engine.

3244 (2) "Commission" means the Outdoor Adventure Commission.

3245 (3) "Division" means the Division of Outdoor Recreation.

3246 (4) "Judgment" means any judgment that is final by:

3247 (a) expiration without appeal of the time within which an appeal might have been
3248 perfected; or

3249 (b) final affirmation on appeal, rendered by a court of competent jurisdiction of any

3250 state or of the United States, upon a cause of action for damages:

3251 (i) arising out of the ownership, maintenance, or use of any personal watercraft,
3252 including damages for care and loss of services because of bodily injury to or death of any
3253 person, or because of injury to or destruction of property including the loss of use of the
3254 property; or

3255 (ii) on a settlement agreement.

3256 (5) (a) "Motorboat" has the same meaning as defined in Section [73-18-2](#).

3257 (b) "Motorboat" includes personal watercraft regardless of the manufacturer listed
3258 horsepower.

3259 (c) "Motorboat" does not include:

3260 (i) a boat with a manufacturer listed horsepower of 50 horsepower or less; or

3261 (ii) an airboat.

3262 (6) "Nonresident" means any person who is not a resident of Utah.

3263 (7) "Operator" means the person who is in control of a motorboat while it is in use.

3264 (8) (a) "Owner" means a person, other than a lien holder, holding a proprietary interest
3265 in or the title to a motorboat.

3266 (b) "Owner" includes a person entitled to the use or possession of a motorboat subject
3267 to an interest by another person, reserved or created by agreement and securing payment or
3268 performance of an obligation.

3269 (c) "Owner" does not include a lessee under a lease not intended as security.

3270 (9) "Owner's or operator's security," "owner's security," or "operator's security" means
3271 any of the following:

3272 (a) an insurance policy or combination of policies conforming to Sections
3273 [31A-22-1502](#) and [31A-22-1503](#), which is issued by an insurer authorized to do business in
3274 Utah;

3275 (b) a surety bond issued by an insurer authorized to do a surety business in Utah in
3276 which the surety is subject to the minimum coverage limits and other requirements of policies
3277 conforming to Sections [31A-22-1502](#) and [31A-22-1503](#), which names the division as a creditor
3278 under the bond for the use of persons entitled to the proceeds of the bond;

3279 (c) a deposit with the state treasurer of cash or securities complying with Section
3280 [73-18c-305](#);

3281 (d) a certificate of self-funded coverage issued under Section 73-18c-306; or
3282 (e) a policy conforming to Sections 31A-22-1502 and 31A-22-1503 issued by the Risk
3283 Management Fund created in Section 63A-4-201.

3284 (10) "Personal watercraft" has the same meaning as provided in Section 73-18-2.
3285 (11) "Registration" means the issuance of the registration cards and decals issued under
3286 the laws of Utah pertaining to the registration of motorboats.

3287 (12) "Registration materials" means the evidences of motorboat registration, including
3288 all registration cards and decals.

3289 (13) "Self-insurance" has the same meaning as provided in Section 31A-1-301.
3290 (14) "Waters of the state" means any waters within the territorial limits of this state.
3291 Section 70. Section 73-18c-201 is amended to read:
3292 **73-18c-201. Division to administer and enforce chapter -- Division may adopt**
3293 **rules.**

3294 (1) (a) The division shall administer this chapter.
3295 (b) A law enforcement officer authorized under Title 53, Chapter 13, Peace Officer
3296 Classifications, may enforce this chapter in the rules made under this chapter.

3297 (2) The division, after [~~consultation with~~] notifying the commission, may adopt rules
3298 as necessary for the administration of this chapter in accordance with Title 63G, Chapter 3,
3299 Utah Administrative Rulemaking Act.

3300 Section 71. Section 77-2-4.3 is amended to read:
3301 **77-2-4.3. Compromise of boating violations -- Limitations.**

3302 (1) As used in this section:
3303 (a) "Compromise" means referral of a person charged with a boating violation to a
3304 boating safety course approved by the Division of Outdoor Recreation.

3305 (b) "Boating violation" means any charge for which bail may be forfeited in lieu of
3306 appearance, by citation or information, of a violation of Title 73, Chapter 18, State Boating
3307 Act, amounting to:
3308 (i) a class B misdemeanor;
3309 (ii) a class C misdemeanor; or
3310 (iii) an infraction.
3311 (2) Any compromise of a boating violation shall be done pursuant to a plea in abeyance

3312 agreement as provided in Title 77, Chapter 2a, Pleas in Abeyance, except:

3313 (a) when the criminal prosecution is dismissed pursuant to Section 77-2-4; or

3314 (b) when there is a plea by the defendant to and entry of a judgment by a court for the
3315 offense originally charged or for an amended charge.

3316 (3) In ~~[all cases which are]~~ a case that is compromised pursuant to ~~[the provisions of]~~
3317 Subsection (2):

3318 (a) the court, taking into consideration the offense charged, shall collect a plea in
3319 abeyance fee which shall:

3320 (i) be subject to the same surcharge as if imposed on a criminal fine;

3321 (ii) be allocated subject to the surcharge as if paid as a criminal fine under Section
3322 78A-5-110 and a surcharge under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge
3323 Allocation; and

3324 (iii) be not more than \$25 greater than the bail designated in the Uniform Bail
3325 Schedule; or

3326 (b) if no plea in abeyance fee is collected, a surcharge on the fee charged for the
3327 boating safety course shall be collected, which surcharge shall:

3328 (i) be computed, assessed, collected, and remitted in the same manner as if the boating
3329 safety course fee and surcharge had been imposed as a criminal fine and surcharge; and

3330 (ii) be subject to the financial requirements contained in Title 51, Chapter 9, Part 4,
3331 Criminal Conviction Surcharge Allocation.

3332 (4) If a written plea in abeyance agreement is provided, or the defendant requests a
3333 written accounting, an itemized statement of all amounts assessed by the court shall be
3334 provided, including:

3335 (a) the Uniform Bail Schedule amount;

3336 (b) the amount of any surcharges being assessed; and

3337 (c) the amount of the plea in abeyance fee.

3338 Section 72. Section 78A-5-110 is amended to read:

3339 **78A-5-110. Allocation of district court fees and forfeitures.**

3340 (1) Except as provided in this section, district court fines and forfeitures collected for
3341 violation of state statutes shall be paid to the state treasurer.

3342 (2) Fines and forfeitures collected by the court for violation of a state statute or county

3343 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the
3344 state treasurer and 1/2 to the treasurer of the state or local governmental entity which
3345 prosecutes or which would prosecute the violation.

3346 (3) (a) Fines and forfeitures collected for violations of Title 23, Wildlife Resources
3347 Code of Utah, Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State
3348 Boating Act, shall be paid to the state treasurer.

3349 (b) For violations of Title 23, Wildlife Resources Code of Utah, the state treasurer shall
3350 allocate 85% to the Division of Wildlife Resources and 15% to the General Fund.

3351 (c) For violations of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
3352 18, State Boating Act, the state treasurer shall allocate 85% to the Division of Outdoor
3353 Recreation and 15% to the General Fund.

3354 (4) (a) The state treasurer shall allocate fines and forfeitures collected for a violation of
3355 Section 72-7-404 or 72-7-406, less fees established by the Judicial Council, to the Department
3356 of Transportation for use on class B and class C roads.

3357 (b) Fees established by the Judicial Council shall be deposited in the state General
3358 Fund.

3359 (c) Money allocated for class B and class C roads is supplemental to the money
3360 appropriated under Section 72-2-107 but shall be expended in the same manner as other class B
3361 and class C road funds.

3362 (5) (a) Fines and forfeitures collected by the court for a second or subsequent violation
3363 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

3364 (i) 60% to the state treasurer to be deposited [in] into the Transportation Fund; and

3365 (ii) 40% in accordance with Subsection (2).

