

1 **WILDLIFE RESOURCES RECODIFICATION CROSS**

2 **REFERENCES**

3 2023 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Casey Snider**

6 Senate Sponsor: Scott D. Sandall

7

LONG TITLE

8 **Committee Note:**

9 The Natural Resources, Agriculture, and Environment Interim Committee
10 recommended this bill.

11 Legislative Vote: 16 voting for 0 voting against 3 absent

12 **General Description:**

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

15 **Highlighted Provisions:**

16 This bill:

- 17 ▶ changes relevant cross references; and
- 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 This bill provides a special effective date.

23 This bill provides revisor instructions.

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **4-14-102**, as last amended by Laws of Utah 2018, Chapter 457



28 [4-23-106](#), as last amended by Laws of Utah 2020, Chapter 311
29 [4-34-108](#), as enacted by Laws of Utah 2022, Chapter 53
30 [4-37-103](#), as last amended by Laws of Utah 2017, Chapter 412
31 [4-37-108](#), as last amended by Laws of Utah 2017, Chapter 412
32 [4-37-111](#), as last amended by Laws of Utah 2017, Chapter 412
33 [4-37-204](#), as last amended by Laws of Utah 2022, Chapter 79
34 [4-39-401](#), as last amended by Laws of Utah 2018, Chapter 355
35 [4-46-103](#), as enacted by Laws of Utah 2022, Chapter 68
36 [4-46-401](#), as enacted by Laws of Utah 2022, Chapter 68
37 [10-2-403](#), as last amended by Laws of Utah 2021, Chapter 112
38 [11-3-10](#), as last amended by Laws of Utah 1993, Chapter 234
39 [11-41-102](#), as last amended by Laws of Utah 2022, Chapter 307
40 [11-46-302](#), as enacted by Laws of Utah 2011, Chapter 130
41 [11-51a-201](#), as enacted by Laws of Utah 2015, Chapter 419
42 [11-65-206](#), as enacted by Laws of Utah 2022, Chapter 59
43 [17-27a-401](#), as last amended by Laws of Utah 2022, Chapters 282, 406
44 [24-4-115](#), as last amended by Laws of Utah 2022, Chapter 179
45 [41-1a-422](#), as last amended by Laws of Utah 2022, Chapters 19, 48, 68, 255, 259, 335,
46 451, and 456
47 [51-9-402](#), as last amended by Laws of Utah 2020, Chapter 230
48 [53-2a-208](#), as last amended by Laws of Utah 2022, Chapter 39
49 [53-2a-1102](#), as last amended by Laws of Utah 2022, Chapters 68, 73
50 [53-7-221](#), as last amended by Laws of Utah 2018, Chapter 189
51 [53-13-103](#), as last amended by Laws of Utah 2021, Chapter 349
52 [57-14-202](#), as last amended by Laws of Utah 2021, Chapter 41
53 [57-14-204](#), as last amended by Laws of Utah 2022, Chapter 68
54 [58-79-102](#), as last amended by Laws of Utah 2020, Chapters 316, 376
55 [59-2-301.5](#), as enacted by Laws of Utah 2013, Chapter 96
56 [63A-16-803](#), as renumbered and amended by Laws of Utah 2021, Chapter 344
57 [63A-17-512](#), as renumbered and amended by Laws of Utah 2021, Chapter 344
58 [63G-7-201](#), as last amended by Laws of Utah 2021, Chapter 352

59 **63G-21-201**, as last amended by Laws of Utah 2022, Chapter 419
60 **63I-1-223**, as last amended by Laws of Utah 2020, Chapters 154, 232
61 **63I-2-223**, as last amended by Laws of Utah 2012, Chapter 369
62 **63J-1-602.1**, as last amended by Laws of Utah 2022, Chapters 48, 191, 255, 335, 415,
63 and 451
64 **63J-1-602.2**, as last amended by Laws of Utah 2022, Chapters 59, 68, 154, 224, 236,
65 242, and 447 and last amended by Coordination Clause, Laws of Utah 2022,
66 Chapter 154
67 **63L-7-106**, as enacted by Laws of Utah 2014, Chapter 323
68 **63L-8-303**, as enacted by Laws of Utah 2016, Chapter 317
69 **63L-8-304**, as last amended by Laws of Utah 2017, Chapter 451
70 **72-9-501**, as last amended by Laws of Utah 2021, Chapter 239
71 **73-3-30**, as last amended by Laws of Utah 2022, Chapter 43
72 **73-18-26**, as last amended by Laws of Utah 2020, Chapter 195
73 **73-29-102**, as enacted by Laws of Utah 2010, Chapter 410
74 **73-30-201**, as last amended by Laws of Utah 2020, Chapter 352
75 **76-9-301**, as last amended by Laws of Utah 2021, Chapter 57
76 **76-10-504**, as last amended by Laws of Utah 2021, Chapter 12
77 **76-10-508**, as last amended by Laws of Utah 2019, Chapter 39
78 **76-10-508.1**, as last amended by Laws of Utah 2019, Chapter 39
79 **76-10-1602**, as last amended by Laws of Utah 2022, Chapters 181, 185
80 **77-20-204**, as enacted by Laws of Utah 2021, Second Special Session, Chapter 4
81 **77-23-104**, as last amended by Laws of Utah 2001, Chapter 168
82 **78A-5-110**, as last amended by Laws of Utah 2022, Chapter 68
83 **78A-7-106**, as last amended by Laws of Utah 2022, Chapters 155, 318
84 **78A-7-120**, as last amended by Laws of Utah 2022, Chapters 68, 89
85 **79-2-102**, as enacted by Laws of Utah 2009, Chapter 344
86 **79-2-201**, as last amended by Laws of Utah 2022, Chapter 68
87 **79-2-601**, as enacted by Laws of Utah 2022, Chapter 51

88

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

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

91 **4-14-102. Definitions.**

92 As used in this chapter:

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

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

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

96 (2) "Adulterated pesticide" means a pesticide with a strength or purity that is below the
97 standard of quality expressed on the label under which the pesticide is offered for sale.

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

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

100 (a) an effective pollinator of plants;

101 (b) a parasite or predator of pests; or

102 (c) otherwise beneficial.

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

105 (a) a restricted use pesticide; or

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

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

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

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

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

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

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

119 (b) "Equipment" does not mean any pressurized hand-sized household apparatus used
120 to apply a pesticide or any equipment or contrivance used to apply a pesticide that is dependent

121 solely upon energy expelled by the person making the pesticide application.

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

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

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

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

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

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

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

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

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

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

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

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

141 (i) accompanying a pesticide or equipment; or

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

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

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

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

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

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

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

162 (24) (a) "Pest" means:

163 (i) any insect, rodent, nematode, fungus, weed; or

164 (ii) any other form of terrestrial or aquatic plant or animal life, virus, bacteria, or other
165 microorganism that is injurious to health or to the environment or that the department declares
166 to be a pest.

167 (b) "Pest" does not include:

168 (i) viruses, bacteria, or other microorganisms on or in a living person or other living
169 animal; or

170 (ii) protected wildlife species identified in Section ~~[23-13-2]~~ [23A-1-101](#) that are
171 regulated by the Division of Wildlife Resources in accordance with Sections ~~[23-14-1 through~~
172 ~~23-14-3]~~ [23A-2-102](#), [23A-2-201](#), [23A-2-301](#), [23A-2-302](#), and [23A-2-303](#).

173 (25) "Pesticide" means any:

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

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

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

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

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

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

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

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

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

189 (ii) offers pesticide application services.

190 (b) "Pesticide applicator business" does not include an individual licensed agricultural

191 applicator who may work for hire.

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

193 (29) (a) "Plant regulator" means any substance or mixture intended, through

194 physiological action, to accelerate or retard the rate of growth or rate of maturation, or

195 otherwise alter the behavior of ornamental or crop plants.

196 (b) "Plant regulator" does not include plant nutrients, trace elements, nutritional

197 chemicals, plant inoculants, or soil amendments.

198 (30) "Qualifying party" means a certified qualified applicator who is the owner or

199 employee of a pesticide applicator business and who is registered with the department as the

200 individual responsible for ensuring the training, equipping, and supervision of all pesticide

201 applicators who work for the pesticide applicator business.

202 (31) "Restricted use pesticide" means:

203 (a) a pesticide, including a highly toxic pesticide, that is a serious hazard to beneficial

204 insects, animals, or land; or

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

206 commissioner.

207 (32) "Spot treatment" means the limited application of an herbicide to an area that is no

208 more than 5% of the potential treatment area or one-twentieth of an acre, whichever is smaller,

209 using equipment that is designed to contain no more than five gallons of mixture.

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

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

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

213 **4-23-106. Department to issue licenses and permits -- Department to issue**

214 **aircraft use permits -- Aerial hunting.**

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

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

219 (3) The department may issue an annual permit for aerial hunting to a private person
220 for the protection of land, water, wildlife, livestock, domesticated animals, human life, or
221 crops, if the person shows that the person or the person's designated pilot, along with the
222 aircraft to be used in the aerial hunting, are licensed and qualified in accordance with the
223 requirements of the department set by rule.

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

227 (5) The department shall collect an annual fee, set in accordance with Section
228 [63J-1-504](#), from a person who has an aircraft for which a permit is issued or renewed under this
229 section.

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

231 (a) (i) private lands that are owned or managed by the permittee;

232 (ii) state grazing allotments where the permittee is permitted by the state or the State
233 Institutional Trust Lands Administration to graze livestock; or

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

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

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

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

244 Section 3. Section ~~4-34-108~~ is amended to read:

245 **4-34-108. Donation of wild game meat.**

246 (1) As used in this section:

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

248 (b) "Custom meat processor" means a person who processes meat but is exempt from

249 licensure under Section [4-32-106](#) as a licensed meat establishment.

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

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

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

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

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

255 (b) come from an animal with intact intestines;

256 (c) be field-dressed immediately after harvest of the animal and be handled in a manner

257 in keeping with generally accepted wild game handling procedures;

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

259 animal;

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

261 (f) be clearly marked as "donated wild game meat" in letters not less than [~~three-eighths~~]262 three-eighths of an inch in height; and

263 (g) may not come from a road-kill animal and a road-kill animal may not be donated

264 under this section.

265 (4) (a) A donor or custom meat processor of the wild game meat being donated shall

266 advise the nonprofit charitable organization receiving the donated wild game meat that the

267 donated wild game meat should be thoroughly cooked before human consumption.

268 (b) Before serving donated wild game meat, the nonprofit charitable organization shall

269 prominently post a sign indicating:

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

271 (ii) the type of meat processing used; and

272 (iii) that the meat has not been inspected.

273 (5) The Department of Natural Resources may donate wild game meat in the

274 Department of Natural Resources' possession if this section is followed.

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

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

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

280 **4-37-103. Definitions.**

281 As used in this chapter:

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

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

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

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

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

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

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

295 (5) "Natural flowing stream" means the same as that term is defined in Section
296 ~~[23-13-2]~~ [23A-1-101](#).

297 (6) "Natural lake" means the same as that term is defined in Section ~~[23-13-2]~~
298 [23A-1-101](#).

299 (7) "Private fish pond" means the same as that term is defined in Section ~~[23-13-2]~~
300 [23A-1-101](#).

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

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

306 (10) "Reservoir constructed on a natural stream channel" means the same as that term

307 is defined in Section [~~23-13-2~~] [23A-1-101](#).

308 (11) "Short-term fishing event" means the same as that term is defined in Section
309 [~~23-13-2~~] [23A-1-101](#).

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

311 **4-37-108. Prohibited activities.**

312 (1) Except as provided in this chapter, in the rules of the department made pursuant to
313 Section [4-37-109](#), rules of the Fish Health Policy Board made pursuant to Section [4-37-503](#), or
314 in the rules of the Wildlife Board governing species of aquatic animals which may be imported
315 into, possessed, transported, or released within the state, a person may not:

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

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

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

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

321 or

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

323 (2) If a person commits an act in violation of Subsection (1) and that same act
324 constitutes wanton destruction of protected wildlife as provided in Section [~~23-20-4~~]
325 [23A-5-311](#), the person is guilty of a violation of Section [~~23-20-4~~] [23A-5-311](#).

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

327 **4-37-111. Prohibited sites.**

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

330 (a) a natural lake;

331 (b) a natural flowing stream; or

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

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

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

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

340 (c) the facility is properly screened as provided in Subsection [~~23-15-10(3)(c)~~]
341 [23A-9-203\(3\)\(c\)](#) and otherwise in compliance with the requirements of this title, rules of the
342 Wildlife Board, and applicable law; and

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

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

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

349 **4-37-204. Sale of aquatic animals from aquaculture facilities.**

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

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

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

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

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

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

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

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

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

367 (a) date of transaction;

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

369 (c) number and weight of aquatic animal by:

370 (i) species; and

371 (ii) reproductive capability; and

372 (d) name and address of the receiver.

373 (3) (a) A person holding a license for an aquaculture facility shall submit to the

374 department an annual report of each sale of live aquatic animals or each transfer of live aquatic

375 animals in Utah. The department shall forward the report to the Division of Wildlife

376 Resources. The department or Division of Wildlife Resources may request copies of receipts

377 from an aquaculture facility.

378 (b) The report shall contain the following information:

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

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

381 (iii) date of sale or transfer; and

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

383 (4) Geographic coordinates of the stocking location shall be provided if the receiver is

384 eligible to stock the aquatic animal without a certificate of registration under Wildlife Board

385 rules.

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

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

388 (b) a health approval number is issued.

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

390 **4-39-401. Escape of domesticated elk -- Liability.**

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

392 (2) The escape of a domesticated elk shall be reported immediately to the domestic elk

393 program manager, who shall notify the Division of Wildlife Resources.

394 (3) If the domesticated elk is not recovered within 72 hours of the escape, the

395 department, in conjunction with the Division of Wildlife Resources, shall take whatever action

396 is necessary to resolve the problem.

397 (4) The owner shall reimburse the state or a state agency for any reasonable recapture

398 costs incurred in the recapture or destruction of an escaped domesticated elk.

399 (5) An escaped domesticated elk taken by a licensed hunter in a manner that complies

400 with the provisions of [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife
401 Resources Act, and the rules of the Wildlife Board shall be considered a legal taking and
402 neither the licensed hunter, the state, nor a state agency shall be liable to the owner for the
403 killing.

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

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

408 **4-46-103. Application of chapter to wildlife issues.**

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

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

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

417 **4-46-401. Division of Conservation created -- Director.**

- 418 (1) Within the department there is created the Division of Conservation.
419 (2) (a) The director is the executive and administrative head of the division.
420 (b) The director shall administer this part subject to the administration and general
421 supervision of the commissioner.
422 (3) The division shall coordinate state conservation efforts by:
423 (a) staffing the board created in Section [4-46-201](#);
424 (b) coordinating with a conservation district in accordance with Section [4-46-402](#);
425 (c) coordinating with an agency or division within the department, the Department of
426 Natural Resources, other state agencies, counties, cities, towns, local land trust entities, and
427 federal agencies;
428 (d) facilitating obtaining federal funds in addition to state funds used for state
429 conservation efforts;
430 (e) monitoring and providing for the management of conservation easements on state

431 lands, including coordination with the Division of Wildlife Resources in the Division of
432 Wildlife Resources' administration of Section [~~23-14-14.2~~] [23A-3-204](#); and

433 (f) implementing rules made by the department in accordance with Title 63G, Chapter
434 3, Utah Administrative Rulemaking Act, and Section [4-46-403](#).

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

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

438 **10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

462 (A) be in writing;

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

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

465 Records show that you own property within an area that is intended to be included in a
466 proposed annexation to (state the name of the proposed annexing municipality) or that is within
467 300 feet of that area. If your property is within the area proposed for annexation, you may be
468 asked to sign a petition supporting the annexation. You may choose whether to sign the
469 petition. By signing the petition, you indicate your support of the proposed annexation. If you
470 sign the petition but later change your mind about supporting the annexation, you may
471 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
472 of (state the name of the proposed annexing municipality) within 30 days after (state the name
473 of the proposed annexing municipality) receives notice that the petition has been certified.

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

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

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

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

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

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

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

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

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

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

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

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

509 (C) covers 100% of the private land area within the area proposed for annexation, if the
510 area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture,
511 Industrial, or Critical Infrastructure Materials Protection Areas, or a migratory bird production
512 area created under [~~Title 23, Chapter 28, Migratory Bird Production Area~~] Title 23A, Chapter
513 13, Migratory Bird Production Area; and

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

516 (c) be accompanied by:

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

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

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

523 "Notice:

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

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

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

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

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

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

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

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

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

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

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

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

552 (7) A property owner who signs an annexation petition may withdraw the owner's
553 signature by filing a written withdrawal, signed by the property owner, with the city recorder or
554 town clerk no later than 30 days after the municipal legislative body's receipt of the notice of

555 certification under Subsection [10-2-405\(2\)\(c\)\(i\)](#).

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

557 **11-3-10. Exemptions -- Limitation on chapter.**

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

561 (2) This chapter does not supersede Section [~~23-13-7~~] [23A-2-208](#), regarding use of
562 fireworks and explosives by the Division of Wildlife Resources and federal game agents.

563 (3) Provided that the display operators are properly licensed as required by Section
564 [53-7-223](#), municipalities and counties for the unincorporated areas within the county may
565 conduct, permit, or regulate:

566 (a) exhibitions of display fireworks; or

567 (b) pyrotechnic displays held inside public buildings.

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

569 **11-41-102. Definitions.**

570 As used in this chapter:

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

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

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

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

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

583 (6) "General plan" means the same as that term is defined in Section [~~23-21-5~~]
584 [23A-6-101](#).

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

586 housing.

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

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

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

593 (11) "Public entity" means:

594 (a) a political subdivision;

595 (b) a state agency as defined in Section 63J-1-220;

596 (c) a higher education institution as defined in Section 53B-1-201;

597 (d) the Military Installation Development Authority created in Section 63H-1-201;

598 (e) the Utah Inland Port Authority created in Section 11-58-201; or

599 (f) the Point of the Mountain State Land Authority created in Section 11-59-201.

600 (12) "Public funds" means any money received by a public entity that is derived from:

601 (a) a sales and use tax authorized under Title 59, Chapter 12, Sales and Use Tax Act;

602 or

603 (b) a property tax levy.

604 (13) "Public infrastructure" means:

605 (a) a public facility as defined in Section 11-36a-102; or

606 (b) public infrastructure included as part of an infrastructure master plan related to a
607 general plan.

608 (14) "Retail facility" means any facility operated by a business entity for the primary
609 purpose of making retail transactions.

