

119 (7) The requirements under this section may not prohibit the construction of a facility
120 structure if the facility structure has received a determination of no hazard or mitigation plan
121 before May 1, 2024.

122 (8) (a) The department may make rules in accordance with Title 63G, Chapter 3, Utah
123 Administrative Rulemaking Act, to administer this section.

124 (b) The documentation an owner submits in accordance with ~~H→~~ [Subsection (5)]

124a Subsections (5) and (6) ~~←H~~ :

125 (i) shall only be used and disclosed by the department in accordance with this section;

126 (ii) is confidential, not public, and not open to public inspection; and

127 (iii) is not subject to Title 63G, Chapter 2, Government Records Access and

128 Management Act.

129 (9) If an owner fails to submit the documentation described in Subsections (5) and (6)

130 for an individual facility structure ~~H→~~ [before the commencement of construction] ~~←H~~ :

131 (a) the department ~~H→~~ [shall] may ~~←H~~ charge the owner an administrative penalty not to

131a exceed

132 \$1,500 per day, per violation; and

133 (b) a stakeholder, including the department, may bring an action in court to:

134 (i) enjoin any action on a facility structure in violation of this section; and

135 (ii) enforce the requirements of this section.

136 **Section 2. Effective date.**

137 This bill takes effect on May 1, 2024.