3366 (b) Fines and forfeitures collected by the court for a second or subsequent violation
3367 under Subsection 72-7-409(6)(d) shall be remitted:

3368 (i) 50% to the state treasurer to be deposited [in] into the Transportation Fund; and

3369 (ii) 50% in accordance with Subsection (2).

3370 (6) For fines and forfeitures collected by the court for a violation of Section
3371 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic
3372 enforcement safety device as described in Section 41-6a-1310, the court shall allocate 20% to
3373 the school district or private school that owns or contracts for the use of the bus, and the state

3374 treasurer shall allocate 40% to the treasurer of the state or local governmental entity that
3375 prosecutes or that would prosecute the violation, and 40% to the General Fund.

3376 (7) Fines and forfeitures collected for any violations not specified in this chapter or
3377 otherwise provided for by law shall be paid to the state treasurer.

3378 (8) Fees collected in connection with civil actions filed in the district court shall be
3379 paid to the state treasurer.

3380 (9) The court shall remit money collected in accordance with Title 51, Chapter 7, State
3381 Money Management Act.

3382 Section 73. Section **78A-7-120** is amended to read:

3383 **78A-7-120. Disposition of fines.**

3384 (1) Except as otherwise specified by this section, fines and forfeitures collected by a
3385 justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the
3386 court and 1/2 to the treasurer of the local government which prosecutes or which would
3387 prosecute the violation. An interlocal agreement created pursuant to Title 11, Chapter 13,
3388 Interlocal Cooperation Act, related to justice courts may alter the ratio provided in this section
3389 if the parties agree.

3390 (2) (a) For violation of Title 23, Wildlife Resources Code of Utah, the court shall
3391 allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the city or
3392 county government responsible for the justice court.

3393 (b) For violation of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
3394 18, State Boating Act, the court shall allocate 85% to the Division of Outdoor Recreation and
3395 15% to the general fund of the city or county government responsible for the justice court.

3396 (c) Fines and forfeitures collected by the court for a violation of Section [41-6a-1302](#) in
3397 instances where evidence of the violation was obtained by an automated traffic enforcement
3398 safety device as described in Section [41-6a-1310](#) shall be remitted:

3399 (i) 20% to the school district or private school that owns or contracts for the use of the
3400 school bus; and

3401 (ii) 80% in accordance with Subsection (1).

3402 (3) The surcharge established by Section [51-9-401](#) shall be paid to the state treasurer
3403 and deposited into the General Fund.

3404 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice

3405 court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations
 3406 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial
 3407 Council, shall be paid to the state treasurer and allocated to the Department of Transportation
 3408 for class B and class C roads.

3409 (5) Revenue allocated for class B and class C roads pursuant to Subsection (4) is
 3410 supplemental to the money appropriated under Section 72-2-107 but shall be expended in the
 3411 same manner as other class B and class C road funds.

3412 (6) (a) Fines and forfeitures collected by the court for a second or subsequent violation
 3413 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

3414 (i) 60% to the state treasurer to be deposited ~~in~~ into the Transportation Fund; and

3415 (ii) 40% in accordance with Subsection (1).

3416 (b) Fines and forfeitures collected by the court for a second or subsequent violation
 3417 under Subsection 72-7-409(6)(d) shall be remitted:

3418 (i) 50% to the state treasurer to be deposited ~~in~~ into the Transportation Fund; and

3419 (ii) 50% in accordance with Subsection (1).

3420 Section 74. Section 79-1-104 is enacted to read:

3421 **79-1-104. Application of title to wildlife issues.**

3422 (1) The following may not be construed or applied to supersede or interfere with the
 3423 powers and duties of the Division of Wildlife Resources or the Wildlife Board under Title 23,
 3424 Wildlife Resources Code of Utah, over the activities described in Subsection (2):

3425 (a) Chapter 4, State Parks;

3426 (b) Chapter 5, Recreational Trails;

3427 (c) Chapter 7, Outdoor Recreation Act; and

3428 (d) Chapter 8, Outdoor Recreation Grants.

3429 (2) Subsection (1) applies to the powers and duties of the Division of Wildlife
 3430 Resources or the Wildlife Board over:

3431 (a) conservation and management of protected wildlife within the state;

3432 (b) a program or initiative to restore and conserve habitat for fish and wildlife; or

3433 (c) acquisition, ownership, management, and control of real property or a real property
 3434 interest, including a leasehold estate, an easement, a right-of-way, or a conservation easement.

3435 Section 75. Section 79-2-201 is amended to read:

- 3436 **79-2-201. Department of Natural Resources created.**
- 3437 (1) There is created the Department of Natural Resources.
- 3438 (2) The department comprises the following:
- 3439 (a) Board of Water Resources, created in Section [73-10-1.5](#);
- 3440 (b) Board of Oil, Gas, and Mining, created in Section [40-6-4](#);
- 3441 (c) Board of State Parks, created in Section [79-4-301](#);
- 3442 (d) Office of Energy Development, created in Section [79-6-401](#)[=];
- 3443 (e) Wildlife Board, created in Section [23-14-2](#);
- 3444 (f) Board of the Utah Geological Survey, created in Section [79-3-301](#);
- 3445 (g) Water Development Coordinating Council, created in Section [73-10c-3](#);
- 3446 [~~(h) Utah Outdoor Recreation Grant Advisory Committee, created in Section~~
- 3447 [79-8-105](#);]
- 3448 [~~(i) Home Energy Information Advisory Committee, created in Section [79-6-805](#);]~~
- 3449 [~~(j)~~] (h) Division of Water Rights, created in Section [73-2-1.1](#);
- 3450 [~~(k)~~] (i) Division of Water Resources, created in Section [73-10-18](#);
- 3451 [~~(l)~~] (j) Division of Forestry, Fire, and State Lands, created in Section [65A-1-4](#);
- 3452 [~~(m)~~] (k) Division of Oil, Gas, and Mining, created in Section [40-6-15](#);
- 3453 [~~(n)~~] (l) Division of State Parks, created in Section [79-4-201](#);
- 3454 [~~(o)~~] (m) Division of Outdoor Recreation, created in Section [79-7-201](#);
- 3455 [~~(p)~~] (n) Division of Wildlife Resources, created in Section [23-14-1](#);
- 3456 [~~(q)~~] (o) Utah Geological Survey, created in Section [79-3-201](#);
- 3457 [~~(r)~~] (p) Heritage Trees Advisory Committee, created in Section [65A-8-306](#);
- 3458 [~~(s) Recreational Trails Advisory Council, authorized by Section [79-5-201](#);]~~
- 3459 (q) Utah Outdoor Recreation Infrastructure Advisory Committee, created in Section
- 3460 [79-7-206](#);
- 3461 [~~(t)~~] (r) (i) [~~Boating Advisory Council~~] an advisory council that includes in the
- 3462 advisory council's duties advising on state boating policy, authorized by Section [73-18-3.5](#); or
- 3463 (ii) an advisory council that includes in the advisory council's duties advising on
- 3464 off-highway vehicle use, authorized by Section [41-22-10](#);
- 3465 [~~(u)~~] (s) Wildlife Board Nominating Committee, created in Section [23-14-2.5](#);
- 3466 [~~(v)~~] (t) Wildlife Regional Advisory Councils, created in Section [23-14-2.6](#);

3467 [~~(w)~~] (u) Utah Watersheds Council, created in Section [73-10g-304](#);
3468 [~~(x)~~] (v) Utah Natural Resources Legacy Fund Board, created in Section [23-31-202](#);

3469 and

3470 [~~(y)~~] (w) Public Lands Policy Coordinating Office created in Section [63L-11-201](#).

3471 Section 76. Section **79-2-202** is amended to read:

3472 **79-2-202. Executive director -- Appointment -- Removal -- Compensation --**

3473 **Responsibilities.**

3474 (1) (a) The chief administrative officer of the department is an executive director
3475 appointed by the governor with the advice and consent of the Senate.

