

Representative Casey Snider proposes the following substitute bill:

DEPARTMENT OF NATURAL RESOURCES MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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



- 26 ▶ modifies provisions related to mineral lease money being deposited into a restricted
- 27 account used by the Utah Geological Survey;
- 28 ▶ modifies provisions related to the director of the Office of Energy Development and
- 29 removes references to energy advisor;
- 30 ▶ clarifies the status of an employee of the Office of Energy Development;
- 31 ▶ repeals a requirement that 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- 35 ▶ repeals outdated language, including appropriation language; and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44 **41-22-31**, as repealed and reenacted by Laws of Utah 2023, Chapter 11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 **51-9-306**, as last amended by Laws of Utah 2023, Chapter 526

47 **59-12-103 (Contingently Superseded 01/01/25)**, as last amended by Laws of Utah

48 2023, Chapters 22, 213, 329, 361, and 471

49 **59-12-103 (Contingently Effective 01/01/25)**, as last amended by Laws of Utah 2023,

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

51 **59-21-2**, as last amended by Laws of Utah 2023, Chapter 217

52 **59-23-4**, as last amended by Laws of Utah 2018, Chapter 413

53 **63J-1-602.1**, as last amended by Laws of Utah 2023, Chapters 26, 33, 34, 194, 212,

54 330, 419, 434, 448, and 534

55 **63L-11-102**, as last amended by Laws of Utah 2023, Chapter 16

56 **63L-11-201**, as last amended by Laws of Utah 2021, Chapter 345 and renumbered and

57 amended by Laws of Utah 2021, Chapter 382

58 [63L-11-202](#), as last amended by Laws of Utah 2023, Chapter 160

59 [63L-11-305](#), as last amended by Laws of Utah 2022, Chapter 313

60 [63L-11-402](#), as last amended by Laws of Utah 2023, Chapter 160

61 [63L-11-403](#), as renumbered and amended by Laws of Utah 2021, Chapter 382

62 [67-22-2](#), as last amended by Laws of Utah 2023, Chapter 205

63 [73-5-15](#), as last amended by Laws of Utah 2023, Chapters 16, 230

64 [73-10-27](#), as last amended by Laws of Utah 2012, Chapter 347

65 [79-2-102](#), as last amended by Laws of Utah 2023, Chapter 34

66 [79-2-406](#), as enacted by Laws of Utah 2022, Chapter 216

67 [79-3-202](#), as last amended by Laws of Utah 2022, Chapter 216

68 [79-3-403](#), as enacted by Laws of Utah 2021, Chapter 401

69 [79-6-102](#), as renumbered and amended by Laws of Utah 2021, Chapter 280

70 [79-6-106](#), as enacted by Laws of Utah 2023, Chapter 233

71 [79-6-401](#), as last amended by Laws of Utah 2023, Chapter 196

72 [79-6-901](#), as renumbered and amended by Laws of Utah 2022, Chapter 44

73 [79-6-902](#), as renumbered and amended by Laws of Utah 2022, Chapter 44

74 ENACTS:

75 [41-22-35.5](#), Utah Code Annotated 1953

76 RENUMBERS AND AMENDS:

77 [23A-3-214](#), (Renumbered from 79-2-303, as renumbered and amended by Laws of
78 Utah 2009, Chapter 344)

79 [79-6-404](#), (Renumbered from 79-6-202, as renumbered and amended by Laws of Utah
80 2021, Chapter 280)

81 [79-6-405](#), (Renumbered from 79-6-203, as renumbered and amended by Laws of Utah
82 2021, Chapter 280)

83 [79-7-601](#), (Renumbered from 79-4-1102, as enacted by Laws of Utah 2014, Chapter
84 313)

85 [79-7-602](#), (Renumbered from 79-4-1103, as last amended by Laws of Utah 2022,
86 Chapter 68)

87 REPEALS:

- 88 **40-6-22**, as last amended by Laws of Utah 2022, Chapter 443
- 89 **73-10-12**, as Utah Code Annotated 1953
- 90 **73-10-13**, as enacted by Laws of Utah 1963, Chapter 199
- 91 **73-10-31**, as enacted by Laws of Utah 1996, Chapter 199
- 92 **79-4-1101**, as enacted by Laws of Utah 2014, Chapter 313
- 93 **79-6-201**, as renumbered and amended by Laws of Utah 2021, Chapter 280

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

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

98 ~~[79-2-303]~~. **23A-3-214. Species Protection Account.**

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

101 (2) The account shall consist of:

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

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

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

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

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

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

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

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

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

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

118 (4) The purposes specified in Subsections (3)(a) through (3)(d) may be accomplished

119 by the state or, in an appropriation act, the Legislature may authorize the department to award
120 grants to political subdivisions of the state to accomplish those purposes.

