

Representative Casey Snider proposes the following substitute bill:

DEPARTMENT OF NATURAL RESOURCES MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill modifies provisions related to the Department of Natural Resources.

Highlighted Provisions:

This bill:

- ▶ clarifies that the Species Protection Account is administered by the Division of Wildlife Resources;
- ▶ modifies requirements related to the off-highway vehicle safety education and training program;
- ▶ changes how the off-highway vehicle safety user fee is set and allows the Division of Outdoor Recreation to collect an electronic payment fee;
- ▶ clarifies provisions related to the Public Lands Policy Coordinating Office;
- ▶ repeals a provision related to actions brought to a district court challenging a groundwater management plan;
- ▶ repeals a requirement that the Board of Water Resources establish a benefit to cost ratio for certain water projects;
- ▶ repeals the definition of "species protection";
- ▶ repeals a provision requiring the Utah Geological Survey to seek federal funds and administer federally funded state programs related to energy;



- 26 ▶ modifies provisions related to mineral lease money being deposited into a restricted
- 27 account used by the Utah Geological Survey;
- 28 ▶ modifies provisions related to the director of the Office of Energy Development and
- 29 removes references to energy advisor;
- 30 ▶ clarifies the status of an employee of the Office of Energy Development;
- 31 ▶ repeals a requirement that the governor approve the purchase or acceptance of
- 32 property by the Division of Outdoor Recreation;
- 33 ▶ repeals a requirement that 10% of certain expenditures by the Board of Water
- 34 Resources be allocated for credit enhancement and interest buy-down agreements;
- 35 ▶ clarifies that the Division of Outdoor Recreation has duties related to a contingency
- 36 plan for federal property during a fiscal emergency;
- 37 ▶ repeals outdated language, including appropriation language; and
- 38 ▶ makes technical and conforming changes.

39 **Money Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 This bill provides a special effective date.

43 This bill provides a coordination clause.

44 **Utah Code Sections Affected:**

45 AMENDS:

46 **41-22-31**, as repealed and reenacted by Laws of Utah 2023, Chapter 11

47 **41-22-35**, as last amended by Laws of Utah 2022, Chapters 68, 143

48 **51-9-306**, as last amended by Laws of Utah 2023, Chapter 526

49 **59-12-103 (Contingently Superseded 01/01/25)**, as last amended by Laws of Utah

50 2023, Chapters 22, 213, 329, 361, and 471

51 **59-12-103 (Contingently Effective 01/01/25)**, as last amended by Laws of Utah 2023,

52 Chapters 22, 213, 329, 361, 459, and 471

53 **59-21-2**, as last amended by Laws of Utah 2023, Chapter 217

54 **59-23-4**, as last amended by Laws of Utah 2018, Chapter 413

55 **63J-1-602.1**, as last amended by Laws of Utah 2023, Chapters 26, 33, 34, 194, 212,

56 330, 419, 434, 448, and 534

- 57 [63L-11-102](#), as last amended by Laws of Utah 2023, Chapter 16
- 58 [63L-11-201](#), as last amended by Laws of Utah 2021, Chapter 345 and renumbered and
- 59 amended by Laws of Utah 2021, Chapter 382
- 60 [63L-11-202](#), as last amended by Laws of Utah 2023, Chapter 160
- 61 [63L-11-305](#), as last amended by Laws of Utah 2022, Chapter 313
- 62 [63L-11-402](#), as last amended by Laws of Utah 2023, Chapter 160
- 63 [63L-11-403](#), as renumbered and amended by Laws of Utah 2021, Chapter 382
- 64 [67-22-2](#), as last amended by Laws of Utah 2023, Chapter 205
- 65 [73-5-15](#), as last amended by Laws of Utah 2023, Chapters 16, 230
- 66 [73-10-27](#), as last amended by Laws of Utah 2012, Chapter 347
- 67 [79-2-102](#), as last amended by Laws of Utah 2023, Chapter 34
- 68 [79-2-406](#), as enacted by Laws of Utah 2022, Chapter 216
- 69 [79-3-202](#), as last amended by Laws of Utah 2022, Chapter 216
- 70 [79-3-403](#), as enacted by Laws of Utah 2021, Chapter 401
- 71 [79-6-102](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 72 [79-6-106](#), as enacted by Laws of Utah 2023, Chapter 233
- 73 [79-6-401](#), as last amended by Laws of Utah 2023, Chapter 196
- 74 [79-6-901](#), as renumbered and amended by Laws of Utah 2022, Chapter 44
- 75 [79-6-902](#), as renumbered and amended by Laws of Utah 2022, Chapter 44
- 76 [79-7-203](#), as last amended by Laws of Utah 2023, Chapter 33

77 ENACTS:

- 78 [41-22-35.5](#), Utah Code Annotated 1953

79 RENUMBERS AND AMENDS:

- 80 [23A-3-214](#), (Renumbered from 79-2-303, as renumbered and amended by Laws of
- 81 Utah 2009, Chapter 344)
- 82 [79-6-404](#), (Renumbered from 79-6-202, as renumbered and amended by Laws of Utah
- 83 2021, Chapter 280)
- 84 [79-6-405](#), (Renumbered from 79-6-203, as renumbered and amended by Laws of Utah
- 85 2021, Chapter 280)
- 86 [79-7-601](#), (Renumbered from 79-4-1102, as enacted by Laws of Utah 2014, Chapter
- 87 313)

88 **79-7-602**, (Renumbered from 79-4-1103, as last amended by Laws of Utah 2022,
89 Chapter 68)

90 REPEALS:

91 **40-6-22**, as last amended by Laws of Utah 2022, Chapter 443

92 **73-10-12**, as Utah Code Annotated 1953

93 **73-10-13**, as enacted by Laws of Utah 1963, Chapter 199

94 **73-10-31**, as enacted by Laws of Utah 1996, Chapter 199

95 **79-4-1101**, as enacted by Laws of Utah 2014, Chapter 313

96 **79-6-201**, as renumbered and amended by Laws of Utah 2021, Chapter 280

97

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

99 Section 1. Section **23A-3-214**, which is renumbered from Section 79-2-303 is
100 renumbered and amended to read:

101 ~~**[79-2-303]**~~. **23A-3-214. Species Protection Account.**

102 (1) There is created within the General Fund a restricted account known as the Species
103 Protection Account.

104 (2) The account shall consist of:

105 (a) revenue generated by the brine shrimp tax provided for in Title 59, Chapter 23,
106 Brine Shrimp Royalty Act; and

107 (b) interest earned on money in the account.

108 (3) Money in the account may be appropriated by the Legislature to:

109 (a) develop and implement species status assessments and species protection measures;

110 (b) obtain biological opinions of proposed species protection measures;

111 (c) conduct studies, investigations, and research into the effects of proposed species
112 protection measures;

113 (d) verify species protection proposals that are not based on valid biological data;

114 (e) implement Great Salt Lake wetlands mitigation projects in connection with the
115 western transportation corridor;

116 (f) pay for the state's voluntary contributions to the Utah Reclamation Mitigation and
117 Conservation Account under the Central Utah Project Completion Act, Pub. L. No. 102-575,
118 Titles II-VI, 106 Stat. 4605-4655; and

119 (g) pay for expenses of the State Tax Commission under Title 59, Chapter 23, Brine
120 Shrimp Royalty Act.

121 (4) The purposes specified in Subsections (3)(a) through (3)(d) may be accomplished
122 by the state or, in an appropriation act, the Legislature may authorize the department to award
123 grants to political subdivisions of the state to accomplish those purposes.

124 (5) Money in the account may not be used to develop or implement a habitat
125 conservation plan required under federal law unless the federal government pays for at least 1/3
126 of the habitat conservation plan costs.

127 Section 2. Section **41-22-31** is amended to read:

128 **41-22-31. Division to set standards for safety program -- Safety certificates issued**
129 **-- Cooperation with public and private entities -- State immunity from suit.**

130 (1) (a) The division shall:

131 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
132 make rules, after notifying the commission, that establish curriculum standards for a
133 comprehensive off-highway vehicle safety education and training program as described in this
134 section; and

135 (ii) implement the program.

136 (b) (i) The division shall design the program to develop and instill the knowledge,
137 attitudes, habits, and skills necessary for the safe and ethical operation of an off-highway
138 vehicle.

139 (ii) Components of the program shall include:

140 (A) the preparation and dissemination of off-highway vehicle information and safety
141 advice to the public;

142 (B) the training of off-highway vehicle operators;

143 (C) education concerning the importance of gates and fences used in agriculture and
144 how to properly close a gate; and

145 (D) education concerning respectful, sustainable, and on-trail off-highway vehicle
146 operation, and respect for communities affected by off-highway vehicle operation.

147 (iii) Off-highway vehicle safety certificates shall be issued to those who successfully
148 complete training or pass the knowledge and skills test established under the program and
149 described in Subsections (2) and (3).

150 (iv) The division shall ensure that an individual has the option to complete the program
151 online.

152 (2) Except as provided in Subsection (4)(b), an individual under 18 years old may not
153 operate an off-highway vehicle on public lands in this state unless the individual has completed
154 the requirements of the program established in accordance with this section and rules made in
155 accordance with Subsection (1) by completing:

156 (a) an in-person safety and skills course offered by the division; or

157 (b) a safety and skills course approved by the division that is offered online.

158 (3) Except as provided in Subsection ~~(4)~~ (4)(a), an individual ~~[that]~~ who is 18 years
159 old or older may not operate an off-highway vehicle on public lands in this state unless the
160 individual has completed the requirements of the program established in accordance with this
161 section and rules made in accordance with Subsection (1) by completing:

162 (a) a course described in Subsection (2); or

163 (b) a one-time course offered or approved by the division.

164 (4) The requirements described in this section do not apply to:

165 (a) an individual who is 18 years old or older operating:

166 (i) a snowmobile ~~[or]~~;

167 (ii) an off-highway implement of husbandry; or

168 ~~[(b)]~~ (iii) ~~[an individual operating]~~ an off-highway vehicle as part of a guided tour or a
169 sanctioned off-highway vehicle event[-]; or

170 (b) an individual under 18 years old operating an off-highway implement of husbandry.

171 (5) A person may not rent an off-highway vehicle to an individual until the individual
172 who will operate the off-highway vehicle presents a certificate of completion of the
173 off-highway vehicle safety education and training program established in accordance with this
174 section and rules made under Subsection (1).

175 (6) The division may cooperate with appropriate private organizations and
176 associations, private and public corporations, and local government units to implement the
177 program established under this section.

178 (7) In addition to the governmental immunity granted in Title 63G, Chapter 7,
179 Governmental Immunity Act of Utah, the state is immune from suit for any act, or failure to
180 act, in any capacity relating to the off-highway vehicle safety education and training program.

181 The state is also not responsible for any insufficiency or inadequacy in the quality of training
182 provided by this program.

183 (8) A person convicted of a violation of this section is guilty of an infraction and shall
184 be fined not more than \$150 per offense.

185 Section 3. Section **41-22-35** is amended to read:

186 **41-22-35. Off-highway vehicle user fee -- Decal -- Agents -- Penalty for fraudulent**
187 **issuance of decal -- Deposit and use of fee revenue.**

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

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

194 (ii) pay an annual off-highway vehicle user fee;

195 (iii) provide evidence that the owner is a nonresident; and

196 (iv) provide evidence of completion of the safety course and program described in
197 Section ~~[41-22-35]~~ [41-22-31](#).

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

200 (i) used exclusively as an off-highway implement of husbandry;

201 (ii) used exclusively for the purposes of a scheduled competitive event sponsored by a
202 public or private entity or another event sponsored by a governmental entity under rules made
203 by the division, after notifying the commission;

204 (iii) owned and operated by a state government agency and the operation of the
205 off-highway vehicle within the boundaries of the state is within the course and scope of the
206 duties of the agency;

207 (iv) used exclusively for the purpose of an off-highway vehicle manufacturer
208 sponsored event within the state under rules made by the division; or

209 (v) operated as part of a sanctioned off-highway vehicle event or part of an official tour
210 by a person licensed as a off-highway vehicle tour guide in this state.

211 (2) ~~[The off-highway vehicle user fee is \$30.]~~ The division may:

212 (a) after notifying the commission, set a resident and nonresident off-highway vehicle
213 user fee in accordance with Section 63J-1-504; and

214 (b) collect an electronic payment fee in accordance with Section 41-22-35.5.

215 (3) Upon compliance with ~~[the provisions of]~~ Subsection (1)(a), the nonresident shall:

216 (a) receive a nonresident off-highway vehicle user decal indicating compliance with the
217 provisions of Subsection (1)(a); and

218 (b) display the decal on the off-highway vehicle in accordance with rules made by the
219 division.

220 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
221 division, after notifying the commission, shall make rules establishing:

222 (a) procedures for:

223 (i) the payment of off-highway vehicle user fees; and

224 (ii) the display of a decal on an off-highway vehicle as required under Subsection
225 (3)(b);

226 (b) acceptable evidence indicating compliance with Subsection (1);

227 (c) eligibility for scheduled competitive events or other events under Subsection
228 (1)(b)(ii); and

229 (d) eligibility for an off-highway vehicle manufacturer sponsored event under
230 Subsection (1)(b)(iv).

231 (5) (a) An off-highway vehicle user decal may be issued and the off-highway vehicle
232 user fee may be collected by the division or agents of the division.

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

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

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

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

237 (ii) submit all off-highway vehicle user fees collected less the remuneration provided in
238 Subsection (5)(b).

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

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

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

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

244 (f) All fees collected by an agent, except the remuneration provided in Subsection
245 (5)(b), shall:

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

247 (ii) belong to the state.

248 (g) An agent may not issue an off-highway vehicle user decal to any person unless the
249 person furnishes evidence of compliance with the provisions of Subsection (1)(a).

250 (h) A violation of any provision of this Subsection (5) is a class B misdemeanor and
251 may be cause for revocation of the agent authorization.

252 (6) Revenue generated by off-highway vehicle user fees shall be deposited into the
253 Off-highway Vehicle Account created in Section [41-22-19](#).

254 Section 4. Section **41-22-35.5** is enacted to read:

255 **41-22-35.5. Electronic payment fee.**

256 (1) As used in this section:

257 (a) "Electronic payment" means use of a form of payment processed through electronic
258 means, including use of a credit card, debit card, or automatic clearinghouse transaction.

259 (b) "Electronic payment fee" means the fee assessed to defray:

260 (i) a charge, discount fee, or process fee charged by a processing agent to process an
261 electronic payment, including a credit card company; or

262 (ii) costs associated with the purchase of equipment necessary for processing an
263 electronic payment.

264 (2) (a) The division may impose and collect an electronic payment fee on an electronic
265 payment related to an off-highway vehicle user fee.

266 (b) The division may charge an electronic payment fee under this section in an amount
267 not to exceed 3% of the electronic payment.

268 (c) With regard to the electronic payment fee, the division is not required to separately
269 identify the electronic payment fee from a fee imposed for an off-highway vehicle user fee.

270 (3) The division shall deposit the electronic payment fee into the Off-highway Vehicle
271 Account described in Section [41-22-19](#).

272 Section 5. Section **51-9-306** is amended to read:

273 **51-9-306. Deposit of certain severance tax revenue for specified state agencies.**

274 (1) As used in this section:

275 (a) "Aggregate annual revenue" means the aggregate annual revenue collected in a
276 fiscal year from the taxes imposed under Title 59, Chapter 5, Severance Tax on Oil, Gas, and
277 Mining, after subtracting the amounts required to be distributed under Sections 51-9-305,
278 59-5-116, and 59-5-119.

279 (b) "Aggregate annual mining revenue" means the aggregate annual revenue collected
280 in a fiscal year from taxes imposed under Title 59, Chapter 5, Part 2, Mining Severance Tax,
281 after subtracting the amounts required to be distributed under Section 51-9-305.

282 (c) "Aggregate annual oil and gas revenue" means the aggregate annual revenue
283 collected in a fiscal year from the taxes imposed under Title 59, Chapter 5, Part 1, Oil and Gas
284 Severance Tax, after subtracting the amounts required to be distributed under Sections
285 51-9-305, 59-5-116, and 59-5-119.

286 (d) "Average aggregate annual revenue" means the three-year rolling average of the
287 aggregate annual revenue collected in a fiscal year from the taxes imposed under Title 59,
288 Chapter 5, Severance Tax on Oil, Gas, and Mining:

289 (i) after subtracting the amounts required to be distributed under Sections 51-9-305,
290 59-5-116, and 59-5-119; and

291 (ii) ending in the fiscal year immediately preceding the fiscal year of a deposit required
292 by this section.

293 (e) "Average aggregate annual mining revenue" means the three-year rolling average of
294 the aggregate annual revenue collected in a fiscal year from the taxes imposed under Title 59,
295 Chapter 5, Part 2, Mining Severance Tax:

296 (i) after subtracting the amounts required to be distributed under Section 51-9-305; and

297 (ii) ending in the fiscal year immediately preceding the fiscal year of a deposit required
298 by this section.

299 (f) "Average aggregate annual oil and gas revenue" means the three-year rolling
300 average of the aggregate annual revenue collected in a fiscal year from the taxes imposed under
301 Title 59, Chapter 5, Part 1, Oil and Gas Severance Tax:

302 (i) after subtracting the amounts required to be distributed under Sections 51-9-305,
303 59-5-116, and 59-5-119; and

304 (ii) ending in the fiscal year immediately preceding the fiscal year of a deposit required

305 by this section.

306 (2) After making the deposits of oil and gas severance tax revenue as required under
307 Sections 59-5-116 and 59-5-119 and making the credits under Section 51-9-305, for a fiscal
308 year beginning on or after July 1, 2021, the State Tax Commission shall annually make the
309 following deposits:

310 (a) to the Division of Air Quality Oil, Gas, and Mining Restricted Account, created in
311 Section 19-2a-106, the following average aggregate annual revenue:

312 (i) 2.75% of the first \$50,000,000 of the average aggregate annual revenue;

313 (ii) 1% of the next \$50,000,000 of the average aggregate annual revenue; and

314 (iii) .5% of the average aggregate annual revenue that exceeds \$100,000,000;

315 (b) to the Division of Water Quality Oil, Gas, and Mining Restricted Account, created
316 in Section 19-5-126, the following average aggregate annual revenue:

317 (i) .4% of the first \$50,000,000 of the average aggregate annual revenue;

318 (ii) .15% of the next \$50,000,000 of the average aggregate annual revenue; and

319 (iii) .08% of the average aggregate annual revenue that exceeds \$100,000,000;

320 (c) to the Division of Oil, Gas, and Mining Restricted Account, created in Section
321 40-6-23, the following:

322 (i) (A) 11.5% of the first \$50,000,000 of the average aggregate annual mining revenue;

323 (B) 3% of the next \$50,000,000 of the average aggregate annual mining revenue; and

324 (C) 1% of the average aggregate annual mining revenue that exceeds \$100,000,000;

325 and

326 (ii) (A) 18% of the first \$50,000,000 of the average aggregate annual oil and gas
327 revenue;

328 (B) 3% of the next \$50,000,000 of the average aggregate annual oil and gas revenue;

329 and

330 (C) 1% of the average aggregate annual oil and gas revenue that exceeds \$100,000,000;

331 and

332 (d) to the Utah Geological Survey [~~Oil, Gas, and Mining~~] Restricted Account, created
333 in Section 79-3-403, the following average aggregate annual revenue:

334 (i) 2.5% of the first \$50,000,000 of the average aggregate annual revenue;

335 (ii) 1% of the next \$50,000,000 of the average aggregate annual revenue; and

336 (iii) .5% of the average aggregate annual revenue that exceeds \$100,000,000.