3476 (b) The executive director may be removed at the will of the governor.

3477 (c) The executive director shall receive a salary established by the governor within the
3478 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

3479 (2) The executive director shall:

3480 (a) administer and supervise the department and provide for coordination and
3481 cooperation among the boards, divisions, councils, and committees of the department;

3482 (b) approve the budget of each board and division;

3483 (c) participate in regulatory proceedings as appropriate for the functions and duties of
3484 the department;

3485 (d) report at the end of each fiscal year to the governor on department, board, and
3486 division activities;

3487 (e) ensure that any training or certification required of a public official or public
3488 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
3489 22, State Training and Certification Requirements, if the training or certification is required:

3490 (i) under this title;

3491 (ii) by the department; or

3492 (iii) by an agency or division within the department; and

3493 (f) perform other duties as provided by statute.

3494 (3) By following the procedures and requirements of Title 63J, Chapter 5, Federal
3495 Funds Procedures Act, the executive director, may accept an executive or legislative provision
3496 that is enacted by the federal government, whereby the state may participate in the distribution,
3497 disbursement, or administration of a fund or service from the federal government for purposes

3498 consistent with the powers and duties of the department.

3499 (4) (a) The executive director, in cooperation with the governmental entities having
3500 policymaking authority regarding natural resources, may engage in studies and comprehensive
3501 planning for the development and conservation of the state's natural resources.

3502 (b) The executive director shall submit any plan to the governor for review and
3503 approval.

3504 (5) The executive director may coordinate and enter agreements with other state
3505 agencies regarding state conservation efforts as defined in Section [4-46-102](#).

3506 Section 77. Section **79-2-206** is amended to read:

3507 **79-2-206. Transition.**

3508 (1) In accordance with Laws of Utah 2021 Chapter 280, the Department of Natural
3509 Resources assumes the policymaking functions, regulatory, and enforcement powers, rights,
3510 and duties of the Office of Energy Development existing on June 30, 2021.

3511 (2) (a) Rules issued by the Office of Energy Development that are in effect on June 30,
3512 2021, are not modified by Laws of Utah 2021 Chapter 280, and remain in effect until modified
3513 by the Department of Natural Resources, except that the agency administering the rule shall be
3514 transferred to the Department of Natural Resources in the same manner as the statutory
3515 responsibility is transferred under Laws of Utah 2021 Chapter 280.

3516 (b) Rules issued by the Board of Parks and Recreation that are in effect on June 30,
3517 2021, are not modified by Laws of Utah 2021 Chapter 280, and remain in effect until modified
3518 by the appropriate entity within the Department of Natural Resources, except that the agency
3519 administering the rule shall be transferred to the appropriate entity within the Department of
3520 Natural Resources in the same manner as the statutory responsibility is transferred under Laws
3521 of Utah 2021 Chapter 280.

3522 (c) Rules issued by the Office of Outdoor Recreation that are in effect on June 30,
3523 2022, are not modified by this bill, and remain in effect until modified by the Department of
3524 Natural Resources, except that the agency administering the rule shall be transferred to the
3525 Department of Natural Resources in the same manner as the statutory responsibility is
3526 transferred under this bill.

3527 (3) A grant, contract, or agreement in effect on June 30, 2021, that is entered into by or
3528 issued by the Office of Energy Development remains in effect, except that:

3529 (a) the agency administrating the grant, contract, or agreement shall be transferred to
3530 the Department of Natural Resources in the same manner as the statutory responsibility is
3531 transferred under Laws of Utah 2021 Chapter 280; and

3532 (b) the grant, contract, or agreement is subject to its terms and may be terminated under
3533 the terms of the grant, contract, or agreement.

3534 (4) (a) A grant that is entered into or issued by the Utah Office of Outdoor Recreation
3535 remains in effect, except that:

3536 ~~[(a)]~~ (i) ~~[except for an outdoor recreational infrastructure grant,]~~ the agency
3537 administrating the grant shall be transferred to the Division of Outdoor Recreation in the same
3538 manner as the statutory responsibility is transferred under Laws of Utah 2021 Chapter 280 and
3539 this bill; and

3540 ~~[(b)]~~ (ii) the grant is subject to the terms of the grant and may be terminated under the
3541 terms of the grant.

3542 (b) In accordance with this bill, the Department of Natural Resources assumes the
3543 policymaking functions, regulatory, and enforcement powers, rights, and duties of the Office of
3544 Outdoor Recreation existing on June 30, 2022.

3545 ~~[(5) (a) The Governor's Office of Planning and Budget shall submit recommendations~~
3546 ~~to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the~~
3547 ~~November 2021 interim meeting of the committee regarding possible restructuring to improve~~
3548 ~~coordination between the Department of Natural Resources and the following:]~~

3549 ~~[(i) the Department of Environmental Quality;]~~

3550 ~~[(ii) the Division of Public Utilities;]~~

3551 ~~[(iii) the Office of Consumer Services; and]~~

3552 ~~[(iv) the Office of Rural Development.]~~

3553 ~~[(b) In conducting the study under this Subsection (5), the Governor's Office of~~
3554 ~~Planning and Budget shall incorporate public feedback into forming the recommendations;~~
3555 ~~including:]~~

3556 ~~[(i) holding at least two public meetings and listening sessions; and]~~

3557 ~~[(ii) publishing draft recommendations a minimum of 30 days before the November~~
3558 ~~2021 interim meeting to provide a comment period on the draft recommendations with~~
3559 ~~adequate time for considering feedback and revisions to the recommendations.]~~

3560 Section 78. Section **79-4-203** is amended to read:

3561 **79-4-203. Powers and duties of division.**

3562 (1) As used in this section, "real property" includes land under water, upland, and all
3563 other property commonly or legally defined as real property.

3564 (2) The Division of Wildlife Resources shall retain the power and jurisdiction
3565 conferred upon the Division of Wildlife Resources by law within state parks and on property
3566 controlled by the Division of State Parks with reference to fish and game.

3567 (3) The division shall permit multiple use of state parks and property controlled by the
3568 division for purposes such as grazing, fishing, hunting, camping, mining, and the development
3569 and utilization of water and other natural resources.

3570 (4) (a) The division may acquire real and personal property in the name of the state by
3571 all legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange,
3572 or otherwise, subject to the approval of the executive director and the governor.

3573 (b) In acquiring any real or personal property, the credit of the state may not be pledged
3574 without the consent of the Legislature.

3575 (5) (a) Before acquiring any real property, the division shall notify the county
3576 legislative body of the county where the property is situated of ~~[its]~~ the division's intention to
3577 acquire the property.

3578 (b) If the county legislative body requests a hearing within 10 days of receipt of the
3579 notice, the division shall hold a public hearing in the county concerning the matter.

3580 (6) Acceptance of gifts or devises of land or other property is at the discretion of the
3581 division, subject to the approval of the executive director and the governor.

3582 (7) The division shall acquire property by eminent domain in the manner authorized by
3583 Title 78B, Chapter 6, Part 5, Eminent Domain.

3584 (8) (a) The division may make charges for special services and use of facilities, the
3585 income from which is available for park purposes.

3586 (b) The division may conduct and operate those services necessary for the comfort and
3587 convenience of the public.

3588 (9) (a) The division may lease or rent concessions of all lawful kinds and nature in state
3589 parks and property to persons, partnerships, and corporations for a valuable consideration upon
3590 the recommendation of the board.

3591 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in
3592 selecting concessionaires.

3593 (10) The division shall proceed without delay to negotiate with the federal government
3594 concerning the Weber Basin and other recreation and reclamation projects.