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

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

125 **41-22-31. Division to set standards for safety program -- Safety certificates issued**
126 **-- Cooperation with public and private entities -- State immunity from suit.**

127 (1) (a) The division shall:

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

132 (ii) implement the program.

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

136 (ii) Components of the program shall include:

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

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

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

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

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

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

149 (2) Except as provided in Subsection (4)(b), an individual under 18 years old may not

150 operate an off-highway vehicle on public lands in this state unless the individual has completed
151 the requirements of the program established in accordance with this section and rules made in
152 accordance with Subsection (1) by completing:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

180 (8) A person convicted of a violation of this section is guilty of an infraction and shall

181 be fined not more than \$150 per offense.

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

183 **41-22-35. Off-highway vehicle user fee -- Decal -- Agents -- Penalty for fraudulent**
184 **issuance of decal -- Deposit and use of fee revenue.**

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

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

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

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

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

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

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

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

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

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

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

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

209 (a) after notifying the commission, set a resident and nonresident off-highway vehicle
210 user fee in accordance with Section [63J-1-504](#); and

211 (b) collect an electronic payment fee in accordance with Section [41-22-35.5](#).

- 212 (3) Upon compliance with ~~[the provisions of]~~ Subsection (1)(a), the nonresident shall:
- 213 (a) receive a nonresident off-highway vehicle user decal indicating compliance with the
- 214 provisions of Subsection (1)(a); and
- 215 (b) display the decal on the off-highway vehicle in accordance with rules made by the
- 216 division.
- 217 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 218 division, after notifying the commission, shall make rules establishing:
- 219 (a) procedures for:
- 220 (i) the payment of off-highway vehicle user fees; and
- 221 (ii) the display of a decal on an off-highway vehicle as required under Subsection
- 222 (3)(b);
- 223 (b) acceptable evidence indicating compliance with Subsection (1);
- 224 (c) eligibility for scheduled competitive events or other events under Subsection
- 225 (1)(b)(ii); and
- 226 (d) eligibility for an off-highway vehicle manufacturer sponsored event under
- 227 Subsection (1)(b)(iv).
- 228 (5) (a) An off-highway vehicle user decal may be issued and the off-highway vehicle
- 229 user fee may be collected by the division or agents of the division.
- 230 (b) An agent shall retain 10% of all off-highway vehicle user fees collected.
- 231 (c) The division may require agents to obtain a bond in a reasonable amount.
- 232 (d) On or before the tenth day of each month, each agent shall:
- 233 (i) report all sales to the division; and
- 234 (ii) submit all off-highway vehicle user fees collected less the remuneration provided in
- 235 Subsection (5)(b).
- 236 (e) (i) If an agent fails to pay the amount due, the division may assess a penalty of 20%
- 237 of the amount due.
- 238 (ii) Delinquent payments shall bear interest at the rate of 1% per month.
- 239 (iii) If the amount due is not paid because of bad faith or fraud, the division shall assess
- 240 a penalty of 100% of the total amount due together with interest.
- 241 (f) All fees collected by an agent, except the remuneration provided in Subsection
- 242 (5)(b), shall:

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

244 (ii) belong to the state.

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

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

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

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

252 **41-22-35.5. Electronic payment fee.**

253 (1) As used in this section:

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

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

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

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

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

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

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

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

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

270 **51-9-306. Deposit of certain severance tax revenue for specified state agencies.**

271 (1) As used in this section:

272 (a) "Aggregate annual revenue" means the aggregate annual revenue collected in a
273 fiscal year from the taxes imposed under Title 59, Chapter 5, Severance Tax on Oil, Gas, and

274 Mining, after subtracting the amounts required to be distributed under Sections 51-9-305,
275 59-5-116, and 59-5-119.