337 (3) If the money collected in a fiscal year from the taxes imposed under Title 59,
338 Chapter 5, Severance Tax on Oil, Gas, and Mining, is insufficient to make the deposits
339 required by Subsection (2), the State Tax Commission shall deposit money collected in the
340 fiscal year as follows:

341 (a) to the Division of Air Quality Oil, Gas, and Mining Restricted Account, created in
342 Section 19-2a-106, the following revenue:

343 (i) 2.75% of the first \$50,000,000 of the aggregate annual revenue;
344 (ii) 1% of the next \$50,000,000 of the aggregate annual revenue; and
345 (iii) .5% of the aggregate annual revenue that exceeds \$100,000,000;

346 (b) to the Division of Water Quality Oil, Gas, and Mining Restricted Account, created
347 in Section 19-5-126, the following revenue:

348 (i) .4% of the first \$50,000,000 of the aggregate annual revenue;
349 (ii) .15% of the next \$50,000,000 of the aggregate annual revenue; and
350 (iii) .08% of the aggregate annual revenue that exceeds \$100,000,000;

351 (c) to the Division of Oil, Gas, and Mining Restricted Account, created in Section
352 40-6-23, the following:

353 (i) (A) 11.5% of the first \$50,000,000 of the aggregate annual mining revenue;
354 (B) 3% of the next \$50,000,000 of the aggregate annual mining revenue; and
355 (C) 1% of the aggregate annual mining revenue that exceeds \$100,000,000; and
356 (ii) (A) 18% of the first \$50,000,000 of the aggregate annual oil and gas revenue;
357 (B) 3% of the next \$50,000,000 of the aggregate annual oil and gas revenue; and
358 (C) 1% of the aggregate annual oil and gas revenue that exceeds \$100,000,000; and
359 (d) to the Utah Geological Survey [~~Oil, Gas, and Mining~~] Restricted Account, created
360 in Section 79-3-403, the following revenue:

361 (i) 2.5% of the first \$50,000,000 of the aggregate annual revenue;
362 (ii) 1% of the next \$50,000,000 of the aggregate annual revenue; and
363 (iii) .5% of the aggregate annual revenue that exceeds \$100,000,000.

364 (4) The severance tax revenues deposited under this section into restricted accounts for
365 the state agencies specified in Subsection (2) and appropriated from the restricted accounts
366 offset and supplant General Fund appropriations used to pay the costs of programs or projects

367 administered by the state agencies that are primarily related to oil, gas, and mining.

368 Section 6. Section **59-12-103 (Contingently Superseded 01/01/25)** is amended to
369 read:

370 **59-12-103 (Contingently Superseded 01/01/25). Sales and use tax base -- Rates --**
371 **Effective dates -- Use of sales and use tax revenues.**

372 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or
373 sales price for amounts paid or charged for the following transactions:

374 (a) retail sales of tangible personal property made within the state;

375 (b) amounts paid for:

376 (i) telecommunications service, other than mobile telecommunications service, that
377 originates and terminates within the boundaries of this state;

378 (ii) mobile telecommunications service that originates and terminates within the
379 boundaries of one state only to the extent permitted by the Mobile Telecommunications
380 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

381 (iii) an ancillary service associated with a:

382 (A) telecommunications service described in Subsection (1)(b)(i); or

383 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

384 (c) sales of the following for commercial use:

385 (i) gas;

386 (ii) electricity;

387 (iii) heat;

388 (iv) coal;

389 (v) fuel oil; or

390 (vi) other fuels;

391 (d) sales of the following for residential use:

392 (i) gas;

393 (ii) electricity;

394 (iii) heat;

395 (iv) coal;

396 (v) fuel oil; or

397 (vi) other fuels;

398 (e) sales of prepared food;

399 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
400 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
401 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
402 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
403 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
404 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
405 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
406 horseback rides, sports activities, or any other amusement, entertainment, recreation,
407 exhibition, cultural, or athletic activity;

408 (g) amounts paid or charged for services for repairs or renovations of tangible personal
409 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:

410 (i) the tangible personal property; and

411 (ii) parts used in the repairs or renovations of the tangible personal property described
412 in Subsection (1)(g)(i), regardless of whether:

413 (A) any parts are actually used in the repairs or renovations of that tangible personal
414 property; or

415 (B) the particular parts used in the repairs or renovations of that tangible personal
416 property are exempt from a tax under this chapter;

417 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for
418 assisted cleaning or washing of tangible personal property;

419 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court
420 accommodations and services that are regularly rented for less than 30 consecutive days;

421 (j) amounts paid or charged for laundry or dry cleaning services;

422 (k) amounts paid or charged for leases or rentals of tangible personal property if within
423 this state the tangible personal property is:

424 (i) stored;

425 (ii) used; or

426 (iii) otherwise consumed;

427 (l) amounts paid or charged for tangible personal property if within this state the
428 tangible personal property is:

- 429 (i) stored;
- 430 (ii) used; or
- 431 (iii) consumed;
- 432 (m) amounts paid or charged for a sale:
- 433 (i) (A) of a product transferred electronically; or
- 434 (B) of a repair or renovation of a product transferred electronically; and
- 435 (ii) regardless of whether the sale provides:
- 436 (A) a right of permanent use of the product; or
- 437 (B) a right to use the product that is less than a permanent use, including a right:
- 438 (I) for a definite or specified length of time; and
- 439 (II) that terminates upon the occurrence of a condition; and
- 440 (n) sales of leased tangible personal property from the lessor to the lessee made in the
- 441 state.

442 (2) (a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax
443 are imposed on a transaction described in Subsection (1) equal to the sum of:

- 444 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
- 445 (A) 4.70% plus the rate specified in Subsection (11)(a); and
- 446 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales
447 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
448 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional
449 State Sales and Use Tax Act; and

- 450 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales
451 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
452 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state
453 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

- 454 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
455 transaction under this chapter other than this part.

- 456 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a
457 state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to
458 the sum of:

- 459 (i) a state tax imposed on the transaction at a tax rate of 2%; and

460 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
461 transaction under this chapter other than this part.

462 (c) Except as provided in Subsection (2)(f) or (g), a state tax and a local tax are
463 imposed on amounts paid or charged for food and food ingredients equal to the sum of:

464 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at
465 a tax rate of 1.75%; and

466 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
467 amounts paid or charged for food and food ingredients under this chapter other than this part.

468 (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts
469 paid or charged for fuel to a common carrier that is a railroad for use in a locomotive engine at
470 a rate of 4.85%.

471 (e) (i) (A) If a shared vehicle owner certifies to the commission, on a form prescribed
472 by the commission, that the shared vehicle is an individual-owned shared vehicle, a tax
473 imposed under Subsection (2)(a)(i)(A) does not apply to car sharing, a car-sharing program, a
474 shared vehicle driver, or a shared vehicle owner.

475 (B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is
476 required once during the time that the shared vehicle owner owns the shared vehicle.

477 (C) The commission shall verify that a shared vehicle is an individual-owned shared
478 vehicle by verifying that the applicable Utah taxes imposed under this chapter were paid on the
479 purchase of the shared vehicle.

480 (D) The exception under Subsection (2)(e)(i)(A) applies to a certified
481 individual-owned shared vehicle shared through a car-sharing program even if non-certified
482 shared vehicles are also available to be shared through the same car-sharing program.

483 (ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.

484 (iii) (A) A car-sharing program may rely in good faith on a shared vehicle owner's
485 representation that the shared vehicle is an individual-owned shared vehicle certified with the
486 commission as described in Subsection (2)(e)(i).

487 (B) If a car-sharing program relies in good faith on a shared vehicle owner's
488 representation that the shared vehicle is an individual-owned shared vehicle certified with the
489 commission as described in Subsection (2)(e)(i), the car-sharing program is not liable for any
490 tax, penalty, fee, or other sanction imposed on the shared vehicle owner.

491 (iv) If all shared vehicles shared through a car-sharing program are certified as
492 described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has no obligation
493 to collect and remit the tax under Subsection (2)(a)(i)(A) for that tax period.

494 (v) (A) A car-sharing program is not required to list or otherwise identify an
495 individual-owned shared vehicle on a return or an attachment to a return.

496 (vi) A car-sharing program shall:

497 (A) retain tax information for each car-sharing program transaction; and

498 (B) provide the information described in Subsection (2)(e)(vi)(A) to the commission at
499 the commission's request.

500 (f) (i) For a bundled transaction that is attributable to food and food ingredients and
501 tangible personal property other than food and food ingredients, a state tax and a local tax is
502 imposed on the entire bundled transaction equal to the sum of:

503 (A) a state tax imposed on the entire bundled transaction equal to the sum of:

504 (I) the tax rate described in Subsection (2)(a)(i)(A); and

505 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State
506 Sales and Use Tax Act, if the location of the transaction as determined under Sections
507 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,
508 Additional State Sales and Use Tax Act; and

509 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
510 Sales and Use Tax Act, if the location of the transaction as determined under Sections
511 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which
512 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

513 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates
514 described in Subsection (2)(a)(ii).

515 (ii) If an optional computer software maintenance contract is a bundled transaction that
516 consists of taxable and nontaxable products that are not separately itemized on an invoice or
517 similar billing document, the purchase of the optional computer software maintenance contract
518 is 40% taxable under this chapter and 60% nontaxable under this chapter.

519 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled
520 transaction described in Subsection (2)(f)(i) or (ii):

521 (A) if the sales price of the bundled transaction is attributable to tangible personal

522 property, a product, or a service that is subject to taxation under this chapter and tangible
523 personal property, a product, or service that is not subject to taxation under this chapter, the
524 entire bundled transaction is subject to taxation under this chapter unless:

525 (I) the seller is able to identify by reasonable and verifiable standards the tangible
526 personal property, product, or service that is not subject to taxation under this chapter from the
527 books and records the seller keeps in the seller's regular course of business; or

528 (II) state or federal law provides otherwise; or

529 (B) if the sales price of a bundled transaction is attributable to two or more items of
530 tangible personal property, products, or services that are subject to taxation under this chapter
531 at different rates, the entire bundled transaction is subject to taxation under this chapter at the
532 higher tax rate unless:

533 (I) the seller is able to identify by reasonable and verifiable standards the tangible
534 personal property, product, or service that is subject to taxation under this chapter at the lower
535 tax rate from the books and records the seller keeps in the seller's regular course of business; or

536 (II) state or federal law provides otherwise.

537 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the
538 seller's regular course of business includes books and records the seller keeps in the regular
539 course of business for nontax purposes.

540 (g) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(g)(ii)
541 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a
542 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental
543 of tangible personal property, other property, a product, or a service that is not subject to
544 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless
545 the seller, at the time of the transaction:

546 (A) separately states the portion of the transaction that is not subject to taxation under
547 this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

548 (B) is able to identify by reasonable and verifiable standards, from the books and
549 records the seller keeps in the seller's regular course of business, the portion of the transaction
550 that is not subject to taxation under this chapter.

551 (ii) A purchaser and a seller may correct the taxability of a transaction if:

552 (A) after the transaction occurs, the purchaser and the seller discover that the portion of

553 the transaction that is not subject to taxation under this chapter was not separately stated on an
554 invoice, bill of sale, or similar document provided to the purchaser because of an error or
555 ignorance of the law; and

556 (B) the seller is able to identify by reasonable and verifiable standards, from the books
557 and records the seller keeps in the seller's regular course of business, the portion of the
558 transaction that is not subject to taxation under this chapter.

559 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller keeps
560 in the seller's regular course of business includes books and records the seller keeps in the
561 regular course of business for nontax purposes.

562 (h) (i) If the sales price of a transaction is attributable to two or more items of tangible
563 personal property, products, or services that are subject to taxation under this chapter at
564 different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate
565 unless the seller, at the time of the transaction:

566 (A) separately states the items subject to taxation under this chapter at each of the
567 different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

568 (B) is able to identify by reasonable and verifiable standards the tangible personal
569 property, product, or service that is subject to taxation under this chapter at the lower tax rate
570 from the books and records the seller keeps in the seller's regular course of business.

571 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the
572 seller's regular course of business includes books and records the seller keeps in the regular
573 course of business for nontax purposes.

574 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax
575 rate imposed under the following shall take effect on the first day of a calendar quarter:

576 (i) Subsection (2)(a)(i)(A);

577 (ii) Subsection (2)(b)(i);

578 (iii) Subsection (2)(c)(i); or

579 (iv) Subsection (2)(f)(i)(A)(I).

580 (j) (i) A tax rate increase takes effect on the first day of the first billing period that
581 begins on or after the effective date of the tax rate increase if the billing period for the
582 transaction begins before the effective date of a tax rate increase imposed under:

583 (A) Subsection (2)(a)(i)(A);

- 584 (B) Subsection (2)(b)(i);
- 585 (C) Subsection (2)(c)(i); or
- 586 (D) Subsection (2)(f)(i)(A)(I).
- 587 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
- 588 statement for the billing period is rendered on or after the effective date of the repeal of the tax
- 589 or the tax rate decrease imposed under:
 - 590 (A) Subsection (2)(a)(i)(A);
 - 591 (B) Subsection (2)(b)(i);
 - 592 (C) Subsection (2)(c)(i); or
 - 593 (D) Subsection (2)(f)(i)(A)(I).
- 594 (k) (i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale
- 595 is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal
- 596 or change in a tax rate takes effect:
 - 597 (A) on the first day of a calendar quarter; and
 - 598 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.
- 599 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:
 - 600 (A) Subsection (2)(a)(i)(A);
 - 601 (B) Subsection (2)(b)(i);
 - 602 (C) Subsection (2)(c)(i); or
 - 603 (D) Subsection (2)(f)(i)(A)(I).
- 604 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 605 the commission may by rule define the term "catalogue sale."
 - 606 (l) (i) For a location described in Subsection (2)(l)(ii), the commission shall determine
 - 607 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the
 - 608 predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.
 - 609 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
 - 610 or other fuel is furnished through a single meter for two or more of the following uses:
 - 611 (A) a commercial use;
 - 612 (B) an industrial use; or
 - 613 (C) a residential use.
 - 614 (3) (a) The following state taxes shall be deposited into the General Fund:

- 615 (i) the tax imposed by Subsection (2)(a)(i)(A);
 616 (ii) the tax imposed by Subsection (2)(b)(i);
 617 (iii) the tax imposed by Subsection (2)(c)(i); and
 618 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

619 (b) The following local taxes shall be distributed to a county, city, or town as provided
 620 in this chapter:

- 621 (i) the tax imposed by Subsection (2)(a)(ii);
 622 (ii) the tax imposed by Subsection (2)(b)(ii);
 623 (iii) the tax imposed by Subsection (2)(c)(ii); and
 624 (iv) the tax imposed by Subsection (2)(f)(i)(B).

625 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General
 626 Fund.

627 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
 628 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
 629 through (g):

- 630 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
 631 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
 632 (B) for the fiscal year; or
 633 (ii) \$17,500,000.

634 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
 635 described in Subsection (4)(a) shall be transferred each year as designated sales and use tax
 636 revenue to the ~~[Department of Natural Resources]~~ Division of Wildlife Resources to:

637 (A) implement the measures described in ~~[Subsections 79-2-303(3)(a)]~~ Subsections
 638 23A-3-214(3)(a) through (d) to protect sensitive plant and animal species; or

639 (B) award grants, up to the amount authorized by the Legislature in an appropriations
 640 act, to political subdivisions of the state to implement the measures described in ~~[Subsections~~
 641 ~~79-2-303(3)(a)]~~ Subsections 23A-3-214(3)(a) through (d) to protect sensitive plant and animal
 642 species.

643 (ii) Money transferred to the ~~[Department of Natural Resources]~~ Division of Wildlife
 644 Resources under Subsection (4)(b)(i) may not be used to assist the United States Fish and
 645 Wildlife Service or any other person to list or attempt to have listed a species as threatened or

646 endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

647 (iii) At the end of each fiscal year:

648 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the
649 Water Resources Conservation and Development Fund created in Section 73-10-24;

650 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
651 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

652 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
653 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

654 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in
655 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund
656 created in Section 4-18-106.

657 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described
658 in Subsection (4)(a) shall be transferred each year as designated sales and use tax revenue to
659 the Division of Water Rights to cover the costs incurred in hiring legal and technical staff for
660 the adjudication of water rights.

661 (ii) At the end of each fiscal year:

662 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the
663 Water Resources Conservation and Development Fund created in Section 73-10-24;

664 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
665 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

666 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
667 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

668 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described
669 in Subsection (4)(a) shall be deposited into the Water Resources Conservation and
670 Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

671 (ii) In addition to the uses allowed of the Water Resources Conservation and
672 Development Fund under Section 73-10-24, the Water Resources Conservation and
673 Development Fund may also be used to:

674 (A) conduct hydrologic and geotechnical investigations by the Division of Water
675 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of
676 quantifying surface and ground water resources and describing the hydrologic systems of an

677 area in sufficient detail so as to enable local and state resource managers to plan for and
678 accommodate growth in water use without jeopardizing the resource;

679 (B) fund state required dam safety improvements; and

680 (C) protect the state's interest in interstate water compact allocations, including the
681 hiring of technical and legal staff.

682 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
683 in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount
684 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

685 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
686 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount
687 created in Section 73-10c-5 for use by the Division of Drinking Water to:

688 (i) provide for the installation and repair of collection, treatment, storage, and
689 distribution facilities for any public water system, as defined in Section 19-4-102;

690 (ii) develop underground sources of water, including springs and wells; and

691 (iii) develop surface water sources.

692 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
693 2006, the difference between the following amounts shall be expended as provided in this
694 Subsection (5), if that difference is greater than \$1:

695 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the
696 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and

697 (ii) \$17,500,000.

698 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

699 (A) transferred each fiscal year to the Department of Natural Resources as designated
700 sales and use tax revenue; and

701 (B) expended by the Department of Natural Resources for watershed rehabilitation or
702 restoration.

703 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
704 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation
705 and Development Fund created in Section 73-10-24.

706 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
707 remaining difference described in Subsection (5)(a) shall be:

708 (A) transferred each fiscal year to the Division of Water Resources as designated sales
709 and use tax revenue; and

710 (B) expended by the Division of Water Resources for cloud-seeding projects
711 authorized by Title 73, Chapter 15, Modification of Weather.

712 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
713 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation
714 and Development Fund created in Section 73-10-24.

715 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
716 remaining difference described in Subsection (5)(a) shall be deposited into the Water
717 Resources Conservation and Development Fund created in Section 73-10-24 for use by the
718 Division of Water Resources for:

719 (i) preconstruction costs:

720 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
721 26, Bear River Development Act; and

722 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
723 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

724 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,
725 Chapter 26, Bear River Development Act;

726 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project
727 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

728 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and
729 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

730 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the
731 remaining difference described in Subsection (5)(a) shall be deposited each year into the Water
732 Rights Restricted Account created by Section 73-2-1.6.

733 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a),
734 each fiscal year, the commission shall deposit into the Water Infrastructure Restricted Account
735 created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax rate on the
736 transactions described in Subsection (1) for the fiscal year.

