

DEPARTMENT OF NATURAL RESOURCES MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: _____

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;
- ▶ modifies provisions related to the director of the Office of Energy Development and removes references to energy advisor;



- 28 ▶ clarifies the status of an employee of the Office of Energy Development;
- 29 ▶ repeals a requirement that the governor approve the purchase or acceptance of
- 30 property by the Division of Outdoor Recreation;
- 31 ▶ repeals a requirement that 10% of certain expenditures by the Board of Water
- 32 Resources be allocated for credit enhancement and interest buy-down agreements;
- 33 ▶ clarifies that the Division of Outdoor Recreation has duties related to a contingency
- 34 plan for federal property during a fiscal emergency;
- 35 ▶ repeals outdated language, including appropriation language; and
- 36 ▶ makes technical and conforming changes.

37 **Money Appropriated in this Bill:**

38 None

39 **Other Special Clauses:**

40 This bill provides a special effective date.

41 This bill provides a coordination clause.

42 **Utah Code Sections Affected:**

43 AMENDS:

44 **41-22-31**, as repealed and reenacted by Laws of Utah 2023, Chapter 11

45 **41-22-35**, as last amended by Laws of Utah 2022, Chapters 68, 143

46 **59-12-103 (Contingently Superseded 01/01/25)**, as last amended by Laws of Utah

47 2023, Chapters 22, 213, 329, 361, and 471

48 **59-12-103 (Contingently Effective 01/01/25)**, as last amended by Laws of Utah 2023,

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

50 **59-23-4**, as last amended by Laws of Utah 2018, Chapter 413

51 **63L-11-102**, as last amended by Laws of Utah 2023, Chapter 16

52 **63L-11-201**, as last amended by Laws of Utah 2021, Chapter 345 and renumbered and

53 amended by Laws of Utah 2021, Chapter 382

54 **63L-11-202**, as last amended by Laws of Utah 2023, Chapter 160

55 **63L-11-305**, as last amended by Laws of Utah 2022, Chapter 313

56 **63L-11-402**, as last amended by Laws of Utah 2023, Chapter 160

57 **63L-11-403**, as renumbered and amended by Laws of Utah 2021, Chapter 382

58 **67-22-2**, as last amended by Laws of Utah 2023, Chapter 205

- 59 [73-5-15](#), as last amended by Laws of Utah 2023, Chapters 16, 230
- 60 [73-10-27](#), as last amended by Laws of Utah 2012, Chapter 347
- 61 [79-2-102](#), as last amended by Laws of Utah 2023, Chapter 34
- 62 [79-2-406](#), as enacted by Laws of Utah 2022, Chapter 216
- 63 [79-3-202](#), as last amended by Laws of Utah 2022, Chapter 216
- 64 [79-6-102](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 65 [79-6-106](#), as enacted by Laws of Utah 2023, Chapter 233
- 66 [79-6-401](#), as last amended by Laws of Utah 2023, Chapter 196
- 67 [79-6-901](#), as renumbered and amended by Laws of Utah 2022, Chapter 44
- 68 [79-6-902](#), as renumbered and amended by Laws of Utah 2022, Chapter 44
- 69 [79-7-203](#), as last amended by Laws of Utah 2023, Chapter 33

70 ENACTS:

- 71 [41-22-35.5](#), Utah Code Annotated 1953

72 RENUMBERS AND AMENDS:

- 73 [23A-3-214](#), (Renumbered from 79-2-303, as renumbered and amended by Laws of
- 74 Utah 2009, Chapter 344)
- 75 [79-6-404](#), (Renumbered from 79-6-202, as renumbered and amended by Laws of Utah
- 76 2021, Chapter 280)
- 77 [79-6-405](#), (Renumbered from 79-6-203, as renumbered and amended by Laws of Utah
- 78 2021, Chapter 280)
- 79 [79-7-601](#), (Renumbered from 79-4-1102, as enacted by Laws of Utah 2014, Chapter
- 80 313)
- 81 [79-7-602](#), (Renumbered from 79-4-1103, as last amended by Laws of Utah 2022,
- 82 Chapter 68)

83 REPEALS:

- 84 [40-6-22](#), as last amended by Laws of Utah 2022, Chapter 443
- 85 [73-10-12](#), as Utah Code Annotated 1953
- 86 [73-10-13](#), as enacted by Laws of Utah 1963, Chapter 199
- 87 [73-10-31](#), as enacted by Laws of Utah 1996, Chapter 199
- 88 [79-4-1101](#), as enacted by Laws of Utah 2014, Chapter 313
- 89 [79-6-201](#), as renumbered and amended by Laws of Utah 2021, Chapter 280

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

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

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

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

(2) The account shall consist of:

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

(b) interest earned on money in the account.

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

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

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

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

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

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

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

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

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

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

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

121 **41-22-31. Division to set standards for safety program -- Safety certificates issued**
122 **-- Cooperation with public and private entities -- State immunity from suit.**

123 (1) (a) The division shall:

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

128 (ii) implement the program.

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

132 (ii) Components of the program shall include:

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

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

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

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

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

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

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

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

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

151 (3) Except as provided in Subsection [~~(4)~~] (4)(a), an individual [~~that~~] who is 18 years

152 old or older may not operate an off-highway vehicle on public lands in this state unless the
153 individual has completed the requirements of the program established in accordance with this
154 section and rules made in accordance with Subsection (1) by completing:

- 155 (a) a course described in Subsection (2); or
- 156 (b) a one-time course offered or approved by the division.
- 157 (4) The requirements described in this section do not apply to:
 - 158 (a) an individual who is 18 years old or older operating:
 - 159 (i) a snowmobile [~~or~~];
 - 160 (ii) an off-highway implement of husbandry; or
 - 161 [~~(b)~~] (iii) [~~an individual operating~~] an off-highway vehicle as part of a guided tour or a
 - 162 sanctioned off-highway vehicle event[-]; or
 - 163 (b) an individual under 18 years old operating an off-highway implement of husbandry.

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

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

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

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

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

179 **41-22-35. Off-highway vehicle user fee -- Decal -- Agents -- Penalty for fraudulent**
180 **issuance of decal -- Deposit and use of fee revenue.**

181 (1) (a) Except as provided in Subsection (1)(b), any person owning or operating a
182 nonresident off-highway vehicle who operates or gives another person permission to operate

183 the nonresident off-highway vehicle on any public land, trail, street, or highway in this state
184 shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

213 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

214 division, after notifying the commission, shall make rules establishing:

215 (a) procedures for:

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

217 (ii) the display of a decal on an off-highway vehicle as required under Subsection

218 (3)(b);

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

220 (c) eligibility for scheduled competitive events or other events under Subsection

221 (1)(b)(ii); and

222 (d) eligibility for an off-highway vehicle manufacturer sponsored event under

223 Subsection (1)(b)(iv).

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

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

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

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

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

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

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

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

235 (iii) If the amount due is not paid because of bad faith or fraud, the division shall assess
236 a penalty of 100% of the total amount due together with interest.

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

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

240 (ii) belong to the state.

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

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

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

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

248 **41-22-35.5. Electronic payment fee.**

249 (1) As used in this section:

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

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

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

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

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

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

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

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

265 Section 5. Section **59-12-103 (Contingently Superseded 01/01/25)** is amended to
266 read:

267 **59-12-103 (Contingently Superseded 01/01/25). Sales and use tax base -- Rates --**
268 **Effective dates -- Use of sales and use tax revenues.**

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

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

272 (b) amounts paid for:

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

275 (ii) mobile telecommunications service that originates and terminates within the

276 boundaries of one state only to the extent permitted by the Mobile Telecommunications
277 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or
278 (iii) an ancillary service associated with a:
279 (A) telecommunications service described in Subsection (1)(b)(i); or
280 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
281 (c) sales of the following for commercial use:
282 (i) gas;
283 (ii) electricity;
284 (iii) heat;
285 (iv) coal;
286 (v) fuel oil; or
287 (vi) other fuels;
288 (d) sales of the following for residential use:
289 (i) gas;
290 (ii) electricity;
291 (iii) heat;
292 (iv) coal;
293 (v) fuel oil; or
294 (vi) other fuels;
295 (e) sales of prepared food;
296 (f) except as provided in Section [59-12-104](#), amounts paid or charged as admission or
297 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
298 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
299 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
300 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
301 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
302 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
303 horseback rides, sports activities, or any other amusement, entertainment, recreation,
304 exhibition, cultural, or athletic activity;
305 (g) amounts paid or charged for services for repairs or renovations of tangible personal
306 property, unless Section [59-12-104](#) provides for an exemption from sales and use tax for:

- 307 (i) the tangible personal property; and
- 308 (ii) parts used in the repairs or renovations of the tangible personal property described
- 309 in Subsection (1)(g)(i), regardless of whether:
- 310 (A) any parts are actually used in the repairs or renovations of that tangible personal
- 311 property; or
- 312 (B) the particular parts used in the repairs or renovations of that tangible personal
- 313 property are exempt from a tax under this chapter;
- 314 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for
- 315 assisted cleaning or washing of tangible personal property;
- 316 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court
- 317 accommodations and services that are regularly rented for less than 30 consecutive days;
- 318 (j) amounts paid or charged for laundry or dry cleaning services;
- 319 (k) amounts paid or charged for leases or rentals of tangible personal property if within
- 320 this state the tangible personal property is:
- 321 (i) stored;
- 322 (ii) used; or
- 323 (iii) otherwise consumed;
- 324 (l) amounts paid or charged for tangible personal property if within this state the
- 325 tangible personal property is:
- 326 (i) stored;
- 327 (ii) used; or
- 328 (iii) consumed;
- 329 (m) amounts paid or charged for a sale:
- 330 (i) (A) of a product transferred electronically; or
- 331 (B) of a repair or renovation of a product transferred electronically; and
- 332 (ii) regardless of whether the sale provides:
- 333 (A) a right of permanent use of the product; or
- 334 (B) a right to use the product that is less than a permanent use, including a right:
- 335 (I) for a definite or specified length of time; and
- 336 (II) that terminates upon the occurrence of a condition; and
- 337 (n) sales of leased tangible personal property from the lessor to the lessee made in the

338 state.

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

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

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

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

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

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

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

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

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

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

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

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

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

368 (e) (i) (A) If a shared vehicle owner certifies to the commission, on a form prescribed

369 by the commission, that the shared vehicle is an individual-owned shared vehicle, a tax
370 imposed under Subsection (2)(a)(i)(A) does not apply to car sharing, a car-sharing program, a
371 shared vehicle driver, or a shared vehicle owner.

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

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

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

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

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

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

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

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

393 (vi) A car-sharing program shall:

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

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

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

400 (A) a state tax imposed on the entire bundled transaction equal to the sum of:
401 (I) the tax rate described in Subsection (2)(a)(i)(A); and
402 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State
403 Sales and Use Tax Act, if the location of the transaction as determined under Sections
404 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,
405 Additional State Sales and Use Tax Act; and
406 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
407 Sales and Use Tax Act, if the location of the transaction as determined under Sections
408 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which
409 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
410 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates
411 described in Subsection (2)(a)(ii).
412 (ii) If an optional computer software maintenance contract is a bundled transaction that
413 consists of taxable and nontaxable products that are not separately itemized on an invoice or
414 similar billing document, the purchase of the optional computer software maintenance contract
415 is 40% taxable under this chapter and 60% nontaxable under this chapter.
416 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled
417 transaction described in Subsection (2)(f)(i) or (ii):
418 (A) if the sales price of the bundled transaction is attributable to tangible personal
419 property, a product, or a service that is subject to taxation under this chapter and tangible
420 personal property, a product, or service that is not subject to taxation under this chapter, the
421 entire bundled transaction is subject to taxation under this chapter unless:
422 (I) the seller is able to identify by reasonable and verifiable standards the tangible
423 personal property, product, or service that is not subject to taxation under this chapter from the
424 books and records the seller keeps in the seller's regular course of business; or
425 (II) state or federal law provides otherwise; or
426 (B) if the sales price of a bundled transaction is attributable to two or more items of
427 tangible personal property, products, or services that are subject to taxation under this chapter
428 at different rates, the entire bundled transaction is subject to taxation under this chapter at the
429 higher tax rate unless:
430 (I) the seller is able to identify by reasonable and verifiable standards the tangible

431 personal property, product, or service that is subject to taxation under this chapter at the lower
432 tax rate from the books and records the seller keeps in the seller's regular course of business; or

433 (II) state or federal law provides otherwise.