3595 ~~[(11) The division shall receive and distribute voluntary contributions collected under~~
3596 ~~Section 41-1a-422 in accordance with Section 79-4-404.]~~

3597 Section 79. Section **79-4-1103** is amended to read:

3598 **79-4-1103. Governor's duties -- Priority of federal property.**

3599 (1) During a fiscal emergency, the governor shall:

3600 (a) if financially practicable, work with the federal government to open and maintain
3601 the operation of one or more national parks, national monuments, national forests, and national
3602 recreation areas in the state, in the order established under this section; and

3603 (b) report to the speaker of the House and the president of the Senate on the need, if
3604 any, for additional appropriations to assist the division in opening and operating one or more
3605 national parks, national monuments, national forests, and national recreation areas in the state.

3606 (2) The director of the [~~Outdoor Recreation Office, created in Section 63N-9-104,~~
3607 Division of Outdoor Recreation, in consultation with the executive director of the Governor's
3608 Office of Economic Opportunity, shall determine, by rule, the priority of national parks,
3609 national monuments, national forests, and national recreation areas in the state.

3610 (3) In determining the priority described in Subsection (2), the director of the [~~Outdoor~~
3611 ~~Recreation Office]~~ Division of Outdoor Recreation shall consider the:

3612 (a) economic impact of the national park, national monument, national forest, or
3613 national recreation area in the state; and

3614 (b) recreational value offered by the national park, national monument, national forest,
3615 or national recreation area.

3616 (4) The director of the [~~Outdoor Recreation Office shall:~~(a) report the priority
3617 ~~determined under Subsection (2) to the Natural Resources, Agriculture, and Environment~~
3618 ~~Interim Committee by November 30, 2014; and (b)] Division of Outdoor Recreation shall
3619 annually review the priority set under Subsection (2) to determine whether the priority list
3620 should be amended.~~

3621 Section 80. Section **79-5-102** is amended to read:

3622 **79-5-102. Definitions.**

3623 As used in this chapter:

3624 [~~(1)~~ "Commission" means the Outdoor Adventure Commission.]

3625 [~~(2)~~ "Council" means the Recreational Trails Advisory Council.]

3626 (1) "Committee" means the Utah Outdoor Recreation Infrastructure Advisory
3627 Committee created in Section [79-7-206](#).

3628 [~~(3)~~ (2) "Division" means the Division of Outdoor Recreation.

3629 [~~(4)~~ (3) "Recreational trail" or "trail" means a multi-use path used for:

3630 (a) muscle-powered activities, including:

3631 (i) bicycling;

3632 (ii) cross-country skiing;

3633 (iii) walking;

3634 (iv) jogging; and

3635 (v) horseback riding; and

3636 (b) uses compatible with the uses described in Subsection [~~(4)~~ (3)(a), including the use
3637 of an electric assisted bicycle or motor assisted scooter, as defined in Section [41-6a-102](#).

3638 Section 81. Section **79-5-501** is amended to read:

3639 **79-5-501. Grants -- Matching funds requirements -- Rules.**

3640 (1) (a) The division, after consultation with the [~~commission~~] committee, may give
3641 grants to federal government agencies, state agencies, or local governments for the planning,
3642 acquisition, and development of trails within the state's recreational trail system with funds
3643 appropriated by the Legislature for that purpose.

3644 (b) (i) Each grant recipient must provide matching funds [~~having a value that is equal~~
3645 ~~to or greater than the grant funds received~~] as established by the division by rule.

3646 (ii) The division may allow a grant recipient to provide property, material, or labor in
3647 lieu of money, provided the grant recipient's contribution has a value that is equal to or greater
3648 than the grant funds received.

3649 (2) The division, after consultation with the [~~commission~~] committee, shall:

3650 (a) make rules setting forth procedures and criteria for the awarding of grants for
3651 recreational trails; and

3652 (b) determine to whom grant funds shall be awarded after considering the

3653 recommendations of and after consulting with the [~~council~~] committee and the division.

3654 (3) Rules for the awarding of grants for recreational trails shall provide that:

3655 (a) each grant applicant must solicit public comment on the proposed recreational trail
3656 and submit a summary of that comment to the division;

3657 (b) each trail project for which grant funds are awarded must conform to the criteria
3658 and guidelines specified in Sections 79-5-103, 79-5-301, and 79-5-302; and

3659 (c) trail proposals that include a plan to provide employment opportunities for youth,
3660 including at-risk youth, in the development of the trail is encouraged.

3661 (4) As used in this section, "at-risk youth" means youth who:

3662 (a) are subject to environmental forces, such as poverty or family dysfunction, that may
3663 make them vulnerable to family, school, or community problems;

3664 (b) perform poorly in school or have failed to complete high school;

3665 (c) exhibit behaviors that have the potential to harm themselves or others in the
3666 community, such as truancy, use of alcohol or drugs, and associating with delinquent peers; or

3667 (d) have already engaged in behaviors harmful to themselves or others in the
3668 community.

3669 Section 82. Section **79-5-503** is amended to read:

3670 **79-5-503. Bonneville Shoreline Trail Program.**

3671 (1) There is created within the division the Bonneville Shoreline Trail Program.

3672 (2) The program shall be funded from the following sources:

3673 (a) appropriations made to the program by the Legislature; and

3674 (b) contributions from other public and private sources.

3675 (3) [~~All money~~] Money appropriated to the Bonneville Shoreline Trail Program is
3676 nonlapsing.

3677 (4) The Bonneville Shoreline Trail is intended to:

3678 (a) follow on or near the old Lake Bonneville shoreline terrace near the foot of the
3679 Wasatch Mountains from Juab County through Cache County; and

3680 (b) provide continuous and safe trails.

3681 (5) (a) The program money shall be used to provide grants to local governments for the
3682 planning, development, [~~and~~] construction, and the acquisition of key parcels of land of the
3683 Bonneville Shoreline Trail.

3684 (b) Grant recipients shall provide matching funds in accordance with Section 79-5-501.

3685 Section 83. Section 79-6-302 is amended to read:

3686 **79-6-302. Legislative committee review.**

3687 [~~The Natural Resources, Agriculture, and Environment Interim Committee and the~~] The
3688 Public Utilities, Energy, and Technology Interim Committee shall review the state energy
3689 policy annually and propose any changes to the Legislature.

3690 Section 84. Section 79-6-505 is amended to read:

3691 **79-6-505. Report to the Legislature.**

3692 The office shall annually provide an electronic report to the Public Utilities, Energy,
3693 and Technology Interim Committee[~~, the Natural Resources, Agriculture, and Environment~~
3694 ~~Interim Committee, and the Revenue and Taxation Interim Committee]~~ describing:

3695 (1) [its] the office's success in attracting alternative energy projects to the state and the
3696 resulting increase in new state revenues under this part;

3697 (2) the amount of tax credits the office has granted or will grant and the time period
3698 during which the tax credits have been or will be granted; and

3699 (3) the economic impact on the state by comparing new state revenues to tax credits
3700 that have been or will be granted under this part.

3701 Section 85. Section 79-6-605 is amended to read:

3702 **79-6-605. Report to the Legislature.**

3703 The office shall report annually to the Public Utilities, Energy, and Technology Interim
3704 Committee[~~, the Natural Resources, Agriculture, and Environment Interim Committee, and the~~
3705 ~~Revenue and Taxation Interim Committee]~~ describing:

3706 (1) the office's success in attracting high cost infrastructure projects to the state and the
3707 resulting increase in infrastructure-related revenue under this part;

3708 (2) the amount of tax credits the office has granted or will grant and the time period
3709 during which the tax credits have been or will be granted; and

3710 (3) the economic impact on the state by comparing infrastructure-related revenue to tax
3711 credits that have been or will be granted under this part.

3712 Section 86. Section 79-7-102 is amended to read:

3713 **CHAPTER 7. OUTDOOR RECREATION ACT**

3714 **Part 1. General Provisions**

3715 **79-7-102. Definitions.**

3716 As used in this chapter:

3717 (1) "Commission" means the Outdoor Adventure Commission created in Section
3718 [63C-21-201](#).