610 (15) (a) "Retail facility incentive payment" means a payment of public funds:

611 (i) to a person by a public entity;

612 (ii) for the development, construction, renovation, or operation of a retail facility
613 within an area of the state; and

614 (iii) in the form of:

615 (A) a payment;

616 (B) a rebate;

- 617 (C) a refund;
- 618 (D) a subsidy; or
- 619 (E) any other similar incentive, award, or offset.
- 620 (b) "Retail facility incentive payment" does not include a payment of public funds for:
- 621 (i) the development, construction, renovation, or operation of:
- 622 (A) public infrastructure; or
- 623 (B) a structured parking facility;
- 624 (ii) the demolition of an existing facility;
- 625 (iii) assistance under a state or local:
- 626 (A) main street program; or
- 627 (B) historic preservation program;
- 628 (iv) environmental mitigation or sanitation, if determined by a state or federal agency
- 629 under applicable state or federal law;
- 630 (v) assistance under a water conservation program or energy efficiency program, if any
- 631 business entity located within the public entity's boundaries or subject to the public entity's
- 632 jurisdiction is eligible to participate in the program;
- 633 (vi) emergency aid or assistance, if any business entity located within the public entity's
- 634 boundaries or subject to the public entity's jurisdiction is eligible to receive the emergency aid
- 635 or assistance; or
- 636 (vii) assistance under a public safety or security program, if any business entity located
- 637 within the public entity's boundaries or subject to the public entity's jurisdiction is eligible to
- 638 participate in the program.
- 639 (16) "Retail transaction" means any transaction subject to a sales and use tax under
- 640 Title 59, Chapter 12, Sales and Use Tax Act.
- 641 (17) (a) "Small business" means a business entity that:
- 642 (i) has fewer than 30 full-time equivalent employees; and
- 643 (ii) maintains the business entity's principal office in the state.
- 644 (b) "Small business" does not include:
- 645 (i) a franchisee, as defined in 16 C.F.R. Sec. 436.1;
- 646 (ii) a dealer, as defined in Section [41-1a-102](#); or
- 647 (iii) a subsidiary or affiliate of another business entity that is not a small business.

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

649 **11-46-302. Definitions.**

650 In addition to the definitions in Sections [11-46-102](#) and [11-46-202](#), as used in this part:

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

654 (2) "Community cat caretaker" means any person other than an owner who provides
655 food, water, or shelter to a community cat or community cat colony.

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

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

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

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

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

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

671 **11-51a-201. Limitation.**

672 Nothing in this chapter limits:

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

675 (2) the power of a municipality under Section [10-8-60](#).

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

677 **11-65-206. Applicability of other law -- Cooperation of state and local**
678 **governments -- Authority of other agencies not affected -- Attorney general to provide**

679 **legal services.**

680 (1) The lake authority is subject to and governed by Sections [63E-2-106](#), [63E-2-107](#),
681 [63E-2-108](#), [63E-2-109](#), [63E-2-110](#), and [63E-2-111](#), but is not otherwise subject to or governed
682 by Title 63E, Independent Entities Code.

683 (2) A department, division, or other agency of the state and a political subdivision of
684 the state is encouraged, upon the board's request, to cooperate with the lake authority to provide
685 the support, information, or other assistance reasonably necessary to help the lake authority
686 fulfill the lake authority's duties and responsibilities under this chapter.

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

688 (a) the authority of the Department of Environmental Quality, created in Section
689 [19-1-104](#), to regulate under Title 19, Environmental Quality Code, consistent with the purposes
690 of this chapter; or

691 (b) the authority of the Division of Wildlife Resources, created in Section [~~23-14-1~~]
692 [23A-2-201](#), to regulate under [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife
693 Resources Act, consistent with the purposes of this chapter.

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

- 696 (a) any water right in the state;
697 (b) the operation of a water facility or project; or
698 (c) the role or authority of the state engineer.

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

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

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

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

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

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

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

714 **17-27a-401. General plan required -- Content -- Resource management plan --**
715 **Provisions related to radioactive waste facility.**

716 (1) To accomplish the purposes of this chapter, a county shall prepare and adopt a
717 comprehensive, long-range general plan:

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

719 (b) (i) for growth and development of all or any part of the land within the
720 unincorporated portions of the county; or

721 (ii) if a county has designated a mountainous planning district, for growth and
722 development of all or any part of the land within the mountainous planning district; and

723 (c) as a basis for communicating and coordinating with the federal government on land
724 and resource management issues.

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

726 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
727 activities, aesthetics, and recreational, educational, and cultural opportunities;

728 (b) the reduction of the waste of physical, financial, or human resources that result
729 from either excessive congestion or excessive scattering of population;

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

731 (i) food and water; and

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

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

734 (e) the protection of urban development;

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

736 (g) historic preservation;

737 (h) identifying future uses of land that are likely to require an expansion or significant
738 modification of services or facilities provided by an affected entity; and

739 (i) an official map.

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

741 shall include a moderate income housing element that meets the requirements of Subsection
742 17-27a-403(2)(a)(iii).

743 (ii) On or before October 1, 2022, a specified county, as defined in Section 17-27a-408,
744 with a general plan that does not comply with Subsection (3)(a)(i) shall amend the general plan
745 to comply with Subsection (3)(a)(i).

746 (b) The general plan shall contain a resource management plan for the public lands, as
747 defined in Section 63L-6-102, within the county.

748 (c) The resource management plan described in Subsection (3)(b) shall address:

749 (i) mining;

750 (ii) land use;

751 (iii) livestock and grazing;

752 (iv) irrigation;

753 (v) agriculture;

754 (vi) fire management;

755 (vii) noxious weeds;

756 (viii) forest management;

757 (ix) water rights;

758 (x) ditches and canals;

759 (xi) water quality and hydrology;

760 (xii) flood plains and river terraces;

761 (xiii) wetlands;

762 (xiv) riparian areas;

763 (xv) predator control;

764 (xvi) wildlife;

765 (xvii) fisheries;

766 (xviii) recreation and tourism;

767 (xix) energy resources;

768 (xx) mineral resources;

769 (xxi) cultural, historical, geological, and paleontological resources;

770 (xxii) wilderness;

771 (xxiii) wild and scenic rivers;

772 (xxiv) threatened, endangered, and sensitive species;

773 (xxv) land access;

774 (xxvi) law enforcement;

775 (xxvii) economic considerations; and

776 (xxviii) air.

777 (d) For each item listed under Subsection (3)(c), a county's resource management plan
778 shall:

779 (i) establish findings pertaining to the item;

780 (ii) establish defined objectives; and

781 (iii) outline general policies and guidelines on how the objectives described in

782 Subsection (3)(d)(ii) are to be accomplished.

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

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

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

791 (B) information supported by credible studies that demonstrates that Subsection
792 19-3-307(2) has been satisfied; and

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

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

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

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

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

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

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

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

809 (6) Subject to Subsection 17-27a-403(2), the county may determine the
810 comprehensiveness, extent, and format of the general plan.

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

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

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

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

820 **24-4-115. Disposition and allocation of forfeited property.**

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

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

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

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

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

831 (B) otherwise in saleable condition; or

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

834 (c) If the property forfeited is a cigarette or other tobacco product as defined in Section
835 [59-14-102](#), the property shall be destroyed, except that the lawful holder of the trademark rights
836 in the cigarette or tobacco product brand is permitted to inspect the cigarette before the
837 destruction of the cigarette or tobacco product.

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

840 (3) Before transferring currency and the proceeds or revenue from the sale of the
841 property in accordance with this chapter, the agency shall:

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

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

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

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

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

854 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
855 **contribution collection procedures.**

856 (1) As used in this section:

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

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

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

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

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

- 865 (E) the Division of Outdoor Recreation for the benefit of snowmobile programs;
- 866 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
867 the donation evenly divided between the two;
- 868 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America
869 council as specified by the contributor;
- 870 (H) No More Homeless Pets in Utah for distribution to organizations or individuals
871 that provide spay and neuter programs that subsidize the sterilization of domestic animals;
- 872 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
873 development programs;
- 874 (J) the Utah Association of Public School Foundations to support public education;
- 875 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to
876 assist people who have severe housing needs;
- 877 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118
878 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
879 Safety employees;
- 880 (M) the Division of Outdoor Recreation for distribution to organizations that provide
881 support for Zion National Park;
- 882 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support
883 firefighter organizations;
- 884 (O) the Share the Road Bicycle Support Restricted Account created in Section
885 72-2-127 to support bicycle operation and safety awareness programs;
- 886 (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support
887 cancer research programs;
- 888 (Q) Autism Awareness Restricted Account created in Section 53F-9-401 to support
889 autism awareness programs;
- 890 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account
891 created in Section 9-17-102 to support humanitarian service and educational and cultural
892 programs;
- 893 (S) Upon renewal of a prostate cancer support special group license plate, to the
894 Cancer Research Restricted Account created in Section 26-21a-302 to support cancer research
895 programs;

896 (T) the Choose Life Adoption Support Restricted Account created in Section [80-2-502](#)
897 to support programs that promote adoption;

898 (U) the National Professional Men's Basketball Team Support of Women and Children
899 Issues Restricted Account created in Section [26B-1-302](#);

900 (V) the Utah Law Enforcement Memorial Support Restricted Account created in
901 Section [53-1-120](#);

902 (W) the Children with Cancer Support Restricted Account created in Section
903 [26-21a-304](#) for programs that provide assistance to children with cancer;

904 (X) the National Professional Men's Soccer Team Support of Building Communities
905 Restricted Account created in Section [9-19-102](#);

906 (Y) the Children with Heart Disease Support Restricted Account created in Section
907 [26-58-102](#);

908 (Z) the Utah Intracurricular Student Organization Support for Agricultural Education
909 and Leadership Restricted Account created in Section [4-42-102](#);

910 (AA) the Division of Wildlife Resources for the Support for State-Owned Shooting
911 Ranges Restricted Account created in Section [~~23-14-13.5~~] [23A-3-203](#), for the creation of new,
912 and operation and maintenance of existing, state-owned firearm shooting ranges;

913 (BB) the Utah State Historical Society to further the mission and purpose of the Utah
914 State Historical Society;

915 (CC) the Motorcycle Safety Awareness Support Restricted Account created in Section
916 [72-2-130](#);

917 (DD) clean air support causes, with half of the donation deposited into the Clean Air
918 Support Restricted Account created in Section [19-1-109](#), and half of the donation deposited
919 into the Clean Air Fund created in Section [59-10-1319](#);

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

921 (FF) the Allyson Gamble Organ Donation Contribution Fund created in Section
922 [26-18b-101](#);

923 (GG) public education on behalf of the Kiwanis International clubs, with the amount of
924 the donation required to cover the costs of issuing, ordering, or reordering Kiwanis support
925 special group plates, as determined by the State Tax Commission, deposited into the Kiwanis
926 Education Support Fund created in Section [53F-9-403](#), and all remaining donation amounts

927 deposited into the Uniform School Fund;

928 (HH) the Governor's Suicide Prevention Fund created in Section [62A-15-1103](#) to
929 support the Live On suicide prevention campaign administered by the Division of Integrated
930 Healthcare; or

931 (II) the State Park Fees Restricted Account created in Section [79-4-402](#) to support the
932 Division of State Parks' dark sky initiative.

933 (ii) (A) For a veterans special group license plate described in Subsection (4) or
934 [41-1a-421\(1\)\(a\)\(v\)](#), "contributor" means a person who has donated or in whose name at least a
935 \$25 donation at the time of application and \$10 annual donation thereafter has been made.

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

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

940 (II) is a member of a trade organization for real estate licensees that has more than
941 15,000 Utah members.

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

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

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

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

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

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

956 (b) "Institution" means a state institution of higher education as defined under Section
957 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or

958 national accrediting agency recognized by the United States Department of Education.

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

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

- 965 (i) the name of the contributor;
- 966 (ii) the institution to which a donation was made;
- 967 (iii) the date of the donation; and
- 968 (iv) an attestation that the donation was for a scholastic scholarship.

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

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

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

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

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

983 (b) This contribution shall be:

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

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

988 (iii) deposited into the appropriate account less actual administrative costs associated

989 with issuing the license plates; and

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

991 less:

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

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

995 (c) The donation described in Subsection (1)(a) must be made in the 12 months before
996 registration or renewal of registration.

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

999 (i) snowmobile license plates; or

1000 (ii) conservation license plates.

1001 (4) Veterans license plates shall display one of the symbols representing the Army,
1002 Navy, Air Force, Marines, Coast Guard, or American Legion.

1003 Section 20. Section **51-9-402** is amended to read:

1004 **51-9-402. Division of collected money retained by state treasurer and local**
1005 **governmental collecting entity.**

1006 (1) The amount of the surcharge imposed under this part by courts of record shall be
1007 collected before any fine and deposited with the state treasurer.

1008 (2) The amount of the surcharge and the amount of criminal fines, penalties, and
1009 forfeitures imposed under this part by courts not of record shall be collected concurrently.

1010 (a) As money is collected on criminal fines, penalties, and forfeitures subject to the
1011 90% surcharge, the money shall be divided pro rata so that the local governmental collecting
1012 entity retains 53% of the collected money and the state retains 47% of the collected money.

1013 (b) As money is collected on criminal fines, penalties, and forfeitures subject to the
1014 35% surcharge, the money shall be divided pro rata so that the local governmental collecting
1015 entity retains 74% of the collected money and the state retains 26% of the collected money.

1016 (c) The court shall deposit with the state treasurer the surcharge portion of all money as
1017 it is collected.

1018 (3) Courts of record, courts not of record, and administrative traffic proceedings shall
1019 collect financial information to determine:

- 1020 (a) the total number of cases in which:
- 1021 (i) a final judgment has been rendered;
- 1022 (ii) surcharges and fines are paid by partial or installment payment; and
- 1023 (iii) the judgment is fulfilled by an alternative method upon the court's order; and
- 1024 (b) the total dollar amounts of surcharges owed to the state and fines owed to the state
- 1025 and county or municipality, including:
- 1026 (i) waived surcharges;
- 1027 (ii) uncollected surcharges; and
- 1028 (iii) collected surcharges.

1029 (4) The courts of record, courts not of record, and administrative traffic proceedings
1030 shall report all collected financial information monthly to the Administrative Office of the
1031 Courts. The collected information shall be categorized by cases subject to the 90% and 35%
1032 surcharge.

1033 (5) The provisions of this section and Section [51-9-401](#) may not impact the distribution
1034 and allocation of fines and forfeitures imposed in accordance with Sections [~~23-14-13~~]
1035 [23A-3-201](#), [78A-5-110](#), and [78A-7-120](#).

1036 Section 21. Section **53-2a-208** is amended to read:

1037 **53-2a-208. Local emergency -- Declarations -- Termination of a local emergency.**

1038 (1) (a) Except as provided in Subsection (1)(b), a chief executive officer of a
1039 municipality or county may declare by proclamation a state of emergency if the chief executive
1040 officer finds:

1041 (i) a disaster has occurred or the occurrence or threat of a disaster is imminent in an
1042 area of the municipality or county; and

1043 (ii) the municipality or county requires additional assistance to supplement the
1044 response and recovery efforts of the municipality or county.

1045 (b) A chief executive officer of a municipality may not declare by proclamation a state
1046 of emergency in response to an epidemic or a pandemic.

1047 (2) A declaration of a local emergency:

1048 (a) constitutes an official recognition that a disaster situation exists within the affected
1049 municipality or county;

1050 (b) provides a legal basis for requesting and obtaining mutual aid or disaster assistance

- 1051 from other political subdivisions or from the state or federal government;
- 1052 (c) activates the response and recovery aspects of any and all applicable local disaster
1053 emergency plans; and
- 1054 (d) authorizes the furnishing of aid and assistance in relation to the proclamation.
- 1055 (3) A local emergency proclamation issued under this section shall state:
- 1056 (a) the nature of the local emergency;
- 1057 (b) the area or areas that are affected or threatened; and
- 1058 (c) the conditions which caused the emergency.
- 1059 (4) The emergency declaration process within the state shall be as follows:
- 1060 (a) a city, town, or metro township shall declare to the county;
- 1061 (b) a county shall declare to the state;
- 1062 (c) the state shall declare to the federal government; and
- 1063 (d) a tribe, as defined in Section ~~[23-13-12.5]~~ [23A-1-202](#), shall declare as determined
1064 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Sec.
1065 5121 et seq.
- 1066 (5) Nothing in this part affects:
- 1067 (a) the governor's authority to declare a state of emergency under Section [53-2a-206](#); or
- 1068 (b) the duties, requests, reimbursements, or other actions taken by a political
1069 subdivision participating in the state-wide mutual aid system pursuant to ~~[Title 53, Chapter 2a,]~~
1070 Part 3, Statewide Mutual Aid Act.
- 1071 (6) (a) Except as provided in Subsection (6)(b), a state of emergency described in
1072 Subsection (1) expires the earlier of:
- 1073 (i) the day on which the chief executive officer finds that:
- 1074 (A) the threat or danger has passed;
- 1075 (B) the disaster reduced to the extent that emergency conditions no longer exist; or
- 1076 (C) the municipality or county no longer requires state government assistance to
1077 supplement the response and recovery efforts of the municipality or county;
- 1078 (ii) 30 days after the day on which the chief executive officer declares the state of
1079 emergency; or
- 1080 (iii) the day on which the legislative body of the municipality or county terminates the
1081 state of emergency by majority vote.

1082 (b) (i) (A) The legislative body of a municipality may at any time terminate by majority
1083 vote a state of emergency declared by the chief executive officer of the municipality.

1084 (B) The legislative body of a county may at any time terminate by majority vote a state
1085 of emergency declared by the chief executive officer of the county.

1086 (ii) The legislative body of a municipality or county may by majority vote extend a
1087 state of emergency for a time period stated in the motion.

1088 (iii) If the legislative body of a municipality or county extends a state of emergency in
1089 accordance with this subsection, the state of emergency expires on the date designated by the
1090 legislative body in the motion.

1091 (iv) An action by a legislative body of a municipality or county to terminate a state of
1092 emergency as described in this Subsection (6)(b) is not subject to veto by the relevant chief
1093 executive officer.

1094 (c) Except as provided in Subsection (7), after a state of emergency expires in
1095 accordance with this Subsection (6), the chief executive officer may not declare a new state of
1096 emergency in response to the same disaster or occurrence as the expired state of emergency.

1097 (7) (a) After a state of emergency expires in accordance with Subsection (6), the chief
1098 executive officer may declare a new state of emergency in response to the same disaster or
1099 occurrence as the expired state of emergency, if the chief executive officer finds that exigent
1100 circumstances exist.

1101 (b) A state of emergency declared in accordance with Subsection (7)(a) expires in
1102 accordance with Subsections (6)(a) and (b).

1103 (c) After a state of emergency declared in accordance with Subsection (7)(a) expires,
1104 the chief executive officer may not declare a new state of emergency in response to the same
1105 disaster or occurrence as the expired state of emergency, regardless of whether exigent
1106 circumstances exist.

1107 Section 22. Section **53-2a-1102** is amended to read:

1108 **53-2a-1102. Search and Rescue Financial Assistance Program -- Uses --**
1109 **Rulemaking -- Distribution.**

1110 (1) As used in this section:

1111 (a) "Assistance card program" means the Utah Search and Rescue Assistance Card
1112 Program created within this section.

1113 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a
1114 participant.

1115 (c) "Participant" means an individual, family, or group who is registered pursuant to
1116 this section as having a valid card at the time search, rescue, or both are provided.

1117 (d) "Program" means the Search and Rescue Financial Assistance Program created
1118 within this section.

1119 (e) (i) "Reimbursable base expenses" means those reasonable expenses incidental to
1120 search and rescue activities.

1121 (ii) "Reimbursable base expenses" include:

1122 (A) rental for fixed wing aircraft, snowmobiles, boats, and generators;

1123 (B) replacement and upgrade of search and rescue equipment;

1124 (C) training of search and rescue volunteers;

1125 (D) costs of providing life insurance and workers' compensation benefits for volunteer
1126 search and rescue team members under Section [67-20-7.5](#); and

1127 (E) any other equipment or expenses necessary or appropriate for conducting search
1128 and rescue activities.