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

437 (g) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(g)(ii)
438 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a
439 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental
440 of tangible personal property, other property, a product, or a service that is not subject to
441 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless
442 the seller, at the time of the transaction:

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

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

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

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

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

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

459 (h) (i) If the sales price of a transaction is attributable to two or more items of tangible
460 personal property, products, or services that are subject to taxation under this chapter at
461 different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate

462 unless the seller, at the time of the transaction:

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

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

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

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

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

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

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

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

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

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

481 (B) Subsection (2)(b)(i);

482 (C) Subsection (2)(c)(i); or

483 (D) Subsection (2)(f)(i)(A)(I).

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

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

488 (B) Subsection (2)(b)(i);

489 (C) Subsection (2)(c)(i); or

490 (D) Subsection (2)(f)(i)(A)(I).

491 (k) (i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale
492 is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal

493 or change in a tax rate takes effect:

494 (A) on the first day of a calendar quarter; and

495 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

496 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:

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

498 (B) Subsection (2)(b)(i);

499 (C) Subsection (2)(c)(i); or

500 (D) Subsection (2)(f)(i)(A)(I).

501 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
502 the commission may by rule define the term "catalogue sale."

503 (l) (i) For a location described in Subsection (2)(l)(ii), the commission shall determine
504 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the
505 predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.

506 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
507 or other fuel is furnished through a single meter for two or more of the following uses:

508 (A) a commercial use;

509 (B) an industrial use; or

510 (C) a residential use.

511 (3) (a) The following state taxes shall be deposited into the General Fund:

512 (i) the tax imposed by Subsection (2)(a)(i)(A);

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

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

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

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

518 (i) the tax imposed by Subsection (2)(a)(ii);

519 (ii) the tax imposed by Subsection (2)(b)(ii);

520 (iii) the tax imposed by Subsection (2)(c)(ii); and

521 (iv) the tax imposed by Subsection (2)(f)(i)(B).

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

524 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
525 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
526 through (g):

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

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

529 (B) for the fiscal year; or

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

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

534 (A) implement the measures described in ~~[Subsections 79-2-303(3)(a)]~~ Subsections
535 23A-3-214(3)(a) through (d) to protect sensitive plant and animal species; or

536 (B) award grants, up to the amount authorized by the Legislature in an appropriations
537 act, to political subdivisions of the state to implement the measures described in ~~[Subsections~~
538 ~~79-2-303(3)(a)]~~ Subsections 23A-3-214(3)(a) through (d) to protect sensitive plant and animal
539 species.

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

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

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

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

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

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

554 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described

555 in Subsection (4)(a) shall be transferred each year as designated sales and use tax revenue to
556 the Division of Water Rights to cover the costs incurred in hiring legal and technical staff for
557 the adjudication of water rights.

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

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

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

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

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

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

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

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

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

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

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

585 (i) provide for the installation and repair of collection, treatment, storage, and

586 distribution facilities for any public water system, as defined in Section 19-4-102;
587 (ii) develop underground sources of water, including springs and wells; and
588 (iii) develop surface water sources.

589 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
590 2006, the difference between the following amounts shall be expended as provided in this
591 Subsection (5), if that difference is greater than \$1:

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

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

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

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

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

612 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
613 remaining difference described in Subsection (5)(a) shall be deposited into the Water
614 Resources Conservation and Development Fund created in Section 73-10-24 for use by the
615 Division of Water Resources for:
616 (i) preconstruction costs:

617 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
618 26, Bear River Development Act; and

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

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

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

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

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

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

634 (7) (a) Notwithstanding Subsection (3)(a) and subject to Subsection (7)(b), for a fiscal
635 year beginning on or after July 1, 2023, the commission shall deposit into the Transportation
636 Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under
637 Subsection (3)(a) equal to 17% of the revenue collected from the following sales and use taxes:

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

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

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

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

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

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

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

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

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

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

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

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

664 (c) (i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,
665 2023, the commission shall annually reduce the deposit into the Transportation Investment
666 Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is equal to 5% of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

710 limit in Subsection (8)(d)(iii).

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

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

718 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
719 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
720 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

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

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

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

732 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
733 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated credit
734 solely for use of the Search and Rescue Financial Assistance Program created in, and expended
735 in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

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

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

741 transfer the total revenue deposited into the Transportation Investment Fund of 2005 under
742 Subsections (7) and (8) during the fiscal year to the General Fund.

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

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

- 753 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 754 (b) the tax imposed by Subsection (2)(b)(i);
- 755 (c) the tax imposed by Subsection (2)(c)(i); and
- 756 (d) the tax imposed by Subsection (2)(f)(i)(A)(I).

757 Section 6. Section 59-12-103 (Contingently Effective 01/01/25) is amended to read:

758 **59-12-103 (Contingently Effective 01/01/25). Sales and use tax base -- Rates --**
759 **Effective dates -- Use of sales and use tax revenues.**

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

- 762 (a) retail sales of tangible personal property made within the state;
- 763 (b) amounts paid for:
 - 764 (i) telecommunications service, other than mobile telecommunications service, that
765 originates and terminates within the boundaries of this state;
 - 766 (ii) mobile telecommunications service that originates and terminates within the
767 boundaries of one state only to the extent permitted by the Mobile Telecommunications
768 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or
 - 769 (iii) an ancillary service associated with a:
 - 770 (A) telecommunications service described in Subsection (1)(b)(i); or
 - 771 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

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

773 (i) gas;

774 (ii) electricity;

775 (iii) heat;

776 (iv) coal;

777 (v) fuel oil; or

778 (vi) other fuels;

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

780 (i) gas;

781 (ii) electricity;

782 (iii) heat;

783 (iv) coal;

784 (v) fuel oil; or

785 (vi) other fuels;

786 (e) sales of prepared food;

787 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or

788 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,

789 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,

790 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit

791 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf

792 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,

793 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,

794 horseback rides, sports activities, or any other amusement, entertainment, recreation,

795 exhibition, cultural, or athletic activity;

796 (g) amounts paid or charged for services for repairs or renovations of tangible personal

797 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:

798 (i) the tangible personal property; and

799 (ii) parts used in the repairs or renovations of the tangible personal property described

800 in Subsection (1)(g)(i), regardless of whether:

801 (A) any parts are actually used in the repairs or renovations of that tangible personal

802 property; or

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

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

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

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

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

812 (i) stored;

813 (ii) used; or

814 (iii) otherwise consumed;

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

817 (i) stored;

818 (ii) used; or

819 (iii) consumed;

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

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

822 (B) of a repair or renovation of a product transferred electronically; and

823 (ii) regardless of whether the sale provides:

824 (A) a right of permanent use of the product; or

825 (B) a right to use the product that is less than a permanent use, including a right:

826 (I) for a definite or specified length of time; and

827 (II) that terminates upon the occurrence of a condition; and

828 (n) sales of leased tangible personal property from the lessor to the lessee made in the
829 state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

864 (C) The commission shall verify that a shared vehicle is an individual-owned shared

865 vehicle by verifying that the applicable Utah taxes imposed under this chapter were paid on the
866 purchase of the shared vehicle.

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

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

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

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

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

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

883 (vi) A car-sharing program shall:

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

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

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

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

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

892 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State
893 Sales and Use Tax Act, if the location of the transaction as determined under Sections
894 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,
895 Additional State Sales and Use Tax Act; and

896 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
897 Sales and Use Tax Act, if the location of the transaction as determined under Sections
898 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which
899 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

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

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

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

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

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

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

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

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

923 (II) state or federal law provides otherwise.

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

927 (g) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(g)(ii)
928 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a
929 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental
930 of tangible personal property, other property, a product, or a service that is not subject to
931 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless
932 the seller, at the time of the transaction:

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

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

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

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

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

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

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

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

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

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

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

- 963 (i) Subsection (2)(a)(i)(A);
- 964 (ii) Subsection (2)(b)(i); or
- 965 (iii) Subsection (2)(f)(i)(A)(I).

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

- 969 (A) Subsection (2)(a)(i)(A);
- 970 (B) Subsection (2)(b)(i); or
- 971 (C) Subsection (2)(f)(i)(A)(I).

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

- 975 (A) Subsection (2)(a)(i)(A);
- 976 (B) Subsection (2)(b)(i); or
- 977 (C) Subsection (2)(f)(i)(A)(I).

978 (k) (i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale
979 is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal
980 or change in a tax rate takes effect:

- 981 (A) on the first day of a calendar quarter; and
- 982 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

983 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:

- 984 (A) Subsection (2)(a)(i)(A);
- 985 (B) Subsection (2)(b)(i); or
- 986 (C) Subsection (2)(f)(i)(A)(I).

987 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
988 the commission may by rule define the term "catalogue sale."

989 (l) (i) For a location described in Subsection (2)(l)(ii), the commission shall determine
990 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the
991 predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.

992 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
993 or other fuel is furnished through a single meter for two or more of the following uses:

994 (A) a commercial use;

995 (B) an industrial use; or

996 (C) a residential use.

997 (3) (a) The following state taxes shall be deposited into the General Fund:

998 (i) the tax imposed by Subsection (2)(a)(i)(A);

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

1000 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).

1001 (b) The following local taxes shall be distributed to a county, city, or town as provided
1002 in this chapter:

1003 (i) the tax imposed by Subsection (2)(a)(ii);

1004 (ii) the tax imposed by Subsection (2)(b)(ii);

1005 (iii) the tax imposed by Subsection (2)(c); and

1006 (iv) the tax imposed by Subsection (2)(f)(i)(B).

1007 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General
1008 Fund.

1009 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1010 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
1011 through (g):

1012 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:

1013 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and

1014 (B) for the fiscal year; or

1015 (ii) \$17,500,000.

1016 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
1017 described in Subsection (4)(a) shall be transferred each year as designated sales and use tax
1018 revenue to the ~~[Department of Natural Resources]~~ Division of Wildlife Resources to:

1019 (A) implement the measures described in ~~[Subsections 79-2-303(3)(a)]~~ Subsections

- 1020 [23A-3-214\(3\)\(a\)](#) through (d) to protect sensitive plant and animal species; or
- 1021 (B) award grants, up to the amount authorized by the Legislature in an appropriations
- 1022 act, to political subdivisions of the state to implement the measures described in [~~Subsections~~
- 1023 ~~79-2-303(3)(a)~~ [Subsections 23A-3-214\(3\)\(a\)](#) through (d) to protect sensitive plant and animal
- 1024 species.
- 1025 (ii) Money transferred to the [~~Department of Natural Resources~~] [Division of Wildlife](#)
- 1026 [Resources](#) under Subsection (4)(b)(i) may not be used to assist the United States Fish and
- 1027 Wildlife Service or any other person to list or attempt to have listed a species as threatened or
- 1028 endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.
- 1029 (iii) At the end of each fiscal year:
- 1030 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the
- 1031 Water Resources Conservation and Development Fund created in Section [73-10-24](#);
- 1032 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
- 1033 Utah Wastewater Loan Program Subaccount created in Section [73-10c-5](#); and
- 1034 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
- 1035 Drinking Water Loan Program Subaccount created in Section [73-10c-5](#).
- 1036 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in
- 1037 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund
- 1038 created in Section [4-18-106](#).
- 1039 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described
- 1040 in Subsection (4)(a) shall be transferred each year as designated sales and use tax revenue to
- 1041 the Division of Water Rights to cover the costs incurred in hiring legal and technical staff for
- 1042 the adjudication of water rights.
- 1043 (ii) At the end of each fiscal year:
- 1044 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the
- 1045 Water Resources Conservation and Development Fund created in Section [73-10-24](#);
- 1046 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
- 1047 Utah Wastewater Loan Program Subaccount created in Section [73-10c-5](#); and
- 1048 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
- 1049 Drinking Water Loan Program Subaccount created in Section [73-10c-5](#).
- 1050 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described

1051 in Subsection (4)(a) shall be deposited into the Water Resources Conservation and
1052 Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

1053 (ii) In addition to the uses allowed of the Water Resources Conservation and
1054 Development Fund under Section 73-10-24, the Water Resources Conservation and
1055 Development Fund may also be used to:

1056 (A) conduct hydrologic and geotechnical investigations by the Division of Water
1057 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of
1058 quantifying surface and ground water resources and describing the hydrologic systems of an
1059 area in sufficient detail so as to enable local and state resource managers to plan for and
1060 accommodate growth in water use without jeopardizing the resource;

1061 (B) fund state required dam safety improvements; and

1062 (C) protect the state's interest in interstate water compact allocations, including the
1063 hiring of technical and legal staff.

1064 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1065 in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount
1066 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

1067 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1068 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount
1069 created in Section 73-10c-5 for use by the Division of Drinking Water to:

1070 (i) provide for the installation and repair of collection, treatment, storage, and
1071 distribution facilities for any public water system, as defined in Section 19-4-102;

1072 (ii) develop underground sources of water, including springs and wells; and

1073 (iii) develop surface water sources.

1074 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1075 2006, the difference between the following amounts shall be expended as provided in this
1076 Subsection (5), if that difference is greater than \$1:

1077 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the
1078 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and

1079 (ii) \$17,500,000.