3719 (2) "Division" means the Division of Outdoor Recreation.

3720 Section 87. Section **79-7-103**, which is renumbered from Section 63N-9-103 is
3721 renumbered and amended to read:

3722 ~~[63N-9-103]~~. **79-7-103. Policy.**

3723 It is the declared policy of the state that outdoor recreation is vital to a diverse economy
3724 and a healthy community.

3725 Section 88. Section **79-7-201** is amended to read:

3726 **79-7-201. Division of Outdoor Recreation -- Creation -- Purposes -- Rulemaking**
3727 **authority.**

3728 (1) (a) There is created within the department the Division of Outdoor Recreation.

3729 (b) The division has the purpose of providing, maintaining, and coordinating motorized
3730 and nonmotorized recreation within the state as the recreation authority of the state.

3731 (2) (a) The division is under the administration and general supervision of the
3732 executive director.

3733 (b) The division shall ~~[consult with]~~ notify the commission as provided in statute on
3734 issues related to outdoor recreation.

3735 ~~[(3) The division is the recreation authority for the state.]~~

3736 ~~[(4)]~~ (3) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3737 Act, the division may make rules, ~~[after consulting with the commission,]~~ when expressly
3738 authorized by this chapter[-]:

3739 (i) regarding issues related to outdoor recreation; and

3740 (ii) after notifying the commission, except for rules made under:

3741 (A) Chapter 5, Recreational Trails; and

3742 (B) Chapter 8, Outdoor Recreation Grants.

3743 (b) ~~[The]~~ In accordance with Subsection (3)(a), the division shall make rules governing
3744 the collection of charges under Subsection [79-7-203](#)(8).

3745 Section 89. Section **79-7-203** is amended to read:

3746 **79-7-203. Powers and duties of division.**

3747 (1) As used in this section, "real property" includes land under water, upland, and all
3748 other property commonly or legally defined as real property.

3749 (2) The Division of Wildlife Resources shall retain the power and jurisdiction
3750 conferred upon the Division of Wildlife Resources by law on property controlled by the
3751 division with reference to fish and game.

3752 (3) ~~[The]~~ For purposes of property controlled by the division, the division shall permit
3753 multiple ~~[use]~~ uses of the property ~~[controlled by the division]~~ for purposes such as grazing,
3754 fishing, hunting, camping, mining, and the development and use of water and other natural
3755 resources.

3756 (4) (a) The division may acquire real and personal property in the name of the state by
3757 legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or
3758 otherwise, subject to the approval of the executive director and the governor.

3759 (b) In acquiring real or personal property, the credit of the state may not be pledged
3760 without the consent of the Legislature.

3761 (5) (a) Before acquiring any real property, the division shall notify the county
3762 legislative body of the county where the property is situated of the division's intention to
3763 acquire the property.

3764 (b) If the county legislative body requests a hearing within 10 days of receipt of the
3765 notice, the division shall hold a public hearing in the county concerning the matter.

3766 (6) Acceptance of gifts or devises of land or other property is at the discretion of the
3767 division, subject to the approval of the executive director and the governor.

3768 (7) The division shall acquire property by eminent domain in the manner authorized by
3769 Title 78B, Chapter 6, Part 5, Eminent Domain.

3770 (8) (a) The division may make charges for special services and use of facilities, the
3771 income from which is available for recreation purposes.

3772 (b) The division may conduct and operate those services necessary for the comfort and
3773 convenience of the public.

3774 (9) (a) The division may lease or rent concessions of lawful kinds and nature on
3775 property to persons, partnerships, and corporations for a valuable consideration after
3776 ~~[consulting with]~~ notifying the commission.

3777 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in
3778 selecting concessionaires.

3779 (10) The division shall proceed without delay to negotiate with the federal government
3780 concerning the Weber Basin and other recreation and reclamation projects.

3781 (11) (a) The division shall coordinate with and annually report to the following
3782 regarding land acquisition and development and grants administered under this chapter or
3783 Chapter 8, Outdoor Recreation Grants:

3784 [~~(a) the Utah Office of Outdoor Recreation;~~]

3785 [~~(b)~~] (i) the Division of State Parks; and

3786 [~~(c)~~] (ii) the Office of Rural Development.

3787 (b) The report required under Subsection (11)(a) shall be in writing, made public, and
3788 include a description and the amount of any grant awarded under this chapter or Chapter 8,
3789 Outdoor Recreation Grants.

3790 (12) The division shall:

3791 (a) coordinate outdoor recreation policy, management, and promotion:

3792 (i) among state and federal agencies and local government entities in the state;

3793 (ii) with the Public Lands Policy Coordinating Office created in Section [63L-11-201](#), if
3794 public land is involved; and

3795 (iii) on at least a quarterly basis, with the executive director and the executive director
3796 of the Governor's Office of Economic Opportunity;

3797 (b) in cooperation with the Governor's Office of Economic Opportunity, promote
3798 economic development in the state by:

3799 (i) coordinating with outdoor recreation stakeholders;

3800 (ii) improving recreational opportunities; and

3801 (iii) recruiting outdoor recreation business;

3802 (c) promote all forms of outdoor recreation, including motorized and nonmotorized
3803 outdoor recreation;

3804 (d) recommend to the governor and Legislature policies and initiatives to enhance
3805 recreational amenities and experiences in the state and help implement those policies and
3806 initiatives;

3807 (e) in performing the division's duties, seek to ensure safe and adequate access to

3808 outdoor recreation for all user groups and for all forms of recreation;

3809 (f) develop data regarding the impacts of outdoor recreation in the state; and

3810 (g) promote the health and social benefits of outdoor recreation, especially to young
3811 people.

3812 (13) By following Title 63J, Chapter 5, Federal Funds Procedures Act, the division
3813 may:

3814 (a) seek federal grants or loans;

3815 (b) seek to participate in federal programs; and

3816 (c) in accordance with applicable federal program guidelines, administer federally
3817 funded outdoor recreation programs.

3818 (14) The division shall receive and distribute voluntary contributions collected under
3819 Section [41-1a-422](#) in accordance with Section [79-7-303](#).

3820 Section 90. Section **79-7-206** is enacted to read:

3821 **79-7-206. Utah Outdoor Recreation Infrastructure Advisory Committee.**

3822 (1) As used in this section, "committee" means the Utah Outdoor Recreation
3823 Infrastructure Advisory Committee created in this section.

3824 (2) (a) There is created within the division the "Utah Outdoor Recreation Infrastructure
3825 Advisory Committee" consisting of the following 17 members:

3826 (i) the director of the division, who shall act as chair of the committee;

3827 (ii) the director of the Division of State Parks, or the director of the Division of State
3828 Park's designee; and

3829 (iii) the following appointed by the executive director:

3830 (A) one nonvoting representative of a federal land agency;

3831 (B) one nonvoting representative of National Park Service's River, Trails, and
3832 Conservation Assistance Program;

3833 (C) one representative of municipal government, recommended by the Utah League of
3834 Cities and Towns;

3835 (D) one representative of county government, recommended by the Utah Association
3836 of Counties;

3837 (E) two representatives of the outdoor industry;

3838 (F) two representatives of tourism, with one focused in the hotel or lodging sector;

3839 (G) one representative of the healthcare industry;

3840 (H) one representative of multi-ability groups or programs;

3841 (I) one representative of outdoor recreation education programming;

3842 (J) one representative of nonmotorized recreation interests;

3843 (K) one representative of youth conservation or service corps organization; and

3844 (L) two representatives of motorized recreation interests.

3845 (b) At least two of the members of the committee appointed under Subsection

3846 (2)(a)(iii) shall represent rural interests.