1129 (iii) "Reimbursable base expenses" do not include any salary or overtime paid to an
1130 individual on a regular or permanent payroll, including permanent part-time employees of any
1131 agency of the state.

1132 (f) "Rescue" means search services, rescue services, or both search and rescue services.

1133 (2) There is created the Search and Rescue Financial Assistance Program within the
1134 division.

1135 (3) (a) The financial program and the assistance card program shall be funded from the
1136 following revenue sources:

1137 (i) any voluntary contributions to the state received for search and rescue operations;

1138 (ii) money received by the state under Subsection (11) and under Sections [~~23-19-42~~]
1139 [23A-4-209](#), [41-22-34](#), and [73-18-24](#);

1140 (iii) money deposited under Subsection [59-12-103](#)(14);

1141 (iv) contributions deposited in accordance with Section [41-1a-230.7](#); and

1142 (v) appropriations made to the program by the Legislature.

1143 (b) Money received from the revenue sources in Subsections (3)(a)(i), (ii), and (iv), and

1144 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the General Fund
1145 as a dedicated credit to be used solely for the program.

1146 (c) Ten percent of the money described in Subsection (3)(a)(iii) shall be deposited into
1147 the General Fund as a dedicated credit to be used solely to promote the assistance card
1148 program.

1149 (d) Funding for the program is nonlapsing.

1150 (4) Subject to Subsections (3)(b) and (c), the director shall use the money described in
1151 this section to reimburse counties for all or a portion of each county's reimbursable base
1152 expenses for search and rescue operations, subject to:

1153 (a) the approval of the Search and Rescue Advisory Board as provided in Section
1154 [53-2a-1104](#);

1155 (b) money available in the program; and

1156 (c) rules made under Subsection (7).

1157 (5) Money described in Subsection (3) may not be used to reimburse for any paid
1158 personnel costs or paid man hours spent in emergency response and search and rescue related
1159 activities.

1160 (6) The Legislature finds that these funds are for a general and statewide public
1161 purpose.

1162 (7) The division, with the approval of the Search and Rescue Advisory Board, shall
1163 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
1164 consistent with this section:

1165 (a) specifying the costs that qualify as reimbursable base expenses;

1166 (b) defining the procedures of counties to submit expenses and be reimbursed;

1167 (c) defining a participant in the assistance card program, including:

1168 (i) individuals; and

1169 (ii) families and organized groups who qualify as participants;

1170 (d) defining the procedure for issuing a card to a participant;

1171 (e) defining excluded expenses that may not be reimbursed under the program,
1172 including medical expenses;

1173 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card
1174 Program;

- 1175 (g) establishing the frequency of review of the fee schedule;
- 1176 (h) providing for the administration of the program; and
- 1177 (i) providing a formula to govern the distribution of available money among the
- 1178 counties for uncompensated search and rescue expenses based on:
- 1179 (i) the total qualifying expenses submitted;
- 1180 (ii) the number of search and rescue incidents per county population;
- 1181 (iii) the number of victims that reside outside the county; and
- 1182 (iv) the number of volunteer hours spent in each county in emergency response and
- 1183 search and rescue related activities per county population.
- 1184 (8) (a) The division shall, in consultation with the Division of Outdoor Recreation,
- 1185 establish the fee schedule of the Utah Search and Rescue Assistance Card Program under
- 1186 Subsection [63J-1-504\(7\)](#).
- 1187 (b) The division shall provide a discount of not less than 10% of the card fee under
- 1188 Subsection (8)(a) to a person who has paid a fee under Section [~~23-19-42~~] [23A-4-209](#),
- 1189 [41-22-34](#), or [73-18-24](#) during the same calendar year in which the person applies to be a
- 1190 participant in the assistance card program.
- 1191 (9) Counties may not bill reimbursable base expenses to an individual for costs
- 1192 incurred for the rescue of an individual, if the individual is a current participant in the Utah
- 1193 Search and Rescue Assistance Card Program at the time of rescue, unless:
- 1194 (a) the rescuing county finds that the participant acted recklessly in creating a situation
- 1195 resulting in the need for the county to provide rescue services; or
- 1196 (b) the rescuing county finds that the participant intentionally created a situation
- 1197 resulting in the need for the county to provide rescue services.
- 1198 (10) (a) There is created the Utah Search and Rescue Assistance Card Program. The
- 1199 program is located within the division.
- 1200 (b) The program may not be used to cover any expenses, such as medically related
- 1201 expenses, that are not reimbursable base expenses related to the rescue.
- 1202 (11) (a) To participate in the program, a person shall purchase a search and rescue
- 1203 assistance card from the division by paying the fee as determined by the division in Subsection
- 1204 (8).
- 1205 (b) The money generated by the fees shall be deposited into the General Fund as a

1206 dedicated credit for the Search and Rescue Financial Assistance Program created in this
1207 section.

1208 (c) Participation and payment of fees by a person under Sections [~~23-19-42~~]
1209 [23A-4-209](#), [41-22-34](#), and [73-18-24](#) do not constitute purchase of a card under this section.

1210 (12) The division shall consult with the Division of Outdoor Recreation regarding:

1211 (a) administration of the assistance card program; and

1212 (b) outreach and marketing strategies.

1213 (13) Pursuant to Subsection [31A-1-103\(7\)](#), the Utah Search and Rescue Assistance
1214 Card Program under this section is exempt from being considered insurance as that term is
1215 defined in Section [31A-1-301](#).

1216 Section 23. Section **53-7-221** is amended to read:

1217 **53-7-221. Exceptions from Utah Fireworks Act.**

1218 (1) Sections [53-7-220](#) through [53-7-225](#) do not apply to class A, class B, and class C
1219 explosives that are not for use in Utah, but are manufactured, stored, warehoused, or in transit
1220 for destinations outside of Utah.

1221 (2) Sections [53-7-220](#) through [53-7-225](#) do not supersede Section [~~23-13-7~~]
1222 [23A-2-208](#), regarding use of fireworks and explosives by the Division of Wildlife Resources
1223 and federal game agents.

1224 (3) Section [53-7-225](#) does not supersede Section [65A-8-212](#) regarding the authority of
1225 the state forester to close hazardous areas.

1226 Section 24. Section **53-13-103** is amended to read:

1227 **53-13-103. Law enforcement officer.**

1228 (1) (a) "Law enforcement officer" means a sworn and certified peace officer:

1229 (i) who is an employee of a law enforcement agency; and

1230 (ii) whose primary and principal duties consist of the prevention and detection of crime
1231 and the enforcement of criminal statutes or ordinances of this state or any of its political
1232 subdivisions.

1233 (b) "Law enforcement officer" includes the following:

1234 (i) a sheriff or deputy sheriff, chief of police, police officer, or marshal of any county,
1235 city, or town;

1236 (ii) the commissioner of public safety and any member of the Department of Public

- 1237 Safety certified as a peace officer;
- 1238 (iii) all persons specified in Sections [~~23-20-1.5~~] [23A-5-202](#) and [79-4-501](#);
- 1239 (iv) a police officer employed by a state institution of higher education;
- 1240 (v) investigators for the Motor Vehicle Enforcement Division;
- 1241 (vi) investigators for the Department of Insurance, Fraud Division;
- 1242 (vii) special agents or investigators employed by the attorney general, district attorneys,
- 1243 and county attorneys;
- 1244 (viii) employees of the Department of Natural Resources designated as peace officers
- 1245 by law;
- 1246 (ix) school district police officers as designated by the board of education for the
- 1247 school district;
- 1248 (x) the executive director of the Department of Corrections and any correctional
- 1249 enforcement or investigative officer designated by the executive director and approved by the
- 1250 commissioner of public safety and certified by the division;
- 1251 (xi) correctional enforcement, investigative, or adult probation and parole officers
- 1252 employed by the Department of Corrections serving on or before July 1, 1993;
- 1253 (xii) members of a law enforcement agency established by a private college or
- 1254 university if the agency is certified by the commissioner under [~~Title 53,~~] Chapter 19,
- 1255 Certification of Private Law Enforcement Agency;
- 1256 (xiii) airport police officers of any airport owned or operated by the state or any of its
- 1257 political subdivisions; and
- 1258 (xiv) transit police officers designated under Section [17B-2a-822](#).
- 1259 (2) Law enforcement officers may serve criminal process and arrest violators of any
- 1260 law of this state and have the right to require aid in executing their lawful duties.
- 1261 (3) (a) A law enforcement officer has statewide full-spectrum peace officer authority,
- 1262 but the authority extends to other counties, cities, or towns only when the officer is acting
- 1263 under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law enforcement officer is
- 1264 employed by the state.
- 1265 (b) (i) A local law enforcement agency may limit the jurisdiction in which its law
- 1266 enforcement officers may exercise their peace officer authority to a certain geographic area.
- 1267 (ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise

1268 authority outside of the limited geographic area, pursuant to Title 77, Chapter 9, Uniform Act
1269 on Fresh Pursuit, if the officer is pursuing an offender for an offense that occurred within the
1270 limited geographic area.

1271 (c) The authority of law enforcement officers employed by the Department of
1272 Corrections is regulated by Title 64, Chapter 13, Department of Corrections - State Prison.

1273 (4) A law enforcement officer shall, prior to exercising peace officer authority:

1274 (a) (i) have satisfactorily completed the requirements of Section 53-6-205; or

1275 (ii) have met the waiver requirements in Section 53-6-206; and

1276 (b) have satisfactorily completed annual certified training of at least 40 hours per year
1277 as directed by the director of the division, with the advice and consent of the council.

1278 Section 25. Section 57-14-202 is amended to read:

1279 **57-14-202. Use of private land without charge -- Effect.**

1280 (1) Except as provided in Subsection 57-14-204(1), an owner of land who either
1281 directly or indirectly invites or permits without charge, or for a nominal fee of no more than \$1
1282 per year, any person to use the owner's land for any recreational purpose, or an owner of a
1283 public access area open to public recreational access under Title 73, Chapter 29, Public Waters
1284 Access Act, does not:

1285 (a) make any representation or extend any assurance that the land is safe for any
1286 purpose;

1287 (b) confer upon the person the legal status of an invitee or licensee to whom a duty of
1288 care is owed;

1289 (c) assume responsibility for or incur liability for any injury to persons or property
1290 caused by an act or omission of the person or any other person who enters upon the land; or

1291 (d) owe any duty to curtail the owner's use of the land during its use for recreational
1292 purposes.

1293 (2) The limitations of liability provided in this part apply to the owner of land
1294 designated as a migratory bird production area under [~~Title 23, Chapter 28, Migratory Bird
1295 Production Area~~] Title 23A, Chapter 13, Migratory Bird Production Area, that is owned and
1296 operated for any purpose allowed under [~~Title 23, Chapter 28, Migratory Bird Production Area~~]
1297 Title 23A, Chapter 13, Migratory Bird Production Area, if:

1298 (a) the owner allows a guest of the owner or, if the owner has shareholders, members,

1299 or partners, a guest of a shareholder, member, or partner of the owner to engage in an activity
1300 with a recreational purpose on that land; and

1301 (b) the guest is not charged.

1302 Section 26. Section **57-14-204** is amended to read:

1303 **57-14-204. Liability not limited where willful or malicious conduct involved or**
1304 **admission fee charged.**

1305 (1) Nothing in this part limits any liability that otherwise exists for:

1306 (a) willful or malicious failure to guard or warn against a dangerous condition, use,
1307 structure, or activity;

1308 (b) deliberate, willful, or malicious injury to persons or property; or

1309 (c) an injury suffered where the owner of land charges a person to enter or go on the
1310 land or use the land for any recreational purpose.

1311 (2) For purposes of Subsection (1)(c), if the land is leased to the state or a subdivision
1312 of the state, any consideration received by the owner for the lease is not a charge within the
1313 meaning of this section.

1314 (3) Any person who hunts upon a cooperative wildlife management unit, as authorized
1315 by [~~Title 23, Chapter 23, Cooperative Wildlife Management Units~~] Title 23A, Chapter 7,
1316 Cooperative Wildlife Management Units, is not considered to have paid a fee within the
1317 meaning of this section.

1318 (4) Owners of a dam or reservoir who allow recreational use of the dam or reservoir
1319 and its surrounding area and do not themselves charge a fee for that use, are considered not to
1320 have charged for that use within the meaning of Subsection (1)(c), even if the user pays a fee to
1321 the Division of State Parks or the Division of Outdoor Recreation for the use of the services
1322 and facilities at that dam or reservoir.

1323 (5) The state or a subdivision of the state that owns property purchased for a railway
1324 corridor is considered not to have charged for use of the railway corridor within the meaning of
1325 Subsection (1)(c), even if the user pays a fee for travel on a privately owned rail car that crosses
1326 or travels over the railway corridor of the state or a subdivision of the state:

1327 (a) allows recreational use of the railway corridor and its surrounding area; and

1328 (b) does not charge a fee for that use.

1329 Section 27. Section **58-79-102** is amended to read:

1330 **58-79-102. Definitions.**1331 In addition to the definitions in Section [58-1-102](#), as used in this chapter:1332 (1) "Compensation" means anything of economic value in excess of \$100 that is paid,
1333 loaned, granted, given, donated, or transferred to a hunting guide or outfitter for or in
1334 consideration of personal services, materials, or property.

1335 (2) "Hunting" means to locate, pursue, chase, catch, capture, trap, or kill wildlife.

1336 (3) "Hunting guide" means an individual who:

1337 (a) offers or provides hunting guide services on public lands for compensation; and

1338 (b) is retained for compensation by an outfitter.

1339 (4) "Hunting guide services" means to guide, lead, or assist an individual in hunting
1340 wildlife.1341 (5) "Outfitter" means an individual who offers or provides outfitting or hunting guide
1342 services for compensation to another individual for hunting wildlife on public lands.

1343 (6) (a) "Outfitting services" means providing, for hunting wildlife on public lands:

1344 (i) transportation of people, equipment, supplies, or wildlife to or from a location;

1345 (ii) packing, protecting, or supervising services; or

1346 (iii) hunting guide services.

1347 (b) "Outfitting services" does not include activities undertaken by the Division of
1348 Wildlife Resources or its employees, associates, volunteers, contractors, or agents under
1349 authority granted in [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife Resources
1350 Act.1351 (7) (a) "Public lands" means any lands owned by the United States, the state, or a
1352 political subdivision or independent entity of the state that are open to the public for purposes
1353 of engaging in a wildlife related activity.1354 (b) "Public lands" does not include lands owned by the United States, the state, or a
1355 political subdivision or independent entity of the state that are included in a cooperative
1356 wildlife management unit under Subsection [~~23-23-7(5)~~] 23A-7-204(5) so long as the guiding
1357 and outfitting services furnished by the cooperative wildlife management unit are limited to
1358 hunting species of wildlife specifically authorized by the Division of Wildlife Resources in the
1359 unit's management plan.

1360 (8) "Wildlife" means cougar, bear, and big game animals as defined in Subsection

1361 [~~23-13-2(6)~~] [23A-1-101\(6\)](#).

1362 Section 28. Section **59-2-301.5** is amended to read:

1363 **59-2-301.5. Definitions -- Assessment of property if threatened or endangered**
1364 **species is present.**

1365 (1) As used in this section:

1366 (a) "Endangered" is as defined in Section [~~23-13-2~~] [23A-1-101](#).

1367 (b) "Threatened" is as defined in Section [~~23-13-2~~] [23A-1-101](#).

1368 (2) In assessing the fair market value of property, a county assessor shall consider as
1369 part of the determination of fair market value whether a threatened or endangered species is
1370 present on any portion of the property, including any impacts the presence of the threatened or
1371 endangered species has on:

1372 (a) the functionality of the property;

1373 (b) the ability to use the property; and

1374 (c) property rights.

1375 (3) This section does not prohibit a county assessor from including as part of a
1376 determination of the fair market value of property any other factor affecting the fair market
1377 value of the property.

1378 Section 29. Section **63A-16-803** is amended to read:

1379 **63A-16-803. Single sign-on citizen portal -- Creation.**

1380 (1) The division shall, in consultation with the entities described in Subsection (4),
1381 design and create a single sign-on citizen portal that is:

1382 (a) a web portal through which an individual may access information and services
1383 described in Subsection (2), as agreed upon by the entities described in Subsection (4); and

1384 (b) secure, centralized, and interconnected.

1385 (2) The division shall ensure that the single sign-on citizen portal allows an individual,
1386 at a single point of entry, to:

1387 (a) access and submit an application for:

1388 (i) medical and support programs including:

1389 (A) a medical assistance program administered under Title 26, Chapter 18, Medical
1390 Assistance Act, including Medicaid;

1391 (B) the Children's Health Insurance Program under Title 26, Chapter 40, Utah

1392 Children's Health Insurance Act;

1393 (C) the Primary Care Network as defined in Section 26-18-416; and

1394 (D) the Women, Infants, and Children program administered under 42 U.S.C. Sec.

1395 1786;

1396 (ii) unemployment insurance under Title 35A, Chapter 4, Employment Security Act;

1397 (iii) workers' compensation under Title 34A, Chapter 2, Workers' Compensation Act;

1398 (iv) employment with a state agency;

1399 (v) a driver license or state identification card renewal under Title 53, Chapter 3,

1400 Uniform Driver License Act;

1401 (vi) a birth or death certificate under Title 26, Chapter 2, Utah Vital Statistics Act; and

1402 (vii) a hunting or fishing license under [~~Title 23, Chapter 19, Licenses, Permits, and~~

1403 ~~Tags~~] Title 23A, Chapter 4, Licenses, Permits, Certificates of Registration, and Tags;

1404 (b) access the individual's:

1405 (i) transcripts from an institution of higher education described in Section 53B-2-101;

1406 and

1407 (ii) immunization records maintained by the Utah Department of Health;

1408 (c) register the individual's vehicle under Title 41, Chapter 1a, Part 2, Registration,

1409 with the Motor Vehicle Division of the State Tax Commission;

1410 (d) file the individual's state income taxes under Title 59, Chapter 10, Individual

1411 Income Tax Act, beginning December 1, 2020;

1412 (e) access information about positions available for employment with the state; and

1413 (f) access any other service or information the department determines is appropriate in

1414 consultation with the entities described in Subsection (4).

1415 (3) The division shall develop the single sign-on citizen portal using an open platform

1416 that:

1417 (a) facilitates participation in the portal by a state entity;

1418 (b) allows for optional participation in the portal by a political subdivision of the state;

1419 and

1420 (c) contains a link to the State Tax Commission website.

1421 (4) In developing the single sign-on citizen portal, the department shall consult with:

1422 (a) each state executive branch agency that administers a program, provides a service,

1423 or manages applicable information described in Subsection (2);

1424 (b) the Utah League of Cities and Towns;

1425 (c) the Utah Association of Counties; and

1426 (d) other appropriate state executive branch agencies.

1427 (5) The division shall ensure that the single sign-on citizen portal is fully operational
1428 no later than January 1, 2025.

1429 Section 30. Section **63A-17-512** is amended to read:

1430 **63A-17-512. Leave of absence with pay for employees with a disability who are**
1431 **covered under other civil service systems.**

1432 (1) As used in this section:

1433 (a) "Eligible officer" means a person who qualifies for a benefit under this section.

1434 (b) (i) "Law enforcement officer" means a sworn and certified peace officer who is an
1435 employee of a law enforcement agency that is part of or administered by the state, and whose
1436 primary and principal duties consist of the prevention and detection of crime and the
1437 enforcement of criminal statutes of this state.