737 (7) (a) Notwithstanding Subsection (3)(a) and subject to Subsection (7)(b), for a fiscal
738 year beginning on or after July 1, 2023, the commission shall deposit into the Transportation

739 Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under
740 Subsection (3)(a) equal to 17% of the revenue collected from the following sales and use taxes:

- 741 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 742 (ii) the tax imposed by Subsection (2)(b)(i);
- 743 (iii) the tax imposed by Subsection (2)(c)(i); and
- 744 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

745 (b) (i) As used in this Subsection (7)(b):

- 746 (A) "Additional growth revenue" means the amount of relevant revenue collected in
747 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the
748 previous fiscal year.
- 749 (B) "Combined amount" means the combined total amount of money deposited into the
750 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.
- 751 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation
752 Investment Fund created in Subsection 72-2-124(10).
- 753 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that
754 equals 17% of the revenue collected from taxes described in Subsections (7)(a)(i) through (iv).

755 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually
756 reduce the deposit under Subsection (7)(a) into the Transportation Investment Fund of 2005 by
757 an amount equal to the amount of the deposit under this Subsection (7)(b) to the Cottonwood
758 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the
759 limit in Subsection (7)(b)(iii).

- 760 (iii) The commission shall annually deposit the amount described in Subsection
761 (7)(b)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount
762 for any single fiscal year of \$20,000,000.
- 763 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous
764 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood
765 Canyons fund under this Subsection (7)(b) in the same proportion as the decline in relevant
766 revenue.

767 (c) (i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,
768 2023, the commission shall annually reduce the deposit into the Transportation Investment
769 Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is equal to 5% of:

770 (A) the amount of revenue generated in the current fiscal year by the portion of taxes
771 listed under Subsection (3)(a) that equals 20.68% of the revenue collected from taxes described
772 in Subsections (7)(a)(i) through (iv);

773 (B) the amount of revenue generated in the current fiscal year by registration fees
774 designated under Section 41-1a-1201 to be deposited into the Transportation Investment Fund
775 of 2005; and

776 (C) revenues transferred by the Division of Finance to the Transportation Investment
777 Fund of 2005 in accordance with Section 72-2-106 in the current fiscal year.

778 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a
779 given fiscal year.

780 (iii) The commission shall annually deposit the amount described in Subsection
781 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection 72-2-124(11).

782 (8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
783 Subsection (7), and subject to Subsections (8)(b) and (d)(ii), for a fiscal year beginning on or
784 after July 1, 2018, the commission shall annually deposit into the Transportation Investment
785 Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a)
786 in an amount equal to 3.68% of the revenues collected from the following taxes:

787 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

788 (ii) the tax imposed by Subsection (2)(b)(i);

789 (iii) the tax imposed by Subsection (2)(c)(i); and

790 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

791 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually
792 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(a) by
793 an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by
794 the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale
795 or use in this state that exceeds 29.4 cents per gallon.

796 (c) The commission shall annually deposit the amount described in Subsection (8)(b)
797 into the Transit Transportation Investment Fund created in Section 72-2-124.

798 (d) (i) As used in this Subsection (8)(d):

799 (A) "Additional growth revenue" means the amount of relevant revenue collected in
800 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the

801 previous fiscal year.

802 (B) "Combined amount" means the combined total amount of money deposited into the
803 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.

804 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation
805 Investment Fund created in Subsection 72-2-124(10).

806 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that
807 equals 3.68% of the revenue collected from taxes described in Subsections (8)(a)(i) through
808 (iv).

809 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually
810 reduce the deposit under Subsection (8)(a) into the Transportation Investment Fund of 2005 by
811 an amount equal to the amount of the deposit under this Subsection (8)(d) to the Cottonwood
812 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the
813 limit in Subsection (8)(d)(iii).

814 (iii) The commission shall annually deposit the amount described in Subsection
815 (8)(d)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount
816 for any single fiscal year of \$20,000,000.

817 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous
818 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood
819 Canyons fund under this Subsection (8)(d) in the same proportion as the decline in relevant
820 revenue.

821 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
822 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
823 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

824 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the
825 fiscal year during which the commission receives notice under Section 63N-2-510 that
826 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the commission
827 shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue generated by
828 the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund, created in
829 Section 63N-2-512.

830 (11) (a) The rate specified in this subsection is 0.15%.

831 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year

832 beginning on or after July 1, 2019, annually transfer the amount of revenue collected from the
833 rate described in Subsection (11)(a) on the transactions that are subject to the sales and use tax
834 under Subsection (2)(a)(i)(A) into the Medicaid Expansion Fund created in Section 26B-1-315.

835 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
836 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated credit
837 solely for use of the Search and Rescue Financial Assistance Program created in, and expended
838 in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

839 (13) (a) For each fiscal year beginning with fiscal year 2020-21, the commission shall
840 annually transfer \$1,813,400 of the revenue deposited into the Transportation Investment Fund
841 of 2005 under Subsections (7) and (8) to the General Fund.

842 (b) If the total revenue deposited into the Transportation Investment Fund of 2005
843 under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the commission shall
844 transfer the total revenue deposited into the Transportation Investment Fund of 2005 under
845 Subsections (7) and (8) during the fiscal year to the General Fund.

846 (14) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610,
847 beginning the first day of the calendar quarter one year after the sales and use tax boundary for
848 a housing and transit reinvestment zone is established, the commission, at least annually, shall
849 transfer an amount equal to 15% of the sales and use tax increment within an established sales
850 and use tax boundary, as defined in Section 63N-3-602, into the Transit Transportation
851 Investment Fund created in Section 72-2-124.

852 (15) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year
853 beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure
854 Restricted Account, created in Section 51-9-902, a portion of the taxes listed under Subsection
855 (3)(a) equal to 1% of the revenues collected from the following sales and use taxes:

- 856 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 857 (b) the tax imposed by Subsection (2)(b)(i);
- 858 (c) the tax imposed by Subsection (2)(c)(i); and
- 859 (d) the tax imposed by Subsection (2)(f)(i)(A)(I).

860 Section 7. Section 59-12-103 (Contingently Effective 01/01/25) is amended to read:

861 **59-12-103 (Contingently Effective 01/01/25). Sales and use tax base -- Rates --**
862 **Effective dates -- Use of sales and use tax revenues.**

863 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or
864 sales price for amounts paid or charged for the following transactions:
865 (a) retail sales of tangible personal property made within the state;
866 (b) amounts paid for:
867 (i) telecommunications service, other than mobile telecommunications service, that
868 originates and terminates within the boundaries of this state;
869 (ii) mobile telecommunications service that originates and terminates within the
870 boundaries of one state only to the extent permitted by the Mobile Telecommunications
871 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or
872 (iii) an ancillary service associated with a:
873 (A) telecommunications service described in Subsection (1)(b)(i); or
874 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
875 (c) sales of the following for commercial use:
876 (i) gas;
877 (ii) electricity;
878 (iii) heat;
879 (iv) coal;
880 (v) fuel oil; or
881 (vi) other fuels;
882 (d) sales of the following for residential use:
883 (i) gas;
884 (ii) electricity;
885 (iii) heat;
886 (iv) coal;
887 (v) fuel oil; or
888 (vi) other fuels;
889 (e) sales of prepared food;
890 (f) except as provided in Section [59-12-104](#), amounts paid or charged as admission or
891 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
892 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
893 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit

894 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
895 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
896 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
897 horseback rides, sports activities, or any other amusement, entertainment, recreation,
898 exhibition, cultural, or athletic activity;

899 (g) amounts paid or charged for services for repairs or renovations of tangible personal
900 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:

901 (i) the tangible personal property; and

902 (ii) parts used in the repairs or renovations of the tangible personal property described
903 in Subsection (1)(g)(i), regardless of whether:

904 (A) any parts are actually used in the repairs or renovations of that tangible personal
905 property; or

906 (B) the particular parts used in the repairs or renovations of that tangible personal
907 property are exempt from a tax under this chapter;

908 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for
909 assisted cleaning or washing of tangible personal property;

910 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court
911 accommodations and services that are regularly rented for less than 30 consecutive days;

912 (j) amounts paid or charged for laundry or dry cleaning services;

913 (k) amounts paid or charged for leases or rentals of tangible personal property if within
914 this state the tangible personal property is:

915 (i) stored;

916 (ii) used; or

917 (iii) otherwise consumed;

918 (l) amounts paid or charged for tangible personal property if within this state the
919 tangible personal property is:

920 (i) stored;

921 (ii) used; or

922 (iii) consumed;

923 (m) amounts paid or charged for a sale:

924 (i) (A) of a product transferred electronically; or

925 (B) of a repair or renovation of a product transferred electronically; and
926 (ii) regardless of whether the sale provides:
927 (A) a right of permanent use of the product; or
928 (B) a right to use the product that is less than a permanent use, including a right:
929 (I) for a definite or specified length of time; and
930 (II) that terminates upon the occurrence of a condition; and
931 (n) sales of leased tangible personal property from the lessor to the lessee made in the
932 state.

933 (2) (a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax
934 are imposed on a transaction described in Subsection (1) equal to the sum of:

935 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:

936 (A) 4.70% plus the rate specified in Subsection (11)(a); and

937 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales
938 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
939 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional
940 State Sales and Use Tax Act; and

941 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales
942 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
943 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state
944 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

945 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
946 transaction under this chapter other than this part.

947 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a
948 state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to
949 the sum of:

950 (i) a state tax imposed on the transaction at a tax rate of 2%; and

951 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
952 transaction under this chapter other than this part.

953 (c) (i) Except as provided in Subsection (2)(f) or (g), a local tax is imposed on amounts
954 paid or charged for food and food ingredients equal to the sum of the tax rates a county, city, or
955 town imposes under this chapter on the amounts paid or charged for food or food ingredients.

956 (ii) There is no state tax imposed on amounts paid or charged for food and food
957 ingredients.

958 (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts
959 paid or charged for fuel to a common carrier that is a railroad for use in a locomotive engine at
960 a rate of 4.85%.

961 (e) (i) (A) If a shared vehicle owner certifies to the commission, on a form prescribed
962 by the commission, that the shared vehicle is an individual-owned shared vehicle, a tax
963 imposed under Subsection (2)(a)(i)(A) does not apply to car sharing, a car-sharing program, a
964 shared vehicle driver, or a shared vehicle owner.

965 (B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is
966 required once during the time that the shared vehicle owner owns the shared vehicle.

967 (C) The commission shall verify that a shared vehicle is an individual-owned shared
968 vehicle by verifying that the applicable Utah taxes imposed under this chapter were paid on the
969 purchase of the shared vehicle.

970 (D) The exception under Subsection (2)(e)(i)(A) applies to a certified
971 individual-owned shared vehicle shared through a car-sharing program even if non-certified
972 shared vehicles are also available to be shared through the same car-sharing program.

973 (ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.

974 (iii) (A) A car-sharing program may rely in good faith on a shared vehicle owner's
975 representation that the shared vehicle is an individual-owned shared vehicle certified with the
976 commission as described in Subsection (2)(e)(i).

977 (B) If a car-sharing program relies in good faith on a shared vehicle owner's
978 representation that the shared vehicle is an individual-owned shared vehicle certified with the
979 commission as described in Subsection (2)(e)(i), the car-sharing program is not liable for any
980 tax, penalty, fee, or other sanction imposed on the shared vehicle owner.

981 (iv) If all shared vehicles shared through a car-sharing program are certified as
982 described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has no obligation
983 to collect and remit the tax under Subsection (2)(a)(i)(A) for that tax period.

984 (v) (A) A car-sharing program is not required to list or otherwise identify an
985 individual-owned shared vehicle on a return or an attachment to a return.

986 (vi) A car-sharing program shall:

987 (A) retain tax information for each car-sharing program transaction; and

988 (B) provide the information described in Subsection (2)(e)(vi)(A) to the commission at
989 the commission's request.

990 (f) (i) For a bundled transaction that is attributable to food and food ingredients and
991 tangible personal property other than food and food ingredients, a state tax and a local tax is
992 imposed on the entire bundled transaction equal to the sum of:

993 (A) a state tax imposed on the entire bundled transaction equal to the sum of:

994 (I) the tax rate described in Subsection (2)(a)(i)(A); and

995 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State
996 Sales and Use Tax Act, if the location of the transaction as determined under Sections
997 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,
998 Additional State Sales and Use Tax Act; and

999 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
1000 Sales and Use Tax Act, if the location of the transaction as determined under Sections
1001 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which
1002 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1003 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates
1004 described in Subsection (2)(a)(ii).

1005 (ii) If an optional computer software maintenance contract is a bundled transaction that
1006 consists of taxable and nontaxable products that are not separately itemized on an invoice or
1007 similar billing document, the purchase of the optional computer software maintenance contract
1008 is 40% taxable under this chapter and 60% nontaxable under this chapter.

1009 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled
1010 transaction described in Subsection (2)(f)(i) or (ii):

1011 (A) if the sales price of the bundled transaction is attributable to tangible personal
1012 property, a product, or a service that is subject to taxation under this chapter and tangible
1013 personal property, a product, or service that is not subject to taxation under this chapter, the
1014 entire bundled transaction is subject to taxation under this chapter unless:

1015 (I) the seller is able to identify by reasonable and verifiable standards the tangible
1016 personal property, product, or service that is not subject to taxation under this chapter from the
1017 books and records the seller keeps in the seller's regular course of business; or

1018 (II) state or federal law provides otherwise; or

1019 (B) if the sales price of a bundled transaction is attributable to two or more items of
1020 tangible personal property, products, or services that are subject to taxation under this chapter
1021 at different rates, the entire bundled transaction is subject to taxation under this chapter at the
1022 higher tax rate unless:

1023 (I) the seller is able to identify by reasonable and verifiable standards the tangible
1024 personal property, product, or service that is subject to taxation under this chapter at the lower
1025 tax rate from the books and records the seller keeps in the seller's regular course of business; or

1026 (II) state or federal law provides otherwise.

1027 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the
1028 seller's regular course of business includes books and records the seller keeps in the regular
1029 course of business for nontax purposes.

1030 (g) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(g)(ii)
1031 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a
1032 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental
1033 of tangible personal property, other property, a product, or a service that is not subject to
1034 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless
1035 the seller, at the time of the transaction:

1036 (A) separately states the portion of the transaction that is not subject to taxation under
1037 this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

1038 (B) is able to identify by reasonable and verifiable standards, from the books and
1039 records the seller keeps in the seller's regular course of business, the portion of the transaction
1040 that is not subject to taxation under this chapter.

1041 (ii) A purchaser and a seller may correct the taxability of a transaction if:

1042 (A) after the transaction occurs, the purchaser and the seller discover that the portion of
1043 the transaction that is not subject to taxation under this chapter was not separately stated on an
1044 invoice, bill of sale, or similar document provided to the purchaser because of an error or
1045 ignorance of the law; and

1046 (B) the seller is able to identify by reasonable and verifiable standards, from the books
1047 and records the seller keeps in the seller's regular course of business, the portion of the
1048 transaction that is not subject to taxation under this chapter.

1049 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller keeps
1050 in the seller's regular course of business includes books and records the seller keeps in the
1051 regular course of business for nontax purposes.

1052 (h) (i) If the sales price of a transaction is attributable to two or more items of tangible
1053 personal property, products, or services that are subject to taxation under this chapter at
1054 different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate
1055 unless the seller, at the time of the transaction:

1056 (A) separately states the items subject to taxation under this chapter at each of the
1057 different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

1058 (B) is able to identify by reasonable and verifiable standards the tangible personal
1059 property, product, or service that is subject to taxation under this chapter at the lower tax rate
1060 from the books and records the seller keeps in the seller's regular course of business.

1061 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the
1062 seller's regular course of business includes books and records the seller keeps in the regular
1063 course of business for nontax purposes.

1064 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax
1065 rate imposed under the following shall take effect on the first day of a calendar quarter:

1066 (i) Subsection (2)(a)(i)(A);

1067 (ii) Subsection (2)(b)(i); or

1068 (iii) Subsection (2)(f)(i)(A)(I).

1069 (j) (i) A tax rate increase takes effect on the first day of the first billing period that
1070 begins on or after the effective date of the tax rate increase if the billing period for the
1071 transaction begins before the effective date of a tax rate increase imposed under:

1072 (A) Subsection (2)(a)(i)(A);

1073 (B) Subsection (2)(b)(i); or

1074 (C) Subsection (2)(f)(i)(A)(I).

1075 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
1076 statement for the billing period is rendered on or after the effective date of the repeal of the tax
1077 or the tax rate decrease imposed under:

1078 (A) Subsection (2)(a)(i)(A);

1079 (B) Subsection (2)(b)(i); or

- 1080 (C) Subsection (2)(f)(i)(A)(I).
- 1081 (k) (i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale
- 1082 is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal
- 1083 or change in a tax rate takes effect:
 - 1084 (A) on the first day of a calendar quarter; and
 - 1085 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.
- 1086 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:
 - 1087 (A) Subsection (2)(a)(i)(A);
 - 1088 (B) Subsection (2)(b)(i); or
 - 1089 (C) Subsection (2)(f)(i)(A)(I).
- 1090 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1091 the commission may by rule define the term "catalogue sale."
- 1092 (l) (i) For a location described in Subsection (2)(l)(ii), the commission shall determine
- 1093 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the
- 1094 predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.
 - 1095 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
 - 1096 or other fuel is furnished through a single meter for two or more of the following uses:
 - 1097 (A) a commercial use;
 - 1098 (B) an industrial use; or
 - 1099 (C) a residential use.
- 1100 (3) (a) The following state taxes shall be deposited into the General Fund:
 - 1101 (i) the tax imposed by Subsection (2)(a)(i)(A);
 - 1102 (ii) the tax imposed by Subsection (2)(b)(i); and
 - 1103 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1104 (b) The following local taxes shall be distributed to a county, city, or town as provided
- 1105 in this chapter:
 - 1106 (i) the tax imposed by Subsection (2)(a)(ii);
 - 1107 (ii) the tax imposed by Subsection (2)(b)(ii);
 - 1108 (iii) the tax imposed by Subsection (2)(c); and
 - 1109 (iv) the tax imposed by Subsection (2)(f)(i)(B).
 - 1110 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General

1111 Fund.

1112 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1113 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
1114 through (g):

1115 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:

1116 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and

1117 (B) for the fiscal year; or

1118 (ii) \$17,500,000.

1119 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
1120 described in Subsection (4)(a) shall be transferred each year as designated sales and use tax
1121 revenue to the ~~[Department of Natural Resources]~~ Division of Wildlife Resources to:

1122 (A) implement the measures described in ~~[Subsections 79-2-303(3)(a)]~~ Subsections
1123 23A-3-214(3)(a) through (d) to protect sensitive plant and animal species; or

1124 (B) award grants, up to the amount authorized by the Legislature in an appropriations
1125 act, to political subdivisions of the state to implement the measures described in ~~[Subsections~~
1126 ~~79-2-303(3)(a)]~~ Subsections 23A-3-214(3)(a) through (d) to protect sensitive plant and animal
1127 species.

1128 (ii) Money transferred to the ~~[Department of Natural Resources]~~ Division of Wildlife
1129 Resources under Subsection (4)(b)(i) may not be used to assist the United States Fish and
1130 Wildlife Service or any other person to list or attempt to have listed a species as threatened or
1131 endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

1132 (iii) At the end of each fiscal year:

1133 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the
1134 Water Resources Conservation and Development Fund created in Section 73-10-24;

1135 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1136 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

1137 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1138 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

1139 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in
1140 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund
1141 created in Section 4-18-106.

1142 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described
1143 in Subsection (4)(a) shall be transferred each year as designated sales and use tax revenue to
1144 the Division of Water Rights to cover the costs incurred in hiring legal and technical staff for
1145 the adjudication of water rights.