3847 (3) (a) Except as required by Subsection (3)(b), as terms of committee members

3848 appointed under Subsection (2)(a)(iii) expire, the division shall appoint each new member or

3849 reappointed member to a four-year term.

3850 (b) Notwithstanding the requirements of Subsection (3)(a), the division shall, at the

3851 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

3852 committee members appointed under Subsection (2)(a)(iii) are staggered so that approximately

3853 half of the committee is appointed every two years.

3854 (c) The executive director may remove an appointed member of the advisory

3855 committee at any time, with or without cause.

3856 (d) When a vacancy occurs in the membership for any reason, the executive director

3857 shall appoint the replacement for the unexpired term in the same manner as the original

3858 appointment.

3859 (4) The majority of voting members of the committee constitutes a quorum and an

3860 action of the majority of voting members present when a quorum is present is action by the

3861 committee.

3862 (5) The division shall provide administrative staff support for the committee.

3863 (6) A member may not receive compensation or benefits for the member's service, but

3864 a member appointed under Subsection (2)(b) may receive per diem and travel expenses in

3865 accordance with:

3866 (a) Section [63A-3-106](#);

3867 (b) Section [63A-3-107](#); and

3868 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

3869 [63A-3-107](#).

3870 (7) The committee shall advise and make recommendations to the division regarding:

3871 (a) nonmotorized recreational trails under Chapter 5, Recreational Trails;

3872 (b) grants issued under Chapter 8, Part 2, Recreation Restoration Infrastructure Grant

3873 Program;

3874 (c) the administration of the fund created in Section [79-8-304](#);

3875 (d) grants issued under Chapter 8, Part 3, Utah Children's Outdoor Recreation and

3876 Education Grant Program; and

3877 (e) grants issued under Chapter 8, Part 4, Outdoor Recreational Infrastructure Grant

3878 Program.

3879 Section 91. Section **79-7-303**, which is renumbered from Section 79-4-404 is

3880 renumbered and amended to read:

3881 ~~[79-4-404].~~ **79-7-303. Zion National Park Support Programs Restricted**

3882 **Account.**

3883 (1) There is created within the General Fund the "Zion National Park Support

3884 Programs Restricted Account."

3885 (2) The ~~[account]~~ Zion National Park Support Programs Restricted Account shall be
3886 funded by:

3887 (a) contributions deposited into the ~~[account]~~ Zion National Park Support Programs

3888 Restricted Account in accordance with Section [41-1a-422](#);

3889 (b) private contributions; or

3890 (c) donations or grants from public or private entities.

3891 (3) The Legislature shall appropriate ~~[funds]~~ money in the ~~[account]~~ Zion National

3892 Park Support Programs Restricted Account to the division.

3893 (4) The ~~[board]~~ division may expend up to 10% of the money appropriated under
3894 Subsection (3) to administer account distributions in accordance with Subsections (5) and (6).

3895 (5) The division shall distribute contributions to one or more organizations that:

3896 (a) are exempt from federal income taxation under Section 501(c)(3), Internal Revenue
3897 Code;

3898 (b) operate under a written agreement with the National Park Service to provide
3899 interpretive, educational, and research activities for the benefit of Zion National Park;

3900 (c) produce and distribute educational and promotional materials on Zion National

3901 Park;

3902 (d) conduct educational courses on the history and ecosystem of the greater Zion

3903 Canyon area; and

3904 (e) provide other programs that enhance visitor appreciation and enjoyment of Zion

3905 National Park.

3906 (6) (a) An organization described in Subsection (5) may apply to the division to receive

3907 a distribution in accordance with Subsection (5).

3908 (b) An organization that receives a distribution from the division in accordance with

3909 Subsection (5) shall expend the distribution only to:

3910 (i) produce and distribute educational and promotional materials on Zion National

3911 Park;

3912 (ii) conduct educational courses on the history and ecosystem of the greater Zion

3913 Canyon area; and

3914 (iii) provide other programs that enhance visitor appreciation and enjoyment of Zion

3915 National Park.

3916 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and

3917 after notifying the commission, the division may make rules providing procedures and

3918 requirements for an organization to apply to the division to receive a distribution under

3919 Subsection (5).

3920 Section 92. Section **79-8-102** is amended to read:

3921 **79-8-102. Definitions.**

3922 As used in this chapter:

3923 (1) "Accessible to the general public" in relation to the awarding of an infrastructure

3924 grant, means:

3925 (a) the public may use the infrastructure in accordance with federal and state

3926 regulations; and

3927 (b) no community or group retains exclusive rights to access the infrastructure.

3928 (2) "Advisory committee" means the Utah Outdoor Recreation Infrastructure Advisory

3929 Committee created in Section [79-7-206](#).

3930 [(H)] (3) "Children," in relation to the awarding of a UCORE grant, means individuals

3931 who are six years old or older and 18 years old or younger.

3932 [(2)] (4) "Director" means the director of the Division of Outdoor Recreation.
3933 [(3)] (5) "Division" means the Division of Outdoor Recreation.
3934 [(4)] (6) "Executive director" means the executive director of the Department of
3935 Natural Resources.

3936 (7) "Infrastructure grant" means an outdoor recreational infrastructure grant described
3937 in Section 79-8-401.

3938 (8) (a) "Recreational infrastructure project" means an undertaking to build or improve
3939 an approved facility or installation needed for the public to access and enjoy the state's
3940 outdoors.

3941 (b) "Recreational infrastructure project" may include the:

3942 (i) establishment, construction, or renovation of a trail, trail infrastructure, or a trail
3943 facility;

3944 (ii) construction of a project for a water-related outdoor recreational activity;

3945 (iii) development of a project for a wildlife watching opportunity, including bird
3946 watching;

3947 (iv) development of a project that provides a winter recreation amenity;

3948 (v) construction or improvement of a community park that has an amenity for outdoor
3949 recreation; and

3950 (vi) construction or improvement of a naturalistic and accessible playground.

3951 [(5)] (9) "UCORE grant" means a children's outdoor recreation and education grant
3952 described in Section [~~79-8-402~~] 79-8-302.

3953 [(6)] (10) (a) "Underserved [~~or underprivileged~~] community" means a group of people,
3954 including a municipality, county, or American Indian tribe, that is economically disadvantaged.

3955 (b) "Underserved [~~or underprivileged~~] community" includes an economically
3956 disadvantaged community where in relation to awarding a UCORE grant, the children of the
3957 community, including children with disabilities, have limited access to outdoor recreation or
3958 education programs.

3959 Section 93. Section **79-8-103** is amended to read:

3960 **79-8-103. Outdoor recreation grants.**

3961 To the extent money is available, the division shall administer outdoor recreation grants
3962 for the state, including grants that address:

- 3963 (1) outdoor recreation in general;
 3964 (2) recreational trails;
 3965 (3) off-highway vehicle incentives;
 3966 (4) boat access and clean vessels; ~~[and]~~
 3967 (5) land, water, and conservation[-]; and
 3968 (6) outdoor recreation programming.

3969 Section 94. Section **79-8-106** is amended to read:

3970 **79-8-106. Outdoor Recreation Infrastructure Account -- Uses -- Costs.**

3971 (1) There is created an expendable special revenue fund known as the "Outdoor
 3972 Recreation Infrastructure Account," which~~[(a) the outdoor recreation office]~~ the division shall
 3973 use to fund:

3974 (a) the Outdoor Recreational Infrastructure Grant Program created in Section
 3975 ~~[63N-9-202]~~ 79-8-401; and

3976 (b) ~~[the division shall use to fund]~~ the Recreation Restoration Infrastructure Grant
 3977 Program created in Section 79-8-202.

3978 (2) The account consists of:

3979 (a) distributions to the account under Section 59-28-103;

3980 (b) interest earned on the account;

3981 (c) appropriations made by the Legislature;

3982 (d) money from a cooperative agreement entered into with the United States

3983 Department of Agriculture or the United States Department of the Interior; and

3984 (e) private donations, grants, gifts, bequests, or money made available from any other
 3985 source to implement this part.