1438 (ii) "Law enforcement officer" specifically includes the following:

1439 (A) the commissioner of public safety and any member of the Department of Public
1440 Safety certified as a peace officer;

1441 (B) all persons specified in Sections [~~23-20-1.5~~] [23A-5-202](#) and [79-4-501](#);

1442 (C) investigators for the Motor Vehicle Enforcement Division;

1443 (D) special agents or investigators employed by the attorney general;

1444 (E) employees of the Department of Natural Resources designated as peace officers by
1445 law;

1446 (F) the executive director of the Department of Corrections and any correctional
1447 enforcement or investigative officer designated by the executive director and approved by the
1448 commissioner of public safety and certified by the division; and

1449 (G) correctional enforcement, investigative, or adult probation and parole officers
1450 employed by the Department of Corrections serving on or before July 1, 1993.

1451 (c) "State correctional officer" means a correctional officer as defined in Section
1452 [53-13-104](#) who is employed by the Department of Corrections.

1453 (2) (a) A law enforcement officer or state correctional officer who is injured in the

1454 course of employment shall be given a leave of absence with 100% of the officer's regular
1455 monthly salary and benefits during the period the employee has a temporary disability.

1456 (b) The benefit provided under Subsection (2)(a):

1457 (i) shall be offset as provided under Subsection (4); and

1458 (ii) may not exceed 100% of the officer's regular monthly salary and benefits, including
1459 all offsets required under Subsection (4).

1460 (3) (a) A law enforcement officer or state correctional officer who has a total disability
1461 as defined in Section 49-21-102, shall be given a leave of absence with 100% of the officer's
1462 regular monthly salary and benefits until the officer is eligible for an unreduced retirement
1463 under Title 49, Utah State Retirement and Insurance Benefit Act, or reaches the retirement age
1464 of 62 years, whichever occurs first, if:

1465 (i) the disability is a result of an injury sustained while in the lawful discharge of the
1466 officer's duties; and

1467 (ii) the injury is the result of:

1468 (A) a criminal act upon the officer; or

1469 (B) an aircraft, vehicle, or vessel accident and the officer was not negligent in causing
1470 the accident.

1471 (b) The benefit provided under Subsection (3)(a):

1472 (i) shall be offset as provided under Subsection (4); and

1473 (ii) may not exceed 100% of the officer's regular monthly salary and benefits, including
1474 all offsets required under Subsection (4).

1475 (4) (a) The agency shall reduce or require the reimbursement of the monthly benefit
1476 provided under this section by any amount received by, or payable to, the eligible officer for
1477 the same period of time during which the eligible officer is entitled to receive a monthly
1478 disability benefit under this section.

1479 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1480 division shall make rules establishing policies and procedures for the reductions required under
1481 Subsection (4)(a).

1482 Section 31. Section **63G-7-201** is amended to read:

1483 **63G-7-201. Immunity of governmental entities and employees from suit.**

1484 (1) Except as otherwise provided in this chapter, each governmental entity and each

1485 employee of a governmental entity are immune from suit for any injury that results from the
1486 exercise of a governmental function.

1487 (2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a
1488 governmental entity, its officers, and its employees are immune from suit:

1489 (a) as provided in Section 78B-4-517; and

1490 (b) for any injury or damage resulting from the implementation of or the failure to
1491 implement measures to:

1492 (i) control the causes of epidemic and communicable diseases and other conditions
1493 significantly affecting the public health or necessary to protect the public health as set out in
1494 Title 26A, Chapter 1, Local Health Departments;

1495 (ii) investigate and control suspected bioterrorism and disease as set out in Title 26,
1496 Chapter 23b, Detection of Public Health Emergencies Act;

1497 (iii) respond to a national, state, or local emergency, a public health emergency as
1498 defined in Section 26-23b-102, or a declaration by the President of the United States or other
1499 federal official requesting public health related activities, including the use, provision,
1500 operation, and management of:

1501 (A) an emergency shelter;

1502 (B) housing;

1503 (C) a staging place; or

1504 (D) a medical facility; and

1505 (iv) adopt methods or measures, in accordance with Section 26-1-30, for health care
1506 providers, public health entities, and health care insurers to coordinate among themselves to
1507 verify the identity of the individuals they serve.

1508 (3) A governmental entity, its officers, and its employees are immune from suit, and
1509 immunity is not waived, for any injury if the injury arises out of or in connection with, or
1510 results from:

1511 (a) a latent dangerous or latent defective condition of:

1512 (i) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, or
1513 viaduct; or

1514 (ii) another structure located on any of the items listed in Subsection (3)(a)(i); or

1515 (b) a latent dangerous or latent defective condition of any public building, structure,

1516 dam, reservoir, or other public improvement.

1517 (4) A governmental entity, its officers, and its employees are immune from suit, and
1518 immunity is not waived, for any injury proximately caused by a negligent act or omission of an
1519 employee committed within the scope of employment, if the injury arises out of or in
1520 connection with, or results from:

1521 (a) the exercise or performance, or the failure to exercise or perform, a discretionary
1522 function, whether or not the discretion is abused;

1523 (b) except as provided in Subsections 63G-7-301(2)(j), (3), and (4), assault, battery,
1524 false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of process,
1525 libel, slander, deceit, interference with contract rights, infliction of mental anguish, or violation
1526 of civil rights;

1527 (c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue,
1528 deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar
1529 authorization;

1530 (d) a failure to make an inspection or making an inadequate or negligent inspection;

1531 (e) the institution or prosecution of any judicial or administrative proceeding, even if
1532 malicious or without probable cause;

1533 (f) a misrepresentation by an employee whether or not the misrepresentation is
1534 negligent or intentional;

1535 (g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;

1536 (h) the collection or assessment of taxes;

1537 (i) an activity of the Utah National Guard;

1538 (j) the incarceration of a person in a state prison, county or city jail, or other place of
1539 legal confinement;

1540 (k) a natural condition on publicly owned or controlled land;

1541 (l) a condition existing in connection with an abandoned mine or mining operation;

1542 (m) an activity authorized by the School and Institutional Trust Lands Administration
1543 or the Division of Forestry, Fire, and State Lands;

1544 (n) the operation or existence of a pedestrian or equestrian trail that is along a ditch,
1545 canal, stream, or river, regardless of ownership or operation of the ditch, canal, stream, or river,
1546 if:

- 1547 (i) the trail is designated under a general plan adopted by a municipality under Section
1548 [10-9a-401](#) or by a county under Section [17-27a-401](#);
- 1549 (ii) the trail right-of-way or the right-of-way where the trail is located is open to public
1550 use as evidenced by a written agreement between:
- 1551 (A) the owner or operator of the trail right-of-way or of the right-of-way where the trail
1552 is located; and
- 1553 (B) the municipality or county where the trail is located; and
- 1554 (iii) the written agreement:
- 1555 (A) contains a plan for operation and maintenance of the trail; and
- 1556 (B) provides that an owner or operator of the trail right-of-way or of the right-of-way
1557 where the trail is located has, at a minimum, the same level of immunity from suit as the
1558 governmental entity in connection with or resulting from the use of the trail;
- 1559 (o) research or implementation of cloud management or seeding for the clearing of fog;
- 1560 (p) the management of flood waters, earthquakes, or natural disasters;
- 1561 (q) the construction, repair, or operation of flood or storm systems;
- 1562 (r) the operation of an emergency vehicle, while being driven in accordance with the
1563 requirements of Section [41-6a-212](#);
- 1564 (s) the activity of:
- 1565 (i) providing emergency medical assistance;
- 1566 (ii) fighting fire;
- 1567 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;
- 1568 (iv) an emergency evacuation;
- 1569 (v) transporting or removing an injured person to a place where emergency medical
1570 assistance can be rendered or where the person can be transported by a licensed ambulance
1571 service; or
- 1572 (vi) intervening during a dam emergency;
- 1573 (t) the exercise or performance, or the failure to exercise or perform, any function
1574 pursuant to Title 73, Chapter 10, Board of Water Resources - Division of Water Resources;
- 1575 (u) an unauthorized access to government records, data, or electronic information
1576 systems by any person or entity;
- 1577 (v) an activity of wildlife, as defined in Section [~~23-13-2~~] [23A-1-101](#), that arises during

1578 the use of a public or private road; or

1579 (w) a communication between employees of one or more law enforcement agencies
1580 related to the employment, disciplinary history, character, professional competence, or physical
1581 or mental health of a peace officer, or a former, current, or prospective employee of a law
1582 enforcement agency, including any communication made in accordance with Section
1583 [53-14-101](#).

1584 Section 32. Section **63G-21-201** is amended to read:

1585 **63G-21-201. Limited authorization to provide state services at post office**
1586 **locations.**

1587 (1) If allowed by federal law, a designated agency may negotiate and enter into an
1588 agreement with USPS that allows USPS to provide one or more state services at one or more
1589 post office locations within the state.

1590 (2) The designated agency shall ensure that the agreement described in Subsection (1)
1591 includes:

1592 (a) the term of the agreement, which may not extend beyond July 1, 2028;

1593 (b) provisions to ensure the security of state data and resources;

1594 (c) provisions to provide training to USPS employees on how to provide each state
1595 service in the agreement;

1596 (d) except as provided in Subsection (2)(e), provisions authorizing compensation to
1597 USPS for at least 100% of attributable costs of all property and services that USPS provides
1598 under the agreement; and

1599 (e) if the agreement is between USPS and the Division of Wildlife Resources to sell
1600 fishing, hunting, or trapping licenses, provisions requiring compliance with [~~Section 23-19-15~~]
1601 [Sections 23A-4-501 and 23A-4-502](#) regarding wildlife license agents, including remuneration
1602 for services rendered.

1603 (3) After one or more designated agencies enter into an agreement described in
1604 Subsection (1), the Governor's Office of Economic Opportunity shall create a marketing
1605 campaign to advertise and promote the availability of state services at each selected USPS
1606 location.

1607 Section 33. Section **63I-1-223** is amended to read:

1608 **63I-1-223. Repeal dates: Title 23A.**

1609 (1) Section [~~23-14-2.5~~] [23A-2-302](#), which creates the Wildlife Board Nominating
1610 Committee, is repealed July 1, 2023.

1611 (2) Section [~~23-14-2.6~~] [23A-2-303](#), which creates regional advisory councils for the
1612 Wildlife Board, is repealed July 1, 2023.

1613 Section 34. Section **63I-2-223** is amended to read:

1614 **63I-2-223. Repeal dates: Title 23A.**

1615 Section 35. Section **63J-1-602.1** is amended to read:

1616 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

1617 Appropriations made from the following accounts or funds are nonlapsing:

1618 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
1619 and Leadership Restricted Account created in Section [4-42-102](#).

1620 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

1621 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
1622 Section [9-18-102](#).

1623 (4) The National Professional Men's Soccer Team Support of Building Communities
1624 Restricted Account created in Section [9-19-102](#).

1625 (5) Funds collected for directing and administering the C-PACE district created in
1626 Section [11-42a-106](#).

1627 (6) Money received by the Utah Inland Port Authority, as provided in Section
1628 [11-58-105](#).

1629 (7) The "Latino Community Support Restricted Account" created in Section [13-1-16](#).

1630 (8) The Clean Air Support Restricted Account created in Section [19-1-109](#).

1631 (9) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in
1632 Section [19-2a-106](#).

1633 (10) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
1634 Section [19-5-126](#).

1635 (11) The "Support for State-Owned Shooting Ranges Restricted Account" created in
1636 Section [~~23-14-13.5~~] [23A-3-203](#).

1637 (12) Award money under the State Asset Forfeiture Grant Program, as provided under
1638 Section [24-4-117](#).

- 1639 (13) Funds collected from the program fund for local health department expenses
1640 incurred in responding to a local health emergency under Section [26-1-38](#).
- 1641 (14) The Children with Cancer Support Restricted Account created in Section
1642 [26-21a-304](#).
- 1643 (15) State funds for matching federal funds in the Children's Health Insurance Program
1644 as provided in Section [26-40-108](#).
- 1645 (16) The Children with Heart Disease Support Restricted Account created in Section
1646 [26-58-102](#).
- 1647 (17) The Technology Development Restricted Account created in Section [31A-3-104](#).
- 1648 (18) The Criminal Background Check Restricted Account created in Section
1649 [31A-3-105](#).
- 1650 (19) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
1651 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 1652 (20) The Title Licensee Enforcement Restricted Account created in Section
1653 [31A-23a-415](#).
- 1654 (21) The Health Insurance Actuarial Review Restricted Account created in Section
1655 [31A-30-115](#).
- 1656 (22) The Insurance Fraud Investigation Restricted Account created in Section
1657 [31A-31-108](#).
- 1658 (23) The Underage Drinking Prevention Media and Education Campaign Restricted
1659 Account created in Section [32B-2-306](#).
- 1660 (24) The Drinking While Pregnant Prevention Media and Education Campaign
1661 Restricted Account created in Section [32B-2-308](#).
- 1662 (25) The School Readiness Restricted Account created in Section [35A-15-203](#).
- 1663 (26) Money received by the Utah State Office of Rehabilitation for the sale of certain
1664 products or services, as provided in Section [35A-13-202](#).
- 1665 (27) The Oil and Gas Administrative Penalties Account created in Section [40-6-11](#).
- 1666 (28) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 1667 (29) The Division of Oil, Gas, and Mining Restricted account created in Section
1668 [40-6-23](#).
- 1669 (30) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to

1670 the Motor Vehicle Division.

1671 (31) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
1672 created by Section 41-3-110 to the State Tax Commission.

1673 (32) The Utah Law Enforcement Memorial Support Restricted Account created in
1674 Section 53-1-120.

1675 (33) The State Disaster Recovery Restricted Account to the Division of Emergency
1676 Management, as provided in Section 53-2a-603.

1677 (34) The Post Disaster Recovery and Mitigation Restricted Account created in Section
1678 53-2a-1302.

1679 (35) The Department of Public Safety Restricted Account to the Department of Public
1680 Safety, as provided in Section 53-3-106.

1681 (36) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
1682 53-8-303.

1683 (37) The DNA Specimen Restricted Account created in Section 53-10-407.

1684 (38) The Canine Body Armor Restricted Account created in Section 53-16-201.

1685 (39) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

1686 (40) The Higher Education Capital Projects Fund created in Section 53B-22-202.

1687 (41) A certain portion of money collected for administrative costs under the School
1688 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

1689 (42) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5,
1690 subject to Subsection 54-5-1.5(4)(d).

1691 (43) Funds collected from a surcharge fee to provide certain licensees with access to an
1692 electronic reference library, as provided in Section 58-3a-105.

1693 (44) Certain fines collected by the Division of Professional Licensing for violation of
1694 unlawful or unprofessional conduct that are used for education and enforcement purposes, as
1695 provided in Section 58-17b-505.

1696 (45) Funds collected from a surcharge fee to provide certain licensees with access to an
1697 electronic reference library, as provided in Section 58-22-104.

1698 (46) Funds collected from a surcharge fee to provide certain licensees with access to an
1699 electronic reference library, as provided in Section 58-55-106.

1700 (47) Funds collected from a surcharge fee to provide certain licensees with access to an

- 1701 electronic reference library, as provided in Section [58-56-3.5](#).
- 1702 (48) Certain fines collected by the Division of Professional Licensing for use in
1703 education and enforcement of the Security Personnel Licensing Act, as provided in Section
1704 [58-63-103](#).
- 1705 (49) The Relative Value Study Restricted Account created in Section [59-9-105](#).
- 1706 (50) The Cigarette Tax Restricted Account created in Section [59-14-204](#).
- 1707 (51) Funds paid to the Division of Real Estate for the cost of a criminal background
1708 check for a mortgage loan license, as provided in Section [61-2c-202](#).
- 1709 (52) Funds paid to the Division of Real Estate for the cost of a criminal background
1710 check for principal broker, associate broker, and sales agent licenses, as provided in Section
1711 [61-2f-204](#).
- 1712 (53) Certain funds donated to the Department of Health and Human Services, as
1713 provided in Section [26B-1-202](#).
- 1714 (54) The National Professional Men's Basketball Team Support of Women and
1715 Children Issues Restricted Account created in Section [26B-1-302](#).
- 1716 (55) Certain funds donated to the Division of Child and Family Services, as provided
1717 in Section [80-2-404](#).
- 1718 (56) The Choose Life Adoption Support Restricted Account created in Section
1719 [80-2-502](#).
- 1720 (57) Funds collected by the Office of Administrative Rules for publishing, as provided
1721 in Section [63G-3-402](#).
- 1722 (58) The Immigration Act Restricted Account created in Section [63G-12-103](#).
- 1723 (59) Money received by the military installation development authority, as provided in
1724 Section [63H-1-504](#).
- 1725 (60) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).
- 1726 (61) The Unified Statewide 911 Emergency Service Account created in Section
1727 [63H-7a-304](#).
- 1728 (62) The Utah Statewide Radio System Restricted Account created in Section
1729 [63H-7a-403](#).
- 1730 (63) The Utah Capital Investment Restricted Account created in Section [63N-6-204](#).
- 1731 (64) The Motion Picture Incentive Account created in Section [63N-8-103](#).

1732 (65) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
1733 as provided under Section 63N-10-301.

1734 (66) Funds collected by the housing of state probationary inmates or state parole
1735 inmates, as provided in Subsection 64-13e-104(2).

1736 (67) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
1737 and State Lands, as provided in Section 65A-8-103.

1738 (68) The Amusement Ride Safety Restricted Account, as provided in Section
1739 72-16-204.

1740 (69) Certain funds received by the Office of the State Engineer for well drilling fines or
1741 bonds, as provided in Section 73-3-25.

1742 (70) The Water Resources Conservation and Development Fund, as provided in
1743 Section 73-23-2.

1744 (71) Funds donated or paid to a juvenile court by private sources, as provided in
1745 Subsection 78A-6-203(1)(c).

1746 (72) Fees for certificate of admission created under Section 78A-9-102.

1747 (73) Funds collected for adoption document access as provided in Sections 78B-6-141,
1748 78B-6-144, and 78B-6-144.5.

1749 (74) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,
1750 Utah Indigent Defense Commission.

1751 (75) The Utah Geological Survey Oil, Gas, and Mining Restricted Account created in
1752 Section 79-3-403.

1753 (76) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
1754 Park, and Green River State Park, as provided under Section 79-4-403.

1755 (77) Funds donated as described in Section 41-1a-422 for the State Park Fees
1756 Restricted Account created in Section 79-4-402 for support of the Division of State Parks' dark
1757 sky initiative.

1758 (78) Certain funds received by the Division of State Parks from the sale or disposal of
1759 buffalo, as provided under Section 79-4-1001.