1146 (ii) At the end of each fiscal year:

1147 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the
1148 Water Resources Conservation and Development Fund created in Section 73-10-24;

1149 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1150 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

1151 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1152 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

1153 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described
1154 in Subsection (4)(a) shall be deposited into the Water Resources Conservation and
1155 Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

1156 (ii) In addition to the uses allowed of the Water Resources Conservation and
1157 Development Fund under Section 73-10-24, the Water Resources Conservation and
1158 Development Fund may also be used to:

1159 (A) conduct hydrologic and geotechnical investigations by the Division of Water
1160 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of
1161 quantifying surface and ground water resources and describing the hydrologic systems of an
1162 area in sufficient detail so as to enable local and state resource managers to plan for and
1163 accommodate growth in water use without jeopardizing the resource;

1164 (B) fund state required dam safety improvements; and

1165 (C) protect the state's interest in interstate water compact allocations, including the
1166 hiring of technical and legal staff.

1167 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1168 in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount
1169 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

1170 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1171 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount
1172 created in Section 73-10c-5 for use by the Division of Drinking Water to:

1173 (i) provide for the installation and repair of collection, treatment, storage, and
1174 distribution facilities for any public water system, as defined in Section 19-4-102;
1175 (ii) develop underground sources of water, including springs and wells; and
1176 (iii) develop surface water sources.

1177 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1178 2006, the difference between the following amounts shall be expended as provided in this
1179 Subsection (5), if that difference is greater than \$1:

1180 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the
1181 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and
1182 (ii) \$17,500,000.

1183 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:
1184 (A) transferred each fiscal year to the Department of Natural Resources as designated
1185 sales and use tax revenue; and
1186 (B) expended by the Department of Natural Resources for watershed rehabilitation or
1187 restoration.

1188 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
1189 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation
1190 and Development Fund created in Section 73-10-24.

1191 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
1192 remaining difference described in Subsection (5)(a) shall be:
1193 (A) transferred each fiscal year to the Division of Water Resources as designated sales
1194 and use tax revenue; and
1195 (B) expended by the Division of Water Resources for cloud-seeding projects
1196 authorized by Title 73, Chapter 15, Modification of Weather.

1197 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
1198 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation
1199 and Development Fund created in Section 73-10-24.

1200 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
1201 remaining difference described in Subsection (5)(a) shall be deposited into the Water
1202 Resources Conservation and Development Fund created in Section 73-10-24 for use by the
1203 Division of Water Resources for:

1204 (i) preconstruction costs:
1205 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
1206 26, Bear River Development Act; and
1207 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
1208 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;
1209 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,
1210 Chapter 26, Bear River Development Act;
1211 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project
1212 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and
1213 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and
1214 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).
1215 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the
1216 remaining difference described in Subsection (5)(a) shall be deposited each year into the Water
1217 Rights Restricted Account created by Section 73-2-1.6.
1218 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a),
1219 each fiscal year, the commission shall deposit into the Water Infrastructure Restricted Account
1220 created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax rate on the
1221 transactions described in Subsection (1) for the fiscal year.
1222 (7) (a) Notwithstanding Subsection (3)(a) and subject to Subsection (7)(b), for a fiscal
1223 year beginning on or after July 1, 2023, the commission shall deposit into the Transportation
1224 Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under
1225 Subsection (3)(a) equal to 17% of the revenue collected from the following sales and use taxes:
1226 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
1227 (ii) the tax imposed by Subsection (2)(b)(i); and
1228 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).
1229 (b) (i) As used in this Subsection (7)(b):
1230 (A) "Additional growth revenue" means the amount of relevant revenue collected in
1231 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the
1232 previous fiscal year.
1233 (B) "Combined amount" means the combined total amount of money deposited into the
1234 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.

1235 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation
1236 Investment Fund created in Subsection 72-2-124(10).

1237 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that
1238 equals 17% of the revenue collected from taxes described in Subsections (7)(a)(i) through (iii).

1239 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually
1240 reduce the deposit under Subsection (7)(a) into the Transportation Investment Fund of 2005 by
1241 an amount equal to the amount of the deposit under this Subsection (7)(b) to the Cottonwood
1242 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the
1243 limit in Subsection (7)(b)(iii).

1244 (iii) The commission shall annually deposit the amount described in Subsection
1245 (7)(b)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount
1246 for any single fiscal year of \$20,000,000.

1247 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous
1248 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood
1249 Canyons fund under this Subsection (7)(b) in the same proportion as the decline in relevant
1250 revenue.

1251 (c) (i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,
1252 2023, the commission shall annually reduce the deposit into the Transportation Investment
1253 Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is equal to 5% of:

1254 (A) the amount of revenue generated in the current fiscal year by the portion of taxes
1255 listed under Subsection (3)(a) that equals 20.68% of the revenue collected from taxes described
1256 in Subsections (7)(a)(i) through (iv);

1257 (B) the amount of revenue generated in the current fiscal year by registration fees
1258 designated under Section 41-1a-1201 to be deposited into the Transportation Investment Fund
1259 of 2005; and

1260 (C) revenues transferred by the Division of Finance to the Transportation Investment
1261 Fund of 2005 in accordance with Section 72-2-106 in the current fiscal year.

1262 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a
1263 given fiscal year.

1264 (iii) The commission shall annually deposit the amount described in Subsection
1265 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection 72-2-124(11).

1266 (8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
1267 Subsection (7), and subject to Subsections (8)(b) and (d)(ii), for a fiscal year beginning on or
1268 after July 1, 2018, the commission shall annually deposit into the Transportation Investment
1269 Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a)
1270 in an amount equal to 3.68% of the revenues collected from the following taxes:

1271 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1272 (ii) the tax imposed by Subsection (2)(b)(i); and

1273 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).

1274 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually
1275 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(a) by
1276 an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by
1277 the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale
1278 or use in this state that exceeds 29.4 cents per gallon.

1279 (c) The commission shall annually deposit the amount described in Subsection (8)(b)
1280 into the Transit Transportation Investment Fund created in Section 72-2-124.

1281 (d) (i) As used in this Subsection (8)(d):

1282 (A) "Additional growth revenue" means the amount of relevant revenue collected in
1283 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the
1284 previous fiscal year.

1285 (B) "Combined amount" means the combined total amount of money deposited into the
1286 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.

1287 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation
1288 Investment Fund created in Subsection 72-2-124(10).

1289 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that
1290 equals 3.68% of the revenue collected from taxes described in Subsections (8)(a)(i) through
1291 (iii).

1292 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually
1293 reduce the deposit under Subsection (8)(a) into the Transportation Investment Fund of 2005 by
1294 an amount equal to the amount of the deposit under this Subsection (8)(d) to the Cottonwood
1295 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the
1296 limit in Subsection (8)(d)(iii).

1297 (iii) The commission shall annually deposit the amount described in Subsection
1298 (8)(d)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount
1299 for any single fiscal year of \$20,000,000.

1300 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous
1301 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood
1302 Canyons fund under this Subsection (8)(d) in the same proportion as the decline in relevant
1303 revenue.

1304 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
1305 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
1306 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

1307 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the
1308 fiscal year during which the commission receives notice under Section 63N-2-510 that
1309 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the commission
1310 shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue generated by
1311 the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund, created in
1312 Section 63N-2-512.

1313 (11) (a) The rate specified in this subsection is 0.15%.

1314 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year
1315 beginning on or after July 1, 2019, annually transfer the amount of revenue collected from the
1316 rate described in Subsection (11)(a) on the transactions that are subject to the sales and use tax
1317 under Subsection (2)(a)(i)(A) into the Medicaid Expansion Fund created in Section 26B-1-315.

1318 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
1319 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated credit
1320 solely for use of the Search and Rescue Financial Assistance Program created in, and expended
1321 in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

1322 (13) (a) For each fiscal year beginning with fiscal year 2020-21, the commission shall
1323 annually transfer \$1,813,400 of the revenue deposited into the Transportation Investment Fund
1324 of 2005 under Subsections (7) and (8) to the General Fund.

1325 (b) If the total revenue deposited into the Transportation Investment Fund of 2005
1326 under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the commission shall
1327 transfer the total revenue deposited into the Transportation Investment Fund of 2005 under

1328 Subsections (7) and (8) during the fiscal year to the General Fund.

1329 (14) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610,
1330 beginning the first day of the calendar quarter one year after the sales and use tax boundary for
1331 a housing and transit reinvestment zone is established, the commission, at least annually, shall
1332 transfer an amount equal to 15% of the sales and use tax increment within an established sales
1333 and use tax boundary, as defined in Section 63N-3-602, into the Transit Transportation
1334 Investment Fund created in Section 72-2-124.

1335 (15) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year
1336 beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure
1337 Restricted Account, created in Section 51-9-902, a portion of the taxes listed under Subsection
1338 (3)(a) equal to 1% of the revenues collected from the following sales and use taxes:

- 1339 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1340 (b) the tax imposed by Subsection (2)(b)(i); and
- 1341 (c) the tax imposed by Subsection (2)(f)(i)(A)(I).

1342 Section 8. Section 59-21-2 is amended to read:

1343 **59-21-2. Mineral Bonus Account created -- Contents -- Use of Mineral Bonus**
1344 **Account money -- Mineral Lease Account created -- Contents -- Appropriation of money**
1345 **from Mineral Lease Account.**

1346 (1) (a) There is created a restricted account within the General Fund known as the
1347 "Mineral Bonus Account."

1348 (b) The Mineral Bonus Account consists of federal mineral lease bonus payments
1349 deposited pursuant to Subsection 59-21-1(3).

1350 (c) The Legislature shall make appropriations from the Mineral Bonus Account in
1351 accordance with Section 35 of the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 191.

1352 (d) The state treasurer shall:

1353 (i) invest the money in the Mineral Bonus Account by following the procedures and
1354 requirements of Title 51, Chapter 7, State Money Management Act; and

1355 (ii) deposit all interest or other earnings derived from the account into the Mineral
1356 Bonus Account.

1357 (e) The Division of Finance shall, beginning on July 1, 2017, annually deposit 30% of
1358 mineral lease bonus payments deposited under Subsection (1)(b) from the previous fiscal year

1359 into the Wildland Fire Suppression Fund created in Section [65A-8-204](#), up to \$2,000,000 but
1360 not to exceed 20% of the amount expended in the previous fiscal year from the Wildland Fire
1361 Suppression Fund.

1362 (2) (a) There is created a restricted account within the General Fund known as the
1363 "Mineral Lease Account."

1364 (b) The Mineral Lease Account consists of federal mineral lease money deposited
1365 pursuant to Subsection [59-21-1\(1\)](#).

1366 (c) The Legislature shall make appropriations from the Mineral Lease Account as
1367 provided in Subsection [59-21-1\(1\)](#) and this Subsection (2).

1368 (d) The Legislature shall annually appropriate 32.5% of all deposits made to the
1369 Mineral Lease Account to the Permanent Community Impact Fund established by Section
1370 [35A-8-303](#).

1371 (e) The Legislature shall annually appropriate 2.25% of all deposits made to the
1372 Mineral Lease Account to the State Board of Education, to be used for education research and
1373 experimentation in the use of staff and facilities designed to improve the quality of education in
1374 Utah.

1375 (f) The Legislature shall annually appropriate 2.25% of all deposits made to the
1376 Mineral Lease Account to the Utah Geological Survey Restricted Account, created in Section
1377 [79-3-403](#), to be used by the Utah Geological Survey for activities carried on by the [survey]
1378 Utah Geological Survey having as a purpose the development and exploitation of natural
1379 resources in the state.

1380 (g) The Legislature shall annually appropriate 2.25% of all deposits made to the
1381 Mineral Lease Account to the Water Research Laboratory at Utah State University, to be used
1382 for activities carried on by the laboratory having as a purpose the development and exploitation
1383 of water resources in the state.

1384 (h) (i) The Legislature shall annually appropriate to the Division of Finance 40% of all
1385 deposits made to the Mineral Lease Account to be distributed as provided in Subsection
1386 (2)(h)(ii) to:

1387 (A) counties;

1388 (B) special service districts established:

1389 (I) by counties;

1390 (II) under Title 17D, Chapter 1, Special Service District Act; and
1391 (III) for the purpose of constructing, repairing, or maintaining roads; or
1392 (C) special service districts established:
1393 (I) by counties;
1394 (II) under Title 17D, Chapter 1, Special Service District Act; and
1395 (III) for other purposes authorized by statute.
1396 (ii) The Division of Finance shall allocate the funds specified in Subsection (2)(h)(i):
1397 (A) in amounts proportionate to the amount of mineral lease money generated by each
1398 county; and
1399 (B) to a county or special service district established by a county under Title 17D,
1400 Chapter 1, Special Service District Act, as determined by the county legislative body.
1401 (i) (i) The Legislature shall annually appropriate 5% of all deposits made to the
1402 Mineral Lease Account to the Department of Workforce Services to be distributed to:
1403 (A) special service districts established:
1404 (I) by counties;
1405 (II) under Title 17D, Chapter 1, Special Service District Act; and
1406 (III) for the purpose of constructing, repairing, or maintaining roads; or
1407 (B) special service districts established:
1408 (I) by counties;
1409 (II) under Title 17D, Chapter 1, Special Service District Act; and
1410 (III) for other purposes authorized by statute.
1411 (ii) The Department of Workforce Services may distribute the amounts described in
1412 Subsection (2)(i)(i) only to special service districts established under Title 17D, Chapter 1,
1413 Special Service District Act, by counties:
1414 (A) of the third, fourth, fifth, or sixth class;
1415 (B) in which 4.5% or less of the mineral lease money within the state is generated; and
1416 (C) that are significantly socially or economically impacted as provided in Subsection
1417 (2)(i)(iii) by the development of minerals under the Mineral Lands Leasing Act, 30 U.S.C. Sec.
1418 181 et seq.
1419 (iii) The significant social or economic impact required under Subsection (2)(i)(ii)(C)
1420 shall be as a result of:

1421 (A) the transportation within the county of hydrocarbons, including solid hydrocarbons
1422 as defined in Section 59-5-101;

1423 (B) the employment of persons residing within the county in hydrocarbon extraction,
1424 including the extraction of solid hydrocarbons as defined in Section 59-5-101; or

1425 (C) a combination of Subsections (2)(i)(iii)(A) and (B).

1426 (iv) For purposes of distributing the appropriations under this Subsection (2)(i) to
1427 special service districts established by counties under Title 17D, Chapter 1, Special Service
1428 District Act, the Department of Workforce Services shall:

1429 (A) (I) allocate 50% of the appropriations equally among the counties meeting the
1430 requirements of Subsections (2)(i)(ii) and (iii); and

1431 (II) allocate 50% of the appropriations based on the ratio that the population of each
1432 county meeting the requirements of Subsections (2)(i)(ii) and (iii) bears to the total population
1433 of all of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii); and

1434 (B) after making the allocations described in Subsection (2)(i)(iv)(A), distribute the
1435 allocated revenues to special service districts established by the counties under Title 17D,
1436 Chapter 1, Special Service District Act, as determined by the executive director of the
1437 Department of Workforce Services after consulting with the county legislative bodies of the
1438 counties meeting the requirements of Subsections (2)(i)(ii) and (iii).

1439 (v) The executive director of the Department of Workforce Services:

1440 (A) shall determine whether a county meets the requirements of Subsections (2)(i)(ii)
1441 and (iii);

1442 (B) shall distribute the appropriations under Subsection (2)(i)(i) to special service
1443 districts established by counties under Title 17D, Chapter 1, Special Service District Act, that
1444 meet the requirements of Subsections (2)(i)(ii) and (iii); and

1445 (C) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1446 may make rules:

1447 (I) providing a procedure for making the distributions under this Subsection (2)(i) to
1448 special service districts; and

1449 (II) defining the term "population" for purposes of Subsection (2)(i)(iv).

1450 (j) (i) The Legislature shall annually make the following appropriations from the
1451 Mineral Lease Account:

1452 (A) an amount equal to 52 cents multiplied by the number of acres of school or
1453 institutional trust lands, lands owned by the Division of State Parks or the Division of Outdoor
1454 Recreation, and lands owned by the Division of Wildlife Resources that are not under an in lieu
1455 of taxes contract, to each county in which those lands are located;

1456 (B) to each county in which school or institutional trust lands are transferred to the
1457 federal government after December 31, 1992, an amount equal to the number of transferred
1458 acres in the county multiplied by a payment per acre equal to the difference between 52 cents
1459 per acre and the per acre payment made to that county in the most recent payment under the
1460 federal payment in lieu of taxes program, 31 U.S.C. Sec. 6901 et seq., unless the federal
1461 payment was equal to or exceeded the 52 cents per acre, in which case a payment under this
1462 Subsection (2)(j)(i)(B) may not be made for the transferred lands;

1463 (C) to each county in which federal lands, which are entitlement lands under the federal
1464 in lieu of taxes program, are transferred to the school or institutional trust, an amount equal to
1465 the number of transferred acres in the county multiplied by a payment per acre equal to the
1466 difference between the most recent per acre payment made under the federal payment in lieu of
1467 taxes program and 52 cents per acre, unless the federal payment was equal to or less than 52
1468 cents per acre, in which case a payment under this Subsection (2)(j)(i)(C) may not be made for
1469 the transferred land; and

1470 (D) to a county of the fifth or sixth class, an amount equal to the product of:

1471 (I) \$1,000; and

1472 (II) the number of residences described in Subsection (2)(j)(iv) that are located within
1473 the county.

1474 (ii) A county receiving money under Subsection (2)(j)(i) may, as determined by the
1475 county legislative body, distribute the money or a portion of the money to:

1476 (A) special service districts established by the county under Title 17D, Chapter 1,
1477 Special Service District Act;

1478 (B) school districts; or

1479 (C) public institutions of higher education.

1480 (iii) (A) Beginning in fiscal year 1994-95 and in each year after fiscal year 1994-95, the
1481 Division of Finance shall increase or decrease the amounts per acre provided for in Subsections
1482 (2)(j)(i)(A) through (C) by the average annual change in the Consumer Price Index for all urban

1483 consumers published by the Department of Labor.

1484 (B) For fiscal years beginning on or after fiscal year 2001-02, the Division of Finance
1485 shall increase or decrease the amount described in Subsection (2)(j)(i)(D)(I) by the average
1486 annual change in the Consumer Price Index for all urban consumers published by the
1487 Department of Labor.

1488 (iv) Residences for purposes of Subsection (2)(j)(i)(D)(II) are residences that are:

1489 (A) owned by:

1490 (I) the Division of State Parks;

1491 (II) the Division of Outdoor Recreation; or

1492 (III) the Division of Wildlife Resources;

1493 (B) located on lands that are owned by:

1494 (I) the Division of State Parks;

1495 (II) the Division of Outdoor Recreation; or

1496 (III) the Division of Wildlife Resources; and

1497 (C) are not subject to taxation under:

1498 (I) Chapter 2, Property Tax Act; or

1499 (II) Chapter 4, Privilege Tax.

1500 (k) The Legislature shall annually appropriate to the Permanent Community Impact
1501 Fund all deposits remaining in the Mineral Lease Account after making the appropriations
1502 provided for in Subsections (2)(d) through (j).

1503 (3) (a) Each agency, board, institution of higher education, and political subdivision
1504 receiving money under this chapter shall provide the Legislature, through the Office of the
1505 Legislative Fiscal Analyst, with a complete accounting of the use of that money on an annual
1506 basis.