3986 (3) The division shall, with the advice of the ~~[Utah Outdoor Recreation Grant Advisory~~
 3987 ~~Committee created in Section 79-8-105]~~ advisory committee, administer the account.

3988 (4) ~~[(a)]~~ The cost of administering the account shall be paid from money in the
 3989 account.

3990 ~~[(b) The cost of two full-time positions in the Utah Office of Outdoor Recreation in an~~
 3991 ~~amount agreed to by the division and the Utah Office of Outdoor Recreation shall be paid from~~
 3992 ~~money in the account.]~~

3993 (5) Interest accrued from investment of money in the account shall remain in the

3994 account.

3995 Section 95. Section **79-8-201** is amended to read:

3996 **79-8-201. Definitions.**

3997 As used in this part:

3998 [~~(1)~~ "Advisory committee" means the Utah Outdoor Recreation Grant Advisory
3999 Committee created in Section ~~79-8-105~~.]

4000 [~~(2)~~] (1) "Grant program" means the Recreation Restoration Infrastructure Grant
4001 Program created in Section ~~79-8-202~~.

4002 [~~(3)~~] (2) "High demand outdoor recreation amenity" means infrastructure necessary for
4003 a campground, picnic area, or water recreation structure such as a dock, pier, or boat ramp that
4004 receives or has received heavy use by the public.

4005 [~~(4)~~] (3) "High priority trail" means a motorized or nonmotorized recreation
4006 summer-use trail and related infrastructure that is prioritized by the advisory committee for
4007 restoration or rehabilitation to maintain usability and sustainability of trails that receive or have
4008 received high use by the public.

4009 [~~(5)~~] (4) "Public lands" includes local, state, and federal lands.

4010 [~~(6)~~] (5) "Rehabilitation or restoration" means returning an outdoor recreation structure
4011 or trail that has been degraded, damaged, or destroyed to its previously useful state by means of
4012 repair, modification, or alteration.

4013 Section 96. Section **79-8-202** is amended to read:

4014 **79-8-202. Creation of grant program.**

4015 (1) (a) There is created the "Recreation Restoration Infrastructure Grant Program"
4016 administered by the division.

4017 (b) Subject to Subsection (1)(c), 5% percent of the unencumbered amount in the [~~Utah~~]
4018 Outdoor Recreation Infrastructure Account, created in Section ~~79-8-106~~, at the beginning of
4019 each fiscal year may be used for the grant program.

4020 (c) The percentage outlined in Subsection (1)(b) may be increased or decreased at the
4021 beginning of a fiscal year if approved by the executive director after consultation with the
4022 director and the advisory committee.

4023 (2) The division may seek to accomplish the following objectives in administering the
4024 grant program:

- 4025 (a) rehabilitate or restore high priority trails for both motorized and nonmotorized uses;
- 4026 (b) rehabilitate or restore high demand recreation areas on public lands; and
- 4027 (c) encourage the public land entities to engage with volunteer groups to aid with
- 4028 portions of needed trail work.

4029 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4030 division shall make rules, after consulting with [~~the Outdoor Adventure Commission~~] the
4031 advisory committee, establishing the eligibility and reporting criteria for an entity to receive a
4032 recreation restoration infrastructure grant, including:

- 4033 (a) the form and process of submitting annual project proposals to the division for a
- 4034 recreation restoration infrastructure grant;
- 4035 (b) which entities are eligible to apply for a recreation restoration infrastructure grant;
- 4036 (c) specific categories of recreation restoration projects that are eligible for a recreation
- 4037 restoration infrastructure grant;
- 4038 (d) the method and formula for determining recreation restoration infrastructure grant
- 4039 amounts; and
- 4040 (e) the reporting requirements of a recipient of a recreation restoration infrastructure
- 4041 grant.

4042 Section 97. Section **79-8-302** is amended to read:

4043 **79-8-302. Creation and purpose of the UCORE grant program.**

4044 (1) There is created the Utah Children's Outdoor Recreation and Education Grant
4045 Program administered by the division.

4046 (2) The division may seek to accomplish the following objectives in administering the
4047 UCORE grant program:

- 4048 (a) promote the health and social benefits of outdoor recreation to the state's children;
- 4049 (b) encourage children to develop the skills and confidence to be physically active for
- 4050 life;
- 4051 (c) provide outdoor recreational opportunities to underserved [~~or underprivileged~~]
- 4052 communities in the state; and
- 4053 (d) encourage hands-on outdoor or nature-based learning and play to prepare children
- 4054 for achievement in science, technology, engineering, and math.

4055 Section 98. Section **79-8-303** is amended to read:

4056 **79-8-303. Rulemaking and requirements for awarding a UCORE grant.**

4057 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4058 division, after consulting with the [~~Outdoor Adventure Commission~~] advisory committee, shall
4059 make rules establishing the eligibility and reporting criteria for an entity to receive a UCORE
4060 grant, including:

4061 (a) the form and process of submitting an application to the division for a UCORE
4062 grant;

4063 (b) which entities are eligible to apply for a UCORE grant;

4064 (c) specific categories of children's programs that are eligible for a UCORE grant;

4065 (d) the method and formula for determining grant amounts; and

4066 (e) the reporting requirements of grant recipients.

4067 (2) In determining the award of a UCORE grant, the division may prioritize a children's
4068 program that will serve an [~~underprivileged or~~] underserved community in the state.

4069 (3) A UCORE grant may only be awarded by the executive director after consultation
4070 with the director and the [~~Outdoor Adventure Commission~~] advisory committee.

4071 (4) The following entities may not receive a UCORE grant under this part:

4072 (a) a federal government entity;

4073 (b) a state agency, except for public schools and institutions of higher education; and

4074 (c) a for-profit entity.

4075 (5) In awarding UCORE grants, consideration shall be given to entities that implement
4076 programs that:

4077 (a) contribute to healthy and active lifestyles through outdoor recreation; and

4078 (b) include one or more of the following attributes in their programs or initiatives:

4079 (i) serve children with the greatest needs in rural, suburban, and urban areas of the
4080 state;

4081 (ii) provide students with opportunities to directly experience nature;

4082 (iii) maximize the number of children who can participate;

4083 (iv) commit matching and in-kind resources;

4084 (v) create partnerships with public and private entities;

4085 (vi) include ongoing program evaluation and assessment;

4086 (vii) [~~utilize~~] use veterans in program implementation;

4087 (viii) include outdoor or nature-based programming that incorporates concept learning
 4088 in science, technology, engineering, or math; or

4089 (ix) [~~utilize~~] use educated volunteers in program implementation.

4090 Section 99. Section **79-8-304** is amended to read:

4091 **79-8-304. Utah Children's Outdoor Recreation and Education Fund -- Uses --**
 4092 **Costs.**

4093 (1) There is created an expendable special revenue fund known as the "Utah Children's
 4094 Outdoor Recreation and Education Fund," which the division shall use to fund the Utah
 4095 Children's Outdoor Recreation and Education Grant Program created in Section [79-8-302](#).

4096 (2) The fund consists of:

4097 (a) appropriations made by the Legislature;

4098 (b) interest earned on the account; and

4099 (c) private donations, grants, gifts, bequests, or money made available from any other
 4100 source to implement this part.

4101 (3) The division shall, with the advice of [~~the Utah Outdoor Recreation Grant Advisory~~
 4102 ~~Committee created in Section [79-8-105](#)]~~ the advisory committee, administer the fund.

4103 (4) The cost of administering the fund shall be paid from money in the fund.

4104 (5) Interest accrued from investment of money in the fund shall remain in the fund.