1760 Section 36. Section 63J-1-602.2 is amended to read:

1761 **63J-1-602.2. List of nonlapsing appropriations to programs.**

1762 Appropriations made to the following programs are nonlapsing:

- 1763 (1) The Legislature and the Legislature's committees.
- 1764 (2) The State Board of Education, including all appropriations to agencies, line items,
1765 and programs under the jurisdiction of the State Board of Education, in accordance with
1766 Section [53F-9-103](#).
- 1767 (3) The Percent-for-Art Program created in Section [9-6-404](#).
- 1768 (4) The LeRay McAllister Critical Land Conservation Program created in Section
1769 4-46- 301.
- 1770 (5) The Utah Lake Authority created in Section [11-65-201](#).
- 1771 (6) Dedicated credits accrued to the Utah Marriage Commission as provided under
1772 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).
- 1773 ~~[(7) The Division of Wildlife Resources for the appraisal and purchase of lands under~~
1774 ~~the Pelican Management Act, as provided in Section [23-21a-6](#).]~~
- 1775 ~~[(8)]~~ (7) The Emergency Medical Services Grant Program in Section [26-8a-207](#).
- 1776 ~~[(9)]~~ (8) The primary care grant program created in Section [26-10b-102](#).
- 1777 ~~[(10)]~~ (9) Sanctions collected as dedicated credits from Medicaid providers under
1778 Subsection [26-18-3\(7\)](#).
- 1779 ~~[(11)]~~ (10) The Utah Health Care Workforce Financial Assistance Program created in
1780 Section [26-46-102](#).
- 1781 ~~[(12)]~~ (11) The Rural Physician Loan Repayment Program created in Section
1782 [26-46a-103](#).
- 1783 ~~[(13)]~~ (12) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).
- 1784 ~~[(14)]~~ (13) The Utah Medical Education Council for the:
- 1785 (a) administration of the Utah Medical Education Program created in Section
1786 [26-69-403](#);
- 1787 (b) provision of medical residency grants described in Section [26-69-407](#); and
- 1788 (c) provision of the forensic psychiatric fellowship grant described in Section
1789 [26-69-408](#).
- 1790 ~~[(15)]~~ (14) Funds that the Department of Alcoholic Beverage Services retains in
1791 accordance with Subsection [32B-2-301\(8\)\(a\)](#) or (b).
- 1792 ~~[(16)]~~ (15) The General Assistance program administered by the Department of
1793 Workforce Services, as provided in Section [35A-3-401](#).

- 1794 [~~(17)~~] (16) The Utah National Guard, created in Title 39, Militia and Armories.
- 1795 [~~(18)~~] (17) The State Tax Commission under Section 41-1a-1201 for the:
- 1796 (a) purchase and distribution of license plates and decals; and
- 1797 (b) administration and enforcement of motor vehicle registration requirements.
- 1798 [~~(19)~~] (18) The Search and Rescue Financial Assistance Program, as provided in
- 1799 Section 53-2a-1102.
- 1800 [~~(20)~~] (19) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 1801 [~~(21)~~] (20) The Utah Board of Higher Education for teacher preparation programs, as
- 1802 provided in Section 53B-6-104.
- 1803 [~~(22)~~] (21) Innovation grants under Section 53G-10-608, except as provided in
- 1804 Subsection 53G-10-608(6).
- 1805 [~~(23)~~] (22) The Division of Services for People with Disabilities, as provided in
- 1806 Section 62A-5-102.
- 1807 [~~(24)~~] (23) The Division of Fleet Operations for the purpose of upgrading underground
- 1808 storage tanks under Section 63A-9-401.
- 1809 [~~(25)~~] (24) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.
- 1810 [~~(26)~~] (25) The Division of Technology Services for technology innovation as provided
- 1811 under Section 63A-16-903.
- 1812 [~~(27)~~] (26) The Office of Administrative Rules for publishing, as provided in Section
- 1813 63G-3-402.
- 1814 [~~(28)~~] (27) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
- 1815 Colorado River Authority of Utah Act.
- 1816 [~~(29)~~] (28) The Governor's Office of Economic Opportunity to fund the Enterprise
- 1817 Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 1818 [~~(30)~~] (29) The Governor's Office of Economic Opportunity's Rural Employment
- 1819 Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment
- 1820 Expansion Program.
- 1821 [~~(31)~~] (30) Programs for the Jordan River Recreation Area as described in Section
- 1822 65A-2-8.
- 1823 [~~(32)~~] (31) The Division of Human Resource Management user training program, as
- 1824 provided in Section 63A-17-106.

1825 [~~(33)~~] (32) A public safety answering point's emergency telecommunications service
1826 fund, as provided in Section 69-2-301.

1827 [~~(34)~~] (33) The Traffic Noise Abatement Program created in Section 72-6-112.

1828 [~~(35)~~] (34) The money appropriated from the Navajo Water Rights Negotiation
1829 Account to the Division of Water Rights, created in Section 73-2-1.1, for purposes of
1830 participating in a settlement of federal reserved water right claims.

1831 [~~(36)~~] (35) The Judicial Council for compensation for special prosecutors, as provided
1832 in Section 77-10a-19.

1833 [~~(37)~~] (36) A state rehabilitative employment program, as provided in Section
1834 78A-6-210.

1835 [~~(38)~~] (37) The Utah Geological Survey, as provided in Section 79-3-401.

1836 [~~(39)~~] (38) The Bonneville Shoreline Trail Program created under Section 79-5-503.

1837 [~~(40)~~] (39) Adoption document access as provided in Sections 78B-6-141, 78B-6-144,
1838 and 78B-6-144.5.

1839 [~~(41)~~] (40) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
1840 Defense Commission.

1841 [~~(42)~~] (41) The program established by the Division of Facilities Construction and
1842 Management under Section 63A-5b-703 under which state agencies receive an appropriation
1843 and pay lease payments for the use and occupancy of buildings owned by the Division of
1844 Facilities Construction and Management.

1845 [~~(43)~~] (42) The State Tax Commission for reimbursing counties for deferred property
1846 taxes in accordance with Section 59-2-1802.

1847 Section 37. Section 63L-7-106 is amended to read:

1848 **63L-7-106. Use of protected wilderness areas.**

1849 (1) Except as otherwise provided in this chapter, each agency administering any area
1850 designated as a protected wilderness area shall be responsible for preserving the wilderness
1851 character of the area and shall administer such area for the purposes for which it may have been
1852 established to preserve its wilderness character.

1853 (2) Except as specifically provided in this chapter, and subject to valid existing rights,
1854 there shall be:

1855 (a) no commercial enterprise and no permanent road within any protected wilderness

1856 area designated by this chapter; and

1857 (b) no temporary road, no use of motor vehicles, motorized equipment or motorboats,
1858 no landing of aircraft, no other form of mechanical transport, and no structure or installation
1859 with any such area except as necessary to meet minimum requirements for the administration
1860 of the area for the purpose of this chapter, including measures required in emergencies
1861 involving the health and safety of persons within the area.

1862 (3) Except as otherwise provided in this chapter, a protected wilderness area shall be
1863 devoted to the public purposes of:

1864 (a) recreation, including hunting, trapping, and fishing;

1865 (b) conservation; and

1866 (c) scenic, scientific, educational, and historical use.

1867 (4) Commercial services may be performed within a protected wilderness area to the
1868 extent necessary to support the activities described in Subsection (3).

1869 (5) Within an area designated as a protected wilderness area by this chapter:

1870 (a) subject to the rules established by DNR, the use of a motor vehicle, aircraft, or
1871 motorboat is authorized where:

1872 (i) the use of a motor vehicle, aircraft, or motorboat is already established;

1873 (ii) the motor vehicle, aircraft, or motorboat is used by the Division of Wildlife
1874 Resources in furtherance of its wildlife management responsibilities, as described in [~~Title 23,~~
1875 ~~Wildlife Resources Code of Utah~~] Title 23A, Wildlife Resources Act; or

1876 (iii) the use of a motor vehicle, aircraft, or motorboat is necessary for emergency
1877 services or law enforcement purposes; and

1878 (b) measures may be taken, under the direction of the director of the Division of
1879 Forestry, Fire, and State Lands, as necessary to manage fire, insects, habitat, and diseases.

1880 (6) Nothing in this chapter shall prevent, within a designated protected wilderness area,
1881 any activity, including prospecting, if the activity is conducted in a manner compatible with the
1882 preservation of the wilderness environment, subject to such conditions as the executive director
1883 of DNR considers desirable.

1884 (7) The executive director of DNR shall develop and conduct surveys of wilderness
1885 areas:

1886 (a) on a planned, recurring basis;

- 1887 (b) in a manner consistent with wildlife management and preservation principles;
- 1888 (c) in order to determine the mineral values, if any, that may be present in wilderness
- 1889 areas; and
- 1890 (d) make a completed survey available to the public, the governor, and the Legislature.
- 1891 (8) Notwithstanding any other provision of this chapter, until midnight December 31,
- 1892 2034:
- 1893 (a) state laws pertaining to mining and mineral leasing shall, to the extent applicable
- 1894 before May 13, 2014, extend to wilderness areas designated under this chapter, subject to
- 1895 reasonable regulation governing ingress and egress as may be prescribed by the executive
- 1896 director of DNR, consistent with the use of the land for:
- 1897 (i) mineral location and development;
- 1898 (ii) exploration, drilling, and production; and
- 1899 (iii) use of land for transmission lines, waterlines, telephone lines, or facilities
- 1900 necessary in exploring, drilling, producing, mining, and processing operations, including the
- 1901 use of mechanized ground or air equipment when necessary, if restoration of the disturbed land
- 1902 is practicable and performed as soon as the land has served its purpose; and
- 1903 (b) mining locations lying within the boundaries of a protected wilderness area that
- 1904 existed as of the date of acquisition shall be held and used solely for mining or processing
- 1905 operations, and uses that are reasonably related to an underlying mining or processing
- 1906 operation.
- 1907 (9) Any newly issued mineral lease, permit, or license for land within a wilderness area
- 1908 shall contain stipulations, as may be determined by the executive director of DNR in
- 1909 consultation with the director of the Division of Oil, Gas, and Mining, for the protection of the
- 1910 wilderness character of the land, consistent with the use of the land for the purpose for which it
- 1911 is leased, permitted, or licensed.
- 1912 (10) Subject to valid rights then existing, effective January 1, 2015, the minerals in all
- 1913 lands designated by this chapter as wilderness areas are withdrawn from disposition under all
- 1914 laws pertaining to mineral leasing.
- 1915 (11) Mineral leases shall not be permitted within protected wilderness areas.
- 1916 (12) The governor may, within protected wilderness areas, authorize:
- 1917 (a) prospecting for water resources;

1918 (b) the establishment and maintenance of reservoirs, water-conservation works, power
1919 projects, transmission lines, and other facilities needed in developing water resources,
1920 including road construction and essential maintenance; and

1921 (c) subject to Subsection (13), the grazing of livestock, if the practice of grazing
1922 livestock was established as of the effective date of this chapter.

1923 (13) The commissioner of the Department of Agriculture and Food may make
1924 regulations as necessary to govern the grazing of livestock on a protected wilderness area.

1925 Section 38. Section **63L-8-303** is amended to read:

1926 **63L-8-303. Management of use, occupancy, and development of public land.**

1927 (1) As used in this section, "casual" means activity that:

1928 (a) occurs irregularly; and

1929 (b) is non-commercial.

1930 (2) (a) Except as provided in Subsection (2)(b), the director shall manage the public
1931 land under principles of multiple use and sustained yield, in accordance with land use plans
1932 developed by the DLM.

1933 (b) Where a tract of public land has been dedicated to a specific use according to a
1934 provision of law, legal encumbrance, or contractual obligation, it shall be managed in
1935 accordance with those provisions.

1936 (3) (a) The director shall, subject to Subsection (3)(b) and other applicable law,
1937 authorize use of the public land through land use authorizations.

1938 (b) The director may permit state departments, agencies, and local governments to use,
1939 occupy, and develop public land through rights-of-way or other cooperative agreements.

1940 (c) The director may authorize use of the land through specific programs, such as:

1941 (i) the collection of firewood, nuts, or the casual gathering of other organic products;

1942 (ii) camping or other casual use;

1943 (iii) rockhounding, building stone, or the gathering of other rock products; or

1944 (iv) other casual uses.

1945 (d) The programs described in Subsection (3)(c) may require the issuance of a permit
1946 and collection of a reasonable fee, if necessary.

1947 (e) Nothing in this chapter shall be construed as:

1948 (i) authorizing the director to:

1949 (A) require permits to hunt and fish on public land and adjacent water beyond those
1950 approved by the Wildlife Board pursuant to [~~Title 23, Wildlife Resources Code of Utah~~] Title
1951 23A, Wildlife Resources Act; or

1952 (B) to close public land or areas of public land to hunting, fishing, or trapping, except
1953 as provided in Subsection (3)(f); or

1954 (ii) enlarging or diminishing the responsibility and authority of the Wildlife Board or
1955 Division of Wildlife Resources for management of fish and resident wildlife on public land
1956 pursuant to [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife Resources Act.

1957 (f) The director may designate areas of public land where, and establish periods when,
1958 no hunting will be permitted on public land for reasons of public safety, administration, or
1959 compliance with provisions of applicable law.

1960 (4) Subject to Subsection (5), the director shall insert in any land use authorization
1961 providing for the use, occupancy, or development of the public land, a provision authorizing
1962 revocation or suspension, after notice and hearing, of the authorization upon a final
1963 administrative finding of a violation of any term or condition of the authorization.

1964 (5) (a) The director may immediately revoke or suspend a land use authorization if,
1965 after notice and administrative hearing, there is an administrative finding that the holder
1966 violated a term or condition of the authorization.

1967 (b) If a holder of an authorization rectifies the violation that formed the basis of the
1968 director's suspension under Subsection (5)(a), the director may terminate the suspension.

1969 (6) The director may order an immediate temporary suspension before a hearing or
1970 final administrative finding if the director determines that a suspension is necessary to protect:

1971 (a) health or safety; or

1972 (b) the environment.

1973 (7) Use of public land pursuant to a general authorization under this section shall be
1974 limited to areas where the use is consistent with the applicable land use plans prepared
1975 pursuant to Section [63L-8-202](#).

1976 (8) A general authorization for the use of public land shall be subject to:

1977 (a) a requirement that the using party shall be responsible for any necessary cleanup
1978 and decontamination of the land used; and

1979 (b) terms and conditions, including restrictions on use of off-road or all-terrain

1980 vehicles, as the director deems appropriate.

1981 (9) A general authorization issued pursuant to this section:

1982 (a) may not be for a term exceeding five years; and

1983 (b) shall be revoked in whole or in part, as the director finds necessary, upon a

1984 determination by the director that:

1985 (i) there has been a failure to comply with its terms and conditions; or

1986 (ii) activities permitted by the authorization have had, or might have, a significant
1987 adverse impact on the resources or values of the affected lands.

1988 (10) Each specific use of a particular area of public land pursuant to a general
1989 authorization under this section is subject to:

1990 (a) specific authorization by the director; and

1991 (b) appropriate terms and conditions, as described in this section.

1992 (11) An authorization under this section may not authorize the construction of
1993 permanent structures or facilities on the public land.

1994 (12) No one may use or occupy public land without appropriate authorization.

1995 Section 39. Section **63L-8-304** is amended to read:

1996 **63L-8-304. Enforcement authority.**

1997 (1) The director shall issue rules as necessary to implement the provisions of this
1998 chapter with respect to the management, use, and protection of the public land and property
1999 located on the public land.

2000 (2) At the request of the director, the attorney general may institute a civil action in a
2001 district court for an injunction or other appropriate remedy to prevent any person from utilizing
2002 public land in violation of this chapter or rules issued by the director under this chapter.

2003 (3) The use, occupancy, or development of any portion of the public land contrary to
2004 any rule issued by the DLM in accordance with this chapter, and without proper authorization,
2005 is unlawful and prohibited.

2006 (4) (a) The locally elected county sheriff is the primary law enforcement authority with
2007 jurisdiction on public land to enforce:

2008 (i) all the laws of this state; and

2009 (ii) this chapter and rules issued by the director pursuant to Subsection (1).

2010 (b) The governor may utilize the Department of Public Safety for the purposes of

2011 assisting the county sheriff in enforcing:

2012 (i) all the laws of this state and this chapter; and

2013 (ii) rules issued by the director pursuant to Subsection (1).

2014 (c) Conservation officers employed by the Division of Wildlife Resources have

2015 authority to enforce the laws and regulations under [~~Title 23, Wildlife Resources Code of Utah~~]

2016 Title 23A, Wildlife Resources Act, for the sake of any protected wildlife.

2017 (d) A conservation officer shall work cooperatively with the locally elected county

2018 sheriff to enforce the laws and regulations under [~~Title 23, Wildlife Resources Code of Utah~~]

2019 Title 23A, Wildlife Resources Act, for the sake of protected wildlife.

2020 (e) Nothing herein shall be construed as enlarging or diminishing the responsibility or

2021 authority of a state certified peace officer in performing the officer's duties on public land.

2022 Section 40. Section **72-9-501** is amended to read:

2023 **72-9-501. Construction, operation, and maintenance of ports-of-entry by the**

2024 **department -- Function of ports-of-entry -- Checking and citation powers of port-of-entry**

2025 **agents.**

2026 (1) (a) The department shall construct ports-of-entry for the purpose of checking motor

2027 carriers, drivers, vehicles, and vehicle loads for compliance with state and federal laws

2028 including laws relating to:

2029 (i) driver qualifications;

2030 (ii) Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act;

2031 (iii) vehicle registration;

2032 (iv) fuel tax payment;

2033 (v) vehicle size, weight, and load;

2034 (vi) security or insurance;

2035 (vii) this chapter;

2036 (viii) hazardous material as defined under 49 U.S.C. Sec. 5102; and

2037 (ix) safety.

2038 (b) The ports-of-entry shall be located on state highways at sites determined by the

2039 department.

2040 (2) (a) The ports-of-entry shall be operated and maintained by the department.

2041 (b) A port-of-entry agent or a peace officer may check, inspect, or test drivers, vehicles,

2042 and vehicle loads for compliance with state and federal laws specified in Subsection (1).

2043 (3) (a) A port-of-entry agent or a peace officer, in whose presence an offense described
2044 in this section is committed, may:

2045 (i) issue and deliver a misdemeanor or infraction citation under Section [77-7-18](#);

2046 (ii) request and administer chemical tests to determine blood alcohol concentration in
2047 compliance with Section [41-6a-515](#);

2048 (iii) place a driver out-of-service in accordance with Section [53-3-417](#); and

2049 (iv) serve a driver with notice of the Driver License Division of the Department of
2050 Public Safety's intention to disqualify the driver's privilege to drive a commercial motor vehicle
2051 in accordance with Section [53-3-418](#).

2052 (b) This section does not grant actual arrest powers as defined in Section [77-7-1](#) to a
2053 port-of-entry agent who is not a peace officer or special function officer designated under Title
2054 53, Chapter 13, Peace Officer Classifications.

2055 (4) (a) A port-of-entry agent, a peace officer, or the Division of Wildlife Resources
2056 may inspect, detain, or quarantine a conveyance or equipment in accordance with Sections
2057 [~~23-27-301~~] [23A-10-301](#) and [~~23-27-302~~] [23A-10-302](#).

2058 (b) The department is not responsible for decontaminating a conveyance or equipment
2059 detained or quarantined.

2060 (c) The Division of Wildlife Resources may decontaminate, as defined in Section
2061 [~~23-27-102~~] [23A-10-101](#), a conveyance or equipment at the port-of-entry if authorized by the
2062 department.

2063 Section 41. Section **73-3-30** is amended to read:

2064 **73-3-30. Change application for an instream flow.**

2065 (1) As used in this section:

2066 (a) "Division" means the Division of Wildlife Resources created in Section [~~23-14-1~~]
2067 [23A-2-201](#), the Division of State Parks created in Section [79-4-201](#), or the Division of
2068 Forestry, Fire, and State Lands created in Section [65A-1-4](#).