1507 (b) The accounting required under Subsection (3)(a) shall:

1508 (i) include actual expenditures for the prior fiscal year, budgeted expenditures for the
1509 current fiscal year, and planned expenditures for the following fiscal year; and

1510 (ii) be reviewed by the Business, Economic Development, and Labor Appropriations
1511 Subcommittee as part of its normal budgetary process under Title 63J, Chapter 1, Budgetary
1512 Procedures Act.

1513 Section 9. Section **59-23-4** is amended to read:

1514 **59-23-4. Brine shrimp royalty -- Royalty rate -- Commission to prepare billing**
 1515 **statement -- Deposit of revenue.**

1516 (1) A person shall pay for each tax year a brine shrimp royalty of 3.25 cents multiplied
 1517 by the total number of pounds of unprocessed brine shrimp eggs that the person harvests within
 1518 the state during the tax year.

1519 (2) (a) A person that harvests unprocessed brine shrimp eggs shall report to the
 1520 ~~H~~→ ~~[Department of Natural Resources]~~ Division of Wildlife Resources ←~~H~~ the total number of
 1520a pounds of unprocessed brine shrimp eggs
 1521 harvested by that person for that tax year on or before the February 15 immediately following
 1522 the last day of that tax year.

1523 (b) The ~~H~~→ ~~[Department of Natural Resources]~~ Division of Wildlife Resources ←~~H~~ shall
 1523a provide the following information to
 1524 the commission on or before the March 1 immediately following the last day of a tax year:

1525 (i) the total number of pounds of unprocessed brine shrimp eggs harvested for that tax
 1526 year; and

1527 (ii) for each person that harvested unprocessed brine shrimp eggs for that tax year:

1528 (A) the total number of pounds of unprocessed brine shrimp eggs harvested by that
 1529 person for that tax year; and

1530 (B) a current billing address for that person; and

1531 (iii) any additional information required by the commission.

1532 (c) (i) The commission shall prepare and mail a billing statement to each person that
 1533 harvested unprocessed brine shrimp eggs in a tax year by the March 30 immediately following
 1534 the last day of a tax year.

1535 (ii) The billing statement under Subsection (2)(c)(i) shall specify:

1536 (A) the total number of pounds of unprocessed brine shrimp eggs harvested by that
 1537 person for that tax year;

1538 (B) the brine shrimp royalty that the person owes; and

1539 (C) the date that the brine shrimp royalty payment is due as provided in Section

1540 **59-23-5.**

1541 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 1542 commission may make rules prescribing the information required under Subsection (2)(b)(iii).

1543 (3) Revenue generated by the brine shrimp royalty shall be deposited as follows:

1544 (a) \$125,000 of the revenue generated by the brine shrimp royalty shall be deposited in

1545 the Sovereign Lands Management Account created in Section [65A-5-1](#); and
1546 (b) the remainder of the revenue generated by the brine shrimp royalty shall be
1547 deposited in the Species Protection Account created in [~~Section [79-2-303](#)~~] [Section 23A-3-214](#).

1548 Section 10. Section **63J-1-602.1** is amended to read:

1549 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

1550 Appropriations made from the following accounts or funds are nonlapsing:

1551 (1) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

1552 (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
1553 as provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.

1554 (3) Funds collected for directing and administering the C-PACE district created in
1555 Section [11-42a-106](#).

1556 (4) Money received by the Utah Inland Port Authority, as provided in Section
1557 [11-58-105](#).

1558 (5) The Commerce Electronic Payment Fee Restricted Account created in Section
1559 [13-1-17](#).

1560 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in
1561 Section [19-2a-106](#).

1562 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
1563 Section [19-5-126](#).

1564 (8) State funds for matching federal funds in the Children's Health Insurance Program
1565 as provided in Section [26B-3-906](#).

1566 (9) Funds collected from the program fund for local health department expenses
1567 incurred in responding to a local health emergency under Section [26B-7-111](#).

1568 (10) The Technology Development Restricted Account created in Section [31A-3-104](#).

1569 (11) The Criminal Background Check Restricted Account created in Section
1570 [31A-3-105](#).

1571 (12) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
1572 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.

1573 (13) The Title Licensee Enforcement Restricted Account created in Section
1574 [31A-23a-415](#).

1575 (14) The Health Insurance Actuarial Review Restricted Account created in Section

- 1576 31A-30-115.
- 1577 (15) The State Mandated Insurer Payments Restricted Account created in Section
- 1578 31A-30-118.
- 1579 (16) The Insurance Fraud Investigation Restricted Account created in Section
- 1580 31A-31-108.
- 1581 (17) The Underage Drinking Prevention Media and Education Campaign Restricted
- 1582 Account created in Section 32B-2-306.
- 1583 (18) The Drinking While Pregnant Prevention Media and Education Campaign
- 1584 Restricted Account created in Section 32B-2-308.
- 1585 (19) The School Readiness Restricted Account created in Section 35A-15-203.
- 1586 (20) Money received by the Utah State Office of Rehabilitation for the sale of certain
- 1587 products or services, as provided in Section 35A-13-202.
- 1588 (21) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 1589 (22) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 1590 (23) The Division of Oil, Gas, and Mining Restricted account created in Section
- 1591 40-6-23.
- 1592 (24) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to
- 1593 the Motor Vehicle Division.
- 1594 (25) The License Plate Restricted Account created by Section 41-1a-122.
- 1595 (26) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
- 1596 created by Section 41-3-110 to the State Tax Commission.
- 1597 (27) The State Disaster Recovery Restricted Account to the Division of Emergency
- 1598 Management, as provided in Section 53-2a-603.
- 1599 (28) The Response, Recovery, and Post-disaster Mitigation Restricted Account created
- 1600 in Section 53-2a-1302.
- 1601 (29) The Department of Public Safety Restricted Account to the Department of Public
- 1602 Safety, as provided in Section 53-3-106.
- 1603 (30) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
- 1604 53-8-303.
- 1605 (31) The DNA Specimen Restricted Account created in Section 53-10-407.
- 1606 (32) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

- 1607 (33) The Higher Education Capital Projects Fund created in Section [53B-22-202](#).
- 1608 (34) A certain portion of money collected for administrative costs under the School
1609 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).
- 1610 (35) The Public Utility Regulatory Restricted Account created in Section [54-5-1.5](#),
1611 subject to Subsection [54-5-1.5\(4\)\(d\)](#).
- 1612 (36) Funds collected from a surcharge fee to provide certain licensees with access to an
1613 electronic reference library, as provided in Section [58-3a-105](#).
- 1614 (37) Certain fines collected by the Division of Professional Licensing for violation of
1615 unlawful or unprofessional conduct that are used for education and enforcement purposes, as
1616 provided in Section [58-17b-505](#).
- 1617 (38) Funds collected from a surcharge fee to provide certain licensees with access to an
1618 electronic reference library, as provided in Section [58-22-104](#).
- 1619 (39) Funds collected from a surcharge fee to provide certain licensees with access to an
1620 electronic reference library, as provided in Section [58-55-106](#).
- 1621 (40) Funds collected from a surcharge fee to provide certain licensees with access to an
1622 electronic reference library, as provided in Section [58-56-3.5](#).
- 1623 (41) Certain fines collected by the Division of Professional Licensing for use in
1624 education and enforcement of the Security Personnel Licensing Act, as provided in Section
1625 [58-63-103](#).
- 1626 (42) The Relative Value Study Restricted Account created in Section [59-9-105](#).
- 1627 (43) The Cigarette Tax Restricted Account created in Section [59-14-204](#).
- 1628 (44) Funds paid to the Division of Real Estate for the cost of a criminal background
1629 check for a mortgage loan license, as provided in Section [61-2c-202](#).
- 1630 (45) Funds paid to the Division of Real Estate for the cost of a criminal background
1631 check for principal broker, associate broker, and sales agent licenses, as provided in Section
1632 [61-2f-204](#).
- 1633 (46) Certain funds donated to the Department of Health and Human Services, as
1634 provided in Section [26B-1-202](#).
- 1635 (47) Certain funds donated to the Division of Child and Family Services, as provided
1636 in Section [80-2-404](#).
- 1637 (48) Funds collected by the Office of Administrative Rules for publishing, as provided

- 1638 in Section [63G-3-402](#).
- 1639 (49) The Immigration Act Restricted Account created in Section [63G-12-103](#).
- 1640 (50) Money received by the military installation development authority, as provided in
- 1641 Section [63H-1-504](#).
- 1642 (51) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).
- 1643 (52) The Unified Statewide 911 Emergency Service Account created in Section
- 1644 [63H-7a-304](#).
- 1645 (53) The Utah Statewide Radio System Restricted Account created in Section
- 1646 [63H-7a-403](#).
- 1647 (54) The Utah Capital Investment Restricted Account created in Section [63N-6-204](#).
- 1648 (55) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 1649 (56) Funds collected by the housing of state probationary inmates or state parole
- 1650 inmates, as provided in Subsection [64-13e-104\(2\)](#).
- 1651 (57) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
- 1652 and State Lands, as provided in Section [65A-8-103](#).
- 1653 (58) The Amusement Ride Safety Restricted Account, as provided in Section
- 1654 [72-16-204](#).
- 1655 (59) Certain funds received by the Office of the State Engineer for well drilling fines or
- 1656 bonds, as provided in Section [73-3-25](#).
- 1657 (60) The Water Resources Conservation and Development Fund, as provided in
- 1658 Section [73-23-2](#).
- 1659 (61) Award money under the State Asset Forfeiture Grant Program, as provided under
- 1660 Section [77-11b-403](#).
- 1661 (62) Funds donated or paid to a juvenile court by private sources, as provided in
- 1662 Subsection [78A-6-203\(1\)\(c\)](#).
- 1663 (63) Fees for certificate of admission created under Section [78A-9-102](#).
- 1664 (64) Funds collected for adoption document access as provided in Sections [78B-6-141](#),
- 1665 [78B-6-144](#), and [78B-6-144.5](#).
- 1666 (65) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,
- 1667 Utah Indigent Defense Commission.
- 1668 (66) The Utah Geological Survey [~~Oil, Gas, and Mining~~] Restricted Account created in

1669 Section 79-3-403.

1670 (67) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
1671 Park, and Green River State Park, as provided under Section 79-4-403.

1672 (68) Certain funds received by the Division of State Parks from the sale or disposal of
1673 buffalo, as provided under Section 79-4-1001.

1674 Section 11. Section 63L-11-102 is amended to read:

1675 **63L-11-102. Definitions.**

1676 As used in this chapter:

1677 (1) "Coordinating committee" means the committee created in Section 63L-11-401.

1678 (2) [~~"Executive director"~~] "Director" means the public lands policy [~~executive~~] director
1679 appointed under Section 63L-11-201.

1680 (3) "Office" means the Public Lands Policy Coordinating Office created in Section
1681 63L-11-201.

1682 (4) "Political subdivision" means:

1683 (a) a county, municipality, special district, special service district, school district, or
1684 interlocal entity, as defined in Section 11-13-103; or

1685 (b) an administrative subunit of an entity listed in Subsection (4)(a).

1686 Section 12. Section 63L-11-201 is amended to read:

1687 **63L-11-201. Public Lands Policy Coordinating Office -- Director -- Appointment**
1688 **-- Qualifications -- Compensation.**

1689 (1) There is created within the Department of Natural Resources the Public Lands
1690 Policy Coordinating Office to be administered by [~~an executive~~] a director.

1691 (2) The [~~executive~~] director shall be appointed by the governor with the advice and
1692 consent of the Senate and shall serve at the pleasure of the governor.

1693 (3) (a) The [~~executive~~] director shall have demonstrated the necessary administrative
1694 and professional ability through education and experience to efficiently and effectively manage
1695 the office's affairs.

1696 (b) The director shall serve as an advisor to the governor on public lands issues.

1697 (4) (a) The governor shall establish the director's salary within the salary range fixed by
1698 the Legislature in Title 67, Chapter 22, State Officer Compensation.

1699 (b) The [~~executive director and~~] employees of the office shall receive compensation as

1700 provided in Title 63A, Chapter 17, Utah State Personnel Management Act.

1701 ~~[(b)]~~ (c) The office space for the ~~[executive]~~ director and employees of the office shall
1702 be in a building where the Department of Natural Resources is located.

1703 Section 13. Section **63L-11-202** is amended to read:

1704 **63L-11-202. Powers and duties of the office and director.**

1705 (1) The office shall:

1706 (a) make a report to the Constitutional Defense Council created under Section
1707 [63C-4a-202](#) concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter
1708 4a, Constitutional and Federalism Defense Act;

1709 (b) provide staff assistance to the Constitutional Defense Council created under Section
1710 [63C-4a-202](#) for meetings of the council;

1711 (c) (i) prepare and submit a constitutional defense plan under Section [63C-4a-403](#); and

1712 (ii) execute any action assigned in a constitutional defense plan;

1713 (d) develop public lands policies by:

1714 (i) developing cooperative contracts and agreements between the state, political
1715 subdivisions, and agencies of the federal government for involvement in the development of
1716 public lands policies;

1717 (ii) producing research, documents, maps, studies, analysis, or other information that
1718 supports the state's participation in the development of public lands policy;

1719 (iii) preparing comments to ensure that the positions of the state and political
1720 subdivisions are considered in the development of public lands policy; and

1721 (iv) partnering with state agencies and political subdivisions in an effort to:

1722 (A) prepare coordinated public lands policies;

1723 (B) develop consistency reviews and responses to public lands policies;

1724 (C) develop management plans that relate to public lands policies; and

1725 (D) develop and maintain a statewide land use plan that is based on cooperation and in
1726 conjunction with political subdivisions;

1727 (e) facilitate and coordinate the exchange of information, comments, and
1728 recommendations on public lands policies between and among:

1729 (i) state agencies;

1730 (ii) political subdivisions;

- 1731 (iii) the ~~Office of~~ Center Rural Development created under Section [63N-4-102](#);
- 1732 (iv) the coordinating committee;
- 1733 (v) School and Institutional Trust Lands Administration created under Section
- 1734 [53C-1-201](#);
- 1735 (vi) the committee created under Section [63A-16-507](#) to award grants to counties to
- 1736 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and
- 1737 (vii) the Constitutional Defense Council created under Section [63C-4a-202](#);
- 1738 (f) perform the duties established in Title 9, Chapter 8a, Part 3, Antiquities, and Title 9,
- 1739 Chapter 8a, Part 4, Historic Sites;
- 1740 (g) consistent with other statutory duties, encourage agencies to responsibly preserve
- 1741 archaeological resources;
- 1742 (h) maintain information concerning grants made under Subsection (1)(j), if available;
- 1743 (i) report annually, or more often if necessary or requested, concerning the office's
- 1744 activities and expenditures to:
- 1745 (i) the Constitutional Defense Council; and
- 1746 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim
- 1747 Committee jointly with the Constitutional Defense Council;
- 1748 (j) make grants of up to 16% of the office's total annual appropriations from the
- 1749 Constitutional Defense Restricted Account to a county or statewide association of counties to
- 1750 be used by the county or association of counties for public lands matters if the executive
- 1751 director, with the advice of the Constitutional Defense Council, determines that the action
- 1752 provides a state benefit;
- 1753 (k) provide staff services to the Snake Valley Aquifer Advisory Council created in
- 1754 Section [63C-12-103](#);
- 1755 (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section
- 1756 [63C-12-107](#);
- 1757 (m) conduct the public lands transfer study and economic analysis required by Section
- 1758 [63L-11-304](#); and
- 1759 (n) fulfill the duties described in Section [63L-10-103](#).
- 1760 (2) The ~~executive~~ director shall comply with Subsection [63C-4a-203](#)(8) before
- 1761 submitting a comment to a federal agency, if the governor would be subject to Subsection

1762 63C-4a-203(8) in submitting the comment.

1763 (3) The office may enter into an agreement with another state agency to provide
1764 information and services related to:

1765 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and
1766 Classification Act;

1767 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and
1768 Classification Act, or R.S. 2477 matters; or

1769 (c) any other matter within the office's responsibility.

1770 (4) In fulfilling the duties under this part, the office shall consult, as necessary, with:

1771 (a) the Department of Natural Resources;

1772 (b) the Department of Agriculture and Food;

1773 (c) the Department of Environmental Quality;

1774 (d) other applicable state agencies;

1775 (e) political subdivisions of the state;

1776 (f) federal land management agencies; and

1777 (g) elected officials.

1778 Section 14. Section 63L-11-305 is amended to read:

1779 **63L-11-305. Facilitating the acquisition of federal land.**

1780 (1) As used in this section:

1781 (a) "Federal land" means land that the secretary is authorized to dispose of under the
1782 federal land disposal law.

1783 (b) "Federal land disposal law" means the Recreation and Public Purposes Act, 43
1784 U.S.C. Sec. 869 et seq.

1785 (c) "Government entity" means any state or local government entity allowed to submit
1786 a land application under the federal land disposal law.

1787 (d) "Land application" means an application under the federal land disposal law
1788 requesting the secretary to sell or lease federal land.

1789 (e) "Land application process" means the actions involved in the process of submitting
1790 and obtaining a final decision on a land application.

1791 (f) "Secretary" means the Secretary of the Interior of the United States.

1792 (2) The office shall:

- 1793 (a) develop expertise:
- 1794 (i) in the land application process; and
- 1795 (ii) concerning the factors that tend to increase the chances that a land application will
- 1796 result in the secretary selling or leasing federal land as requested in the land application;
- 1797 (b) work to educate government entities concerning:
- 1798 (i) the availability of federal land pursuant to the federal land disposal law; and
- 1799 (ii) the land application process;
- 1800 (c) advise and consult with a government entity that requests assistance from the office
- 1801 to formulate and submit a land application and to pursue a decision on the land application;
- 1802 (d) advise and consult with a government entity that requests assistance from the office
- 1803 to identify and quantify the amount of any funds needed to provide the public use described in
- 1804 a land application;
- 1805 (e) adopt a list of factors to be considered in determining the degree to which a land
- 1806 application or potential land application is in the public interest;
- 1807 (f) recommend a prioritization of land applications or potential land applications in the
- 1808 state according to the extent to which the land applications are in the public interest, based on
- 1809 the factors adopted under Subsection (2)(e);
- 1810 (g) prepare and submit a written report of land applications:
- 1811 (i) to the Natural Resources, Agriculture, and Environment Interim Committee and the
- 1812 Federalism Commission;
- 1813 (ii) (A) annually no later than August 31; and
- 1814 (B) at other times, if and as requested by the committee or commission; and
- 1815 (iii) (A) on the activities of the office under this section;
- 1816 (B) on the land applications and potential land applications in the state;
- 1817 (C) on the decisions of the secretary on land applications submitted by government
- 1818 entities in the state; and
- 1819 (D) the quantity of land acquired under the land applications;
- 1820 (h) present a summary of information contained in the report described in Subsection
- 1821 (2)(g):
- 1822 (i) at a meeting of the Natural Resources, Agriculture, and Environment Interim
- 1823 Committee and at a meeting of the Federalism Commission;

1824 (ii) annually no later than August 31; and
1825 (iii) at other times, if and as requested by the committee or commission; and
1826 (i) report to the Executive Appropriations Committee of the Legislature, as frequently
1827 as the [~~executive~~] director considers appropriate or as requested by the Executive
1828 Appropriations Committee, on the need for legislative appropriations to provide funds for the
1829 public purposes described in land applications.