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

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

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

286 (i) after subtracting the amounts required to be distributed under Sections 51-9-305,
287 59-5-116, and 59-5-119; and

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

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

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

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

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

299 (i) after subtracting the amounts required to be distributed under Sections 51-9-305,
300 59-5-116, and 59-5-119; and

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

303 (2) After making the deposits of oil and gas severance tax revenue as required under
304 Sections 59-5-116 and 59-5-119 and making the credits under Section 51-9-305, for a fiscal

305 year beginning on or after July 1, 2021, the State Tax Commission shall annually make the
306 following deposits:

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

- 309 (i) 2.75% of the first \$50,000,000 of the average aggregate annual revenue;
- 310 (ii) 1% of the next \$50,000,000 of the average aggregate annual revenue; and
- 311 (iii) .5% of the average aggregate annual revenue that exceeds \$100,000,000;

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

- 314 (i) .4% of the first \$50,000,000 of the average aggregate annual revenue;
- 315 (ii) .15% of the next \$50,000,000 of the average aggregate annual revenue; and
- 316 (iii) .08% of the average aggregate annual revenue that exceeds \$100,000,000;

317 (c) to the Division of Oil, Gas, and Mining Restricted Account, created in Section
318 40-6-23, the following:

- 319 (i) (A) 11.5% of the first \$50,000,000 of the average aggregate annual mining revenue;
- 320 (B) 3% of the next \$50,000,000 of the average aggregate annual mining revenue; and
- 321 (C) 1% of the average aggregate annual mining revenue that exceeds \$100,000,000;

322 and

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

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

326 and

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

328 and

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

- 331 (i) 2.5% of the first \$50,000,000 of the average aggregate annual revenue;
- 332 (ii) 1% of the next \$50,000,000 of the average aggregate annual revenue; and
- 333 (iii) .5% of the average aggregate annual revenue that exceeds \$100,000,000.

334 (3) If the money collected in a fiscal year from the taxes imposed under Title 59,
335 Chapter 5, Severance Tax on Oil, Gas, and Mining, is insufficient to make the deposits

336 required by Subsection (2), the State Tax Commission shall deposit money collected in the
337 fiscal year as follows:

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

- 340 (i) 2.75% of the first \$50,000,000 of the aggregate annual revenue;
- 341 (ii) 1% of the next \$50,000,000 of the aggregate annual revenue; and
- 342 (iii) .5% of the aggregate annual revenue that exceeds \$100,000,000;

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

- 345 (i) .4% of the first \$50,000,000 of the aggregate annual revenue;
- 346 (ii) .15% of the next \$50,000,000 of the aggregate annual revenue; and
- 347 (iii) .08% of the aggregate annual revenue that exceeds \$100,000,000;

348 (c) to the Division of Oil, Gas, and Mining Restricted Account, created in Section
349 40-6-23, the following:

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

- 358 (i) 2.5% of the first \$50,000,000 of the aggregate annual revenue;
- 359 (ii) 1% of the next \$50,000,000 of the aggregate annual revenue; and
- 360 (iii) .5% of the aggregate annual revenue that exceeds \$100,000,000.

361 (4) The severance tax revenues deposited under this section into restricted accounts for
362 the state agencies specified in Subsection (2) and appropriated from the restricted accounts
363 offset and supplant General Fund appropriations used to pay the costs of programs or projects
364 administered by the state agencies that are primarily related to oil, gas, and mining.

365 Section 6. Section 59-12-103 (Contingently Superseded 01/01/25) is amended to
366 read:

367 **59-12-103 (Contingently Superseded 01/01/25). Sales and use tax base -- Rates --**
368 **Effective dates -- Use of sales and use tax revenues.**

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

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

372 (b) amounts paid for:

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

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

378 (iii) an ancillary service associated with a:

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

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

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

382 (i) gas;

383 (ii) electricity;

384 (iii) heat;

385 (iv) coal;

386 (v) fuel oil; or

387 (vi) other fuels;

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

389 (i) gas;

390 (ii) electricity;

391 (iii) heat;

392 (iv) coal;