2069 (b) "Person entitled to the use of water" means the same as that term is defined in
2070 Section [73-3-3](#).

2071 (c) "Sovereign lands" means the same as that term is defined in Section [65A-1-1](#).

2072 (d) "Wildlife" means species of animals, including mammals, birds, fish, reptiles,

2073 amphibians, mollusks, and crustaceans, that are protected or regulated by a statute, law,
2074 regulation, ordinance, or administrative rule.

2075 (2) (a) Pursuant to Section 73-3-3, a division may file a permanent change application,
2076 a fixed time change application, or a temporary change application, or a person entitled to the
2077 use of water may file a fixed time change application or a temporary change application, to
2078 provide water within the state for:

2079 (i) an instream flow within a specified section of a natural or altered stream; or

2080 (ii) use on sovereign lands.

2081 (b) The state engineer may not approve a change application filed under this section
2082 unless the proposed instream flow or use on sovereign lands will contribute to:

2083 (i) the propagation or maintenance of wildlife;

2084 (ii) the management of state parks; or

2085 (iii) the reasonable preservation or enhancement of the natural aquatic environment.

2086 (c) A division may file a change application on:

2087 (i) a perfected water right:

2088 (A) presently owned by the division;

2089 (B) purchased by the division for the purpose of providing water for an instream flow
2090 or use on sovereign lands, through funding provided for that purpose by legislative
2091 appropriation; or

2092 (C) secured by lease, agreement, gift, exchange, or contribution; or

2093 (ii) an appurtenant water right acquired with the acquisition of real property by the
2094 division.

2095 (d) A division may:

2096 (i) purchase a water right for the purposes described in Subsection (2)(a) only with
2097 funds specifically appropriated by the Legislature for water rights purchases; or

2098 (ii) accept a donated water right without legislative approval.

2099 (e) A division may not acquire water rights by eminent domain for an instream flow,
2100 use on sovereign lands, or for any other purpose.

2101 (3) (a) A person entitled to the use of water shall obtain a division director's approval
2102 of the proposed change before filing a fixed time change application or a temporary change
2103 application with the state engineer.

2104 (b) By approving a proposed fixed time change application or temporary change
2105 application, a division director attests that the water that is the subject of the application can be
2106 used consistent with the statutory mandates of the director's division.

2107 (4) In addition to the requirements of Section 73-3-3, an application authorized by this
2108 section shall include:

2109 (a) a legal description of:

2110 (i) the segment of the natural or altered stream that will be the place of use for an
2111 instream flow; or

2112 (ii) the location where the water will be used on sovereign lands; and

2113 (b) appropriate studies, reports, or other information required by the state engineer
2114 demonstrating:

2115 (i) the projected benefits to the public resulting from the change; and

2116 (ii) the necessity for the proposed instream flow or use on sovereign lands.

2117 (5) A person may not appropriate unappropriated water under Section 73-3-2 for the
2118 purpose of providing an instream flow or use on sovereign lands.

2119 (6) Water used in accordance with this section is considered to be beneficially used, as
2120 required by Section 73-3-1.

2121 (7) A physical structure or physical diversion from the stream is not required to
2122 implement a change under this section.

2123 (8) An approved change application described in this section does not create a right of
2124 access across private property or allow any infringement of a private property right.

2125 Section 42. Section 73-18-26 is amended to read:

2126 **73-18-26. Resident aquatic invasive species fee -- Amount -- Deposit.**

2127 (1) In addition to the registration fee imposed under Section 73-18-7, there is imposed
2128 an annual resident aquatic invasive species fee of \$10 on a motorboat or sailboat required to be
2129 registered under Section 73-18-7.

2130 (2) The fee imposed under Subsection (1) shall be deposited into the Aquatic Invasive
2131 Species Interdiction Account created in Section ~~23-27-305~~ 23A-3-211.

2132 Section 43. Section 73-29-102 is amended to read:

2133 **73-29-102. Definitions.**

2134 As used in this chapter:

- 2135 (1) "Division" means the Division of Wildlife Resources.
- 2136 (2) "Floating access" means the right to access public water flowing over private
2137 property for floating and fishing while floating upon the water.
- 2138 (3) "Impounded wetlands" means a wetland or wetland pond that is formed or the level
2139 of which is controlled by a dike, berm, or headgate that retains or manages the flow or depth of
2140 water, including connecting channels.
- 2141 (4) "Navigable water" means a water course that in its natural state without the aid of
2142 artificial means is useful for commerce and has a useful capacity as a public highway of
2143 transportation.
- 2144 (5) "Private property to which access is restricted" means privately owned real
2145 property:
- 2146 (a) that is cultivated land, as defined in Section ~~[23-20-14]~~ [23A-5-317](#);
 - 2147 (b) that is:
 - 2148 (i) properly posted, as defined in Section ~~[23-20-14]~~ [23A-5-317](#);
 - 2149 (ii) posted as described in Subsection [76-6-206\(2\)\(b\)\(iii\)](#); or
 - 2150 (iii) posted as described in Subsection [76-6-206.3\(2\)\(c\)](#);
 - 2151 (c) that is fenced or enclosed as described in:
 - 2152 (i) Subsection [76-6-206\(2\)\(b\)\(ii\)](#); or
 - 2153 (ii) Subsection [76-6-206.3\(2\)\(b\)](#); or
 - 2154 (d) that the owner or a person authorized to act on the owner's behalf has requested a
2155 person to leave as provided by:
 - 2156 (i) Section ~~[23-20-14]~~ [23A-5-317](#);
 - 2157 (ii) Subsection [76-6-206\(2\)\(b\)\(i\)](#); or
 - 2158 (iii) Subsection [76-6-206.3\(2\)\(a\)](#).
- 2159 (6) "Public access area" means the limited part of privately owned property that:
2160 (a) lies beneath or within three feet of a public water or that is the most direct, least
2161 invasive, and closest means of portage around an obstruction in a public water; ~~[and]~~
2162 (b) is open to public recreational access under Section [73-29-203](#); and
2163 (c) can be accessed from an adjoining public access area or public right-of-way.
- 2164 (7) "Public recreational access" means the right to engage in recreational access
2165 established in accordance with Section [73-29-203](#).

- 2166 (8) (a) "Public water" means water:
2167 (i) described in Section [73-1-1](#); and
2168 (ii) flowing or collecting on the surface:
2169 (A) within a natural or realigned channel; or
2170 (B) in a natural lake, pond, or reservoir on a natural or realigned channel.
2171 (b) "Public water" does not include water flowing or collecting:
2172 (i) on impounded wetland;
2173 (ii) on a migratory bird production area, as defined in Section [~~23-28-102~~]
2174 [23A-13-101](#);
2175 (iii) on private property in a manmade:
2176 (A) irrigation canal;
2177 (B) irrigation ditch; or
2178 (C) impoundment or reservoir constructed outside of a natural or realigned channel; or
2179 (iv) on a jurisdictional wetland described in 33 C.F.R. 328.3.
2180 (9) (a) "Recreational access" means to use a public water and to touch a public access
2181 area incidental to the use of the public water for:
2182 (i) floating;
2183 (ii) fishing; or
2184 (iii) waterfowl hunting conducted:
2185 (A) in compliance with applicable law or rule, including Sections [~~23-20-8~~]
2186 [23A-5-314](#), [73-29-203](#), and [76-10-508](#); and
2187 (B) so that the individual who engages in the waterfowl hunting shoots a firearm only
2188 while within a public access area and no closer than 600 feet of any dwelling.
2189 (b) "Recreational access" does not include:
2190 (i) hunting, except as provided in Subsection (9)(a)(iii);
2191 (ii) wading without engaging in activity described in Subsection (9)(a); or
2192 (iii) any other activity.
2193 Section 44. Section **73-30-201** is amended to read:
2194 **73-30-201. Advisory council created -- Staffing -- Per diem and travel expenses.**
2195 (1) There is created an advisory council known as the "Great Salt Lake Advisory
2196 Council" consisting of 11 members listed in Subsection (2).

2197 (2) (a) The governor shall appoint the following members, with the advice and consent
2198 of the Senate:

2199 (i) one representative of industry representing the extractive industry;

2200 (ii) one representative of industry representing aquaculture;

2201 (iii) one representative of conservation interests;

2202 (iv) one representative of a migratory bird protection area as defined in Section

2203 [~~23-28-102~~] [23A-13-101](#);

2204 (v) one representative who is an elected official from municipal government, or the
2205 elected official's designee;

2206 (vi) five representatives who are elected officials from county government, or the
2207 elected official's designee, one each representing:

2208 (A) Box Elder County;

2209 (B) Davis County;

2210 (C) Salt Lake County;

2211 (D) Tooele County; and

2212 (E) Weber County; and

2213 (vii) one representative of a publicly owned treatment works.

2214 (3) (a) Except as required by Subsection (3)(b), each member shall serve a four-year
2215 term.

2216 (b) Notwithstanding Subsection (3)(a), at the time of appointment or reappointment,
2217 the governor shall adjust the length of terms of voting members to ensure that the terms of
2218 council members are staggered so that approximately half of the council is appointed every two
2219 years.

2220 (c) When a vacancy occurs in the membership for any reason, the governor shall
2221 appoint a replacement for the unexpired term with the advice and consent of the Senate.

2222 (d) A member shall hold office until the member's successor is appointed and qualified.

2223 (4) The council shall determine:

2224 (a) the time and place of meetings; and

2225 (b) any other procedural matter not specified in this chapter.

2226 (5) (a) Attendance of six members at a meeting of the council constitutes a quorum.

2227 (b) A vote of the majority of the members present at a meeting when a quorum is

2228 present constitutes an action of the council.

2229 (6) A member may not receive compensation or benefits for the member's service, but
2230 may receive per diem and travel expenses in accordance with:

2231 (a) Section 63A-3-106;

2232 (b) Section 63A-3-107; and

2233 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2234 63A-3-107.

2235 (7) The Department of Natural Resources and the Department of Environmental
2236 Quality shall coordinate and provide necessary staff assistance to the council.

2237 Section 45. Section 76-9-301 is amended to read:

2238 **76-9-301. Cruelty to animals.**

2239 (1) As used in this section:

2240 (a) (i) "Abandon" means to intentionally deposit, leave, or drop off any live animal:

2241 (A) without providing for the care of that animal, in accordance with accepted animal
2242 husbandry practices or customary farming practices; or

2243 (B) in a situation where conditions present an immediate, direct, and serious threat to
2244 the life, safety, or health of the animal.

2245 (ii) "Abandon" does not include returning wildlife to its natural habitat.

2246 (b) (i) "Animal" means, except as provided in Subsection (1)(b)(ii), a live, nonhuman
2247 vertebrate creature.

2248 (ii) "Animal" does not include:

2249 (A) a live, nonhuman vertebrate creature, if:

2250 (I) the conduct toward the creature, and the care provided to the creature, is in
2251 accordance with accepted animal husbandry practices; and

2252 (II) the creature is:

2253 (Aa) owned or kept by a zoological park that is accredited by, or a member of, the
2254 American Zoo and Aquarium Association;

2255 (Bb) kept, owned, or used for the purpose of training hunting dogs or raptors; or

2256 (Cc) temporarily in the state as part of a circus or traveling exhibitor licensed by the
2257 United States Department of Agriculture under 7 U.S.C. Sec. 2133;

2258 (B) a live, nonhuman vertebrate creature that is owned, kept, or used for rodeo

2259 purposes, if the conduct toward the creature, and the care provided to the creature, is in
2260 accordance with accepted rodeo practices;

2261 (C) livestock, if the conduct toward the creature, and the care provided to the creature,
2262 is in accordance with accepted animal husbandry practices or customary farming practices; or

2263 (D) wildlife, as defined in Section ~~[23-13-2]~~ [23A-1-101](#), including protected and
2264 unprotected wildlife, if the conduct toward the wildlife is in accordance with lawful hunting,
2265 fishing, or trapping practices or other lawful practices.

2266 (c) "Companion animal" means an animal that is a domestic dog or a domestic cat.

2267 (d) "Custody" means ownership, possession, or control over an animal.

2268 (e) "Legal privilege" means an act that:

2269 (i) is authorized by state law, including ~~[Division of Wildlife Resources rules]~~ rules
2270 made under Title 23A, Wildlife Resources Act; and

2271 (ii) is not in violation of a local ordinance.

2272 (f) "Livestock" means:

2273 (i) domesticated:

2274 (A) cattle;

2275 (B) sheep;

2276 (C) goats;

2277 (D) turkeys;

2278 (E) swine;

2279 (F) equines;

2280 (G) camelidae;

2281 (H) ratites; or

2282 (I) bison;

2283 (ii) domesticated elk, as defined in Section [4-39-102](#);

2284 (iii) a livestock guardian dog, as defined in Section [76-6-111](#); or

2285 (iv) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic
2286 poultry, raised, kept, or used for agricultural purposes.

2287 (g) "Necessary food, water, care, or shelter" means the following, taking into account
2288 the species, age, and physical condition of the animal:

2289 (i) appropriate and essential food and water;

- 2290 (ii) adequate protection, including appropriate shelter, against extreme weather
2291 conditions; and
- 2292 (iii) other essential care.
- 2293 (h) "Torture" means intentionally or knowingly causing or inflicting extreme physical
2294 pain to an animal in an especially heinous, atrocious, cruel, or exceptionally depraved manner.
- 2295 (2) Except as provided in Subsection (4) or (6), a person is guilty of cruelty to an
2296 animal if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or
2297 with criminal negligence:
- 2298 (a) fails to provide necessary food, water, care, or shelter for an animal in the person's
2299 custody;
- 2300 (b) abandons an animal in the person's custody;
- 2301 (c) injures an animal;
- 2302 (d) causes any animal, not including a dog or game fowl, to fight with another animal
2303 of like kind for amusement or gain; or
- 2304 (e) causes any animal, including a dog or game fowl, to fight with a different kind of
2305 animal or creature for amusement or gain.
- 2306 (3) Except as provided in Section [76-9-301.7](#), a violation of Subsection (2) is:
- 2307 (a) a class B misdemeanor if committed intentionally or knowingly; and
- 2308 (b) a class C misdemeanor if committed recklessly or with criminal negligence.
- 2309 (4) A person is guilty of aggravated cruelty to an animal if the person:
- 2310 (a) tortures an animal;
- 2311 (b) administers, or causes to be administered, poison or a poisonous substance to an
2312 animal; or
- 2313 (c) kills an animal or causes an animal to be killed without having a legal privilege to
2314 do so.
- 2315 (5) Except as provided in Subsection (6) or Section [76-9-301.7](#), a violation of
2316 Subsection (4) is:
- 2317 (a) a class A misdemeanor if committed intentionally or knowingly;
- 2318 (b) a class B misdemeanor if committed recklessly; and
- 2319 (c) a class C misdemeanor if committed with criminal negligence.
- 2320 (6) A person is guilty of a third degree felony if the person intentionally or knowingly

2321 tortures a companion animal.

2322 (7) It is a defense to prosecution under this section that the conduct of the actor towards
2323 the animal was:

2324 (a) by a licensed veterinarian using accepted veterinary practice;

2325 (b) directly related to bona fide experimentation for scientific research, provided that if
2326 the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless
2327 directly necessary to the veterinary purpose or scientific research involved;

2328 (c) permitted under Section 18-1-3;

2329 (d) by a person who humanely destroys any animal found suffering past recovery for
2330 any useful purpose; or

2331 (e) by a person who humanely destroys any apparently abandoned animal found on the
2332 person's property.

2333 (8) For purposes of Subsection (7)(d), before destroying the suffering animal, the
2334 person who is not the owner of the animal shall obtain:

2335 (a) the judgment of a veterinarian of the animal's nonrecoverable condition;

2336 (b) the judgment of two other persons called by the person to view the unrecoverable
2337 condition of the animal in the person's presence;

2338 (c) the consent from the owner of the animal to the destruction of the animal; or

2339 (d) a reasonable conclusion that the animal's suffering is beyond recovery, through the
2340 person's own observation, if the person is in a location or circumstance where the person is
2341 unable to contact another person.

2342 (9) This section does not affect or prohibit:

2343 (a) the training, instruction, and grooming of animals, if the methods used are in
2344 accordance with accepted animal husbandry practices or customary farming practices;

2345 (b) the use of an electronic locating or training collar by the owner of an animal for the
2346 purpose of lawful animal training, lawful hunting practices, or protecting against loss of that
2347 animal; or

2348 (c) the lawful hunting of, fishing for, or trapping of, wildlife.

2349 (10) County and municipal governments may not prohibit the use of an electronic
2350 locating or training collar.

2351 (11) Upon conviction under this section, the court may in its discretion, in addition to

2352 other penalties:

2353 (a) order the defendant to be evaluated to determine the need for psychiatric or
2354 psychological counseling, to receive counseling as the court determines to be appropriate, and
2355 to pay the costs of the evaluation and counseling;

2356 (b) require the defendant to forfeit any rights the defendant has to the animal subjected
2357 to a violation of this section and to repay the reasonable costs incurred by any person or agency
2358 in caring for each animal subjected to violation of this section;

2359 (c) order the defendant to no longer possess or retain custody of any animal, as
2360 specified by the court, during the period of the defendant's probation or parole or other period
2361 as designated by the court; and

2362 (d) order the animal to be placed for the purpose of adoption or care in the custody of a
2363 county or municipal animal control agency or an animal welfare agency registered with the
2364 state to be sold at public auction or humanely destroyed.

2365 (12) This section does not prohibit the use of animals in lawful training.

2366 (13) A veterinarian who, acting in good faith, reports a violation of this section to law
2367 enforcement may not be held civilly liable for making the report.

2368 Section 46. Section **76-10-504** is amended to read:

2369 **76-10-504. Carrying concealed firearm -- Penalties.**

2370 (1) Except as provided in Sections [76-10-503](#) and [76-10-523](#) and in Subsections (2),
2371 (3), and (4), a person who carries a concealed firearm, as defined in Section [76-10-501](#),
2372 including an unloaded firearm on his or her person or one that is readily accessible for
2373 immediate use which is not securely encased, as defined in this part, in or on a place other than
2374 the person's residence, property, a vehicle in the person's lawful possession, or a vehicle, with
2375 the consent of the individual who is lawfully in possession of the vehicle, or business under the
2376 person's control is guilty of a class B misdemeanor.

2377 (2) A person who carries a concealed firearm that is a loaded firearm in violation of
2378 Subsection (1) is guilty of a class A misdemeanor.

2379 (3) A person who carries concealed an unlawfully possessed short barreled shotgun or
2380 a short barreled rifle is guilty of a second degree felony.

2381 (4) If the concealed firearm is used in the commission of a violent felony as defined in
2382 Section [76-3-203.5](#), and the person is a party to the offense, the person is guilty of a second

2383 degree felony.

2384 (5) Nothing in Subsection (1) or (2) prohibits a person engaged in the lawful taking of
2385 protected or unprotected wildlife as defined in [~~Title 23, Wildlife Resources Code of Utah~~
2386 Title 23A, Wildlife Resources Act, from carrying a concealed firearm as long as the taking of
2387 wildlife does not occur:

2388 (a) within the limits of a municipality in violation of that municipality's ordinances; or

2389 (b) upon the highways of the state as defined in Section [41-6a-102](#).