1830 (3) The office may:

1831 (a) assist a government entity or the secretary in the filing and processing of a land
1832 application; and

1833 (b) enter into an agreement with the secretary related to the office assisting in
1834 processing a land application.

1835 Section 15. Section **63L-11-402** is amended to read:

1836 **63L-11-402. Membership -- Terms -- Chair -- Expenses.**

1837 (1) The Resource Development Coordinating Committee consists of the following 26
1838 members:

1839 (a) the state science advisor;

1840 (b) a representative from the Department of Agriculture and Food appointed by the
1841 commissioner of the Department of Agriculture and Food;

1842 (c) a representative from the Department of Cultural and Community Engagement
1843 appointed by the executive director of the Department of Cultural and Community
1844 Engagement;

1845 (d) a representative from the Department of Environmental Quality appointed by the
1846 executive director of the Department of Environmental Quality;

1847 (e) a representative from the Department of Natural Resources appointed by the
1848 executive director of the Department of Natural Resources;

1849 (f) a representative from the Department of Transportation appointed by the executive
1850 director of the Department of Transportation;

1851 (g) a representative from the Governor's Office of Economic Opportunity appointed by
1852 the director of the Governor's Office of Economic Opportunity;

1853 (h) a representative from the Housing and Community Development Division
1854 appointed by the director of the Housing and Community Development Division;

- 1855 (i) a representative from the Utah Historical Society appointed by the director of the
1856 Utah Historical Society;
- 1857 (j) a representative from the Division of Air Quality appointed by the director of the
1858 Division of Air Quality;
- 1859 (k) a representative from the Division of Drinking Water appointed by the director of
1860 the Division of Drinking Water;
- 1861 (l) a representative from the Division of Environmental Response and Remediation
1862 appointed by the director of the Division of Environmental Response and Remediation;
- 1863 (m) a representative from the Division of Waste Management and Radiation Control
1864 appointed by the director of the Division of Waste Management and Radiation Control;
- 1865 (n) a representative from the Division of Water Quality appointed by the director of the
1866 Division of Water Quality;
- 1867 (o) a representative from the Division of Oil, Gas, and Mining appointed by the
1868 director of the Division of Oil, Gas, and Mining;
- 1869 (p) a representative from the Division of Parks appointed by the director of the
1870 Division of Parks;
- 1871 (q) a representative from the Division of Outdoor Recreation appointed by the director
1872 of the Division of Outdoor Recreation;
- 1873 (r) a representative from the Division of Forestry, Fire, and State Lands appointed by
1874 the director of the Division of Forestry, Fire, and State Lands;
- 1875 (s) a representative from the Utah Geological Survey appointed by the director of the
1876 Utah Geological Survey;
- 1877 (t) a representative from the Division of Water Resources appointed by the director of
1878 the Division of Water Resources;
- 1879 (u) a representative from the Division of Water Rights appointed by the director of the
1880 Division of Water Rights;
- 1881 (v) a representative from the Division of Wildlife Resources appointed by the director
1882 of the Division of Wildlife Resources;
- 1883 (w) a representative from the School and Institutional Trust Lands Administration
1884 appointed by the director of the School and Institutional Trust Lands Administration;
- 1885 (x) a representative from the Division of Facilities Construction and Management

1886 appointed by the director of the Division of Facilities Construction and Management;

1887 (y) a representative from the Division of Emergency Management appointed by the
1888 director of the Division of Emergency Management; and

1889 (z) a representative from the Division of Conservation, created under Section 4-46-401,
1890 appointed by the director of the Division of Conservation.

1891 (2) (a) As particular issues require, the coordinating committee may, by majority vote
1892 of the members present, appoint additional temporary members to serve as ex officio voting
1893 members.

1894 (b) Those ex officio members may discuss and vote on the issue or issues for which
1895 they were appointed.

1896 (3) A chair shall be selected by a vote of 14 committee members with the concurrence
1897 of the [executive] director.

1898 (4) A member may not receive compensation or benefits for the member's service, but
1899 may receive per diem and travel expenses in accordance with:

1900 (a) Sections 63A-3-106 and 63A-3-107; and

1901 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1902 63A-3-107.

1903 Section 16. Section 63L-11-403 is amended to read:

1904 **63L-11-403. Director responsibilities.**

1905 The [executive] director shall:

1906 (1) administer this part;

1907 (2) subject to the direction and approval of the governor, take necessary action to
1908 implement this part; and

1909 (3) inform political subdivision representatives, in advance, of all coordinating
1910 committee meetings.

1911 Section 17. Section 67-22-2 is amended to read:

1912 **67-22-2. Compensation -- Other state officers.**

1913 (1) As used in this section:

1914 (a) "Appointed executive" means the:

1915 (i) commissioner of the Department of Agriculture and Food;

1916 (ii) commissioner of the Insurance Department;

- 1917 (iii) commissioner of the Labor Commission;
- 1918 (iv) director, Department of Alcoholic Beverage Services;
- 1919 (v) commissioner of the Department of Financial Institutions;
- 1920 (vi) executive director, Department of Commerce;
- 1921 (vii) executive director, Commission on Criminal and Juvenile Justice;
- 1922 (viii) adjutant general;
- 1923 (ix) executive director, Department of Cultural and Community Engagement;
- 1924 (x) executive director, Department of Corrections;
- 1925 (xi) commissioner, Department of Public Safety;
- 1926 (xii) executive director, Department of Natural Resources;
- 1927 (xiii) executive director, Governor's Office of Planning and Budget;
- 1928 (xiv) executive director, Department of Government Operations;
- 1929 (xv) executive director, Department of Environmental Quality;
- 1930 (xvi) executive director, Governor's Office of Economic Opportunity;
- 1931 (xvii) executive director, Department of Workforce Services;
- 1932 (xviii) executive director, Department of Health, Nonphysician;
- 1933 (xix) executive director, Department of Human Services;
- 1934 (xx) executive director, Department of Transportation;
- 1935 (xxi) executive director, Department of Veterans and Military Affairs;
- 1936 (xxii) ~~executive~~ director, Public Lands Policy Coordinating Office, created in Section
- 1937 [63L-11-201](#); and
- 1938 (xxiii) Great Salt Lake commissioner, appointed under Section [73-32-201](#).
- 1939 (b) "Board or commission executive" means:
- 1940 (i) members, Board of Pardons and Parole;
- 1941 (ii) chair, State Tax Commission;
- 1942 (iii) commissioners, State Tax Commission;
- 1943 (iv) executive director, State Tax Commission;
- 1944 (v) chair, Public Service Commission; and
- 1945 (vi) commissioners, Public Service Commission.
- 1946 (c) "Deputy" means the person who acts as the appointed executive's second in
- 1947 command as determined by the Division of Human Resource Management.

1948 (2) (a) The director of the Division of Human Resource Management shall:
1949 (i) before October 31 of each year, recommend to the governor a compensation plan for
1950 the appointed executives and the board or commission executives; and
1951 (ii) base those recommendations on market salary studies conducted by the Division of
1952 Human Resource Management.

1953 (b) (i) The Division of Human Resource Management shall determine the salary range
1954 for the appointed executives by:
1955 (A) identifying the salary range assigned to the appointed executive's deputy;
1956 (B) designating the lowest minimum salary from those deputies' salary ranges as the
1957 minimum salary for the appointed executives' salary range; and
1958 (C) designating 105% of the highest maximum salary range from those deputies' salary
1959 ranges as the maximum salary for the appointed executives' salary range.

1960 (ii) If the deputy is a medical doctor, the Division of Human Resource Management
1961 may not consider that deputy's salary range in designating the salary range for appointed
1962 executives.

1963 (c) (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for
1964 board or commission executives, the Division of Human Resource Management shall set the
1965 maximum salary in the salary range for each of those positions at 90% of the salary for district
1966 judges as established in the annual appropriation act under Section [67-8-2](#).

1967 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii)
1968 or (iii), the Division of Human Resource Management shall set the maximum salary in the
1969 salary range for each of those positions at 100% of the salary for district judges as established
1970 in the annual appropriation act under Section [67-8-2](#).

1971 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), the governor shall establish a
1972 specific salary for each appointed executive within the range established under Subsection
1973 (2)(b).

1974 (ii) If the executive director of the Department of Health is a physician, the governor
1975 shall establish a salary within the highest physician salary range established by the Division of
1976 Human Resource Management.

1977 (iii) The governor may provide salary increases for appointed executives within the
1978 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

1979 (b) The governor shall apply the same overtime regulations applicable to other FLSA
1980 exempt positions.

1981 (c) The governor may develop standards and criteria for reviewing the appointed
1982 executives.

1983 (4) Salaries for other Schedule A employees, as defined in Section 63A-17-301, that
1984 are not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial
1985 Salary Act, shall be established as provided in Section 63A-17-301.

1986 (5) (a) The Legislature fixes benefits for the appointed executives and the board or
1987 commission executives as follows:

1988 (i) the option of participating in a state retirement system established by Title 49, Utah
1989 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered
1990 by the State Retirement Office in accordance with the Internal Revenue Code and its
1991 accompanying rules and regulations;

1992 (ii) health insurance;

1993 (iii) dental insurance;

1994 (iv) basic life insurance;

1995 (v) unemployment compensation;

1996 (vi) workers' compensation;

1997 (vii) required employer contribution to Social Security;

1998 (viii) long-term disability income insurance;

1999 (ix) the same additional state-paid life insurance available to other noncareer service
2000 employees;

2001 (x) the same severance pay available to other noncareer service employees;

2002 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as
2003 follows:

2004 (A) sick leave;

2005 (B) converted sick leave if accrued prior to January 1, 2014;

2006 (C) educational allowances;

2007 (D) holidays; and

2008 (E) annual leave except that annual leave shall be accrued at the maximum rate
2009 provided to Schedule B state employees;

2010 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
2011 provided by law or rule upon resignation or retirement according to the same criteria and
2012 procedures applied to Schedule B state employees;

2013 (xiii) the option to purchase additional life insurance at group insurance rates according
2014 to the same criteria and procedures applied to Schedule B state employees; and

2015 (xiv) professional memberships if being a member of the professional organization is a
2016 requirement of the position.

2017 (b) Each department shall pay the cost of additional state-paid life insurance for its
2018 executive director from its existing budget.

2019 (6) The Legislature fixes the following additional benefits:

2020 (a) for the executive director of the State Tax Commission a vehicle for official and
2021 personal use;

2022 (b) for the executive director of the Department of Transportation a vehicle for official
2023 and personal use;

2024 (c) for the executive director of the Department of Natural Resources a vehicle for
2025 commute and official use;

2026 (d) for the commissioner of Public Safety:

2027 (i) an accidental death insurance policy if POST certified; and

2028 (ii) a public safety vehicle for official and personal use;

2029 (e) for the executive director of the Department of Corrections:

2030 (i) an accidental death insurance policy if POST certified; and

2031 (ii) a public safety vehicle for official and personal use;

2032 (f) for the adjutant general a vehicle for official and personal use; and

2033 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
2034 official use.

2035 Section 18. Section **73-5-15** is amended to read:

2036 **73-5-15. Groundwater management plan.**

2037 (1) As used in this section:

2038 (a) "Critical management area" means a groundwater basin in which the groundwater
2039 withdrawals consistently exceed the safe yield.

2040 (b) "Safe yield" means the amount of groundwater that can be withdrawn from a

2041 groundwater basin over a period of time without exceeding the long-term recharge of the basin
2042 or unreasonably affecting the basin's physical and chemical integrity.

2043 (2) (a) The state engineer may regulate groundwater withdrawals within a specific
2044 groundwater basin by adopting a groundwater management plan in accordance with this section
2045 for any groundwater basin or aquifer or combination of hydrologically connected groundwater
2046 basins or aquifers.

2047 (b) The objectives of a groundwater management plan are to:

- 2048 (i) limit groundwater withdrawals to safe yield;
- 2049 (ii) protect the physical integrity of the aquifer; and
- 2050 (iii) protect water quality.

2051 (c) The state engineer shall adopt a groundwater management plan for a groundwater
2052 basin if more than one-third of the water right owners in the groundwater basin request that the
2053 state engineer adopt a groundwater management plan.

2054 (3) (a) In developing a groundwater management plan, the state engineer may consider:

- 2055 (i) the hydrology of the groundwater basin;
- 2056 (ii) the physical characteristics of the groundwater basin;
- 2057 (iii) the relationship between surface water and groundwater, including whether the
2058 groundwater should be managed in conjunction with hydrologically connected surface waters;
- 2059 (iv) the conjunctive management of water rights to facilitate and coordinate the lease,
2060 purchase, or voluntary use of water rights subject to the groundwater management plan;
- 2061 (v) the geographic spacing and location of groundwater withdrawals;
- 2062 (vi) water quality;
- 2063 (vii) local well interference; and
- 2064 (viii) other relevant factors.

2065 (b) The state engineer shall base the provisions of a groundwater management plan on
2066 the principles of prior appropriation.

2067 (c) (i) The state engineer shall use the best available scientific method to determine
2068 safe yield.

2069 (ii) As hydrologic conditions change or additional information becomes available, safe
2070 yield determinations made by the state engineer may be revised by following the procedures
2071 listed in Subsection (5).

2072 (4) (a) (i) Except as provided in Subsection (4)(b), the withdrawal of water from a
2073 groundwater basin shall be limited to the basin's safe yield.

2074 (ii) Before limiting withdrawals in a groundwater basin to safe yield, the state engineer
2075 shall:

2076 (A) determine the groundwater basin's safe yield; and

2077 (B) adopt a groundwater management plan for the groundwater basin.

2078 (iii) If the state engineer determines that groundwater withdrawals in a groundwater
2079 basin exceed the safe yield, the state engineer shall regulate groundwater rights in that
2080 groundwater basin based on the priority date of the water rights under the groundwater
2081 management plan, unless a voluntary arrangement exists under Subsection (4)(c) that requires a
2082 different distribution.

2083 (iv) A groundwater management plan shall include a list of each groundwater right in
2084 the proposed groundwater management area known to the state engineer identifying the water
2085 right holder, the land to which the groundwater right is appurtenant, and any identification
2086 number the state engineer uses in the administration of water rights.

2087 (b) When adopting a groundwater management plan for a critical management area, the
2088 state engineer shall, based on economic and other impacts to an individual water user or a local
2089 community caused by the implementation of safe yield limits on withdrawals, allow gradual
2090 implementation of the groundwater management plan.

2091 (c) (i) In consultation with the state engineer, water users in a groundwater basin may
2092 agree to participate in a voluntary arrangement for managing withdrawals at any time, either
2093 before or after a determination that groundwater withdrawals exceed the groundwater basin's
2094 safe yield.

2095 (ii) A voluntary arrangement under Subsection (4)(c)(i) shall be consistent with other
2096 law.

2097 (iii) The adoption of a voluntary arrangement under this Subsection (4)(c) by less than
2098 all of the water users in a groundwater basin does not affect the rights of water users who do
2099 not agree to the voluntary arrangement.

2100 (5) To adopt a groundwater management plan, the state engineer shall:

2101 (a) give notice as specified in Subsection (7) at least 30 days before the first public
2102 meeting held in accordance with Subsection (5)(b):

- 2103 (i) that the state engineer proposes to adopt a groundwater management plan;
- 2104 (ii) describing generally the land area proposed to be included in the groundwater
2105 management plan; and
- 2106 (iii) stating the location, date, and time of each public meeting to be held in accordance
2107 with Subsection (5)(b);
- 2108 (b) hold one or more public meetings in the geographic area proposed to be included
2109 within the groundwater management plan to:
- 2110 (i) address the need for a groundwater management plan;
- 2111 (ii) present any data, studies, or reports that the state engineer intends to consider in
2112 preparing the groundwater management plan;
- 2113 (iii) address safe yield and any other subject that may be included in the groundwater
2114 management plan;
- 2115 (iv) outline the estimated administrative costs, if any, that groundwater users are likely
2116 to incur if the plan is adopted; and
- 2117 (v) receive any public comments and other information presented at the public
2118 meeting, including comments from any of the entities listed in Subsection (7)(a)(iii);
- 2119 (c) receive and consider written comments concerning the proposed groundwater
2120 management plan from any person for a period determined by the state engineer of not less
2121 than 60 days after the day on which the notice required by Subsection (5)(a) is given;
- 2122 (d) (i) at least 60 days prior to final adoption of the groundwater management plan,
2123 publish notice:
- 2124 (A) that a draft of the groundwater management plan has been proposed; and
- 2125 (B) specifying where a copy of the draft plan may be reviewed; and
- 2126 (ii) promptly provide a copy of the draft plan in printed or electronic form to each of
2127 the entities listed in Subsection (7)(a)(iii) that makes written request for a copy; and
- 2128 (e) provide notice of the adoption of the groundwater management plan.
- 2129 (6) A groundwater management plan shall become effective on the date notice of
2130 adoption is completed under Subsection (7), or on a later date if specified in the plan.
- 2131 (7) (a) A notice required by this section shall be:
- 2132 (i) published:
- 2133 (A) once a week for two successive weeks in a newspaper of general circulation in

2134 each county that encompasses a portion of the land area proposed to be included within the
2135 groundwater management plan; and

2136 (B) in accordance with Section 45-1-101 for two weeks;

2137 (ii) published conspicuously on the state engineer's website; and

2138 (iii) mailed to each of the following that has within its boundaries a portion of the land
2139 area to be included within the proposed groundwater management plan:

2140 (A) county;

2141 (B) incorporated city or town;

2142 (C) a special district created to acquire or assess a groundwater right under Title 17B,
2143 Chapter 1, Provisions Applicable to All Special Districts;

2144 (D) improvement district under Title 17B, Chapter 2a, Part 4, Improvement District
2145 Act;

2146 (E) service area, under Title 17B, Chapter 2a, Part 9, Service Area Act;

2147 (F) drainage district, under Title 17B, Chapter 2a, Part 2, Drainage District Act;

2148 (G) irrigation district, under Title 17B, Chapter 2a, Part 5, Irrigation District Act;

2149 (H) metropolitan water district, under Title 17B, Chapter 2a, Part 6, Metropolitan
2150 Water District Act;

2151 (I) special service district providing water, sewer, drainage, or flood control services,
2152 under Title 17D, Chapter 1, Special Service District Act;

2153 (J) water conservancy district, under Title 17B, Chapter 2a, Part 10, Water
2154 Conservancy District Act; and

2155 (K) conservation district, under Title 17D, Chapter 3, Conservation District Act.

2156 (b) A notice required by this section is effective upon substantial compliance with
2157 Subsections (7)(a)(i) through (iii).

2158 (8) A groundwater management plan may be amended in the same manner as a
2159 groundwater management plan may be adopted under this section.

2160 (9) The existence of a groundwater management plan does not preclude any otherwise
2161 eligible person from filing any application or challenging any decision made by the state
2162 engineer within the affected groundwater basin.

2163 (10) (a) A person aggrieved by a groundwater management plan may challenge any
2164 aspect of the groundwater management plan by filing a complaint within 60 days after the

2165 adoption of the groundwater management plan in the district court for any county in which the
2166 groundwater basin is found.

2167 (b) Notwithstanding Subsection (9), a person may challenge the components of a
2168 groundwater management plan only in the manner provided by Subsection (10)(a).

2169 (c) An action brought under this Subsection (10) is reviewed de novo by the district
2170 court.

2171 (d) A person challenging a groundwater management plan under this Subsection (10)
2172 shall join the state engineer as a defendant in the action challenging the groundwater
2173 management plan.