1080 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

1081 (A) transferred each fiscal year to the Department of Natural Resources as designated

1082 sales and use tax revenue; and

1083 (B) expended by the Department of Natural Resources for watershed rehabilitation or
1084 restoration.

1085 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
1086 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation
1087 and Development Fund created in Section 73-10-24.

1088 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
1089 remaining difference described in Subsection (5)(a) shall be:

1090 (A) transferred each fiscal year to the Division of Water Resources as designated sales
1091 and use tax revenue; and

1092 (B) expended by the Division of Water Resources for cloud-seeding projects
1093 authorized by Title 73, Chapter 15, Modification of Weather.

1094 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
1095 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation
1096 and Development Fund created in Section 73-10-24.

1097 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
1098 remaining difference described in Subsection (5)(a) shall be deposited into the Water
1099 Resources Conservation and Development Fund created in Section 73-10-24 for use by the
1100 Division of Water Resources for:

1101 (i) preconstruction costs:

1102 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
1103 26, Bear River Development Act; and

1104 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
1105 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

1106 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,
1107 Chapter 26, Bear River Development Act;

1108 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project
1109 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

1110 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and
1111 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

1112 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the

1113 remaining difference described in Subsection (5)(a) shall be deposited each year into the Water
1114 Rights Restricted Account created by Section 73-2-1.6.

1115 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a),
1116 each fiscal year, the commission shall deposit into the Water Infrastructure Restricted Account
1117 created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax rate on the
1118 transactions described in Subsection (1) for the fiscal year.

1119 (7) (a) Notwithstanding Subsection (3)(a) and subject to Subsection (7)(b), for a fiscal
1120 year beginning on or after July 1, 2023, the commission shall deposit into the Transportation
1121 Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under
1122 Subsection (3)(a) equal to 17% of the revenue collected from the following sales and use taxes:

1123 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1124 (ii) the tax imposed by Subsection (2)(b)(i); and

1125 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).

1126 (b) (i) As used in this Subsection (7)(b):

1127 (A) "Additional growth revenue" means the amount of relevant revenue collected in
1128 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the
1129 previous fiscal year.

1130 (B) "Combined amount" means the combined total amount of money deposited into the
1131 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.

1132 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation
1133 Investment Fund created in Subsection 72-2-124(10).

1134 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that
1135 equals 17% of the revenue collected from taxes described in Subsections (7)(a)(i) through (iii).

1136 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually
1137 reduce the deposit under Subsection (7)(a) into the Transportation Investment Fund of 2005 by
1138 an amount equal to the amount of the deposit under this Subsection (7)(b) to the Cottonwood
1139 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the
1140 limit in Subsection (7)(b)(iii).

1141 (iii) The commission shall annually deposit the amount described in Subsection
1142 (7)(b)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount
1143 for any single fiscal year of \$20,000,000.

1144 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous
1145 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood
1146 Canyons fund under this Subsection (7)(b) in the same proportion as the decline in relevant
1147 revenue.

1148 (c) (i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,
1149 2023, the commission shall annually reduce the deposit into the Transportation Investment
1150 Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is equal to 5% of:

1151 (A) the amount of revenue generated in the current fiscal year by the portion of taxes
1152 listed under Subsection (3)(a) that equals 20.68% of the revenue collected from taxes described
1153 in Subsections (7)(a)(i) through (iv);

1154 (B) the amount of revenue generated in the current fiscal year by registration fees
1155 designated under Section 41-1a-1201 to be deposited into the Transportation Investment Fund
1156 of 2005; and

1157 (C) revenues transferred by the Division of Finance to the Transportation Investment
1158 Fund of 2005 in accordance with Section 72-2-106 in the current fiscal year.

1159 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a
1160 given fiscal year.

1161 (iii) The commission shall annually deposit the amount described in Subsection
1162 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection 72-2-124(11).

1163 (8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
1164 Subsection (7), and subject to Subsections (8)(b) and (d)(ii), for a fiscal year beginning on or
1165 after July 1, 2018, the commission shall annually deposit into the Transportation Investment
1166 Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a)
1167 in an amount equal to 3.68% of the revenues collected from the following taxes:

1168 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1169 (ii) the tax imposed by Subsection (2)(b)(i); and

1170 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).

1171 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually
1172 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(a) by
1173 an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by
1174 the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale

1175 or use in this state that exceeds 29.4 cents per gallon.

1176 (c) The commission shall annually deposit the amount described in Subsection (8)(b)
1177 into the Transit Transportation Investment Fund created in Section [72-2-124](#).

1178 (d) (i) As used in this Subsection (8)(d):

1179 (A) "Additional growth revenue" means the amount of relevant revenue collected in
1180 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the
1181 previous fiscal year.

1182 (B) "Combined amount" means the combined total amount of money deposited into the
1183 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.

1184 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation
1185 Investment Fund created in Subsection [72-2-124](#)(10).

1186 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that
1187 equals 3.68% of the revenue collected from taxes described in Subsections (8)(a)(i) through
1188 (iii).

1189 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually
1190 reduce the deposit under Subsection (8)(a) into the Transportation Investment Fund of 2005 by
1191 an amount equal to the amount of the deposit under this Subsection (8)(d) to the Cottonwood
1192 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the
1193 limit in Subsection (8)(d)(iii).

1194 (iii) The commission shall annually deposit the amount described in Subsection
1195 (8)(d)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount
1196 for any single fiscal year of \$20,000,000.

1197 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous
1198 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood
1199 Canyons fund under this Subsection (8)(d) in the same proportion as the decline in relevant
1200 revenue.

1201 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
1202 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
1203 created by Section [35A-8-1009](#) and expended as provided in Section [35A-8-1009](#).

1204 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the
1205 fiscal year during which the commission receives notice under Section [63N-2-510](#) that

1206 construction on a qualified hotel, as defined in Section [63N-2-502](#), has begun, the commission
1207 shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue generated by
1208 the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund, created in
1209 Section [63N-2-512](#).

1210 (11) (a) The rate specified in this subsection is 0.15%.

1211 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year
1212 beginning on or after July 1, 2019, annually transfer the amount of revenue collected from the
1213 rate described in Subsection (11)(a) on the transactions that are subject to the sales and use tax
1214 under Subsection (2)(a)(i)(A) into the Medicaid Expansion Fund created in Section [26B-1-315](#).

1215 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
1216 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated credit
1217 solely for use of the Search and Rescue Financial Assistance Program created in, and expended
1218 in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

1219 (13) (a) For each fiscal year beginning with fiscal year 2020-21, the commission shall
1220 annually transfer \$1,813,400 of the revenue deposited into the Transportation Investment Fund
1221 of 2005 under Subsections (7) and (8) to the General Fund.

1222 (b) If the total revenue deposited into the Transportation Investment Fund of 2005
1223 under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the commission shall
1224 transfer the total revenue deposited into the Transportation Investment Fund of 2005 under
1225 Subsections (7) and (8) during the fiscal year to the General Fund.

1226 (14) Notwithstanding Subsection (3)(a), and as described in Section [63N-3-610](#),
1227 beginning the first day of the calendar quarter one year after the sales and use tax boundary for
1228 a housing and transit reinvestment zone is established, the commission, at least annually, shall
1229 transfer an amount equal to 15% of the sales and use tax increment within an established sales
1230 and use tax boundary, as defined in Section [63N-3-602](#), into the Transit Transportation
1231 Investment Fund created in Section [72-2-124](#).

1232 (15) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year
1233 beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure
1234 Restricted Account, created in Section [51-9-902](#), a portion of the taxes listed under Subsection
1235 (3)(a) equal to 1% of the revenues collected from the following sales and use taxes:

1236 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1237 (b) the tax imposed by Subsection (2)(b)(i); and

1238 (c) the tax imposed by Subsection (2)(f)(i)(A)(I).

1239 Section 7. Section **59-23-4** is amended to read:

1240 **59-23-4. Brine shrimp royalty -- Royalty rate -- Commission to prepare billing**
1241 **statement -- Deposit of revenue.**

1242 (1) A person shall pay for each tax year a brine shrimp royalty of 3.25 cents multiplied
1243 by the total number of pounds of unprocessed brine shrimp eggs that the person harvests within
1244 the state during the tax year.

1245 (2) (a) A person that harvests unprocessed brine shrimp eggs shall report to the
1246 Department of Natural Resources the total number of pounds of unprocessed brine shrimp eggs
1247 harvested by that person for that tax year on or before the February 15 immediately following
1248 the last day of that tax year.

1249 (b) The Department of Natural Resources shall provide the following information to
1250 the commission on or before the March 1 immediately following the last day of a tax year:

1251 (i) the total number of pounds of unprocessed brine shrimp eggs harvested for that tax
1252 year; and

1253 (ii) for each person that harvested unprocessed brine shrimp eggs for that tax year:

1254 (A) the total number of pounds of unprocessed brine shrimp eggs harvested by that
1255 person for that tax year; and

1256 (B) a current billing address for that person; and

1257 (iii) any additional information required by the commission.

1258 (c) (i) The commission shall prepare and mail a billing statement to each person that
1259 harvested unprocessed brine shrimp eggs in a tax year by the March 30 immediately following
1260 the last day of a tax year.

1261 (ii) The billing statement under Subsection (2)(c)(i) shall specify:

1262 (A) the total number of pounds of unprocessed brine shrimp eggs harvested by that
1263 person for that tax year;

1264 (B) the brine shrimp royalty that the person owes; and

1265 (C) the date that the brine shrimp royalty payment is due as provided in Section
1266 [59-23-5](#).

1267 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1268 commission may make rules prescribing the information required under Subsection (2)(b)(iii).

1269 (3) Revenue generated by the brine shrimp royalty shall be deposited as follows:

1270 (a) \$125,000 of the revenue generated by the brine shrimp royalty shall be deposited in
1271 the Sovereign Lands Management Account created in Section [65A-5-1](#); and

1272 (b) the remainder of the revenue generated by the brine shrimp royalty shall be
1273 deposited in the Species Protection Account created in [~~Section 79-2-303~~] [Section 23A-3-214](#).

1274 Section 8. Section **63L-11-102** is amended to read:

1275 **63L-11-102. Definitions.**

1276 As used in this chapter:

1277 (1) "Coordinating committee" means the committee created in Section [63L-11-401](#).

1278 (2) [~~"Executive director"~~] "Director" means the public lands policy [~~executive~~] director
1279 appointed under Section [63L-11-201](#).

1280 (3) "Office" means the Public Lands Policy Coordinating Office created in Section
1281 [63L-11-201](#).

1282 (4) "Political subdivision" means:

1283 (a) a county, municipality, special district, special service district, school district, or
1284 interlocal entity, as defined in Section [11-13-103](#); or

1285 (b) an administrative subunit of an entity listed in Subsection (4)(a).

1286 Section 9. Section **63L-11-201** is amended to read:

1287 **63L-11-201. Public Lands Policy Coordinating Office -- Director -- Appointment**
1288 **-- Qualifications -- Compensation.**

1289 (1) There is created within the Department of Natural Resources the Public Lands
1290 Policy Coordinating Office to be administered by [~~an executive~~] a director.

1291 (2) The [~~executive~~] director shall be appointed by the governor with the advice and
1292 consent of the Senate and shall serve at the pleasure of the governor.

1293 (3) (a) The [~~executive~~] director shall have demonstrated the necessary administrative
1294 and professional ability through education and experience to efficiently and effectively manage
1295 the office's affairs.

1296 (b) The director shall serve as an advisor to the governor on public lands issues.

1297 (4) (a) The governor shall establish the director's salary within the salary range fixed by
1298 the Legislature in Title 67, Chapter 22, State Officer Compensation.

1299 (b) The ~~[executive director and]~~ employees of the office shall receive compensation as
1300 provided in Title 63A, Chapter 17, Utah State Personnel Management Act.

1301 ~~[(b)]~~ (c) The office space for the ~~[executive]~~ director and employees of the office shall
1302 be in a building where the Department of Natural Resources is located.