2390 Section 47. Section **76-10-508** is amended to read:

2391 **76-10-508. Discharge of firearm from a vehicle, near a highway, or in direction of**
2392 **specified items -- Penalties.**

2393 (1) (a) An individual may not discharge a dangerous weapon or firearm:

2394 (i) from an automobile or other vehicle;

2395 (ii) from, upon, or across a highway;

2396 (iii) at a road sign placed upon a highway of the state;

2397 (iv) at communications equipment or property of public utilities including facilities,
2398 lines, poles, or devices of transmission or distribution;

2399 (v) at railroad equipment or facilities including a sign or signal;

2400 (vi) within a Utah State Park building, designated camp or picnic sites, overlooks, golf
2401 courses, boat ramps, and developed beaches; or

2402 (vii) without written permission to discharge the dangerous weapon from the owner or
2403 person in charge of the property within 600 feet of:

2404 (A) a house, dwelling, or any other building; or

2405 (B) any structure in which a domestic animal is kept or fed, including a barn, poultry
2406 yard, corral, feeding pen, or stockyard.

2407 (b) It is a defense to any charge for violating this section that the individual being
2408 accused had actual permission of the owner or person in charge of the property at the time in
2409 question.

2410 (2) A violation of any provision of Subsection (1) is a class B misdemeanor.

2411 (3) In addition to any other penalties, the court shall:

2412 (a) notify the Driver License Division of the conviction for purposes of any revocation,
2413 denial, suspension, or disqualification of a driver license under Subsection [53-3-220\(1\)\(a\)\(xi\)](#);

2414 and

2415 (b) specify in court at the time of sentencing the length of the revocation under
2416 Subsection [53-3-225](#)(1)(c).

2417 (4) This section does not apply to an individual who:

2418 (a) discharges a firearm when that individual is in lawful defense of self or others;

2419 (b) is performing official duties as provided in Section [~~23-20-1.5~~] [23A-5-202](#) and
2420 Subsections [76-10-523](#)(1)(a) through (f) and as otherwise provided by law; or

2421 (c) discharges a dangerous weapon or firearm from an automobile or other vehicle, if:

2422 (i) the discharge occurs at a firing range or training ground;

2423 (ii) at no time after the discharge does the projectile that is discharged cross over or
2424 stop at a location other than within the boundaries of the firing range or training ground
2425 described in Subsection (4)(c)(i);

2426 (iii) the discharge is made as practice or training for a lawful purpose;

2427 (iv) the discharge and the location, time, and manner of the discharge are approved by
2428 the owner or operator of the firing range or training ground before the discharge; and

2429 (v) the discharge is not made in violation of Subsection (1).

2430 Section 48. Section [76-10-508.1](#) is amended to read:

2431 **[76-10-508.1. Felony discharge of a firearm -- Penalties.](#)**

2432 (1) Except as provided under Subsection (2) or (3), an individual who discharges a
2433 firearm is guilty of a third degree felony punishable by imprisonment for a term of not less than
2434 three years nor more than five years if:

2435 (a) the actor discharges a firearm in the direction of one or more individuals, knowing
2436 or having reason to believe that any individual may be endangered by the discharge of the
2437 firearm;

2438 (b) the actor, with intent to intimidate or harass another or with intent to damage a
2439 habitable structure as defined in Section [76-6-101](#), discharges a firearm in the direction of any
2440 individual or habitable structure; or

2441 (c) the actor, with intent to intimidate or harass another, discharges a firearm in the
2442 direction of any vehicle.

2443 (2) A violation of Subsection (1) that causes bodily injury to any individual is a second
2444 degree felony punishable by imprisonment for a term of not less than three years nor more than

2445 15 years.

2446 (3) A violation of Subsection (1) that causes serious bodily injury to any individual is a
2447 first degree felony.

2448 (4) In addition to any other penalties for a violation of this section, the court shall:

2449 (a) notify the Driver License Division of the conviction for purposes of any revocation,
2450 denial, suspension, or disqualification of a driver license under Subsection [53-3-220\(1\)\(a\)\(xi\)](#);
2451 and

2452 (b) specify in court at the time of sentencing the length of the revocation under
2453 Subsection [53-3-225\(1\)\(c\)](#).

2454 (5) This section does not apply to an individual:

2455 (a) who discharges a firearm when that individual is in lawful defense of self or others;

2456 (b) who is performing official duties as provided in Section [\[23-20-1.5\]](#) [23A-5-202](#) or
2457 Subsections [76-10-523\(1\)\(a\)](#) through (f) or as otherwise authorized by law; or

2458 (c) who discharges a dangerous weapon or firearm from an automobile or other
2459 vehicle, if:

2460 (i) the discharge occurs at a firing range or training ground;

2461 (ii) at no time after the discharge does the projectile that is discharged cross over or
2462 stop at a location other than within the boundaries of the firing range or training ground
2463 described in Subsection (5)(c)(i);

2464 (iii) the discharge is made as practice or training for a lawful purpose;

2465 (iv) the discharge and the location, time, and manner of the discharge are approved by
2466 the owner or operator of the firing range or training ground before the discharge; and

2467 (v) the discharge is not made in violation of Subsection (1).

2468 Section 49. Section **76-10-1602** is amended to read:

2469 **76-10-1602. Definitions.**

2470 As used in this part:

2471 (1) "Enterprise" means any individual, sole proprietorship, partnership, corporation,
2472 business trust, association, or other legal entity, and any union or group of individuals
2473 associated in fact although not a legal entity, and includes illicit as well as licit entities.

2474 (2) "Pattern of unlawful activity" means engaging in conduct which constitutes the
2475 commission of at least three episodes of unlawful activity, which episodes are not isolated, but

2476 have the same or similar purposes, results, participants, victims, or methods of commission, or
2477 otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall
2478 demonstrate continuing unlawful conduct and be related either to each other or to the
2479 enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have
2480 occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful
2481 activity as defined by this part shall have occurred within five years of the commission of the
2482 next preceding act alleged as part of the pattern.

2483 (3) "Person" includes any individual or entity capable of holding a legal or beneficial
2484 interest in property, including state, county, and local governmental entities.

2485 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request,
2486 command, encourage, or intentionally aid another person to engage in conduct which would
2487 constitute any offense described by the following crimes or categories of crimes, or to attempt
2488 or conspire to engage in an act which would constitute any of those offenses, regardless of
2489 whether the act is in fact charged or indicted by any authority or is classified as a misdemeanor
2490 or a felony:

2491 (a) any act prohibited by the criminal provisions of Title 13, Chapter 10, Unauthorized
2492 Recording Practices Act;

2493 (b) any act prohibited by the criminal provisions of Title 19, Environmental Quality
2494 Code, Sections [19-1-101](#) through [19-7-109](#);

2495 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary
2496 purpose of sale, trade, or other pecuniary gain, in violation of [~~Title 23, Wildlife Resources~~
2497 ~~Code of Utah, or Section [23-20-4](#);~~] Title 23A, Wildlife Resources Act, or Section [23A-5-311](#);

2498 (d) false claims for medical benefits, kickbacks, and any other act prohibited by Title
2499 26, Chapter 20, Utah False Claims Act, Sections [26-20-1](#) through [26-20-12](#);

2500 (e) any act prohibited by the criminal provisions of Title 32B, Chapter 4, Criminal
2501 Offenses and Procedure Act;

2502 (f) any act prohibited by the criminal provisions of Title 57, Chapter 11, Utah Uniform
2503 Land Sales Practices Act;

2504 (g) any act prohibited by the criminal provisions of Title 58, Chapter 37, Utah
2505 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act,
2506 Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d,

2507 Clandestine Drug Lab Act;

2508 (h) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform

2509 Securities Act;

2510 (i) any act prohibited by the criminal provisions of Title 63G, Chapter 6a, Utah

2511 Procurement Code;

2512 (j) assault or aggravated assault, Sections [76-5-102](#) and [76-5-103](#);

2513 (k) a threat of terrorism, Section [76-5-107.3](#);

2514 (l) a criminal homicide offense, as described in Section [76-5-201](#);

2515 (m) kidnapping or aggravated kidnapping, Sections [76-5-301](#) and [76-5-302](#);

2516 (n) human trafficking, human trafficking of a child, human smuggling, or aggravated

2517 human trafficking, Sections [76-5-308](#), [76-5-308.1](#), [76-5-308.3](#), [76-5-308.5](#), [76-5-309](#), and

2518 [76-5-310](#);

2519 (o) sexual exploitation of a minor or aggravated sexual exploitation of a minor,

2520 Sections [76-5b-201](#) and [76-5b-201.1](#);

2521 (p) arson or aggravated arson, Sections [76-6-102](#) and [76-6-103](#);

2522 (q) causing a catastrophe, Section [76-6-105](#);

2523 (r) burglary or aggravated burglary, Sections [76-6-202](#) and [76-6-203](#);

2524 (s) burglary of a vehicle, Section [76-6-204](#);

2525 (t) manufacture or possession of an instrument for burglary or theft, Section [76-6-205](#);

2526 (u) robbery or aggravated robbery, Sections [76-6-301](#) and [76-6-302](#);

2527 (v) theft, Section [76-6-404](#);

2528 (w) theft by deception, Section [76-6-405](#);

2529 (x) theft by extortion, Section [76-6-406](#);

2530 (y) receiving stolen property, Section [76-6-408](#);

2531 (z) theft of services, Section [76-6-409](#);

2532 (aa) forgery, Section [76-6-501](#);

2533 (bb) fraudulent use of a credit card, Sections [76-6-506.2](#), [76-6-506.3](#), [76-6-506.5](#), and

2534 [76-6-506.6](#);

2535 (cc) deceptive business practices, Section [76-6-507](#);

2536 (dd) bribery or receiving bribe by person in the business of selection, appraisal, or

2537 criticism of goods, Section [76-6-508](#);

- 2538 (ee) bribery of a labor official, Section 76-6-509;
- 2539 (ff) defrauding creditors, Section 76-6-511;
- 2540 (gg) acceptance of deposit by insolvent financial institution, Section 76-6-512;
- 2541 (hh) unlawful dealing with property by fiduciary, Section 76-6-513;
- 2542 (ii) bribery or threat to influence contest, Section 76-6-514;
- 2543 (jj) making a false credit report, Section 76-6-517;
- 2544 (kk) criminal simulation, Section 76-6-518;
- 2545 (ll) criminal usury, Section 76-6-520;
- 2546 (mm) fraudulent insurance act, Section 76-6-521;
- 2547 (nn) retail theft, Section 76-6-602;
- 2548 (oo) computer crimes, Section 76-6-703;
- 2549 (pp) identity fraud, Section 76-6-1102;
- 2550 (qq) mortgage fraud, Section 76-6-1203;
- 2551 (rr) sale of a child, Section 76-7-203;
- 2552 (ss) bribery to influence official or political actions, Section 76-8-103;
- 2553 (tt) threats to influence official or political action, Section 76-8-104;
- 2554 (uu) receiving bribe or bribery by public servant, Section 76-8-105;
- 2555 (vv) receiving bribe or bribery for endorsement of person as public servant, Section
- 2556 76-8-106;
- 2557 (ww) official misconduct, Sections 76-8-201 and 76-8-202;
- 2558 (xx) obstruction of justice, Section 76-8-306;
- 2559 (yy) acceptance of bribe or bribery to prevent criminal prosecution, Section 76-8-308;
- 2560 (zz) false or inconsistent material statements, Section 76-8-502;
- 2561 (aaa) false or inconsistent statements, Section 76-8-503;
- 2562 (bbb) written false statements, Section 76-8-504;
- 2563 (ccc) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;
- 2564 (ddd) retaliation against a witness, victim, or informant, Section 76-8-508.3;
- 2565 (eee) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;
- 2566 (fff) tampering with evidence, Section 76-8-510.5;
- 2567 (ggg) falsification or alteration of government record, Section 76-8-511, if the record is
- 2568 a record described in Title 20A, Election Code, Title 36, Chapter 11, Lobbyist Disclosure and

2569 Regulation Act, or Title 36, Chapter 11a, Local Government and Board of Education Lobbyist
2570 Disclosure and Regulation Act;

2571 (hhh) public assistance fraud in violation of Section 76-8-1203, 76-8-1204, or
2572 76-8-1205;

2573 (iii) unemployment insurance fraud, Section 76-8-1301;

2574 (jjj) intentionally or knowingly causing one animal to fight with another, Subsection
2575 76-9-301(2)(d) or (e), or Section 76-9-301.1;

2576 (kkk) possession, use, or removal of explosives, chemical, or incendiary devices or
2577 parts, Section 76-10-306;

2578 (lll) delivery to common carrier, mailing, or placement on premises of an incendiary
2579 device, Section 76-10-307;

2580 (mmm) possession of a deadly weapon with intent to assault, Section 76-10-507;

2581 (nnn) unlawful marking of pistol or revolver, Section 76-10-521;

2582 (ooo) alteration of number or mark on pistol or revolver, Section 76-10-522;

2583 (ppp) forging or counterfeiting trademarks, trade name, or trade device, Section
2584 76-10-1002;

2585 (qqq) selling goods under counterfeited trademark, trade name, or trade devices,
2586 Section 76-10-1003;

2587 (rrr) sales in containers bearing registered trademark of substituted articles, Section
2588 76-10-1004;

2589 (sss) selling or dealing with article bearing registered trademark or service mark with
2590 intent to defraud, Section 76-10-1006;

2591 (ttt) gambling, Section 76-10-1102;

2592 (uuu) gambling fraud, Section 76-10-1103;

2593 (vvv) gambling promotion, Section 76-10-1104;

2594 (www) possessing a gambling device or record, Section 76-10-1105;

2595 (xxx) confidence game, Section 76-10-1109;

2596 (yyy) distributing pornographic material, Section 76-10-1204;

2597 (zzz) inducing acceptance of pornographic material, Section 76-10-1205;

2598 (aaaa) dealing in harmful material to a minor, Section 76-10-1206;

2599 (bbbb) distribution of pornographic films, Section 76-10-1222;

- 2600 (cccc) indecent public displays, Section [76-10-1228](#);
- 2601 (dddd) prostitution, Section [76-10-1302](#);
- 2602 (eeee) aiding prostitution, Section [76-10-1304](#);
- 2603 (ffff) exploiting prostitution, Section [76-10-1305](#);
- 2604 (gggg) aggravated exploitation of prostitution, Section [76-10-1306](#);
- 2605 (hhhh) communications fraud, Section [76-10-1801](#);
- 2606 (iiii) any act prohibited by the criminal provisions of Part 19, Money Laundering and
- 2607 Currency Transaction Reporting Act;
- 2608 (jjjj) vehicle compartment for contraband, Section [76-10-2801](#);
- 2609 (kkkk) any act prohibited by the criminal provisions of the laws governing taxation in
- 2610 this state; and
- 2611 (llll) any act illegal under the laws of the United States and enumerated in 18 U.S.C.
- 2612 Sec. 1961(1)(B), (C), and (D).
- 2613 Section 50. Section **77-20-204** is amended to read:
- 2614 **77-20-204. Bail commissioner authority to release an individual from jail on**
- 2615 **monetary bail.**
- 2616 (1) As used in this section, "eligible felony offense" means a third degree felony
- 2617 violation under:
- 2618 (a) Section [~~23-19-15~~] [23A-4-501](#) or [23A-4-502](#);
- 2619 (b) Section [~~23-20-4~~] [23A-5-311](#);
- 2620 (c) Section [~~23-20-4.7~~] [23A-5-313](#);
- 2621 (d) Title 76, Chapter 6, Part 4, Theft;
- 2622 (e) Title 76, Chapter 6, Part 5, Fraud;
- 2623 (f) Title 76, Chapter 6, Part 6, Retail Theft;
- 2624 (g) Title 76, Chapter 6, Part 7, Utah Computer Crimes Act;
- 2625 (h) Title 76, Chapter 6, Part 8, Library Theft;
- 2626 (i) Title 76, Chapter 6, Part 9, Cultural Sites Protection;
- 2627 (j) Title 76, Chapter 6, Part 10, Mail Box Damage and Mail Theft;
- 2628 (k) Title 76, Chapter 6, Part 11, Identity Fraud Act;
- 2629 (l) Title 76, Chapter 6, Part 12, Utah Mortgage Fraud Act;
- 2630 (m) Title 76, Chapter 6, Part 13, Utah Automated Sales Suppression Device Act;

- 2631 (n) Title 76, Chapter 6, Part 14, Regulation of Metal Dealers;
- 2632 (o) Title 76, Chapter 6a, Pyramid Scheme Act;
- 2633 (p) Title 76, Chapter 7, Offenses Against the Family;
- 2634 (q) Title 76, Chapter 7a, Abortion Prohibition;
- 2635 (r) Title 76, Chapter 9, Part 2, Electronic Communication and Telephone Abuse;
- 2636 (s) Title 76, Chapter 9, Part 3, Cruelty to Animals;
- 2637 (t) Title 76, Chapter 9, Part 4, Offenses Against Privacy;
- 2638 (u) Title 76, Chapter 9, Part 5, Libel; or
- 2639 (v) Title 76, Chapter 9, Part 6, Offenses Against the Flag.
- 2640 (2) Except as provided in Subsection (7)(a), a bail commissioner may fix a financial
- 2641 condition for an individual if:
 - 2642 (a) (i) the individual is ineligible to be released on the individual's own recognizance
 - 2643 under Section [77-20-203](#);
 - 2644 (ii) the individual is arrested for, or charged with:
 - 2645 (A) a misdemeanor offense under state law; or
 - 2646 (B) a violation of a city or county ordinance that is classified as a class B or C
 - 2647 misdemeanor offense;
 - 2648 (iii) the individual agrees in writing to appear for any future criminal proceedings
 - 2649 related to the arrest; and
 - 2650 (iv) law enforcement has not submitted a probable cause statement to a magistrate; or
- 2651 (b) (i) the individual is arrested for, or charged with, an eligible felony offense;
- 2652 (ii) the individual is not on pretrial release for a separate criminal offense;
- 2653 (iii) the individual is not on probation or parole;
- 2654 (iv) the primary risk posed by the individual is the risk of failure to appear;
- 2655 (v) the individual agrees in writing to appear for any future criminal proceedings
- 2656 related to the arrest; and
- 2657 (vi) law enforcement has not submitted a probable cause statement to a magistrate.
- 2658 (3) A bail commissioner may not fix a financial condition at a monetary amount that
- 2659 exceeds:
 - 2660 (a) \$5,000 for an eligible felony offense;
 - 2661 (b) \$1,950 for a class A misdemeanor offense;

- 2662 (c) \$680 for a class B misdemeanor offense;
2663 (d) \$340 for a class C misdemeanor offense;
2664 (e) \$150 for a violation of a city or county ordinance that is classified as a class B
2665 misdemeanor; or
2666 (f) \$80 for a violation of a city or county ordinance that is classified as a class C
2667 misdemeanor.
- 2668 (4) If an individual is arrested for more than one offense, and the bail commissioner
2669 fixes a financial condition for release:
- 2670 (a) the bail commissioner shall fix the financial condition at a single monetary amount;
2671 and
2672 (b) the single monetary amount may not exceed the monetary amount under Subsection
2673 (3) for the highest level of offense for which the individual is arrested.
- 2674 (5) Except as provided in Subsection (7)(b), an individual shall be released if the
2675 individual posts a financial condition fixed by a bail commissioner in accordance with this
2676 section.
- 2677 (6) If a bail commissioner fixes a financial condition for an individual, law
2678 enforcement shall submit a probable cause statement in accordance with Rule 9 of the Utah
2679 Rules of Criminal Procedure after the bail commissioner fixes the financial condition.
- 2680 (7) Once a magistrate begins a review of an individual's case under Rule 9 of the Utah
2681 Rules of Criminal Procedure:
- 2682 (a) a bail commissioner may not fix or modify a financial condition for an individual;
2683 and
2684 (b) if a bail commissioner fixed a financial condition for the individual before the
2685 magistrate's review, the individual may no longer be released on the financial condition.
- 2686 (8) Nothing in this section prohibits a court and a county from entering into an
2687 agreement regarding release.
- 2688 Section 51. Section **77-23-104** is amended to read:
- 2689 **77-23-104. Written plan -- Approval of magistrate.**
- 2690 (1) An administrative traffic checkpoint may be established and operated upon written
2691 authority of a magistrate.
- 2692 (2) A magistrate may issue written authority to establish and operate an administrative

2693 traffic checkpoint if:

2694 (a) a command level officer submits to the magistrate a written plan signed by the
2695 command level officer describing:

2696 (i) the location of the checkpoint including geographical and topographical
2697 information;

2698 (ii) the date, time, and duration of the checkpoint;

2699 (iii) the sequence of traffic to be stopped;

2700 (iv) the purpose of the checkpoint, including the inspection or inquiry to be conducted;

2701 (v) the minimum number of personnel to be employed in operating the checkpoint,
2702 including the rank of the officer or officers in charge at the scene;

2703 (vi) the configuration and location of signs, barriers, and other means of informing
2704 approaching motorists that they must stop and directing them to the place to stop;

2705 (vii) any advance notice to the public at large of the establishment of the checkpoint;

2706 and

2707 (viii) the instructions to be given to the enforcement officers operating the checkpoint;

2708 (b) the magistrate makes an independent judicial determination that the plan
2709 appropriately:

2710 (i) minimizes the length of time the motorist will be delayed;

2711 (ii) minimizes the intrusion of the inspection or inquiry;

2712 (iii) minimizes the fear and anxiety the motorist will experience;

2713 (iv) minimizes the degree of discretion to be exercised by the individual enforcement
2714 officers operating the checkpoint; and

2715 (v) maximizes the safety of the motorist and the enforcement officers; and

2716 (c) the administrative traffic checkpoint has the primary purpose of inspecting,
2717 verifying, or detecting:

2718 (i) drivers that may be under the influence of alcohol or drugs;

2719 (ii) license plates, registration certificates, insurance certificates, or driver licenses;

2720 (iii) violations of [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife
2721 Resources Act; or

2722 (iv) other circumstances that are specifically distinguishable by the magistrate from a
2723 general interest in crime control.