393 (v) fuel oil; or

394 (vi) other fuels;

395 (e) sales of prepared food;

396 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
397 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,

398 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
399 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
400 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
401 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
402 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
403 horseback rides, sports activities, or any other amusement, entertainment, recreation,
404 exhibition, cultural, or athletic activity;

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

407 (i) the tangible personal property; and

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

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

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

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

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

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

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

421 (i) stored;

422 (ii) used; or

423 (iii) otherwise consumed;

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

426 (i) stored;

427 (ii) used; or

428 (iii) consumed;

- 429 (m) amounts paid or charged for a sale:
- 430 (i) (A) of a product transferred electronically; or
- 431 (B) of a repair or renovation of a product transferred electronically; and
- 432 (ii) regardless of whether the sale provides:
- 433 (A) a right of permanent use of the product; or
- 434 (B) a right to use the product that is less than a permanent use, including a right:
- 435 (I) for a definite or specified length of time; and
- 436 (II) that terminates upon the occurrence of a condition; and
- 437 (n) sales of leased tangible personal property from the lessor to the lessee made in the
- 438 state.
- 439 (2) (a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax
- 440 are imposed on a transaction described in Subsection (1) equal to the sum of:
- 441 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
- 442 (A) 4.70% plus the rate specified in Subsection (11)(a); and
- 443 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales
- 444 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
- 445 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional
- 446 State Sales and Use Tax Act; and
- 447 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales
- 448 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
- 449 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state
- 450 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
- 451 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
- 452 transaction under this chapter other than this part.
- 453 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a
- 454 state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to
- 455 the sum of:
- 456 (i) a state tax imposed on the transaction at a tax rate of 2%; and
- 457 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
- 458 transaction under this chapter other than this part.
- 459 (c) Except as provided in Subsection (2)(f) or (g), a state tax and a local tax are

460 imposed on amounts paid or charged for food and food ingredients equal to the sum of:

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

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

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

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

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

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

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

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

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

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

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

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

493 (vi) A car-sharing program shall:

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

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

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

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

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

502 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State
503 Sales and Use Tax Act, if the location of the transaction as determined under Sections
504 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,
505 Additional State Sales and Use Tax Act; and

506 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
507 Sales and Use Tax Act, if the location of the transaction as determined under Sections
508 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which
509 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

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

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

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

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

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

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

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

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

533 (II) state or federal law provides otherwise.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

584 (ii) The repeal of a tax or a tax rate decrease applies to a billing
585 statement for the billing period is rendered on or after the effective date of the repeal of the tax
586 or the tax rate decrease imposed under:

- 587 (A) Subsection (2)(a)(i)(A);
- 588 (B) Subsection (2)(b)(i);
- 589 (C) Subsection (2)(c)(i); or
- 590 (D) Subsection (2)(f)(i)(A)(I).

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

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

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

- 597 (A) Subsection (2)(a)(i)(A);
- 598 (B) Subsection (2)(b)(i);
- 599 (C) Subsection (2)(c)(i); or
- 600 (D) Subsection (2)(f)(i)(A)(I).

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

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

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

- 608 (A) a commercial use;
- 609 (B) an industrial use; or
- 610 (C) a residential use.

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

- 612 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 613 (ii) the tax imposed by Subsection (2)(b)(i);
- 614 (iii) the tax imposed by Subsection (2)(c)(i); and

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

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

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

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

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

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

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

624 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
625 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
626 through (g):

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

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

629 (B) for the fiscal year; or

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

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

634 (A) implement the measures described in ~~[Subsections 79-2-303(3)(a)]~~ Subsections
635 23A-3-214(3)(a) through (d) to protect sensitive plant and animal species; or

636 (B) award grants, up to the amount authorized by the Legislature in an appropriations
637 act, to political subdivisions of the state to implement the measures described in ~~[Subsections~~
638 ~~79-2-303(3)(a)]~~ Subsections 23A-3-214(3)(a) through (d) to protect sensitive plant and animal
639 species.

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

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

645 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the

646 Water Resources Conservation and Development Fund created in Section 73-10-24;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

688 (iii) develop surface water sources.