1303 Section 10. Section **63L-11-202** is amended to read:

1304 **63L-11-202. Powers and duties of the office and director.**

1305 (1) The office shall:

1306 (a) make a report to the Constitutional Defense Council created under Section
1307 [63C-4a-202](#) concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter
1308 4a, Constitutional and Federalism Defense Act;

1309 (b) provide staff assistance to the Constitutional Defense Council created under Section
1310 [63C-4a-202](#) for meetings of the council;

1311 (c) (i) prepare and submit a constitutional defense plan under Section [63C-4a-403](#); and

1312 (ii) execute any action assigned in a constitutional defense plan;

1313 (d) develop public lands policies by:

1314 (i) developing cooperative contracts and agreements between the state, political
1315 subdivisions, and agencies of the federal government for involvement in the development of
1316 public lands policies;

1317 (ii) producing research, documents, maps, studies, analysis, or other information that
1318 supports the state's participation in the development of public lands policy;

1319 (iii) preparing comments to ensure that the positions of the state and political
1320 subdivisions are considered in the development of public lands policy; and

1321 (iv) partnering with state agencies and political subdivisions in an effort to:

1322 (A) prepare coordinated public lands policies;

1323 (B) develop consistency reviews and responses to public lands policies;

1324 (C) develop management plans that relate to public lands policies; and

1325 (D) develop and maintain a statewide land use plan that is based on cooperation and in
1326 conjunction with political subdivisions;

1327 (e) facilitate and coordinate the exchange of information, comments, and
1328 recommendations on public lands policies between and among:

1329 (i) state agencies;

- 1330 (ii) political subdivisions;
- 1331 (iii) the [~~Office of~~] Center for Rural Development created under Section [63N-4-102](#);
- 1332 (iv) the coordinating committee;
- 1333 (v) School and Institutional Trust Lands Administration created under Section
- 1334 [53C-1-201](#);
- 1335 (vi) the committee created under Section [63A-16-507](#) to award grants to counties to
- 1336 inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and
- 1337 (vii) the Constitutional Defense Council created under Section [63C-4a-202](#);
- 1338 (f) perform the duties established in Title 9, Chapter 8a, Part 3, Antiquities, and Title 9,
- 1339 Chapter 8a, Part 4, Historic Sites;
- 1340 (g) consistent with other statutory duties, encourage agencies to responsibly preserve
- 1341 archaeological resources;
- 1342 (h) maintain information concerning grants made under Subsection (1)(j), if available;
- 1343 (i) report annually, or more often if necessary or requested, concerning the office's
- 1344 activities and expenditures to:
 - 1345 (i) the Constitutional Defense Council; and
 - 1346 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim
 - 1347 Committee jointly with the Constitutional Defense Council;
 - 1348 (j) make grants of up to 16% of the office's total annual appropriations from the
 - 1349 Constitutional Defense Restricted Account to a county or statewide association of counties to
 - 1350 be used by the county or association of counties for public lands matters if the executive
 - 1351 director, with the advice of the Constitutional Defense Council, determines that the action
 - 1352 provides a state benefit;
 - 1353 (k) provide staff services to the Snake Valley Aquifer Advisory Council created in
 - 1354 Section [63C-12-103](#);
 - 1355 (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section
 - 1356 [63C-12-107](#);
 - 1357 (m) conduct the public lands transfer study and economic analysis required by Section
 - 1358 [63L-11-304](#); and
 - 1359 (n) fulfill the duties described in Section [63L-10-103](#).
 - 1360 (2) The [~~executive~~] director shall comply with Subsection [63C-4a-203](#)(8) before

1361 submitting a comment to a federal agency, if the governor would be subject to Subsection
1362 [63C-4a-203](#)(8) in submitting the comment.

1363 (3) The office may enter into an agreement with another state agency to provide
1364 information and services related to:

1365 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and
1366 Classification Act;

1367 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and
1368 Classification Act, or R.S. 2477 matters; or

1369 (c) any other matter within the office's responsibility.

1370 (4) In fulfilling the duties under this part, the office shall consult, as necessary, with:

1371 (a) the Department of Natural Resources;

1372 (b) the Department of Agriculture and Food;

1373 (c) the Department of Environmental Quality;

1374 (d) other applicable state agencies;

1375 (e) political subdivisions of the state;

1376 (f) federal land management agencies; and

1377 (g) elected officials.

1378 Section 11. Section **63L-11-305** is amended to read:

1379 **63L-11-305. Facilitating the acquisition of federal land.**

1380 (1) As used in this section:

1381 (a) "Federal land" means land that the secretary is authorized to dispose of under the
1382 federal land disposal law.

1383 (b) "Federal land disposal law" means the Recreation and Public Purposes Act, 43
1384 U.S.C. Sec. 869 et seq.

1385 (c) "Government entity" means any state or local government entity allowed to submit
1386 a land application under the federal land disposal law.

1387 (d) "Land application" means an application under the federal land disposal law
1388 requesting the secretary to sell or lease federal land.

1389 (e) "Land application process" means the actions involved in the process of submitting
1390 and obtaining a final decision on a land application.

1391 (f) "Secretary" means the Secretary of the Interior of the United States.

- 1392 (2) The office shall:
- 1393 (a) develop expertise:
- 1394 (i) in the land application process; and
- 1395 (ii) concerning the factors that tend to increase the chances that a land application will
- 1396 result in the secretary selling or leasing federal land as requested in the land application;
- 1397 (b) work to educate government entities concerning:
- 1398 (i) the availability of federal land pursuant to the federal land disposal law; and
- 1399 (ii) the land application process;
- 1400 (c) advise and consult with a government entity that requests assistance from the office
- 1401 to formulate and submit a land application and to pursue a decision on the land application;
- 1402 (d) advise and consult with a government entity that requests assistance from the office
- 1403 to identify and quantify the amount of any funds needed to provide the public use described in
- 1404 a land application;
- 1405 (e) adopt a list of factors to be considered in determining the degree to which a land
- 1406 application or potential land application is in the public interest;
- 1407 (f) recommend a prioritization of land applications or potential land applications in the
- 1408 state according to the extent to which the land applications are in the public interest, based on
- 1409 the factors adopted under Subsection (2)(e);
- 1410 (g) prepare and submit a written report of land applications:
- 1411 (i) to the Natural Resources, Agriculture, and Environment Interim Committee and the
- 1412 Federalism Commission;
- 1413 (ii) (A) annually no later than August 31; and
- 1414 (B) at other times, if and as requested by the committee or commission; and
- 1415 (iii) (A) on the activities of the office under this section;
- 1416 (B) on the land applications and potential land applications in the state;
- 1417 (C) on the decisions of the secretary on land applications submitted by government
- 1418 entities in the state; and
- 1419 (D) the quantity of land acquired under the land applications;
- 1420 (h) present a summary of information contained in the report described in Subsection
- 1421 (2)(g):
- 1422 (i) at a meeting of the Natural Resources, Agriculture, and Environment Interim

1423 Committee and at a meeting of the Federalism Commission;
1424 (ii) annually no later than August 31; and
1425 (iii) at other times, if and as requested by the committee or commission; and
1426 (i) report to the Executive Appropriations Committee of the Legislature, as frequently
1427 as the [executive] director considers appropriate or as requested by the Executive
1428 Appropriations Committee, on the need for legislative appropriations to provide funds for the
1429 public purposes described in land applications.

1430 (3) The office may:

1431 (a) assist a government entity or the secretary in the filing and processing of a land
1432 application; and

1433 (b) enter into an agreement with the secretary related to the office assisting in
1434 processing a land application.

1435 Section 12. Section **63L-11-402** is amended to read:

1436 **63L-11-402. Membership -- Terms -- Chair -- Expenses.**

1437 (1) The Resource Development Coordinating Committee consists of the following 26
1438 members:

1439 (a) the state science advisor;

1440 (b) a representative from the Department of Agriculture and Food appointed by the
1441 commissioner of the Department of Agriculture and Food;

1442 (c) a representative from the Department of Cultural and Community Engagement
1443 appointed by the executive director of the Department of Cultural and Community
1444 Engagement;

1445 (d) a representative from the Department of Environmental Quality appointed by the
1446 executive director of the Department of Environmental Quality;

1447 (e) a representative from the Department of Natural Resources appointed by the
1448 executive director of the Department of Natural Resources;

1449 (f) a representative from the Department of Transportation appointed by the executive
1450 director of the Department of Transportation;

1451 (g) a representative from the Governor's Office of Economic Opportunity appointed by
1452 the director of the Governor's Office of Economic Opportunity;

1453 (h) a representative from the Housing and Community Development Division

- 1454 appointed by the director of the Housing and Community Development Division;
- 1455 (i) a representative from the Utah Historical Society appointed by the director of the
- 1456 Utah Historical Society;
- 1457 (j) a representative from the Division of Air Quality appointed by the director of the
- 1458 Division of Air Quality;
- 1459 (k) a representative from the Division of Drinking Water appointed by the director of
- 1460 the Division of Drinking Water;
- 1461 (l) a representative from the Division of Environmental Response and Remediation
- 1462 appointed by the director of the Division of Environmental Response and Remediation;
- 1463 (m) a representative from the Division of Waste Management and Radiation Control
- 1464 appointed by the director of the Division of Waste Management and Radiation Control;
- 1465 (n) a representative from the Division of Water Quality appointed by the director of the
- 1466 Division of Water Quality;
- 1467 (o) a representative from the Division of Oil, Gas, and Mining appointed by the
- 1468 director of the Division of Oil, Gas, and Mining;
- 1469 (p) a representative from the Division of Parks appointed by the director of the
- 1470 Division of Parks;
- 1471 (q) a representative from the Division of Outdoor Recreation appointed by the director
- 1472 of the Division of Outdoor Recreation;
- 1473 (r) a representative from the Division of Forestry, Fire, and State Lands appointed by
- 1474 the director of the Division of Forestry, Fire, and State Lands;
- 1475 (s) a representative from the Utah Geological Survey appointed by the director of the
- 1476 Utah Geological Survey;
- 1477 (t) a representative from the Division of Water Resources appointed by the director of
- 1478 the Division of Water Resources;
- 1479 (u) a representative from the Division of Water Rights appointed by the director of the
- 1480 Division of Water Rights;
- 1481 (v) a representative from the Division of Wildlife Resources appointed by the director
- 1482 of the Division of Wildlife Resources;
- 1483 (w) a representative from the School and Institutional Trust Lands Administration
- 1484 appointed by the director of the School and Institutional Trust Lands Administration;

1485 (x) a representative from the Division of Facilities Construction and Management
1486 appointed by the director of the Division of Facilities Construction and Management;
1487 (y) a representative from the Division of Emergency Management appointed by the
1488 director of the Division of Emergency Management; and
1489 (z) a representative from the Division of Conservation, created under Section 4-46-401,
1490 appointed by the director of the Division of Conservation.

1491 (2) (a) As particular issues require, the coordinating committee may, by majority vote
1492 of the members present, appoint additional temporary members to serve as ex officio voting
1493 members.

1494 (b) Those ex officio members may discuss and vote on the issue or issues for which
1495 they were appointed.

1496 (3) A chair shall be selected by a vote of 14 committee members with the concurrence
1497 of the [executive] director.

1498 (4) A member may not receive compensation or benefits for the member's service, but
1499 may receive per diem and travel expenses in accordance with:

1500 (a) Sections 63A-3-106 and 63A-3-107; and

1501 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1502 63A-3-107.

1503 Section 13. Section 63L-11-403 is amended to read:

1504 **63L-11-403. Director responsibilities.**

1505 The [executive] director shall:

1506 (1) administer this part;

1507 (2) subject to the direction and approval of the governor, take necessary action to
1508 implement this part; and

1509 (3) inform political subdivision representatives, in advance, of all coordinating
1510 committee meetings.

1511 Section 14. Section 67-22-2 is amended to read:

1512 **67-22-2. Compensation -- Other state officers.**

1513 (1) As used in this section:

1514 (a) "Appointed executive" means the:

1515 (i) commissioner of the Department of Agriculture and Food;

- 1516 (ii) commissioner of the Insurance Department;
- 1517 (iii) commissioner of the Labor Commission;
- 1518 (iv) director, Department of Alcoholic Beverage Services;
- 1519 (v) commissioner of the Department of Financial Institutions;
- 1520 (vi) executive director, Department of Commerce;
- 1521 (vii) executive director, Commission on Criminal and Juvenile Justice;
- 1522 (viii) adjutant general;
- 1523 (ix) executive director, Department of Cultural and Community Engagement;
- 1524 (x) executive director, Department of Corrections;
- 1525 (xi) commissioner, Department of Public Safety;
- 1526 (xii) executive director, Department of Natural Resources;
- 1527 (xiii) executive director, Governor's Office of Planning and Budget;
- 1528 (xiv) executive director, Department of Government Operations;
- 1529 (xv) executive director, Department of Environmental Quality;
- 1530 (xvi) executive director, Governor's Office of Economic Opportunity;
- 1531 (xvii) executive director, Department of Workforce Services;
- 1532 (xviii) executive director, Department of Health, Nonphysician;
- 1533 (xix) executive director, Department of Human Services;
- 1534 (xx) executive director, Department of Transportation;
- 1535 (xxi) executive director, Department of Veterans and Military Affairs;
- 1536 (xxii) [~~executive~~] director, Public Lands Policy Coordinating Office, created in Section
- 1537 [63L-11-201](#); and
- 1538 (xxiii) Great Salt Lake commissioner, appointed under Section [73-32-201](#).
- 1539 (b) "Board or commission executive" means:
- 1540 (i) members, Board of Pardons and Parole;
- 1541 (ii) chair, State Tax Commission;
- 1542 (iii) commissioners, State Tax Commission;
- 1543 (iv) executive director, State Tax Commission;
- 1544 (v) chair, Public Service Commission; and
- 1545 (vi) commissioners, Public Service Commission.
- 1546 (c) "Deputy" means the person who acts as the appointed executive's second in

1547 command as determined by the Division of Human Resource Management.