2724 (3) Upon determination by the magistrate that the plan meets the requirements of
2725 Subsection (2), the magistrate shall sign the authorization and issue it to the command level
2726 officer, retaining a copy for the court's file.

2727 (4) A copy of the plan and signed authorization shall be issued to the checkpoint
2728 command level officer participating in the operation of the checkpoint.

2729 (5) Any enforcement officer participating in the operation of the checkpoint shall
2730 conform ~~[his]~~ the enforcement officer's activities as nearly as practicable to the procedures
2731 outlined in the plan.

2732 (6) The checkpoint command level officer shall be available to exhibit a copy of the
2733 plan and signed authorization to any motorist who has been stopped at the checkpoint upon
2734 request of the motorist.

2735 Section 52. Section **78A-5-110** is amended to read:

2736 **78A-5-110. Allocation of district court fees and forfeitures.**

2737 (1) Except as provided in this section, district court fines and forfeitures collected for
2738 violation of state statutes shall be paid to the state treasurer.

2739 (2) Fines and forfeitures collected by the court for violation of a state statute or county
2740 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the
2741 state treasurer and 1/2 to the treasurer of the state or local governmental entity which
2742 prosecutes or which would prosecute the violation.

2743 (3) (a) Fines and forfeitures collected for violations of [~~Title 23, Wildlife Resources~~
2744 ~~Code of Utah~~] Title 23A, Wildlife Resources Act, Title 41, Chapter 22, Off-highway Vehicles,
2745 or Title 73, Chapter 18, State Boating Act, shall be paid to the state treasurer.

2746 (b) For violations of [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife
2747 Resources Act, the state treasurer shall allocate 85% to the Division of Wildlife Resources and
2748 15% to the General Fund.

2749 (c) For violations of Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter
2750 18, State Boating Act, the state treasurer shall allocate 85% to the Division of Outdoor
2751 Recreation and 15% to the General Fund.

2752 (4) (a) The state treasurer shall allocate fines and forfeitures collected for a violation of
2753 Section [72-7-404](#) or [72-7-406](#), less fees established by the Judicial Council, to the Department
2754 of Transportation for use on class B and class C roads.

2755 (b) Fees established by the Judicial Council shall be deposited in the state General
2756 Fund.

2757 (c) Money allocated for class B and class C roads is supplemental to the money
2758 appropriated under Section 72-2-107 but shall be expended in the same manner as other class B
2759 and class C road funds.

2760 (5) (a) Fines and forfeitures collected by the court for a second or subsequent violation
2761 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

2762 (i) 60% to the state treasurer to be deposited into the Transportation Fund; and

2763 (ii) 40% in accordance with Subsection (2).

2764 (b) Fines and forfeitures collected by the court for a second or subsequent violation
2765 under Subsection 72-7-409(6)(d) shall be remitted:

2766 (i) 50% to the state treasurer to be deposited into the Transportation Fund; and

2767 (ii) 50% in accordance with Subsection (2).

2768 (6) For fines and forfeitures collected by the court for a violation of Section
2769 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic
2770 enforcement safety device as described in Section 41-6a-1310, the court shall allocate 20% to
2771 the school district or private school that owns or contracts for the use of the bus, and the state
2772 treasurer shall allocate 40% to the treasurer of the state or local governmental entity that
2773 prosecutes or that would prosecute the violation, and 40% to the General Fund.

2774 (7) Fines and forfeitures collected for any violations not specified in this chapter or
2775 otherwise provided for by law shall be paid to the state treasurer.

2776 (8) Fees collected in connection with civil actions filed in the district court shall be
2777 paid to the state treasurer.

2778 (9) The court shall remit money collected in accordance with Title 51, Chapter 7, State
2779 Money Management Act.

2780 Section 53. Section 78A-7-106 is amended to read:

2781 **78A-7-106. Jurisdiction.**

2782 (1) (a) Except for an offense for which the district court has original jurisdiction under
2783 Subsection 78A-5-102(8) or an offense for which the juvenile court has original jurisdiction
2784 under Subsection 78A-6-103(1)(c), a justice court has original jurisdiction over class B and C
2785 misdemeanors, violation of ordinances, and infractions committed within the justice court's

2786 territorial jurisdiction by an individual who is 18 years old or older.

2787 (b) A justice court has original jurisdiction over the following offenses committed
2788 within the justice court's territorial jurisdiction by an individual who is 18 years old or older:

2789 (i) class C misdemeanor and infraction violations of Title 53, Chapter 3, Part 2, Driver
2790 Licensing Act; and

2791 (ii) class B and C misdemeanor and infraction violations of:

2792 (A) [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife Resources Act;

2793 (B) Title 41, Chapter 1a, Motor Vehicle Act;

2794 (C) Title 41, Chapter 6a, Traffic Code, except Title 41, Chapter 6a, Part 5, Driving
2795 Under the Influence and Reckless Driving;

2796 (D) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and
2797 Operators Act;

2798 (E) Title 41, Chapter 22, Off-highway Vehicles;

2799 (F) Title 73, Chapter 18, State Boating Act, except Section 73-18-12;

2800 (G) Title 73, Chapter 18a, Boating - Litter and Pollution Control;

2801 (H) Title 73, Chapter 18b, Water Safety; and

2802 (I) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and Operators
2803 Act.

2804 (2) Except for an offense for which the district court has exclusive jurisdiction under
2805 Section 78A-5-102.5 or an offense for which the juvenile court has exclusive jurisdiction under
2806 Section 78A-6-103.5, a justice court has original jurisdiction over the following offenses
2807 committed within the justice court's territorial jurisdiction by an individual who is 16 or 17
2808 years old:

2809 (a) class C misdemeanor and infraction violations of Title 53, Chapter 3, Part 2, Driver
2810 Licensing Act; and

2811 (b) class B and C misdemeanor and infraction violations of:

2812 (i) [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife Resources Act;

2813 (ii) Title 41, Chapter 1a, Motor Vehicle Act;

2814 (iii) Title 41, Chapter 6a, Traffic Code, except Title 41, Chapter 6a, Part 5, Driving
2815 Under the Influence and Reckless Driving;

2816 (iv) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and

- 2817 Operators Act;
- 2818 (v) Title 41, Chapter 22, Off-highway Vehicles;
- 2819 (vi) Title 73, Chapter 18, State Boating Act, except for an offense under Section
- 2820 [73-18-12](#);
- 2821 (vii) Title 73, Chapter 18a, Boating - Litter and Pollution Control;
- 2822 (viii) Title 73, Chapter 18b, Water Safety; and
- 2823 (ix) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and
- 2824 Operators Act.
- 2825 (3) (a) As used in this Subsection (3), "body of water" includes any stream, river, lake,
- 2826 or reservoir, whether natural or man-made.
- 2827 (b) An offense is committed within the territorial jurisdiction of a justice court if:
- 2828 (i) conduct constituting an element of the offense or a result constituting an element of
- 2829 the offense occurs within the court's jurisdiction, regardless of whether the conduct or result is
- 2830 itself unlawful;
- 2831 (ii) either an individual committing an offense or a victim of an offense is located
- 2832 within the court's jurisdiction at the time the offense is committed;
- 2833 (iii) either a cause of injury occurs within the court's jurisdiction or the injury occurs
- 2834 within the court's jurisdiction;
- 2835 (iv) an individual commits any act constituting an element of an inchoate offense
- 2836 within the court's jurisdiction, including an agreement in a conspiracy;
- 2837 (v) an individual solicits, aids, or abets, or attempts to solicit, aid, or abet another
- 2838 individual in the planning or commission of an offense within the court's jurisdiction;
- 2839 (vi) the investigation of the offense does not readily indicate in which court's
- 2840 jurisdiction the offense occurred, and:
- 2841 (A) the offense is committed upon or in any railroad car, vehicle, watercraft, or aircraft
- 2842 passing within the court's jurisdiction;
- 2843 (B) the offense is committed on or in any body of water bordering on or within this
- 2844 state if the territorial limits of the justice court are adjacent to the body of water;
- 2845 (C) an individual who commits theft exercises control over the affected property within
- 2846 the court's jurisdiction; or
- 2847 (D) the offense is committed on or near the boundary of the court's jurisdiction;

2848 (vii) the offense consists of an unlawful communication that was initiated or received
2849 within the court's jurisdiction; or

2850 (viii) jurisdiction is otherwise specifically provided by law.

2851 (4) If in a criminal case the defendant is 16 or 17 years old, a justice court judge may
2852 transfer the case to the juvenile court for further proceedings if the justice court judge
2853 determines and the juvenile court concurs that the best interests of the defendant would be
2854 served by the continuing jurisdiction of the juvenile court.

2855 (5) Justice courts have jurisdiction of small claims cases under Title 78A, Chapter 8,
2856 Small Claims Courts, if a defendant resides in or the debt arose within the territorial
2857 jurisdiction of the justice court.

2858 (6) (a) As used in this Subsection (6), "domestic violence offense" means the same as
2859 that term is defined in Section [77-36-1](#).

2860 (b) If a justice court has jurisdiction over a criminal action involving a domestic
2861 violence offense and the criminal action is set for trial, the prosecuting attorney or the
2862 defendant may file a notice of transfer in the justice court to transfer the criminal action from
2863 the justice court to the district court.

2864 (c) If a justice court receives a notice of transfer from the prosecuting attorney or the
2865 defendant as described in Subsection (6)(b), the justice court shall transfer the criminal action
2866 to the district court.

2867 Section 54. Section **78A-7-120** is amended to read:

2868 **78A-7-120. Disposition of fines.**

2869 (1) (a) Except as otherwise specified by this section, fines and forfeitures collected by a
2870 justice court shall be remitted as follows:

2871 (i) 50% to the treasurer of the local government responsible for the court; and

2872 (ii) 50% to the treasurer of the local government which prosecutes or which would
2873 prosecute the violation.

2874 (b) An interlocal agreement created pursuant to Title 11, Chapter 13, Interlocal
2875 Cooperation Act, and related to justice courts may alter the ratio described in Subsection (1)(a)
2876 if the parties agree.

2877 (2) (a) For violation of [~~Title 23, Wildlife Resources Code of Utah~~] Title 23A, Wildlife
2878 Resources Act, the court shall allocate 85% to the Division of Wildlife Resources and 15% to

2879 the general fund of the local government responsible for the justice court.

2880 (b) For violation of Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter
2881 18, State Boating Act, the court shall allocate 85% to the Division of Outdoor Recreation and
2882 15% to the general fund of the local government responsible for the justice court.

2883 (c) Fines and forfeitures collected by the court for a violation of Section 41-6a-1302 in
2884 instances where evidence of the violation was obtained by an automated traffic enforcement
2885 safety device as described in Section 41-6a-1310 shall be remitted:

2886 (i) 20% to the school district or private school that owns or contracts for the use of the
2887 school bus; and

2888 (ii) 80% in accordance with Subsection (1).

2889 (3) The surcharge established by Section 51-9-401 shall be paid to the state treasurer
2890 and deposited into the General Fund.

2891 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice
2892 court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations
2893 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial
2894 Council, shall be paid to the state treasurer and allocated to the Department of Transportation
2895 for class B and class C roads.

2896 (5) Revenue allocated for class B and class C roads pursuant to Subsection (4) or
2897 Subsection (7) is supplemental to the money appropriated under Section 72-2-107 but shall be
2898 expended in the same manner as other class B and class C road funds.

2899 (6) (a) Fines and forfeitures collected by the court for a second or subsequent violation
2900 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

2901 (i) 60% to the state treasurer to be deposited into the Transportation Fund; and

2902 (ii) 40% in accordance with Subsection (1).

2903 (b) Fines and forfeitures collected by the court for a second or subsequent violation
2904 under Subsection 72-7-409(6)(d) shall be remitted:

2905 (i) 50% to the state treasurer to be deposited into the Transportation Fund; and

2906 (ii) 50% in accordance with Subsection (1).

2907 (7) (a) Revenue from traffic fines may not exceed 25% of a local government's total
2908 general fund revenue for a fiscal year.

2909 (b) No later than 30 days after the day on which a local government's fiscal year ends, a

2910 local government that receives traffic fine revenue shall:

2911 (i) for the immediately preceding fiscal year, determine the amount of traffic fine
2912 revenue that exceeds the amount described in Subsection (7)(a); and

2913 (ii) transfer the amount calculated under Subsection (7)(b)(i) to the state treasurer to be
2914 allocated to the Department of Transportation for class B and class C roads.

2915 Section 55. Section **79-2-102** is amended to read:

2916 **79-2-102. Definitions.**

2917 As used in this chapter:

2918 (1) "Conservation officer" is as defined in Section [~~23-13-2~~] [23A-1-101](#).

2919 (2) "Species protection" means an action to protect a plant or animal species identified
2920 as:

2921 (a) sensitive by the state; or

2922 (b) threatened or endangered under the Endangered Species Act of 1973, 16 U.S.C.

2923 Sec. 1531 et seq.

2924 (3) "Volunteer" means a person who donates a service to the department or a division
2925 of the department without pay or other compensation.

2926 Section 56. Section **79-2-201** is amended to read:

2927 **79-2-201. Department of Natural Resources created.**

2928 (1) There is created the Department of Natural Resources.

2929 (2) The department comprises the following:

2930 (a) Board of Water Resources, created in Section [73-10-1.5](#);

2931 (b) Board of Oil, Gas, and Mining, created in Section [40-6-4](#);

2932 (c) Board of State Parks, created in Section [79-4-301](#);

2933 (d) Office of Energy Development, created in Section [79-6-401](#);

2934 (e) Wildlife Board, created in Section [~~23-14-2~~] [23A-2-301](#);

2935 (f) Board of the Utah Geological Survey, created in Section [79-3-301](#);

2936 (g) Water Development Coordinating Council, created in Section [73-10c-3](#);

2937 (h) Division of Water Rights, created in Section [73-2-1.1](#);

2938 (i) Division of Water Resources, created in Section [73-10-18](#);

2939 (j) Division of Forestry, Fire, and State Lands, created in Section [65A-1-4](#);

2940 (k) Division of Oil, Gas, and Mining, created in Section [40-6-15](#);

- 2941 (l) Division of State Parks, created in Section [79-4-201](#);
- 2942 (m) Division of Outdoor Recreation, created in Section [79-7-201](#);
- 2943 (n) Division of Wildlife Resources, created in Section [~~23-14-1~~] [23A-2-201](#);
- 2944 (o) Utah Geological Survey, created in Section [79-3-201](#);
- 2945 (p) Heritage Trees Advisory Committee, created in Section [65A-8-306](#);
- 2946 (q) Utah Outdoor Recreation Infrastructure Advisory Committee, created in Section
- 2947 [79-7-206](#);
- 2948 (r) (i) an advisory council that includes in the advisory council's duties advising on
- 2949 state boating policy, authorized by Section [73-18-3.5](#); or
- 2950 (ii) an advisory council that includes in the advisory council's duties advising on
- 2951 off-highway vehicle use, authorized by Section [41-22-10](#);
- 2952 (s) Wildlife Board Nominating Committee, created in Section [~~23-14-2.5~~] [23A-2-302](#);
- 2953 (t) Wildlife Regional Advisory Councils, created in Section [~~23-14-2.6~~] [23A-2-303](#);
- 2954 (u) Utah Watersheds Council, created in Section [73-10g-304](#);
- 2955 (v) Utah Natural Resources Legacy Fund Board, created in Section [~~23-31-202~~]
- 2956 [23A-3-305](#); and
- 2957 (w) Public Lands Policy Coordinating Office created in Section [63L-11-201](#).
- 2958 Section 57. Section **79-2-601** is amended to read:
- 2959 **79-2-601. Definitions.**
- 2960 As used in this part:
- 2961 (1) "Administrative costs" means the costs of administering the initiative, including
- 2962 costs for staffing, rent, data processing, legal, finance, accounting, travel, maintenance, and
- 2963 office supplies.
- 2964 (2) "Director" means the director of the initiative who is appointed under Section
- 2965 [79-2-602](#).
- 2966 (3) "Division" means the Division of Wildlife Resources created in Section [~~23-14-1~~]
- 2967 [23A-2-201](#).
- 2968 (4) "Initiative" means the Watershed Restoration Initiative created in Section [79-2-602](#).
- 2969 (5) "Restoration" means to assist the recovery of ecosystems and ecosystem services
- 2970 that have been mismanaged, degraded, or destroyed.
- 2971 (6) "Watershed" means the geographical surface area that drains water into a stream,

2972 river, or other body of water.

2973 Section 58. **Effective date.**

2974 This bill takes effect on July 1, 2023.

2975 Section 59. **Revisor instructions.**

2976 The Legislature intends that the Office of Legislative Research and General Counsel, in

2977 preparing the Utah Code database for publication, not enroll this bill if H.B. 30, Wildlife

2978 Resources Code Recodification, does not pass.