689 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
690 2006, the difference between the following amounts shall be expended as provided in this
691 Subsection (5), if that difference is greater than \$1:

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

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

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

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

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

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

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

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

707 (B) expended by the Division of Water Resources for cloud-seeding projects

708 authorized by Title 73, Chapter 15, Modification of Weather.

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

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

716 (i) preconstruction costs:

717 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
718 26, Bear River Development Act; and

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

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

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

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

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

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

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

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

- 739 (ii) the tax imposed by Subsection (2)(b)(i);
740 (iii) the tax imposed by Subsection (2)(c)(i); and
741 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

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

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

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

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

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

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

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

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

764 (c) (i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,
765 2023, the commission shall annually reduce the deposit into the Transportation Investment
766 Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is equal to 5% of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

818 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
819 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
820 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

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

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

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

832 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
833 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated credit
834 solely for use of the Search and Rescue Financial Assistance Program created in, and expended
835 in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

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

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

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

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

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

857 Section 7. Section 59-12-103 (Contingently Effective 01/01/25) is amended to read:
858 **59-12-103 (Contingently Effective 01/01/25). Sales and use tax base -- Rates --**
859 **Effective dates -- Use of sales and use tax revenues.**

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

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

- 863 (b) amounts paid for:
- 864 (i) telecommunications service, other than mobile telecommunications service, that
- 865 originates and terminates within the boundaries of this state;
- 866 (ii) mobile telecommunications service that originates and terminates within the
- 867 boundaries of one state only to the extent permitted by the Mobile Telecommunications
- 868 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or
- 869 (iii) an ancillary service associated with a:
- 870 (A) telecommunications service described in Subsection (1)(b)(i); or
- 871 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
- 872 (c) sales of the following for commercial use:
- 873 (i) gas;
- 874 (ii) electricity;
- 875 (iii) heat;
- 876 (iv) coal;
- 877 (v) fuel oil; or
- 878 (vi) other fuels;
- 879 (d) sales of the following for residential use:
- 880 (i) gas;
- 881 (ii) electricity;
- 882 (iii) heat;
- 883 (iv) coal;
- 884 (v) fuel oil; or
- 885 (vi) other fuels;
- 886 (e) sales of prepared food;
- 887 (f) except as provided in Section [59-12-104](#), amounts paid or charged as admission or
- 888 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
- 889 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
- 890 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
- 891 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
- 892 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
- 893 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,

894 horseback rides, sports activities, or any other amusement, entertainment, recreation,
895 exhibition, cultural, or athletic activity;

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

898 (i) the tangible personal property; and

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

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

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

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

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

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

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

912 (i) stored;

913 (ii) used; or

914 (iii) otherwise consumed;

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

917 (i) stored;

918 (ii) used; or

919 (iii) consumed;

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

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

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

923 (ii) regardless of whether the sale provides:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

955 (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts

956 paid or charged for fuel to a common carrier that is a railroad for use in a locomotive engine at
957 a rate of 4.85%.

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

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

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

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

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

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

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

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

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

983 (vi) A car-sharing program shall:

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

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

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

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

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

992 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State
993 Sales and Use Tax Act, if the location of the transaction as determined under Sections
994 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,
995 Additional State Sales and Use Tax Act; and

996 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
997 Sales and Use Tax Act, if the location of the transaction as determined under Sections
998 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which
999 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1000 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates
1001 described in Subsection (2)(a)(ii).

1002 (ii) If an optional computer software maintenance contract is a bundled transaction that
1003 consists of taxable and nontaxable products that are not separately itemized on an invoice or
1004 similar billing document, the purchase of the optional computer software maintenance contract
1005 is 40% taxable under this chapter and 60% nontaxable under this chapter.