1548 (2) (a) The director of the Division of Human Resource Management shall:

1549 (i) before October 31 of each year, recommend to the governor a compensation plan for
1550 the appointed executives and the board or commission executives; and

1551 (ii) base those recommendations on market salary studies conducted by the Division of
1552 Human Resource Management.

1553 (b) (i) The Division of Human Resource Management shall determine the salary range
1554 for the appointed executives by:

1555 (A) identifying the salary range assigned to the appointed executive's deputy;

1556 (B) designating the lowest minimum salary from those deputies' salary ranges as the
1557 minimum salary for the appointed executives' salary range; and

1558 (C) designating 105% of the highest maximum salary range from those deputies' salary
1559 ranges as the maximum salary for the appointed executives' salary range.

1560 (ii) If the deputy is a medical doctor, the Division of Human Resource Management
1561 may not consider that deputy's salary range in designating the salary range for appointed
1562 executives.

1563 (c) (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for
1564 board or commission executives, the Division of Human Resource Management shall set the
1565 maximum salary in the salary range for each of those positions at 90% of the salary for district
1566 judges as established in the annual appropriation act under Section 67-8-2.

1567 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii)
1568 or (iii), the Division of Human Resource Management shall set the maximum salary in the
1569 salary range for each of those positions at 100% of the salary for district judges as established
1570 in the annual appropriation act under Section 67-8-2.

1571 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), the governor shall establish a
1572 specific salary for each appointed executive within the range established under Subsection
1573 (2)(b).

1574 (ii) If the executive director of the Department of Health is a physician, the governor
1575 shall establish a salary within the highest physician salary range established by the Division of
1576 Human Resource Management.

1577 (iii) The governor may provide salary increases for appointed executives within the

1578 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

1579 (b) The governor shall apply the same overtime regulations applicable to other FLSA
1580 exempt positions.

1581 (c) The governor may develop standards and criteria for reviewing the appointed
1582 executives.

1583 (4) Salaries for other Schedule A employees, as defined in Section [63A-17-301](#), that
1584 are not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial
1585 Salary Act, shall be established as provided in Section [63A-17-301](#).

1586 (5) (a) The Legislature fixes benefits for the appointed executives and the board or
1587 commission executives as follows:

1588 (i) the option of participating in a state retirement system established by Title 49, Utah
1589 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered
1590 by the State Retirement Office in accordance with the Internal Revenue Code and its
1591 accompanying rules and regulations;

1592 (ii) health insurance;

1593 (iii) dental insurance;

1594 (iv) basic life insurance;

1595 (v) unemployment compensation;

1596 (vi) workers' compensation;

1597 (vii) required employer contribution to Social Security;

1598 (viii) long-term disability income insurance;

1599 (ix) the same additional state-paid life insurance available to other noncareer service
1600 employees;

1601 (x) the same severance pay available to other noncareer service employees;

1602 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as
1603 follows:

1604 (A) sick leave;

1605 (B) converted sick leave if accrued prior to January 1, 2014;

1606 (C) educational allowances;

1607 (D) holidays; and

1608 (E) annual leave except that annual leave shall be accrued at the maximum rate

1609 provided to Schedule B state employees;

1610 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
1611 provided by law or rule upon resignation or retirement according to the same criteria and
1612 procedures applied to Schedule B state employees;

1613 (xiii) the option to purchase additional life insurance at group insurance rates according
1614 to the same criteria and procedures applied to Schedule B state employees; and

1615 (xiv) professional memberships if being a member of the professional organization is a
1616 requirement of the position.

1617 (b) Each department shall pay the cost of additional state-paid life insurance for its
1618 executive director from its existing budget.

1619 (6) The Legislature fixes the following additional benefits:

1620 (a) for the executive director of the State Tax Commission a vehicle for official and
1621 personal use;

1622 (b) for the executive director of the Department of Transportation a vehicle for official
1623 and personal use;

1624 (c) for the executive director of the Department of Natural Resources a vehicle for
1625 commute and official use;

1626 (d) for the commissioner of Public Safety:

1627 (i) an accidental death insurance policy if POST certified; and

1628 (ii) a public safety vehicle for official and personal use;

1629 (e) for the executive director of the Department of Corrections:

1630 (i) an accidental death insurance policy if POST certified; and

1631 (ii) a public safety vehicle for official and personal use;

1632 (f) for the adjutant general a vehicle for official and personal use; and

1633 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
1634 official use.

1635 Section 15. Section **73-5-15** is amended to read:

1636 **73-5-15. Groundwater management plan.**

1637 (1) As used in this section:

1638 (a) "Critical management area" means a groundwater basin in which the groundwater
1639 withdrawals consistently exceed the safe yield.

1640 (b) "Safe yield" means the amount of groundwater that can be withdrawn from a
1641 groundwater basin over a period of time without exceeding the long-term recharge of the basin
1642 or unreasonably affecting the basin's physical and chemical integrity.

1643 (2) (a) The state engineer may regulate groundwater withdrawals within a specific
1644 groundwater basin by adopting a groundwater management plan in accordance with this section
1645 for any groundwater basin or aquifer or combination of hydrologically connected groundwater
1646 basins or aquifers.

1647 (b) The objectives of a groundwater management plan are to:

- 1648 (i) limit groundwater withdrawals to safe yield;
- 1649 (ii) protect the physical integrity of the aquifer; and
- 1650 (iii) protect water quality.

1651 (c) The state engineer shall adopt a groundwater management plan for a groundwater
1652 basin if more than one-third of the water right owners in the groundwater basin request that the
1653 state engineer adopt a groundwater management plan.

1654 (3) (a) In developing a groundwater management plan, the state engineer may consider:

- 1655 (i) the hydrology of the groundwater basin;
- 1656 (ii) the physical characteristics of the groundwater basin;
- 1657 (iii) the relationship between surface water and groundwater, including whether the
1658 groundwater should be managed in conjunction with hydrologically connected surface waters;
- 1659 (iv) the conjunctive management of water rights to facilitate and coordinate the lease,
1660 purchase, or voluntary use of water rights subject to the groundwater management plan;
- 1661 (v) the geographic spacing and location of groundwater withdrawals;
- 1662 (vi) water quality;
- 1663 (vii) local well interference; and
- 1664 (viii) other relevant factors.

1665 (b) The state engineer shall base the provisions of a groundwater management plan on
1666 the principles of prior appropriation.

1667 (c) (i) The state engineer shall use the best available scientific method to determine
1668 safe yield.

1669 (ii) As hydrologic conditions change or additional information becomes available, safe
1670 yield determinations made by the state engineer may be revised by following the procedures

1671 listed in Subsection (5).

1672 (4) (a) (i) Except as provided in Subsection (4)(b), the withdrawal of water from a
1673 groundwater basin shall be limited to the basin's safe yield.

1674 (ii) Before limiting withdrawals in a groundwater basin to safe yield, the state engineer
1675 shall:

1676 (A) determine the groundwater basin's safe yield; and

1677 (B) adopt a groundwater management plan for the groundwater basin.

1678 (iii) If the state engineer determines that groundwater withdrawals in a groundwater
1679 basin exceed the safe yield, the state engineer shall regulate groundwater rights in that
1680 groundwater basin based on the priority date of the water rights under the groundwater
1681 management plan, unless a voluntary arrangement exists under Subsection (4)(c) that requires a
1682 different distribution.

1683 (iv) A groundwater management plan shall include a list of each groundwater right in
1684 the proposed groundwater management area known to the state engineer identifying the water
1685 right holder, the land to which the groundwater right is appurtenant, and any identification
1686 number the state engineer uses in the administration of water rights.

1687 (b) When adopting a groundwater management plan for a critical management area, the
1688 state engineer shall, based on economic and other impacts to an individual water user or a local
1689 community caused by the implementation of safe yield limits on withdrawals, allow gradual
1690 implementation of the groundwater management plan.

1691 (c) (i) In consultation with the state engineer, water users in a groundwater basin may
1692 agree to participate in a voluntary arrangement for managing withdrawals at any time, either
1693 before or after a determination that groundwater withdrawals exceed the groundwater basin's
1694 safe yield.

1695 (ii) A voluntary arrangement under Subsection (4)(c)(i) shall be consistent with other
1696 law.

1697 (iii) The adoption of a voluntary arrangement under this Subsection (4)(c) by less than
1698 all of the water users in a groundwater basin does not affect the rights of water users who do
1699 not agree to the voluntary arrangement.

1700 (5) To adopt a groundwater management plan, the state engineer shall:

1701 (a) give notice as specified in Subsection (7) at least 30 days before the first public

1702 meeting held in accordance with Subsection (5)(b):

1703 (i) that the state engineer proposes to adopt a groundwater management plan;

1704 (ii) describing generally the land area proposed to be included in the groundwater

1705 management plan; and

1706 (iii) stating the location, date, and time of each public meeting to be held in accordance

1707 with Subsection (5)(b);

1708 (b) hold one or more public meetings in the geographic area proposed to be included

1709 within the groundwater management plan to:

1710 (i) address the need for a groundwater management plan;

1711 (ii) present any data, studies, or reports that the state engineer intends to consider in

1712 preparing the groundwater management plan;

1713 (iii) address safe yield and any other subject that may be included in the groundwater

1714 management plan;

1715 (iv) outline the estimated administrative costs, if any, that groundwater users are likely

1716 to incur if the plan is adopted; and

1717 (v) receive any public comments and other information presented at the public

1718 meeting, including comments from any of the entities listed in Subsection (7)(a)(iii);

1719 (c) receive and consider written comments concerning the proposed groundwater

1720 management plan from any person for a period determined by the state engineer of not less

1721 than 60 days after the day on which the notice required by Subsection (5)(a) is given;

1722 (d) (i) at least 60 days prior to final adoption of the groundwater management plan,

1723 publish notice:

1724 (A) that a draft of the groundwater management plan has been proposed; and

1725 (B) specifying where a copy of the draft plan may be reviewed; and

1726 (ii) promptly provide a copy of the draft plan in printed or electronic form to each of

1727 the entities listed in Subsection (7)(a)(iii) that makes written request for a copy; and

1728 (e) provide notice of the adoption of the groundwater management plan.

1729 (6) A groundwater management plan shall become effective on the date notice of

1730 adoption is completed under Subsection (7), or on a later date if specified in the plan.

1731 (7) (a) A notice required by this section shall be:

1732 (i) published:

- 1733 (A) once a week for two successive weeks in a newspaper of general circulation in
1734 each county that encompasses a portion of the land area proposed to be included within the
1735 groundwater management plan; and
- 1736 (B) in accordance with Section 45-1-101 for two weeks;
- 1737 (ii) published conspicuously on the state engineer's website; and
- 1738 (iii) mailed to each of the following that has within its boundaries a portion of the land
1739 area to be included within the proposed groundwater management plan:
- 1740 (A) county;
- 1741 (B) incorporated city or town;
- 1742 (C) a special district created to acquire or assess a groundwater right under Title 17B,
1743 Chapter 1, Provisions Applicable to All Special Districts;
- 1744 (D) improvement district under Title 17B, Chapter 2a, Part 4, Improvement District
1745 Act;
- 1746 (E) service area, under Title 17B, Chapter 2a, Part 9, Service Area Act;
- 1747 (F) drainage district, under Title 17B, Chapter 2a, Part 2, Drainage District Act;
- 1748 (G) irrigation district, under Title 17B, Chapter 2a, Part 5, Irrigation District Act;
- 1749 (H) metropolitan water district, under Title 17B, Chapter 2a, Part 6, Metropolitan
1750 Water District Act;
- 1751 (I) special service district providing water, sewer, drainage, or flood control services,
1752 under Title 17D, Chapter 1, Special Service District Act;
- 1753 (J) water conservancy district, under Title 17B, Chapter 2a, Part 10, Water
1754 Conservancy District Act; and
- 1755 (K) conservation district, under Title 17D, Chapter 3, Conservation District Act.
- 1756 (b) A notice required by this section is effective upon substantial compliance with
1757 Subsections (7)(a)(i) through (iii).
- 1758 (8) A groundwater management plan may be amended in the same manner as a
1759 groundwater management plan may be adopted under this section.
- 1760 (9) The existence of a groundwater management plan does not preclude any otherwise
1761 eligible person from filing any application or challenging any decision made by the state
1762 engineer within the affected groundwater basin.
- 1763 (10) (a) A person aggrieved by a groundwater management plan may challenge any

1764 aspect of the groundwater management plan by filing a complaint within 60 days after the
1765 adoption of the groundwater management plan in the district court for any county in which the
1766 groundwater basin is found.