2174 (e) (i) Within 30 days after the day on which a person files an action challenging any
2175 aspect of a groundwater management plan under Subsection (10)(a), the person filing the action
2176 shall publish notice of the action:

2177 (A) in a newspaper of general circulation in the county in which the district court is
2178 located; and

2179 (B) in accordance with Section 45-1-101 for two weeks.

2180 (ii) The notice required by Subsection (10)(e)(i)(A) shall be published once a week for
2181 two consecutive weeks.

2182 (iii) The notice required by Subsection (10)(e)(i) shall:

2183 (A) identify the groundwater management plan the person is challenging;

2184 (B) identify the case number assigned by the district court;

2185 (C) state that a person affected by the groundwater management plan may petition the
2186 district court to intervene in the action challenging the groundwater management plan; and

2187 (D) list the address for the clerk of the district court in which the action is filed.

2188 (iv) (A) Any person affected by the groundwater management plan may petition to
2189 intervene in the action within 60 days after the day on which notice is last published under
2190 Subsections (10)(e)(i) and (ii).

2191 (B) The district court's treatment of a petition to intervene under this Subsection
2192 (10)(e)(iv) is governed by the Utah Rules of Civil Procedure.

2193 ~~[(v) A district court in which an action is brought under Subsection (10)(a) shall~~
2194 ~~consolidate all actions brought under that subsection and include in the consolidated action any~~
2195 ~~person whose petition to intervene is granted.]~~

2196 (11) A groundwater management plan adopted or amended in accordance with this
2197 section is exempt from the requirements in Title 63G, Chapter 3, Utah Administrative
2198 Rulemaking Act.

2199 (12) (a) Except as provided in Subsection (12)(b), recharge and recovery projects
2200 permitted under Chapter 3b, Groundwater Recharge and Recovery Act, are exempted from this
2201 section.

2202 (b) In a critical management area, the artificial recharge of a groundwater basin that
2203 uses surface water naturally tributary to the groundwater basin, in accordance with Chapter 3b,
2204 Groundwater Recharge and Recovery Act, constitutes a beneficial use of the water under
2205 Section 73-1-3 if:

2206 (i) the recharge is done during the time the area is designated as a critical management
2207 area;

2208 (ii) the recharge is done with a valid recharge permit;

2209 (iii) the water placed in the aquifer is not recovered under a recovery permit; and

2210 (iv) the water placed in the aquifer is used to replenish the groundwater basin.

2211 (13) Nothing in this section may be interpreted to require the development,
2212 implementation, or consideration of a groundwater management plan as a prerequisite or
2213 condition to the exercise of the state engineer's enforcement powers under other law, including
2214 powers granted under Section 73-2-25.

2215 (14) A groundwater management plan adopted in accordance with this section may not
2216 apply to the dewatering of a mine.

2217 (15) (a) A groundwater management plan adopted by the state engineer before May 1,
2218 2006, remains in force and has the same legal effect as it had on the day on which it was
2219 adopted by the state engineer.

2220 (b) If a groundwater management plan that existed before May 1, 2006, is amended on
2221 or after May 1, 2006, the amendment is subject to this section's provisions.

2222 Section 19. Section 73-10-27 is amended to read:

2223 **73-10-27. Definitions -- Project priorities -- Considerations -- Bids and contracts**
2224 **-- Definitions -- Retainage.**

2225 (1) As used in this section:

2226 (a) "Board" means the Board of Water Resources created in Section 73-10-1.5.

2227 (b) "Estimated cost" means the cost of the labor, material, and equipment necessary for
2228 construction of the contemplated project.

2229 (c) "Lowest responsible bidder" means a licensed contractor:

2230 (i) who:

2231 (A) submits the lowest bid; and

2232 (B) furnishes a payment bond and a performance bond under Sections 14-1-18 and
2233 63G-6a-1103; and

2234 (ii) whose bid:

2235 (A) is in compliance with the invitation for a bid; and

2236 (B) meets the plans and specifications.

2237 (2) In considering the priority for a project to be built or financed with funds made
2238 available under Section 73-10-24, the board shall give preference to a project that:

2239 (a) is sponsored by, or for the benefit of, the state or a political subdivision of the state;

2240 (b) meets a critical local need;

2241 (c) has greater economic feasibility;

2242 (d) will yield revenue to the state within a reasonable time or will return a reasonable
2243 rate of interest, based on financial feasibility; and

2244 (e) meets other considerations deemed necessary by the board, including wildlife
2245 management and recreational needs.

2246 [~~(3) (a) In determining the economic feasibility, the board shall establish a
2247 benefit-to-cost ratio for each project, using a uniform standard of procedure for all projects.]~~

2248 [~~(b) In considering whether a project should be built, the benefit-to-cost ratio for each
2249 project shall be weighted based on the relative cost of the project.]~~

2250 [~~(c) A project, when considered in total with all other projects constructed under this
2251 chapter and still the subject of a repayment contract, may not cause the accumulative
2252 benefit-to-cost ratio of the projects to be less than one to one.]~~

2253 [~~(4)~~] (3) A project may not be built if the project is not:

2254 (a) in the public interest, as determined by the board; or

2255 (b) adequately designed based on sound engineering and geologic considerations.

2256 [~~(5)~~] (4) In preparing a project constructed by the board, the board shall:

2257 (a) based on a competitive bid, award a contract for:

- 2258 (i) a flood control project:
- 2259 (A) involving a city or county; and
- 2260 (B) costing in excess of \$35,000;
- 2261 (ii) the construction of a storage reservoir in excess of 100 acre-feet; or
- 2262 (iii) the construction of a hydroelectric generating facility;
- 2263 (b) publish an advertisement for a competitive bid:
- 2264 (i) at least once a week for three consecutive weeks in a newspaper with general
- 2265 circulation in the state, with the last date of publication appearing at least five days before the
- 2266 schedule bid opening; and
- 2267 (ii) indicating that the board:
- 2268 (A) will award the contract to the lowest responsible bidder; and
- 2269 (B) reserves the right to reject any and all bids;
- 2270 (c) readvertise the project in the manner specified in Subsection ~~[(5)(b)]~~ (4)(b) if the
- 2271 board rejects all of the initial bids on the project; and
- 2272 (d) keep an accurate record of all facts and representations relied upon in preparing the
- 2273 board's estimated cost for a project that is subject to the competitive bidding requirements of
- 2274 this section.

2275 ~~[(6)]~~ (5) If no satisfactory bid is received by the board upon the readvertisement of the

2276 project in accordance with Subsection ~~[(5)]~~ (4), the board may proceed to construct the project

2277 in accordance with the plan and specifications used to calculate the estimated cost of the

2278 project.

2279 ~~[(7)]~~ (6) If a payment on a contract with a private contractor for construction of a

2280 project under this section is retained or withheld, it shall be retained or withheld and released

2281 as provided in Section 13-8-5.

2282 Section 20. Section 79-2-102 is amended to read:

2283 **79-2-102. Definitions.**

2284 As used in this chapter:

2285 (1) "Conservation officer" is as defined in Section 23A-1-101.

2286 ~~[(2)]~~ "Species protection" means an action to protect a plant or animal species identified

2287 as:]

2288 ~~[(a) sensitive by the state; or]~~

2289 [~~(b) threatened or endangered under the Endangered Species Act of 1973, 16 U.S.C.~~
2290 ~~Sec. 1531 et seq.~~]

2291 [~~(3)~~] (2) "Volunteer" means a person who donates a service to the department or a
2292 division of the department without pay or other compensation.

2293 Section 21. Section **79-2-406** is amended to read:

2294 **79-2-406. Wetlands -- In-lieu fee program study.**

2295 (1) As used in this section, "committee" means the Natural Resources, Agriculture, and
2296 Environment Interim Committee.

2297 (2) The department shall publish, on the department's website, the land use permits
2298 collected by the Utah Geological Survey pursuant to Subsection [~~79-3-202(1)(r)~~]
2299 79-3-202(1)(q).

2300 (3) (a) The department shall study and make recommendations to the committee on the
2301 viability of an in-lieu fee program for wetland mitigation, including:

2302 (i) the viability of the state establishing and administering an in-lieu fee program; and

2303 (ii) the viability of the state partnering with a private organization to establish and
2304 administer an in-lieu fee program.

2305 (b) As part of the study described in Subsection (3)(a), the department shall consult
2306 with public and private individuals and entities that may be necessary or helpful to the
2307 establishment or administration of an in-lieu fee program for wetland mitigation, which may
2308 include:

2309 (i) the Utah Department of Environmental Quality;

2310 (ii) the United States Army Corps of Engineers;

2311 (iii) the United States Fish and Wildlife Service;

2312 (iv) the United States Environmental Protection Agency; or

2313 (v) a non-profit entity that has experience with the establishment and administration of
2314 in-lieu fee programs.

2315 (c) The department shall provide a report on the status of the department's study during
2316 or before the committee's November interim meeting in 2022.

2317 (d) The department shall provide a final report of the department's study and
2318 recommendations, including any recommended legislation, during or before the committee's
2319 first interim meeting in 2023.

2320 Section 22. Section 79-3-202 is amended to read:

2321 **79-3-202. Powers and duties of survey.**

2322 (1) The survey shall:

2323 (a) assist and advise state and local agencies and state educational institutions on
2324 geologic, paleontologic, and mineralogic subjects;

2325 (b) collect and distribute reliable information regarding the mineral industry and
2326 mineral resources, topography, paleontology, and geology of the state;

2327 (c) survey the geology of the state, including mineral occurrences and the ores of
2328 metals, energy resources, industrial minerals and rocks, mineral-bearing waters, and surface
2329 and ground water resources, with special reference to their economic contents, values, uses,
2330 kind, and availability in order to facilitate their economic use;

2331 (d) investigate the kind, amount, and availability of mineral substances contained in
2332 lands owned and controlled by the state, to contribute to the most effective and beneficial
2333 administration of these lands for the state;

2334 (e) determine and investigate areas of geologic and topographic hazards that could
2335 affect the safety of, or cause economic loss to, the citizens of the state;

2336 (f) assist local and state agencies in their planning, zoning, and building regulation
2337 functions by publishing maps, delineating appropriately wide special earthquake risk areas,
2338 and, at the request of state agencies or other governmental agencies, review the siting of critical
2339 facilities;

2340 (g) cooperate with state agencies, political subdivisions of the state,
2341 quasi-governmental agencies, federal agencies, schools of higher education, and others in fields
2342 of mutual concern, which may include field investigations and preparation, publication, and
2343 distribution of reports and maps;

2344 (h) collect and preserve data pertaining to mineral resource exploration and
2345 development programs and construction activities, such as claim maps, location of drill holes,
2346 location of surface and underground workings, geologic plans and sections, drill logs, and
2347 assay and sample maps, including the maintenance of a sample library of cores and cuttings;

2348 (i) study and analyze other scientific, economic, or aesthetic problems as, in the
2349 judgment of the board, should be undertaken by the survey to serve the needs of the state and to
2350 support the development of natural resources and utilization of lands within the state;

2351 (j) prepare, publish, distribute, and sell maps, reports, and bulletins, embodying the
2352 work accomplished by the survey, directly or in collaboration with others, and collect and
2353 prepare exhibits of the geological and mineral resources of this state and interpret their
2354 significance;

2355 (k) collect, maintain, and preserve data and information in order to accomplish the
2356 purposes of this section and act as a repository for information concerning the geology of this
2357 state;

2358 (l) stimulate research, study, and activities in the field of paleontology;

2359 (m) mark, protect, and preserve critical paleontological sites;

2360 (n) collect, preserve, and administer critical paleontological specimens until the
2361 specimens are placed in a repository or curation facility;

2362 (o) administer critical paleontological site excavation records;

2363 (p) edit and publish critical paleontological records and reports; and

2364 ~~[(q) by following the procedures and requirements of Title 63J, Chapter 5, Federal~~
2365 ~~Funds Procedures Act, seek federal grants, loans, or participation in federal programs, and, in~~
2366 ~~accordance with applicable federal program guidelines, administer federally funded state~~
2367 ~~programs regarding:]~~

2368 ~~[(i) renewable energy;]~~

2369 ~~[(ii) energy efficiency; and]~~

2370 ~~[(iii) energy conservation; and]~~

2371 ~~[(r)]~~ (q) collect the land use permits described in Sections [10-9a-521](#) and [17-27a-520](#).

2372 (2) (a) The survey may maintain as confidential, and not as a public record,
2373 information provided to the survey by any source.

2374 (b) The board shall adopt rules in order to determine whether to accept the information
2375 described in Subsection (2)(a) and to maintain the confidentiality of the accepted information.

2376 (c) The survey shall maintain information received from any source at the level of
2377 confidentiality assigned to it by the source.

2378 (3) Upon approval of the board, the survey shall undertake other activities consistent
2379 with Subsection (1).

2380 (4) (a) Subject to the authority granted to the department, the survey may enter into
2381 cooperative agreements with the entities specified in Subsection (1)(g), if approved by the

2382 board, and may accept or commit allocated or budgeted funds in connection with those
2383 agreements.

2384 (b) The survey may undertake joint projects with private entities if:

2385 (i) the action is approved by the board;

2386 (ii) the projects are not inconsistent with the state's objectives; and

2387 (iii) the results of the projects are available to the public.

2388 Section 23. Section **79-3-403** is amended to read:

2389 **79-3-403. Utah Geological Survey Restricted Account.**

2390 (1) As used in this section:

2391 (a) "Account" means the Utah Geological Survey [~~Oil, Gas, and Mining~~] Restricted
2392 Account created by this section.

2393 (b) "Survey" means the Utah Geological Survey.

2394 (2) (a) There is created a restricted account within the General Fund known as the
2395 "Utah Geological Survey [~~Oil, Gas, and Mining~~] Restricted Account."

2396 (b) The account consists of:

2397 (i) deposits to the account made under Section [51-9-306](#);

2398 ~~(ii)~~ (ii) deposits to the account made under Section ~~51-9-306~~ [59-23-4](#) [59-21-2](#) ~~51-9-306~~ ;

2399 ~~(iii)~~ (iii) appropriations of the Legislature; and

2400 ~~(iv)~~ (iv) interest and other earnings described in Subsection (2)(c).

2401 (c) The Office of the Treasurer shall deposit interest and other earnings derived from
2402 investment of money in the account into the account.

2403 (3) (a) Upon appropriation by the Legislature, the survey shall use money from the
2404 account to pay costs of:

2405 (i) programs or projects administered by the survey that are primarily related to oil, gas,
2406 and mining~~[-];~~ and

2407 (ii) activities carried on by the survey having as a purpose the development and
2408 exploitation of natural resources in the state.

2409 (b) An appropriation provided for under this section is not intended to replace the
2410 following that is otherwise allocated for the programs or projects described in Subsection

2411 (3)(a)(i):

2412 (i) federal money; or

2413 (ii) a dedicated credit.

2414 (4) Appropriations made in accordance with this section are nonlapsing in accordance
2415 with Section 63J-1-602.1.

2416 Section 24. Section 79-6-102 is amended to read:

2417 **79-6-102. Definitions.**

2418 As used in this chapter:

2419 [~~(1) "Appointing authority" means:~~]

2420 [~~(a) on and before June 30, 2029, the governor; and]~~

2421 [~~(b) on and after July 1, 2029, the executive director.]~~

2422 [~~(2) (a) On and before June 30, 2029, "energy advisor" means the governor's energy
2423 advisor appointed under Section 79-6-401.]~~

2424 [~~(b) On and after July 1, 2029, "energy advisor" means the energy advisor appointed by
2425 the executive director under Section 79-6-401.]~~

2426 [~~(3)~~] (1) "Office" means the Office of Energy Development created in Section
2427 79-6-401.

2428 [~~(4)~~] (2) "State agency" means an executive branch:

2429 (a) department;

2430 (b) agency;

2431 (c) board;

2432 (d) commission;

2433 (e) division; or

2434 (f) state educational institution.

2435 Section 25. Section 79-6-106 is amended to read:

2436 **79-6-106. Hydrogen advisory council.**

2437 (1) The department shall create a hydrogen advisory council within the office that
2438 consists of seven to nine members appointed by the executive director, in consultation with the
2439 [~~energy advisor~~] director. The executive director shall appoint members with expertise in:

2440 (a) hydrogen energy in general;

2441 (b) hydrogen project facilities;

2442 (c) technology suppliers;

2443 (d) hydrogen producers or processors;

- 2444 (e) renewable and fossil based power generation industries; and
2445 (f) fossil fuel based hydrogen feedstock providers.
- 2446 (2) (a) Except as required by Subsection (2)(b), a member shall serve a four-year term.
2447 (b) The executive director shall, at the time of appointment or reappointment, adjust
2448 the length of terms to ensure that the terms of council members are staggered so that
2449 approximately half of the hydrogen advisory council is appointed every two years.
- 2450 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
2451 appointed for the unexpired term.
- 2452 (3) (a) A majority of the members appointed under this section constitutes a quorum of
2453 the hydrogen advisory council.
- 2454 (b) The hydrogen advisory council shall determine:
2455 (i) the time and place of meetings; and
2456 (ii) any other procedural matter not specified in this section.
- 2457 (4) A member may not receive compensation or benefits for the member's service, but
2458 may receive per diem and travel expenses in accordance with:
- 2459 (a) Section [63A-3-106](#);
2460 (b) Section [63A-3-107](#); and
2461 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2462 [63A-3-107](#).
- 2463 (5) The office shall staff the hydrogen advisory council.
- 2464 (6) The hydrogen advisory council may:
2465 (a) develop hydrogen facts and figures that facilitate use of hydrogen fuel within the
2466 state;
2467 (b) encourage cross-state cooperation with states that have hydrogen programs;
2468 (c) work with state agencies, the private sector, and other stakeholders, such as
2469 environmental groups, to:
2470 (i) recommend realistic goals for hydrogen development that can be executed within
2471 realistic time frames; and
2472 (ii) educate, discuss, consult, and make recommendations in hydrogen related matters
2473 that benefit the state;
2474 (d) promote hydrogen research at state institutions of higher education, as defined in

2475 Section 53B-3-102;

2476 (e) make recommendations regarding how to qualify for federal funding of hydrogen
2477 projects, including hydrogen related projects for:

2478 (i) the state;

2479 (ii) a local government;

2480 (iii) a privately commissioned project;

2481 (iv) an educational project;

2482 (v) scientific development; and

2483 (vi) engineering and novel technologies;

2484 (f) make recommendations related to the development of multiple feedstock or energy

2485 resources in the state such as wind, solar, hydroelectric, geothermal, coal, natural gas, oil,

2486 water, electrolysis, coal gasification, liquefaction, hydrogen storage, safety handling,

2487 compression, and transportation;

2488 (g) make recommendations to establish statewide safety protocols for production,

2489 transportation, and handling of hydrogen for both residential and commercial applications;

2490 (h) facilitate public events to raise the awareness of hydrogen and hydrogen related

2491 fuels within the state and how hydrogen can be advantageous to all forms of transportation,

2492 heat, and power generation;

2493 (i) review and make recommendations regarding legislation; and

2494 (j) make other recommendations to the ~~[energy advisor]~~ director related to hydrogen

2495 development in the state.

2496 Section 26. Section 79-6-401 is amended to read:

2497 **79-6-401. Office of Energy Development -- Director -- Purpose -- Rulemaking**
2498 **regarding confidential information -- Fees -- Duties and powers.**

2499 (1) There is created an Office of Energy Development [in] within the Department of
2500 Natural Resources to be administered by a director.