4105 Section 100. Section **79-8-401**, which is renumbered from Section 63N-9-202 is
 4106 renumbered and amended to read:

4107 **Part 4. Outdoor Recreational Infrastructure Grant Program**

4108 [~~63N-9-202~~]. **[79-8-401](#). Creation and purpose of infrastructure grant**
 4109 **program.**

4110 (1) There is created the Outdoor Recreational Infrastructure Grant Program
 4111 administered by the [~~outdoor recreation office~~] division.

4112 (2) The [~~outdoor recreation office~~] division may seek to accomplish the following
 4113 objectives in administering the infrastructure grant program:

4114 (a) build, maintain, and promote recreational infrastructure to provide greater access to
 4115 low-cost outdoor recreation for the state's citizens;

4116 (b) encourage residents and nonresidents of the state to take advantage of the beauty of
 4117 Utah's outdoors;

- 4118 (c) encourage individuals and businesses to relocate to the state;
- 4119 (d) promote outdoor exercise; and
- 4120 (e) provide outdoor recreational opportunities to an underserved [~~or underprivileged~~]
- 4121 community in the state.

4122 (3) The advisory committee shall advise and make recommendations to the [~~outdoor~~
4123 ~~recreation office~~] division regarding infrastructure grants.

4124 Section 101. Section **79-8-402**, which is renumbered from Section 63N-9-203 is
4125 renumbered and amended to read:

4126 ~~[63N-9-203]~~. **79-8-402. Rulemaking and requirements for awarding an**
4127 **infrastructure grant.**

4128 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
4129 after consultation with the advisory committee, the [~~outdoor recreation office~~] division shall
4130 make rules establishing the eligibility and reporting criteria for an entity to receive an
4131 infrastructure grant, including:

4132 (a) the form and process of submitting an application to the [~~outdoor recreation office~~]
4133 division for an infrastructure grant;

4134 (b) which entities are eligible to apply for an infrastructure grant;

4135 (c) specific categories of recreational infrastructure projects that are eligible for an
4136 infrastructure grant;

4137 (d) the method and formula for determining grant amounts; and

4138 (e) the reporting requirements of grant recipients.

4139 (2) In determining the award of an infrastructure grant, the [~~outdoor recreation office~~]
4140 division may prioritize a recreational infrastructure project that will serve an [~~underprivileged~~
4141 ~~or~~] underserved community.

4142 (3) An infrastructure grant may only be awarded by the executive director after
4143 consultation with the director and the [~~GO Utah board~~] advisory committee.

4144 (4) The following entities may not receive an infrastructure grant under this part:

4145 (a) a federal government entity;

4146 (b) a state agency; and

4147 (c) a for-profit entity.

4148 (5) An infrastructure grant may only be awarded under this part:

4149 (a) for a recreational infrastructure project that is accessible to the general public; and
 4150 (b) subject to Subsections (6) and (7), if the grant recipient agrees to provide matching
 4151 funds having a value:

4152 (i) equal to or greater than the amount of the infrastructure grant[-]; or
 4153 (ii) established in accordance with rules made by the division, after consultation with
 4154 the advisory committee, and in accordance with Title 63G, Chapter 3, Utah Administrative
 4155 Rulemaking Act.

4156 (6) Up to 50% of the grant recipient match described in Subsection (5)(b) may be
 4157 provided through an in-kind contribution by the grant recipient, if:

4158 (a) approved by the executive director after consultation with the director and the [GO
 4159 Utah board] advisory committee; and

4160 (b) the in-kind donation does not include real property.

4161 (7) An infrastructure grant may not be awarded under this part if the grant, or the grant
 4162 recipient match described in Subsection (5)(b), will be used for the purchase of real property or
 4163 for the purchase or transfer of a conservation easement.

4164 Section 102. **Repealer.**

4165 This bill repeals:

4166 Section **11-38-101, Title.**

4167 Section **11-38-201, Quality Growth Commission -- Term of office -- Vacancy --**
 4168 **Organization -- Expenses -- Staff.**

4169 Section **11-38-203, Commission may provide assistance to local entities.**

4170 Section **63N-9-101, Title.**

4171 Section **63N-9-102, Definitions.**

4172 Section **63N-9-104, Creation of outdoor recreation office and appointment of**
 4173 **director -- Responsibilities of outdoor recreation office.**

4174 Section **63N-9-105, Duties of director.**

4175 Section **63N-9-106, Annual report.**

4176 Section **63N-9-201, Title.**

4177 Section **79-5-201, Recreational Trails Advisory Council.**

4178 Section **79-5-202, Council membership -- Expenses.**

4179 Section **79-7-101, Title.**

4180 Section [79-8-104](#), Annual report.

4181 Section [79-8-105](#), Utah Outdoor Recreation Grant Advisory Committee --

4182 Membership -- Duties -- Expenses.

4183 Section 103. Appropriation.

4184 The following sums of money are appropriated for the fiscal year beginning July 1,
4185 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
4186 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
4187 Act, the Legislature appropriates the following sums of money from the funds or accounts
4188 indicated for the use and support of the government of the state of Utah.

4189 ITEM 1

4190 To Department of Natural Resources -- Pass Through

4191 From General Fund \$130,000

4192 Schedule of Programs:

4193 Pass Through \$130,000

4194 The Legislature intends that the money appropriated under this item be used only for
4195 the purpose of conservation efforts in accordance with Subsection [79-2-202](#)(5) enacted in this
4196 bill.

4197 ITEM 2

4198 To Department of Natural Resources -- Recreation Management

4199 From General Fund \$150,000

4200 Schedule of Programs:

4201 Recreation Management \$150,000

4202 The Legislature intends that the money appropriated under this item be used for the
4203 administration of the Division of Outdoor Recreation in accordance with this bill.

4204 ITEM 3

4205 To Department of Agriculture and Food -- Conservation

4206 From General Fund \$120,000

4207 Schedule of Programs:

4208 Conservation Administration \$120,000

4209 The Legislature intends that the money appropriated under this item be used for
4210 conservation efforts in accordance with this bill.

4211 ITEM 4

4212 To Governor's Office of Economic Opportunity

4213 From General Fund (\$338,700)

4214 Schedule of Programs:

4215 Business Outreach & International Trade (\$338,700)

4216 ITEM 5

4217 To Department of Natural Resources -- Recreation Management

4218 From General Fund \$338,700

4219 Schedule of Programs:

4220 Recreation Management \$338,700

4221 The Legislature intends that, at the close of fiscal year 2022, the Division of Finance

4222 transfer any fiscal year 2022 closing nonlapsing balances or carry forward funding in support of

4223 the Office of Outdoor Recreation to the Department of Natural Resources - Recreation

4224 Management, as fiscal year 2023 beginning nonlapsing balances.

4225 **Section 104. Effective date.**

4226 This bill takes effect on July 1, 2022.

4227 **Section 105. Revisor instructions.**

4228 The Legislature intends that the Office of Legislative Research and General Counsel, in

4229 preparing the Utah Code database for publication on July 1, 2022:

4230 (1) replace the references in Subsections [4-46-104](#)(1)(a) and (2) from "this bill" to the

4231 bill's designated chapter number in the Laws of Utah;

4232 (2) replace the references in Subsections [79-2-206](#)(2)(c), (4)(a)(i) and (4)(b) from "this

4233 bill" to the bill's designated chapter number in the Laws of Utah;

4234 (3) replace cross references to sections renumbered by this bill that are added to the

4235 Utah Code by legislation passed during the 2022 General Session that become law;

4236 (4) replace references to the "Division of Recreation" to the "Division of Outdoor

4237 Recreation" in any new language added to the Utah Code by legislation, other than Section

4238 [79-2-206](#), passed during the 2022 General Session that becomes law; and

4239 (5) replace references to the "Quality Growth Commission" to the "Land Conservation

4240 Board" in any new language added to the Utah Code by legislation, other than Section

4241 [4-46-104](#), passed during the 2022 General Session that becomes law.