1767 (b) Notwithstanding Subsection (9), a person may challenge the components of a
1768 groundwater management plan only in the manner provided by Subsection (10)(a).

1769 (c) An action brought under this Subsection (10) is reviewed de novo by the district
1770 court.

1771 (d) A person challenging a groundwater management plan under this Subsection (10)
1772 shall join the state engineer as a defendant in the action challenging the groundwater
1773 management plan.

1774 (e) (i) Within 30 days after the day on which a person files an action challenging any
1775 aspect of a groundwater management plan under Subsection (10)(a), the person filing the action
1776 shall publish notice of the action:

1777 (A) in a newspaper of general circulation in the county in which the district court is
1778 located; and

1779 (B) in accordance with Section 45-1-101 for two weeks.

1780 (ii) The notice required by Subsection (10)(e)(i)(A) shall be published once a week for
1781 two consecutive weeks.

1782 (iii) The notice required by Subsection (10)(e)(i) shall:

1783 (A) identify the groundwater management plan the person is challenging;

1784 (B) identify the case number assigned by the district court;

1785 (C) state that a person affected by the groundwater management plan may petition the
1786 district court to intervene in the action challenging the groundwater management plan; and

1787 (D) list the address for the clerk of the district court in which the action is filed.

1788 (iv) (A) Any person affected by the groundwater management plan may petition to
1789 intervene in the action within 60 days after the day on which notice is last published under
1790 Subsections (10)(e)(i) and (ii).

1791 (B) The district court's treatment of a petition to intervene under this Subsection
1792 (10)(e)(iv) is governed by the Utah Rules of Civil Procedure.

1793 ~~[(v) A district court in which an action is brought under Subsection (10)(a) shall~~
1794 ~~consolidate all actions brought under that subsection and include in the consolidated action any~~

1795 ~~person whose petition to intervene is granted.]~~

1796 (11) A groundwater management plan adopted or amended in accordance with this
1797 section is exempt from the requirements in Title 63G, Chapter 3, Utah Administrative
1798 Rulemaking Act.

1799 (12) (a) Except as provided in Subsection (12)(b), recharge and recovery projects
1800 permitted under Chapter 3b, Groundwater Recharge and Recovery Act, are exempted from this
1801 section.

1802 (b) In a critical management area, the artificial recharge of a groundwater basin that
1803 uses surface water naturally tributary to the groundwater basin, in accordance with Chapter 3b,
1804 Groundwater Recharge and Recovery Act, constitutes a beneficial use of the water under
1805 Section 73-1-3 if:

1806 (i) the recharge is done during the time the area is designated as a critical management
1807 area;

1808 (ii) the recharge is done with a valid recharge permit;

1809 (iii) the water placed in the aquifer is not recovered under a recovery permit; and

1810 (iv) the water placed in the aquifer is used to replenish the groundwater basin.

1811 (13) Nothing in this section may be interpreted to require the development,
1812 implementation, or consideration of a groundwater management plan as a prerequisite or
1813 condition to the exercise of the state engineer's enforcement powers under other law, including
1814 powers granted under Section 73-2-25.

1815 (14) A groundwater management plan adopted in accordance with this section may not
1816 apply to the dewatering of a mine.

1817 (15) (a) A groundwater management plan adopted by the state engineer before May 1,
1818 2006, remains in force and has the same legal effect as it had on the day on which it was
1819 adopted by the state engineer.

1820 (b) If a groundwater management plan that existed before May 1, 2006, is amended on
1821 or after May 1, 2006, the amendment is subject to this section's provisions.

1822 Section 16. Section 73-10-27 is amended to read:

1823 **73-10-27. Definitions -- Project priorities -- Considerations -- Bids and contracts**
1824 **-- Definitions -- Retainage.**

1825 (1) As used in this section:

- 1826 (a) "Board" means the Board of Water Resources created in Section 73-10-1.5.
- 1827 (b) "Estimated cost" means the cost of the labor, material, and equipment necessary for
- 1828 construction of the contemplated project.
- 1829 (c) "Lowest responsible bidder" means a licensed contractor:
- 1830 (i) who:
- 1831 (A) submits the lowest bid; and
- 1832 (B) furnishes a payment bond and a performance bond under Sections 14-1-18 and
- 1833 63G-6a-1103; and
- 1834 (ii) whose bid:
- 1835 (A) is in compliance with the invitation for a bid; and
- 1836 (B) meets the plans and specifications.
- 1837 (2) In considering the priority for a project to be built or financed with funds made
- 1838 available under Section 73-10-24, the board shall give preference to a project that:
- 1839 (a) is sponsored by, or for the benefit of, the state or a political subdivision of the state;
- 1840 (b) meets a critical local need;
- 1841 (c) has greater economic feasibility;
- 1842 (d) will yield revenue to the state within a reasonable time or will return a reasonable
- 1843 rate of interest, based on financial feasibility; and
- 1844 (e) meets other considerations deemed necessary by the board, including wildlife
- 1845 management and recreational needs.
- 1846 [~~(3) (a) In determining the economic feasibility, the board shall establish a~~
- 1847 ~~benefit-to-cost ratio for each project, using a uniform standard of procedure for all projects.]~~
- 1848 [~~(b) In considering whether a project should be built, the benefit-to-cost ratio for each~~
- 1849 ~~project shall be weighted based on the relative cost of the project.]~~
- 1850 [~~(c) A project, when considered in total with all other projects constructed under this~~
- 1851 ~~chapter and still the subject of a repayment contract, may not cause the accumulative~~
- 1852 ~~benefit-to-cost ratio of the projects to be less than one to one.]~~
- 1853 [~~(4)~~ (3) A project may not be built if the project is not:
- 1854 (a) in the public interest, as determined by the board; or
- 1855 (b) adequately designed based on sound engineering and geologic considerations.
- 1856 [~~(5)~~ (4) In preparing a project constructed by the board, the board shall:

- 1857 (a) based on a competitive bid, award a contract for:
- 1858 (i) a flood control project:
- 1859 (A) involving a city or county; and
- 1860 (B) costing in excess of \$35,000;
- 1861 (ii) the construction of a storage reservoir in excess of 100 acre-feet; or
- 1862 (iii) the construction of a hydroelectric generating facility;
- 1863 (b) publish an advertisement for a competitive bid:
- 1864 (i) at least once a week for three consecutive weeks in a newspaper with general
- 1865 circulation in the state, with the last date of publication appearing at least five days before the
- 1866 schedule bid opening; and
- 1867 (ii) indicating that the board:
- 1868 (A) will award the contract to the lowest responsible bidder; and
- 1869 (B) reserves the right to reject any and all bids;
- 1870 (c) readvertise the project in the manner specified in Subsection ~~[(5)(b)]~~ (4)(b) if the
- 1871 board rejects all of the initial bids on the project; and
- 1872 (d) keep an accurate record of all facts and representations relied upon in preparing the
- 1873 board's estimated cost for a project that is subject to the competitive bidding requirements of
- 1874 this section.

1875 ~~[(6)]~~ (5) If no satisfactory bid is received by the board upon the readvertisement of the

1876 project in accordance with Subsection ~~[(5)]~~ (4), the board may proceed to construct the project

1877 in accordance with the plan and specifications used to calculate the estimated cost of the

1878 project.

1879 ~~[(7)]~~ (6) If a payment on a contract with a private contractor for construction of a

1880 project under this section is retained or withheld, it shall be retained or withheld and released

1881 as provided in Section 13-8-5.

1882 Section 17. Section 79-2-102 is amended to read:

1883 **79-2-102. Definitions.**

1884 As used in this chapter:

1885 (1) "Conservation officer" is as defined in Section 23A-1-101.

1886 ~~[(2)] "Species protection" means an action to protect a plant or animal species identified~~

1887 as:]

1888 ~~[(a) sensitive by the state; or]~~
1889 ~~[(b) threatened or endangered under the Endangered Species Act of 1973, 16 U.S.C.~~
1890 ~~Sec. 1531 et seq.]~~

1891 ~~[(3)]~~ (2) "Volunteer" means a person who donates a service to the department or a
1892 division of the department without pay or other compensation.

1893 Section 18. Section **79-2-406** is amended to read:

1894 **79-2-406. Wetlands -- In-lieu fee program study.**

1895 (1) As used in this section, "committee" means the Natural Resources, Agriculture, and
1896 Environment Interim Committee.

1897 (2) The department shall publish, on the department's website, the land use permits
1898 collected by the Utah Geological Survey pursuant to Subsection ~~[79-3-202(1)(r)]~~
1899 79-3-202(1)(q).

1900 (3) (a) The department shall study and make recommendations to the committee on the
1901 viability of an in-lieu fee program for wetland mitigation, including:

1902 (i) the viability of the state establishing and administering an in-lieu fee program; and

1903 (ii) the viability of the state partnering with a private organization to establish and
1904 administer an in-lieu fee program.

1905 (b) As part of the study described in Subsection (3)(a), the department shall consult
1906 with public and private individuals and entities that may be necessary or helpful to the
1907 establishment or administration of an in-lieu fee program for wetland mitigation, which may
1908 include:

1909 (i) the Utah Department of Environmental Quality;

1910 (ii) the United States Army Corps of Engineers;

1911 (iii) the United States Fish and Wildlife Service;

1912 (iv) the United States Environmental Protection Agency; or

1913 (v) a non-profit entity that has experience with the establishment and administration of
1914 in-lieu fee programs.

1915 (c) The department shall provide a report on the status of the department's study during
1916 or before the committee's November interim meeting in 2022.

1917 (d) The department shall provide a final report of the department's study and
1918 recommendations, including any recommended legislation, during or before the committee's

1919 first interim meeting in 2023.

1920 Section 19. Section **79-3-202** is amended to read:

1921 **79-3-202. Powers and duties of survey.**

1922 (1) The survey shall:

1923 (a) assist and advise state and local agencies and state educational institutions on
1924 geologic, paleontologic, and mineralogic subjects;

1925 (b) collect and distribute reliable information regarding the mineral industry and
1926 mineral resources, topography, paleontology, and geology of the state;

1927 (c) survey the geology of the state, including mineral occurrences and the ores of
1928 metals, energy resources, industrial minerals and rocks, mineral-bearing waters, and surface
1929 and ground water resources, with special reference to their economic contents, values, uses,
1930 kind, and availability in order to facilitate their economic use;

1931 (d) investigate the kind, amount, and availability of mineral substances contained in
1932 lands owned and controlled by the state, to contribute to the most effective and beneficial
1933 administration of these lands for the state;

1934 (e) determine and investigate areas of geologic and topographic hazards that could
1935 affect the safety of, or cause economic loss to, the citizens of the state;

1936 (f) assist local and state agencies in their planning, zoning, and building regulation
1937 functions by publishing maps, delineating appropriately wide special earthquake risk areas,
1938 and, at the request of state agencies or other governmental agencies, review the siting of critical
1939 facilities;

1940 (g) cooperate with state agencies, political subdivisions of the state,
1941 quasi-governmental agencies, federal agencies, schools of higher education, and others in fields
1942 of mutual concern, which may include field investigations and preparation, publication, and
1943 distribution of reports and maps;

1944 (h) collect and preserve data pertaining to mineral resource exploration and
1945 development programs and construction activities, such as claim maps, location of drill holes,
1946 location of surface and underground workings, geologic plans and sections, drill logs, and
1947 assay and sample maps, including the maintenance of a sample library of cores and cuttings;

1948 (i) study and analyze other scientific, economic, or aesthetic problems as, in the
1949 judgment of the board, should be undertaken by the survey to serve the needs of the state and to

1950 support the development of natural resources and utilization of lands within the state;

1951 (j) prepare, publish, distribute, and sell maps, reports, and bulletins, embodying the

1952 work accomplished by the survey, directly or in collaboration with others, and collect and

1953 prepare exhibits of the geological and mineral resources of this state and interpret their

1954 significance;

1955 (k) collect, maintain, and preserve data and information in order to accomplish the

1956 purposes of this section and act as a repository for information concerning the geology of this

1957 state;

1958 (l) stimulate research, study, and activities in the field of paleontology;

1959 (m) mark, protect, and preserve critical paleontological sites;

1960 (n) collect, preserve, and administer critical paleontological specimens until the

1961 specimens are placed in a repository or curation facility;

1962 (o) administer critical paleontological site excavation records;

1963 (p) edit and publish critical paleontological records and reports; and

1964 ~~[(q) by following the procedures and requirements of Title 63J, Chapter 5, Federal~~

1965 ~~Funds Procedures Act, seek federal grants, loans, or participation in federal programs, and, in~~

1966 ~~accordance with applicable federal program guidelines, administer federally funded state~~

1967 ~~programs regarding:]~~

1968 ~~[(i) renewable energy;]~~

1969 ~~[(ii) energy efficiency; and]~~

1970 ~~[(iii) energy conservation; and]~~

1971 ~~[(r)]~~ (q) collect the land use permits described in Sections [10-9a-521](#) and [17-27a-520](#).