2501 (2) (a) The governor shall appoint the director and the director shall serve at the
2502 pleasure of the governor.

2503 (b) The director shall have demonstrated the necessary administrative and professional
2504 ability through education and experience to efficiently and effectively manage the office's
2505 affairs.

2506 (c) The director shall serve as an advisor to the governor on energy related matters.
2507 ~~[(2)(a) The energy advisor shall serve as the director of the office or, on or before June~~
2508 ~~30, 2029, appoint a director of the office.]~~
2509 ~~[(b) The director:]~~
2510 ~~[(i) shall, if the energy advisor appoints a director under Subsection (2)(a), report to the~~
2511 ~~energy advisor; and]~~
2512 ~~[(ii) may appoint staff as funding within existing budgets allows.]~~
2513 ~~[(c) The office may consolidate energy staff and functions existing in the state energy~~
2514 ~~program.]~~
2515 (3) The purposes of the office are to:
2516 (a) serve as the primary resource for advancing energy and mineral development in the
2517 state;
2518 (b) implement:
2519 (i) the state energy policy under Section [79-6-301](#); and
2520 (ii) the governor's energy and mineral development goals and objectives;
2521 (c) advance energy education, outreach, and research, including the creation of
2522 elementary, higher education, and technical college energy education programs;
2523 (d) promote energy and mineral development workforce initiatives; and
2524 (e) support collaborative research initiatives targeted at Utah-specific energy and
2525 mineral development.
2526 (4) By following the procedures and requirements of Title 63J, Chapter 5, Federal
2527 Funds Procedures Act, the office may:
2528 (a) seek federal grants or loans;
2529 (b) seek to participate in federal programs; and
2530 (c) in accordance with applicable federal program guidelines, administer federally
2531 funded state energy programs.
2532 (5) The office shall perform the duties required by Sections [11-42a-106](#), [59-5-102](#),
2533 [59-7-614.7](#), [59-10-1029](#), [63C-26-202](#), Part 5, Alternative Energy Development Tax Credit Act,
2534 and Part 6, High Cost Infrastructure Development Tax Credit Act.
2535 (6) (a) For purposes of administering this section, the office may make rules, by
2536 following Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to maintain as

2537 confidential, and not as a public record, information that the office receives from any source.

2538 (b) The office shall maintain information the office receives from any source at the
2539 level of confidentiality assigned by the source.

2540 (7) The office may charge application, filing, and processing fees in amounts
2541 determined by the office in accordance with Section [63J-1-504](#) as dedicated credits for
2542 performing office duties described in this part.

2543 (8) (a) An employee of the office on April 30, 2024, is an at-will employee.

2544 (b) For an employee [~~of the~~] described in Subsection (8)(a) who was employed by the
2545 office on [~~July 1, 2021~~] April 30, 2024, the employee shall have the same salary and benefit
2546 options [~~the~~] an employee had when the office was part of the office of the governor.

2547 (c) An employee of the office hired on or after May 1, 2024, shall receive
2548 compensation as provided in Title 63A, Chapter 17, Utah State Personnel Management Act.

2549 (9) (a) The office shall prepare a strategic energy plan to achieve the state's energy
2550 policy, including:

2551 (i) technological and infrastructure innovation needed to meet future energy demand
2552 including:

2553 (A) energy production technologies;

2554 (B) battery and storage technologies;

2555 (C) smart grid technologies;

2556 (D) energy efficiency technologies; and

2557 (E) any other developing energy technology, energy infrastructure planning, or
2558 investments that will assist the state in meeting energy demand;

2559 (ii) the state's efficient utilization and development of:

2560 (A) nonrenewable energy resources, including natural gas, coal, clean coal, hydrogen,
2561 oil, oil shale, and oil sands;

2562 (B) renewable energy resources, including geothermal, solar, hydrogen, wind, biomass,
2563 biofuel, and hydroelectric;

2564 (C) nuclear power; and

2565 (D) earth minerals;

2566 (iii) areas of energy-related academic research;

2567 (iv) specific areas of workforce development necessary for an evolving energy

2568 industry;

2569 (v) the development of partnerships with national laboratories; and

2570 (vi) a proposed state budget for economic development and investment.

2571 (b) In preparing the strategic energy plan, the office shall consult with stakeholders,

2572 including representatives from:

2573 (i) energy companies in the state;

2574 (ii) private and public institutions of higher education within the state conducting

2575 energy-related research; and

2576 (iii) other state agencies.

2577 (c) On or before the October 2023 interim meeting, the office shall report to the Public

2578 Utilities, Energy, and Technology Interim Committee and the Executive Appropriations

2579 [~~Interim~~] Committee describing:

2580 (i) progress towards creation of the strategic energy plan; and

2581 (ii) a proposed budget for the office to continue development of the strategic energy

2582 plan.

2583 (10) The director shall:

2584 (a) annually review and propose updates to the state's energy policy, as contained in

2585 Section [79-6-301](#);

2586 (b) promote as the governor considers necessary:

2587 (i) the development of cost-effective energy resources both renewable and

2588 nonrenewable; and

2589 (ii) educational programs, including programs supporting conservation and energy

2590 efficiency measures;

2591 (c) coordinate across state agencies to assure consistency with state energy policy,

2592 including:

2593 (i) working with the State Energy Program to promote access to federal assistance for

2594 energy-related projects for state agencies and members of the public;

2595 (ii) working with the Division of Emergency Management to assist the governor in

2596 carrying out the governor's energy emergency powers under Title 53, Chapter 2a, Part 10,

2597 Energy Emergency Powers of the Governor Act;

2598 (iii) participating in the annual review of the energy emergency plan and the

2599 maintenance of the energy emergency plan and a current list of contact persons required by
2600 Section 53-2a-902; and
2601 (iv) identifying and proposing measures necessary to facilitate low-income consumers'
2602 access to energy services;
2603 (d) coordinate with the Division of Emergency Management ongoing activities
2604 designed to test an energy emergency plan to ensure coordination and information sharing
2605 among state agencies and political subdivisions in the state, public utilities and other energy
2606 suppliers, and other relevant public sector persons as required by Sections 53-2a-902,
2607 53-2a-1004, 53-2a-1008, and 53-2a-1010;
2608 (e) coordinate with requisite state agencies to study:
2609 (i) the creation of a centralized state repository for energy-related information;
2610 (ii) methods for streamlining state review and approval processes for energy-related
2611 projects; and
2612 (iii) the development of multistate energy transmission and transportation
2613 infrastructure;
2614 (f) coordinate energy-related regulatory processes within the state;
2615 (g) compile, and make available to the public, information about federal, state, and
2616 local approval requirements for energy-related projects;
2617 (h) act as the state's advocate before federal and local authorities for energy-related
2618 infrastructure projects or coordinate with the appropriate state agency; and
2619 (i) help promote the Division of Facilities Construction and Management's measures to
2620 improve energy efficiency in state buildings.
2621 (11) The director has standing to testify on behalf of the governor at the Public Service
2622 Commission created in Section 54-1-1.
2623 Section 27. Section **79-6-404**, which is renumbered from Section 79-6-202 is
2624 renumbered and amended to read:
2625 **[79-6-202]. 79-6-404. Agency cooperation.**
2626 A state agency shall provide the [energy advisor] office with any energy-related
2627 information requested by the [energy advisor if the energy advisor's] office if the office's
2628 request is consistent with other law.
2629 Section 28. Section **79-6-405**, which is renumbered from Section 79-6-203 is

2630 renumbered and amended to read:

2631 ~~[79-6-203]~~. **79-6-405. Reports.**

2632 (1) The ~~[energy advisor]~~ director shall report annually to:

2633 (a) the ~~[appointing authority]~~ governor; and

2634 (b) the Natural Resources, Agriculture, and Environment Interim Committee.

2635 (2) The report required in Subsection (1) shall:

2636 (a) summarize the status and development of the state's energy resources;

2637 (b) summarize the activities and accomplishments of the Office of Energy

2638 Development;

2639 (c) address the ~~[energy advisor's]~~ director's activities under this part; and

2640 (d) recommend any energy-related executive or legislative action the ~~[energy advisor]~~

2641 director considers beneficial to the state, including updates to the state energy policy under

2642 Section ~~79-6-301~~.

2643 Section 29. Section **79-6-901** is amended to read:

2644 **79-6-901. Definitions.**

2645 As used in this part:

2646 (1) "Application" means an application for a tax credit under Title 79, Chapter 6, Part
2647 6, High Cost Infrastructure Development Tax Credit Act.

2648 (2) "Board" means the Utah Energy Infrastructure Board created in Section ~~79-6-902~~.

2649 (3) "Electric interlocal entity" means the same as that term is defined in Section

2650 ~~11-13-103~~.

2651 ~~[(4)] "Energy advisor" means the energy advisor appointed under Section ~~79-6-201~~;~~

2652 ~~[(5)]~~ (4) "Fuel standard compliance project" means the same as that term is defined in

2653 Section ~~79-6-602~~.

2654 ~~[(6)]~~ (5) "Office" means the Office of Energy Development created in Section

2655 ~~79-6-401~~.

2656 ~~[(7)]~~ (6) "Tax credit" means the same as that term is defined in Section ~~79-6-602~~.

2657 Section 30. Section **79-6-902** is amended to read:

2658 **79-6-902. Utah Energy Infrastructure Board.**

2659 (1) There is created within the office the Utah Energy Infrastructure Board that consists

2660 of nine members as follows:

- 2661 (a) members appointed by the governor:
- 2662 (i) [~~the energy advisor or~~] the director of the Office of Energy Development, who shall
- 2663 serve as chair of the board;
- 2664 (ii) one member from the Governor's Office of Economic Opportunity;
- 2665 (iii) one member from a public utility or electric interlocal entity that operates electric
- 2666 transmission facilities within the state;
- 2667 (iv) two members representing the economic development interests of rural
- 2668 communities as follows:
- 2669 (A) one member currently serving as county commissioner of a county of the third,
- 2670 fourth, fifth, or sixth class, as described in Section 17-50-501; and
- 2671 (B) one member of a rural community with work experience in the energy industry;
- 2672 (v) two members of the general public with relevant industry or community
- 2673 experience; and
- 2674 (vi) one member of the general public who has experience with public finance and
- 2675 bonding; and
- 2676 (b) the director of the School and Institutional Trust Lands Administration created in
- 2677 Section 53C-1-201.
- 2678 (2) (a) The term of an appointed board member is four years.
- 2679 (b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment
- 2680 or reappointment, adjust the length of terms to ensure that the terms of board members are
- 2681 staggered so that approximately half of the board is appointed every two years.
- 2682 (c) The governor may remove a member of the board for cause.
- 2683 (d) The governor shall fill a vacancy in the board in the same manner under this section
- 2684 as the appointment of the member whose vacancy is being filled.
- 2685 (e) An individual appointed to fill a vacancy shall serve the remaining unexpired term
- 2686 of the member whose vacancy the individual is filling.
- 2687 (f) A board member shall serve until a successor is appointed and qualified.
- 2688 (3) (a) Five members of the board constitute a quorum for conducting board business.
- 2689 (b) A majority vote of the quorum present is required for an action to be taken by the
- 2690 board.
- 2691 (4) The board shall meet as needed to review an application.

2692 (5) A member may not receive compensation or benefits for the member's service, but
2693 may receive per diem and travel expenses in accordance with:

2694 (a) Section 63A-3-106;

2695 (b) Section 63A-3-107; and

2696 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2697 63A-3-107.

2698 Section 31. Section 79-7-203 is amended to read:

2699 **79-7-203. Powers and duties of division.**

2700 (1) As used in this section, "real property" includes land under water, upland, and all
2701 other property commonly or legally defined as real property.

2702 (2) The Division of Wildlife Resources shall retain the power and jurisdiction
2703 conferred upon the Division of Wildlife Resources by law on property controlled by the
2704 division with reference to fish and game.

2705 (3) For purposes of property controlled by the division, the division shall permit
2706 multiple uses of the property for purposes such as grazing, fishing, hunting, camping, mining,
2707 and the development and use of water and other natural resources.

2708 (4) (a) The division may acquire real and personal property in the name of the state by
2709 legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or
2710 otherwise, subject to the approval of the executive director [~~and the governor~~].

2711 (b) In acquiring real or personal property, the credit of the state may not be pledged
2712 without the consent of the Legislature.

2713 (5) (a) Before acquiring any real property, the division shall notify the county
2714 legislative body of the county where the property is situated of the division's intention to
2715 acquire the property.

2716 (b) If the county legislative body requests a hearing within 10 days of receipt of the
2717 notice, the division shall hold a public hearing in the county concerning the matter.

2718 (6) Acceptance of gifts or devises of land or other property is at the discretion of the
2719 division, subject to the approval of the executive director [~~and the governor~~].

2720 (7) The division shall acquire property by eminent domain in the manner authorized by
2721 Title 78B, Chapter 6, Part 5, Eminent Domain.

2722 (8) (a) The division may make charges for special services and use of facilities, the

2723 income from which is available for recreation purposes.

2724 (b) The division may conduct and operate those services necessary for the comfort and
2725 convenience of the public.

2726 (9) (a) The division may lease or rent concessions of lawful kinds and nature on
2727 property to persons, partnerships, and corporations for a valuable consideration after notifying
2728 the commission.

2729 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in
2730 selecting concessionaires.

2731 (10) The division shall proceed without delay to negotiate with the federal government
2732 concerning the Weber Basin and other recreation and reclamation projects.

2733 (11) (a) The division shall coordinate with and annually report to the following
2734 regarding land acquisition and development and grants administered under this chapter or
2735 Chapter 8, Outdoor Recreation Grants:

2736 (i) the Division of State Parks; and

2737 (ii) the ~~[Office of]~~ Center for Rural Development.

2738 (b) The report required under Subsection (11)(a) shall be in writing, made public, and
2739 include a description and the amount of any grant awarded under this chapter or Chapter 8,
2740 Outdoor Recreation Grants.

2741 (12) The division shall:

2742 (a) coordinate outdoor recreation policy, management, and promotion:

2743 (i) among state and federal agencies and local government entities in the state;

2744 (ii) with the Public Lands Policy Coordinating Office created in Section [63L-11-201](#), if
2745 public land is involved; and

2746 (iii) on at least a quarterly basis, with the executive director and the executive director
2747 of the Governor's Office of Economic Opportunity;

2748 (b) in cooperation with the Governor's Office of Economic Opportunity, promote
2749 economic development in the state by:

2750 (i) coordinating with outdoor recreation stakeholders;

2751 (ii) improving recreational opportunities; and

2752 (iii) recruiting outdoor recreation business;

2753 (c) promote all forms of outdoor recreation, including motorized and nonmotorized

2754 outdoor recreation;

2755 (d) recommend to the governor and Legislature policies and initiatives to enhance
2756 recreational amenities and experiences in the state and help implement those policies and
2757 initiatives;

2758 (e) in performing the division's duties, seek to ensure safe and adequate access to
2759 outdoor recreation for all user groups and for all forms of recreation;

2760 (f) develop data regarding the impacts of outdoor recreation in the state; and

2761 (g) promote the health and social benefits of outdoor recreation, especially to young
2762 people.

2763 (13) By following Title 63J, Chapter 5, Federal Funds Procedures Act, the division
2764 may:

2765 (a) seek federal grants or loans;

2766 (b) seek to participate in federal programs; and

2767 (c) in accordance with applicable federal program guidelines, administer federally
2768 funded outdoor recreation programs.

2769 Section 32. Section **79-7-601**, which is renumbered from Section 79-4-1102 is
2770 renumbered and amended to read:

2771 **Part 6. Contingency Planning for Management of Federal Land**

2772 ~~[79-4-1102]~~. **79-7-601. Contingency plan for federal property.**

2773 (1) As used in this part, "fiscal emergency" means a major disruption in the operation
2774 of one or more national parks, national monuments, national forests, or national recreation
2775 areas in the state caused by the unforeseen or sudden significant decrease or elimination of
2776 funding from the federal government.

2777 (2) During a fiscal emergency, and subject to congressional approval, the governor's
2778 agreement with the United States Department of the Interior, or a presidential executive order,
2779 the governor ~~[is authorized to]~~ may enter into an agreement with the federal government to
2780 ensure that one or more national parks, national monuments, national forests, or national
2781 recreation areas in the state, according to the priority set under ~~[Section 79-4-1103]~~ Section
2782 79-7-602, remain open to the public.

2783 Section 33. Section **79-7-602**, which is renumbered from Section 79-4-1103 is
2784 renumbered and amended to read:

2785 ~~[79-4-1103]~~. 79-7-602. Governor's duties -- Priority of federal property.

2786 (1) During a fiscal emergency, the governor shall:

2787 (a) if financially practicable, work with the federal government to open and maintain
2788 the operation of one or more national parks, national monuments, national forests, and national
2789 recreation areas in the state, in the order established under this section; and

2790 (b) report to the speaker of the House and the president of the Senate on the need, if
2791 any, for additional appropriations to assist the division in opening and operating one or more
2792 national parks, national monuments, national forests, and national recreation areas in the state.

2793 (2) The director of the Division of Outdoor Recreation, in consultation with the
2794 executive director of the ~~[Governor's Office of Economic Opportunity]~~ Department of Natural
2795 Resources, shall determine, by rule, the priority of national parks, national monuments,
2796 national forests, and national recreation areas in the state.

2797 (3) In determining the priority described in Subsection (2), the director of the Division
2798 of Outdoor Recreation shall consider the:

2799 (a) economic impact of the national park, national monument, national forest, or
2800 national recreation area in the state; and

2801 (b) recreational value offered by the national park, national monument, national forest,
2802 or national recreation area.

2803 (4) The director of the Division of Outdoor Recreation shall annually review the
2804 priority set under Subsection (2) to determine whether the priority list should be amended.

2805 Section 34. **Repealer.**

2806 This bill repeals:

2807 Section ~~40-6-22~~, **Regulatory certainty to support economic recovery.**

2808 Section ~~73-10-12~~, **Appropriations.**

2809 Section ~~73-10-13~~, **Appropriation for loan fund.**

2810 Section ~~73-10-31~~, **Allocation of funds for credit enhancement and interest**
2811 **buy-down agreements.**

2812 Section ~~79-4-1101~~, **Title.**

2813 Section ~~79-6-201~~, **Advisor -- Duties.**

2814 Section 35. **Effective date.**

2815 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

2816 (2) (a) The actions affecting the following sections take effect on July 1, 2024:
2817 (i) Section 23A-3-214;
2818 (ii) Section 51-9-306;
2819 (iii) Section 59-12-103 (Contingently Superseded 01/01/25);
2820 (iv) Section 59-21-2;
2821 (v) Section 59-23-4;
2822 (vi) Section 63J-1-602.1; and
2823 (vii) Section 79-3-403.
2824 (b) The actions affecting Section 59-12-103 (Contingently Effective 01/01/25)
2825 contingently take effect on January 1, 2025.
2826 **Section 36. Coordinating H.B. 519 with other 2024 General Session legislation.**
2827 The Legislature intends that, on May 1, 2024, in legislation that passes in the 2024
2828 General Session and becomes law:
2829 (1) any reference to the executive director of the Public Lands Policy Coordinating
2830 Office be changed to director of the Public Lands Policy Coordinating Office in any new
2831 language added to the Utah Code;
2832 (2) any occurrence of "executive director" be changed to "director" in any new
2833 language added to Title 63L, Chapter 11, Public Lands Planning; and
2834 (3) any reference to energy advisor be changed to the director of the Office of Energy
2835 Development in any new language added to the Utah Code.