1006 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled
1007 transaction described in Subsection (2)(f)(i) or (ii):

1008 (A) if the sales price of the bundled transaction is attributable to tangible personal
1009 property, a product, or a service that is subject to taxation under this chapter and tangible
1010 personal property, a product, or service that is not subject to taxation under this chapter, the
1011 entire bundled transaction is subject to taxation under this chapter unless:

1012 (I) the seller is able to identify by reasonable and verifiable standards the tangible
1013 personal property, product, or service that is not subject to taxation under this chapter from the
1014 books and records the seller keeps in the seller's regular course of business; or

1015 (II) state or federal law provides otherwise; or

1016 (B) if the sales price of a bundled transaction is attributable to two or more items of
1017 tangible personal property, products, or services that are subject to taxation under this chapter

1018 at different rates, the entire bundled transaction is subject to taxation under this chapter at the
1019 higher tax rate unless:

1020 (I) the seller is able to identify by reasonable and verifiable standards the tangible
1021 personal property, product, or service that is subject to taxation under this chapter at the lower
1022 tax rate from the books and records the seller keeps in the seller's regular course of business; or

1023 (II) state or federal law provides otherwise.

1024 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the
1025 seller's regular course of business includes books and records the seller keeps in the regular
1026 course of business for nontax purposes.

1027 (g) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(g)(ii)
1028 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a
1029 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental
1030 of tangible personal property, other property, a product, or a service that is not subject to
1031 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless
1032 the seller, at the time of the transaction:

1033 (A) separately states the portion of the transaction that is not subject to taxation under
1034 this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

1035 (B) is able to identify by reasonable and verifiable standards, from the books and
1036 records the seller keeps in the seller's regular course of business, the portion of the transaction
1037 that is not subject to taxation under this chapter.

1038 (ii) A purchaser and a seller may correct the taxability of a transaction if:

1039 (A) after the transaction occurs, the purchaser and the seller discover that the portion of
1040 the transaction that is not subject to taxation under this chapter was not separately stated on an
1041 invoice, bill of sale, or similar document provided to the purchaser because of an error or
1042 ignorance of the law; and

1043 (B) the seller is able to identify by reasonable and verifiable standards, from the books
1044 and records the seller keeps in the seller's regular course of business, the portion of the
1045 transaction that is not subject to taxation under this chapter.

1046 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller keeps
1047 in the seller's regular course of business includes books and records the seller keeps in the
1048 regular course of business for nontax purposes.

1049 (h) (i) If the sales price of a transaction is attributable to two or more items of tangible
1050 personal property, products, or services that are subject to taxation under this chapter at
1051 different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate
1052 unless the seller, at the time of the transaction:

1053 (A) separately states the items subject to taxation under this chapter at each of the
1054 different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

1055 (B) is able to identify by reasonable and verifiable standards the tangible personal
1056 property, product, or service that is subject to taxation under this chapter at the lower tax rate
1057 from the books and records the seller keeps in the seller's regular course of business.

1058 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the
1059 seller's regular course of business includes books and records the seller keeps in the regular
1060 course of business for nontax purposes.

1061 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax
1062 rate imposed under the following shall take effect on the first day of a calendar quarter:

1063 (i) Subsection (2)(a)(i)(A);

1064 (ii) Subsection (2)(b)(i); or

1065 (iii) Subsection (2)(f)(i)(A)(I).

1066 (j) (i) A tax rate increase takes effect on the first day of the first billing period that
1067 begins on or after the effective date of the tax rate increase if the billing period for the
1068 transaction begins before the effective date of a tax rate increase imposed under:

1069 (A) Subsection (2)(a)(i)(A);

1070 (B) Subsection (2)(b)(i); or

1071 (C) Subsection (2)(f)(i)(A)(I).

1072 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
1073 statement for the billing period is rendered on or after the effective date of the repeal of the tax
1074 or the tax rate decrease imposed under:

1075 (A) Subsection (2)(a)(i)(A);

1076 (B) Subsection (2)(b)(i); or

1077 (C) Subsection (2)(f)(i)(A)(I).

1078 (k) (i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale
1079 is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal

1080 or change in a tax rate takes effect:

1081 (A) on the first day of a calendar quarter; and

1082 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

1083 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:

1084 (A) Subsection (2)(a)(i)(A);

1085 (B) Subsection (2)(b)(i); or

1086 (C) Subsection (2)(f)(i)(A)(I).

1087 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

1088 the commission may by rule define the term "catalogue sale."

1089 (l) (i) For a location described in Subsection (2)(l)(ii), the commission shall determine

1090 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the

1091 predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.

1092 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,

1093 or other fuel is furnished through a single meter for two or more of the following uses:

1094 (A) a commercial use;

1095 (B) an industrial use; or

1096 (C) a residential use.