1972 (2) (a) The survey may maintain as confidential, and not as a public record,

1973 information provided to the survey by any source.

1974 (b) The board shall adopt rules in order to determine whether to accept the information

1975 described in Subsection (2)(a) and to maintain the confidentiality of the accepted information.

1976 (c) The survey shall maintain information received from any source at the level of

1977 confidentiality assigned to it by the source.

1978 (3) Upon approval of the board, the survey shall undertake other activities consistent

1979 with Subsection (1).

1980 (4) (a) Subject to the authority granted to the department, the survey may enter into

1981 cooperative agreements with the entities specified in Subsection (1)(g), if approved by the
 1982 board, and may accept or commit allocated or budgeted funds in connection with those
 1983 agreements.

1984 (b) The survey may undertake joint projects with private entities if:

1985 (i) the action is approved by the board;

1986 (ii) the projects are not inconsistent with the state's objectives; and

1987 (iii) the results of the projects are available to the public.

1988 Section 20. Section **79-6-102** is amended to read:

1989 **79-6-102. Definitions.**

1990 As used in this chapter:

1991 [~~(1) "Appointing authority" means:~~]

1992 [~~(a) on and before June 30, 2029, the governor; and]~~

1993 [~~(b) on and after July 1, 2029, the executive director.]~~

1994 [~~(2) (a) On and before June 30, 2029, "energy advisor" means the governor's energy~~
 1995 ~~advisor appointed under Section 79-6-401.]~~

1996 [~~(b) On and after July 1, 2029, "energy advisor" means the energy advisor appointed by~~
 1997 ~~the executive director under Section 79-6-401.]~~

1998 [~~(3)~~] (1) "Office" means the Office of Energy Development created in Section
 1999 79-6-401.

2000 [~~(4)~~] (2) "State agency" means an executive branch:

2001 (a) department;

2002 (b) agency;

2003 (c) board;

2004 (d) commission;

2005 (e) division; or

2006 (f) state educational institution.

2007 Section 21. Section **79-6-106** is amended to read:

2008 **79-6-106. Hydrogen advisory council.**

2009 (1) The department shall create a hydrogen advisory council within the office that
 2010 consists of seven to nine members appointed by the executive director, in consultation with the
 2011 [~~energy advisor~~] director. The executive director shall appoint members with expertise in:

- 2012 (a) hydrogen energy in general;
- 2013 (b) hydrogen project facilities;
- 2014 (c) technology suppliers;
- 2015 (d) hydrogen producers or processors;
- 2016 (e) renewable and fossil based power generation industries; and
- 2017 (f) fossil fuel based hydrogen feedstock providers.
- 2018 (2) (a) Except as required by Subsection (2)(b), a member shall serve a four-year term.
- 2019 (b) The executive director shall, at the time of appointment or reappointment, adjust
- 2020 the length of terms to ensure that the terms of council members are staggered so that
- 2021 approximately half of the hydrogen advisory council is appointed every two years.
- 2022 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
- 2023 appointed for the unexpired term.
- 2024 (3) (a) A majority of the members appointed under this section constitutes a quorum of
- 2025 the hydrogen advisory council.
- 2026 (b) The hydrogen advisory council shall determine:
- 2027 (i) the time and place of meetings; and
- 2028 (ii) any other procedural matter not specified in this section.
- 2029 (4) A member may not receive compensation or benefits for the member's service, but
- 2030 may receive per diem and travel expenses in accordance with:
- 2031 (a) Section [63A-3-106](#);
- 2032 (b) Section [63A-3-107](#); and
- 2033 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 2034 [63A-3-107](#).
- 2035 (5) The office shall staff the hydrogen advisory council.
- 2036 (6) The hydrogen advisory council may:
- 2037 (a) develop hydrogen facts and figures that facilitate use of hydrogen fuel within the
- 2038 state;
- 2039 (b) encourage cross-state cooperation with states that have hydrogen programs;
- 2040 (c) work with state agencies, the private sector, and other stakeholders, such as
- 2041 environmental groups, to:
- 2042 (i) recommend realistic goals for hydrogen development that can be executed within

2043 realistic time frames; and

2044 (ii) educate, discuss, consult, and make recommendations in hydrogen related matters
2045 that benefit the state;

2046 (d) promote hydrogen research at state institutions of higher education, as defined in
2047 Section [53B-3-102](#);

2048 (e) make recommendations regarding how to qualify for federal funding of hydrogen
2049 projects, including hydrogen related projects for:

2050 (i) the state;

2051 (ii) a local government;

2052 (iii) a privately commissioned project;

2053 (iv) an educational project;

2054 (v) scientific development; and

2055 (vi) engineering and novel technologies;

2056 (f) make recommendations related to the development of multiple feedstock or energy
2057 resources in the state such as wind, solar, hydroelectric, geothermal, coal, natural gas, oil,
2058 water, electrolysis, coal gasification, liquefaction, hydrogen storage, safety handling,
2059 compression, and transportation;

2060 (g) make recommendations to establish statewide safety protocols for production,
2061 transportation, and handling of hydrogen for both residential and commercial applications;

2062 (h) facilitate public events to raise the awareness of hydrogen and hydrogen related
2063 fuels within the state and how hydrogen can be advantageous to all forms of transportation,
2064 heat, and power generation;

2065 (i) review and make recommendations regarding legislation; and

2066 (j) make other recommendations to the ~~[energy advisor]~~ director related to hydrogen
2067 development in the state.

2068 Section 22. Section **79-6-401** is amended to read:

2069 **79-6-401. Office of Energy Development -- Director -- Purpose -- Rulemaking**
2070 **regarding confidential information -- Fees -- Duties and powers.**

2071 (1) There is created an Office of Energy Development ~~[in]~~ within the Department of
2072 Natural Resources to be administered by a director.

2073 (2) (a) The governor shall appoint the director and the director shall serve at the

2074 pleasure of the governor.

2075 (b) The director shall have demonstrated the necessary administrative and professional
2076 ability through education and experience to efficiently and effectively manage the office's
2077 affairs.

2078 (c) The director shall serve as an advisor to the governor on energy related matters.

2079 ~~[(2)(a) The energy advisor shall serve as the director of the office or, on or before June~~
2080 ~~30, 2029, appoint a director of the office.]~~

2081 ~~[(b) The director:]~~

2082 ~~[(i) shall, if the energy advisor appoints a director under Subsection (2)(a), report to the~~
2083 ~~energy advisor; and]~~

2084 ~~[(ii) may appoint staff as funding within existing budgets allows.]~~

2085 ~~[(c) The office may consolidate energy staff and functions existing in the state energy~~
2086 ~~program.]~~

2087 (3) The purposes of the office are to:

2088 (a) serve as the primary resource for advancing energy and mineral development in the
2089 state;

2090 (b) implement:

2091 (i) the state energy policy under Section [79-6-301](#); and

2092 (ii) the governor's energy and mineral development goals and objectives;

2093 (c) advance energy education, outreach, and research, including the creation of
2094 elementary, higher education, and technical college energy education programs;

2095 (d) promote energy and mineral development workforce initiatives; and

2096 (e) support collaborative research initiatives targeted at Utah-specific energy and
2097 mineral development.

2098 (4) By following the procedures and requirements of Title 63J, Chapter 5, Federal
2099 Funds Procedures Act, the office may:

2100 (a) seek federal grants or loans;

2101 (b) seek to participate in federal programs; and

2102 (c) in accordance with applicable federal program guidelines, administer federally
2103 funded state energy programs.

2104 (5) The office shall perform the duties required by Sections [11-42a-106](#), [59-5-102](#),

2105 [59-7-614.7](#), [59-10-1029](#), [63C-26-202](#), Part 5, Alternative Energy Development Tax Credit Act,
2106 and Part 6, High Cost Infrastructure Development Tax Credit Act.

2107 (6) (a) For purposes of administering this section, the office may make rules, by
2108 following Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to maintain as
2109 confidential, and not as a public record, information that the office receives from any source.

2110 (b) The office shall maintain information the office receives from any source at the
2111 level of confidentiality assigned by the source.

2112 (7) The office may charge application, filing, and processing fees in amounts
2113 determined by the office in accordance with Section [63J-1-504](#) as dedicated credits for
2114 performing office duties described in this part.

2115 (8) (a) An employee of the office on April 30, 2024, is an at-will employee.

2116 (b) For an employee [~~of the~~] described in Subsection (8)(a) who was employed by the
2117 office on [~~July 1, 2021]~~ April 30, 2024, the employee shall have the same salary and benefit
2118 options [~~the~~] an employee had when the office was part of the office of the governor.

2119 (c) An employee of the office hired on or after May 1, 2024, shall receive
2120 compensation as provided in Title 63A, Chapter 17, Utah State Personnel Management Act.

2121 (9) (a) The office shall prepare a strategic energy plan to achieve the state's energy
2122 policy, including:

2123 (i) technological and infrastructure innovation needed to meet future energy demand
2124 including:

2125 (A) energy production technologies;

2126 (B) battery and storage technologies;

2127 (C) smart grid technologies;

2128 (D) energy efficiency technologies; and

2129 (E) any other developing energy technology, energy infrastructure planning, or
2130 investments that will assist the state in meeting energy demand;

2131 (ii) the state's efficient utilization and development of:

2132 (A) nonrenewable energy resources, including natural gas, coal, clean coal, hydrogen,
2133 oil, oil shale, and oil sands;

2134 (B) renewable energy resources, including geothermal, solar, hydrogen, wind, biomass,
2135 biofuel, and hydroelectric;

2136 (C) nuclear power; and
2137 (D) earth minerals;
2138 (iii) areas of energy-related academic research;
2139 (iv) specific areas of workforce development necessary for an evolving energy
2140 industry;
2141 (v) the development of partnerships with national laboratories; and
2142 (vi) a proposed state budget for economic development and investment.
2143 (b) In preparing the strategic energy plan, the office shall consult with stakeholders,
2144 including representatives from:
2145 (i) energy companies in the state;
2146 (ii) private and public institutions of higher education within the state conducting
2147 energy-related research; and
2148 (iii) other state agencies.
2149 ~~[(c) On or before the October 2023 interim meeting, the office shall report to the Public~~
2150 ~~Utilities, Energy, and Technology Interim Committee and the Executive Appropriations~~
2151 ~~Interim Committee describing:]~~
2152 ~~[(i) progress towards creation of the strategic energy plan; and]~~
2153 ~~[(ii) a proposed budget for the office to continue development of the strategic energy~~
2154 ~~plan.]~~
2155 (10) The director shall:
2156 (a) annually review and propose updates to the state's energy policy, as contained in
2157 Section [79-6-301](#);
2158 (b) promote as the governor considers necessary:
2159 (i) the development of cost-effective energy resources both renewable and
2160 nonrenewable; and
2161 (ii) educational programs, including programs supporting conservation and energy
2162 efficiency measures;
2163 (c) coordinate across state agencies to assure consistency with state energy policy,
2164 including:
2165 (i) working with the State Energy Program to promote access to federal assistance for
2166 energy-related projects for state agencies and members of the public;

2167 (ii) working with the Division of Emergency Management to assist the governor in
2168 carrying out the governor's energy emergency powers under Title 53, Chapter 2a, Part 10,
2169 Energy Emergency Powers of the Governor Act;

2170 (iii) participating in the annual review of the energy emergency plan and the
2171 maintenance of the energy emergency plan and a current list of contact persons required by
2172 Section [53-2a-902](#); and

2173 (iv) identifying and proposing measures necessary to facilitate low-income consumers'
2174 access to energy services;

2175 (d) coordinate with the Division of Emergency Management ongoing activities
2176 designed to test an energy emergency plan to ensure coordination and information sharing
2177 among state agencies and political subdivisions in the state, public utilities and other energy
2178 suppliers, and other relevant public sector persons as required by Sections [53-2a-902](#),
2179 [53-2a-1004](#), [53-2a-1008](#), and [53-2a-1010](#);

2180 (e) coordinate with requisite state agencies to study:

2181 (i) the creation of a centralized state repository for energy-related information;
2182 (ii) methods for streamlining state review and approval processes for energy-related
2183 projects; and

2184 (iii) the development of multistate energy transmission and transportation
2185 infrastructure;

2186 (f) coordinate energy-related regulatory processes within the state;
2187 (g) compile, and make available to the public, information about federal, state, and
2188 local approval requirements for energy-related projects;

2189 (h) act as the state's advocate before federal and local authorities for energy-related
2190 infrastructure projects or coordinate with the appropriate state agency; and

2191 (i) help promote the Division of Facilities Construction and Management's measures to
2192 improve energy efficiency in state buildings.