1097 (3) (a) The following state taxes shall be deposited into the General Fund:

1098 (i) the tax imposed by Subsection (2)(a)(i)(A);

1099 (ii) the tax imposed by Subsection (2)(b)(i); and

1100 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).

1101 (b) The following local taxes shall be distributed to a county, city, or town as provided

1102 in this chapter:

1103 (i) the tax imposed by Subsection (2)(a)(ii);

1104 (ii) the tax imposed by Subsection (2)(b)(ii);

1105 (iii) the tax imposed by Subsection (2)(c); and

1106 (iv) the tax imposed by Subsection (2)(f)(i)(B).

1107 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General

1108 Fund.

1109 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,

1110 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)

1111 through (g):

1112 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:

1113 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and

1114 (B) for the fiscal year; or

1115 (ii) \$17,500,000.

1116 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount

1117 described in Subsection (4)(a) shall be transferred each year as designated sales and use tax

1118 revenue to the ~~[Department of Natural Resources]~~ Division of Wildlife Resources to:

1119 (A) implement the measures described in ~~[Subsections 79-2-303(3)(a)]~~ Subsections

1120 23A-3-214(3)(a) through (d) to protect sensitive plant and animal species; or

1121 (B) award grants, up to the amount authorized by the Legislature in an appropriations

1122 act, to political subdivisions of the state to implement the measures described in ~~[Subsections~~

1123 ~~79-2-303(3)(a)]~~ Subsections 23A-3-214(3)(a) through (d) to protect sensitive plant and animal

1124 species.

1125 (ii) Money transferred to the ~~[Department of Natural Resources]~~ Division of Wildlife

1126 Resources under Subsection (4)(b)(i) may not be used to assist the United States Fish and

1127 Wildlife Service or any other person to list or attempt to have listed a species as threatened or

1128 endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

1129 (iii) At the end of each fiscal year:

1130 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the

1131 Water Resources Conservation and Development Fund created in Section 73-10-24;

1132 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the

1133 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

1134 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the

1135 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

1136 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in

1137 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund

1138 created in Section 4-18-106.

1139 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described

1140 in Subsection (4)(a) shall be transferred each year as designated sales and use tax revenue to

1141 the Division of Water Rights to cover the costs incurred in hiring legal and technical staff for

1142 the adjudication of water rights.

1143 (ii) At the end of each fiscal year:

1144 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the
1145 Water Resources Conservation and Development Fund created in Section 73-10-24;

1146 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1147 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

1148 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1149 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

1150 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described
1151 in Subsection (4)(a) shall be deposited into the Water Resources Conservation and
1152 Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

1153 (ii) In addition to the uses allowed of the Water Resources Conservation and
1154 Development Fund under Section 73-10-24, the Water Resources Conservation and
1155 Development Fund may also be used to:

1156 (A) conduct hydrologic and geotechnical investigations by the Division of Water
1157 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of
1158 quantifying surface and ground water resources and describing the hydrologic systems of an
1159 area in sufficient detail so as to enable local and state resource managers to plan for and
1160 accommodate growth in water use without jeopardizing the resource;

1161 (B) fund state required dam safety improvements; and

1162 (C) protect the state's interest in interstate water compact allocations, including the
1163 hiring of technical and legal staff.

1164 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1165 in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount
1166 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

1167 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1168 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount
1169 created in Section 73-10c-5 for use by the Division of Drinking Water to:

1170 (i) provide for the installation and repair of collection, treatment, storage, and
1171 distribution facilities for any public water system, as defined in Section 19-4-102;

1172 (ii) develop underground sources of water, including springs and wells; and

1173 (iii) develop surface water sources.

1174 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1175 2006, the difference between the following amounts shall be expended as provided in this
1176 Subsection (5), if that difference is greater than \$1:

1177 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the
1178 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and
1179 (ii) \$17,500,000.

1180 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

1181 (A) transferred each fiscal year to the Department of Natural Resources as designated
1182 sales and use tax revenue; and
1183 (B) expended by the Department of Natural Resources for watershed rehabilitation or
1184 restoration.