2193 (11) The director has standing to testify on behalf of the governor at the Public Service
2194 Commission created in Section [54-1-1](#).

2195 Section 23. Section **79-6-404**, which is renumbered from Section 79-6-202 is
2196 renumbered and amended to read:

2197 **[79-6-202]. 79-6-404. Agency cooperation.**

2198 A state agency shall provide the ~~[energy advisor]~~ office with any energy-related
 2199 information requested by the ~~[energy advisor if the energy advisor's]~~ office if the office's
 2200 request is consistent with other law.

2201 Section 24. Section ~~79-6-405~~, which is renumbered from Section 79-6-203 is
 2202 renumbered and amended to read:

2203 ~~[79-6-203].~~ **79-6-405. Reports.**

2204 (1) The ~~[energy advisor]~~ director shall report annually to:

2205 (a) the ~~[appointing authority]~~ governor; and

2206 (b) the Natural Resources, Agriculture, and Environment Interim Committee.

2207 (2) The report required in Subsection (1) shall:

2208 (a) summarize the status and development of the state's energy resources;

2209 (b) summarize the activities and accomplishments of the Office of Energy

2210 Development;

2211 (c) address the ~~[energy advisor's]~~ director's activities under this part; and

2212 (d) recommend any energy-related executive or legislative action the ~~[energy advisor]~~

2213 director considers beneficial to the state, including updates to the state energy policy under

2214 Section ~~79-6-301~~.

2215 Section 25. Section ~~79-6-901~~ is amended to read:

2216 **79-6-901. Definitions.**

2217 As used in this part:

2218 (1) "Application" means an application for a tax credit under Title 79, Chapter 6, Part
 2219 6, High Cost Infrastructure Development Tax Credit Act.

2220 (2) "Board" means the Utah Energy Infrastructure Board created in Section ~~79-6-902~~.

2221 (3) "Electric interlocal entity" means the same as that term is defined in Section

2222 ~~11-13-103~~.

2223 ~~[(4) "Energy advisor" means the energy advisor appointed under Section ~~79-6-201~~.]~~

2224 ~~[(5)]~~ (4) "Fuel standard compliance project" means the same as that term is defined in
 2225 Section ~~79-6-602~~.

2226 ~~[(6)]~~ (5) "Office" means the Office of Energy Development created in Section

2227 ~~79-6-401~~.

2228 ~~[(7)]~~ (6) "Tax credit" means the same as that term is defined in Section ~~79-6-602~~.

2229 Section 26. Section **79-6-902** is amended to read:

2230 **79-6-902. Utah Energy Infrastructure Board.**

2231 (1) There is created within the office the Utah Energy Infrastructure Board that consists
2232 of nine members as follows:

2233 (a) members appointed by the governor:

2234 (i) [~~the energy advisor or~~] the director of the Office of Energy Development, who shall
2235 serve as chair of the board;

2236 (ii) one member from the Governor's Office of Economic Opportunity;

2237 (iii) one member from a public utility or electric interlocal entity that operates electric
2238 transmission facilities within the state;

2239 (iv) two members representing the economic development interests of rural
2240 communities as follows:

2241 (A) one member currently serving as county commissioner of a county of the third,
2242 fourth, fifth, or sixth class, as described in Section [17-50-501](#); and

2243 (B) one member of a rural community with work experience in the energy industry;

2244 (v) two members of the general public with relevant industry or community
2245 experience; and

2246 (vi) one member of the general public who has experience with public finance and
2247 bonding; and

2248 (b) the director of the School and Institutional Trust Lands Administration created in
2249 Section [53C-1-201](#).

2250 (2) (a) The term of an appointed board member is four years.

2251 (b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment
2252 or reappointment, adjust the length of terms to ensure that the terms of board members are
2253 staggered so that approximately half of the board is appointed every two years.

2254 (c) The governor may remove a member of the board for cause.

2255 (d) The governor shall fill a vacancy in the board in the same manner under this section
2256 as the appointment of the member whose vacancy is being filled.

2257 (e) An individual appointed to fill a vacancy shall serve the remaining unexpired term
2258 of the member whose vacancy the individual is filling.

2259 (f) A board member shall serve until a successor is appointed and qualified.

2260 (3) (a) Five members of the board constitute a quorum for conducting board business.

2261 (b) A majority vote of the quorum present is required for an action to be taken by the
2262 board.

2263 (4) The board shall meet as needed to review an application.

2264 (5) A member may not receive compensation or benefits for the member's service, but
2265 may receive per diem and travel expenses in accordance with:

2266 (a) Section 63A-3-106;

2267 (b) Section 63A-3-107; and

2268 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2269 63A-3-107.

2270 Section 27. Section 79-7-203 is amended to read:

2271 **79-7-203. Powers and duties of division.**

2272 (1) As used in this section, "real property" includes land under water, upland, and all
2273 other property commonly or legally defined as real property.

2274 (2) The Division of Wildlife Resources shall retain the power and jurisdiction
2275 conferred upon the Division of Wildlife Resources by law on property controlled by the
2276 division with reference to fish and game.

2277 (3) For purposes of property controlled by the division, the division shall permit
2278 multiple uses of the property for purposes such as grazing, fishing, hunting, camping, mining,
2279 and the development and use of water and other natural resources.

2280 (4) (a) The division may acquire real and personal property in the name of the state by
2281 legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or
2282 otherwise, subject to the approval of the executive director [~~and the governor~~].

2283 (b) In acquiring real or personal property, the credit of the state may not be pledged
2284 without the consent of the Legislature.

2285 (5) (a) Before acquiring any real property, the division shall notify the county
2286 legislative body of the county where the property is situated of the division's intention to
2287 acquire the property.

2288 (b) If the county legislative body requests a hearing within 10 days of receipt of the
2289 notice, the division shall hold a public hearing in the county concerning the matter.

2290 (6) Acceptance of gifts or devises of land or other property is at the discretion of the

2291 division, subject to the approval of the executive director [~~and the governor~~].

2292 (7) The division shall acquire property by eminent domain in the manner authorized by
2293 Title 78B, Chapter 6, Part 5, Eminent Domain.

2294 (8) (a) The division may make charges for special services and use of facilities, the
2295 income from which is available for recreation purposes.

2296 (b) The division may conduct and operate those services necessary for the comfort and
2297 convenience of the public.

2298 (9) (a) The division may lease or rent concessions of lawful kinds and nature on
2299 property to persons, partnerships, and corporations for a valuable consideration after notifying
2300 the commission.

2301 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in
2302 selecting concessionaires.

2303 (10) The division shall proceed without delay to negotiate with the federal government
2304 concerning the Weber Basin and other recreation and reclamation projects.

2305 (11) (a) The division shall coordinate with and annually report to the following
2306 regarding land acquisition and development and grants administered under this chapter or
2307 Chapter 8, Outdoor Recreation Grants:

2308 (i) the Division of State Parks; and

2309 (ii) the [~~Office of~~] Center for Rural Development.

2310 (b) The report required under Subsection (11)(a) shall be in writing, made public, and
2311 include a description and the amount of any grant awarded under this chapter or Chapter 8,
2312 Outdoor Recreation Grants.

2313 (12) The division shall:

2314 (a) coordinate outdoor recreation policy, management, and promotion:

2315 (i) among state and federal agencies and local government entities in the state;

2316 (ii) with the Public Lands Policy Coordinating Office created in Section [63L-11-201](#), if
2317 public land is involved; and

2318 (iii) on at least a quarterly basis, with the executive director and the executive director
2319 of the Governor's Office of Economic Opportunity;

2320 (b) in cooperation with the Governor's Office of Economic Opportunity, promote
2321 economic development in the state by:

- 2322 (i) coordinating with outdoor recreation stakeholders;
- 2323 (ii) improving recreational opportunities; and
- 2324 (iii) recruiting outdoor recreation business;
- 2325 (c) promote all forms of outdoor recreation, including motorized and nonmotorized
- 2326 outdoor recreation;
- 2327 (d) recommend to the governor and Legislature policies and initiatives to enhance
- 2328 recreational amenities and experiences in the state and help implement those policies and
- 2329 initiatives;
- 2330 (e) in performing the division's duties, seek to ensure safe and adequate access to
- 2331 outdoor recreation for all user groups and for all forms of recreation;
- 2332 (f) develop data regarding the impacts of outdoor recreation in the state; and
- 2333 (g) promote the health and social benefits of outdoor recreation, especially to young
- 2334 people.

2335 (13) By following Title 63J, Chapter 5, Federal Funds Procedures Act, the division
2336 may:

- 2337 (a) seek federal grants or loans;
- 2338 (b) seek to participate in federal programs; and
- 2339 (c) in accordance with applicable federal program guidelines, administer federally
- 2340 funded outdoor recreation programs.

2341 Section 28. Section **79-7-601**, which is renumbered from Section 79-4-1102 is
2342 renumbered and amended to read:

2343 **Part 6. Contingency Planning for Management of Federal Land**

2344 ~~[79-4-1102]~~. **79-7-601. Contingency plan for federal property.**

2345 (1) As used in this part, "fiscal emergency" means a major disruption in the operation
2346 of one or more national parks, national monuments, national forests, or national recreation
2347 areas in the state caused by the unforeseen or sudden significant decrease or elimination of
2348 funding from the federal government.

2349 (2) During a fiscal emergency, and subject to congressional approval, the governor's
2350 agreement with the United States Department of the Interior, or a presidential executive order,
2351 the governor [~~is authorized to~~] may enter into an agreement with the federal government to
2352 ensure that one or more national parks, national monuments, national forests, or national

2353 recreation areas in the state, according to the priority set under [~~Section 79-4-1103~~] Section
2354 79-7-602, remain open to the public.

2355 Section 29. Section **79-7-602**, which is renumbered from Section 79-4-1103 is
2356 renumbered and amended to read:

2357 ~~[79-4-1103]~~. **79-7-602. Governor's duties -- Priority of federal property.**

2358 (1) During a fiscal emergency, the governor shall:

2359 (a) if financially practicable, work with the federal government to open and maintain
2360 the operation of one or more national parks, national monuments, national forests, and national
2361 recreation areas in the state, in the order established under this section; and

2362 (b) report to the speaker of the House and the president of the Senate on the need, if
2363 any, for additional appropriations to assist the division in opening and operating one or more
2364 national parks, national monuments, national forests, and national recreation areas in the state.

2365 (2) The director of the Division of Outdoor Recreation, in consultation with the
2366 executive director of the [~~Governor's Office of Economic Opportunity~~] Department of Natural
2367 Resources, shall determine, by rule, the priority of national parks, national monuments,
2368 national forests, and national recreation areas in the state.

2369 (3) In determining the priority described in Subsection (2), the director of the Division
2370 of Outdoor Recreation shall consider the:

2371 (a) economic impact of the national park, national monument, national forest, or
2372 national recreation area in the state; and

2373 (b) recreational value offered by the national park, national monument, national forest,
2374 or national recreation area.

2375 (4) The director of the Division of Outdoor Recreation shall annually review the
2376 priority set under Subsection (2) to determine whether the priority list should be amended.

2377 Section 30. **Repealer.**

2378 This bill repeals:

2379 Section **40-6-22, Regulatory certainty to support economic recovery.**

2380 Section **73-10-12, Appropriations.**

2381 Section **73-10-13, Appropriation for loan fund.**

2382 Section **73-10-31, Allocation of funds for credit enhancement and interest**
2383 **buy-down agreements.**

2384 Section **79-4-1101**, Title.
2385 Section **79-6-201**, Advisor -- Duties.
2386 Section 31. **Effective date.**
2387 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.
2388 (2) The actions affecting Section **59-12-103**, (Contingently Effective 01/01/25),
2389 contingently take effect on January 1, 2025.
2390 Section 32. **Coordinating H.B. 519 with other 2024 General Session legislation.**
2391 The Legislature intends that, on May 1, 2024, in legislation that passes in the 2024
2392 General Session and becomes law:
2393 (1) any reference to the executive director of the Public Lands Policy Coordinating
2394 Office be changed to director of the Public Lands Policy Coordinating Office in any new
2395 language added to the Utah Code;
2396 (2) any occurrence of "executive director" be changed to "director" in any new
2397 language added to Title 63L, Chapter 11, Public Lands Planning; and
2398 (3) any reference to energy advisor be changed to the director of the Office of Energy
2399 Development in any new language added to the Utah Code.