1185 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
1186 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation
1187 and Development Fund created in Section 73-10-24.

1188 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
1189 remaining difference described in Subsection (5)(a) shall be:

1190 (A) transferred each fiscal year to the Division of Water Resources as designated sales
1191 and use tax revenue; and
1192 (B) expended by the Division of Water Resources for cloud-seeding projects
1193 authorized by Title 73, Chapter 15, Modification of Weather.

1194 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
1195 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation
1196 and Development Fund created in Section 73-10-24.

1197 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
1198 remaining difference described in Subsection (5)(a) shall be deposited into the Water
1199 Resources Conservation and Development Fund created in Section 73-10-24 for use by the
1200 Division of Water Resources for:

1201 (i) preconstruction costs:

1202 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
1203 26, Bear River Development Act; and

1204 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
1205 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

1206 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,
1207 Chapter 26, Bear River Development Act;

1208 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project
1209 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

1210 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and
1211 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

1212 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the
1213 remaining difference described in Subsection (5)(a) shall be deposited each year into the Water
1214 Rights Restricted Account created by Section 73-2-1.6.

1215 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a),
1216 each fiscal year, the commission shall deposit into the Water Infrastructure Restricted Account
1217 created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax rate on the
1218 transactions described in Subsection (1) for the fiscal year.

1219 (7) (a) Notwithstanding Subsection (3)(a) and subject to Subsection (7)(b), for a fiscal
1220 year beginning on or after July 1, 2023, the commission shall deposit into the Transportation
1221 Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under
1222 Subsection (3)(a) equal to 17% of the revenue collected from the following sales and use taxes:

1223 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
1224 (ii) the tax imposed by Subsection (2)(b)(i); and
1225 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).

1226 (b) (i) As used in this Subsection (7)(b):

1227 (A) "Additional growth revenue" means the amount of relevant revenue collected in
1228 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the
1229 previous fiscal year.

1230 (B) "Combined amount" means the combined total amount of money deposited into the
1231 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.

1232 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation
1233 Investment Fund created in Subsection 72-2-124(10).

1234 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that

1235 equals 17% of the revenue collected from taxes described in Subsections (7)(a)(i) through (iii).

1236 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually
1237 reduce the deposit under Subsection (7)(a) into the Transportation Investment Fund of 2005 by
1238 an amount equal to the amount of the deposit under this Subsection (7)(b) to the Cottonwood
1239 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the
1240 limit in Subsection (7)(b)(iii).

1241 (iii) The commission shall annually deposit the amount described in Subsection
1242 (7)(b)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount
1243 for any single fiscal year of \$20,000,000.

1244 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous
1245 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood
1246 Canyons fund under this Subsection (7)(b) in the same proportion as the decline in relevant
1247 revenue.

1248 (c) (i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,
1249 2023, the commission shall annually reduce the deposit into the Transportation Investment
1250 Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is equal to 5% of:

1251 (A) the amount of revenue generated in the current fiscal year by the portion of taxes
1252 listed under Subsection (3)(a) that equals 20.68% of the revenue collected from taxes described
1253 in Subsections (7)(a)(i) through (iv);

1254 (B) the amount of revenue generated in the current fiscal year by registration fees
1255 designated under Section 41-1a-1201 to be deposited into the Transportation Investment Fund
1256 of 2005; and

1257 (C) revenues transferred by the Division of Finance to the Transportation Investment
1258 Fund of 2005 in accordance with Section 72-2-106 in the current fiscal year.

1259 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a
1260 given fiscal year.

1261 (iii) The commission shall annually deposit the amount described in Subsection
1262 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection 72-2-124(11).

1263 (8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
1264 Subsection (7), and subject to Subsections (8)(b) and (d)(ii), for a fiscal year beginning on or
1265 after July 1, 2018, the commission shall annually deposit into the Transportation Investment

1266 Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a)
1267 in an amount equal to 3.68% of the revenues collected from the following taxes:

1268 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1269 (ii) the tax imposed by Subsection (2)(b)(i); and

1270 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).

1271 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually
1272 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(a) by
1273 an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by
1274 the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale
1275 or use in this state that exceeds 29.4 cents per gallon.

1276 (c) The commission shall annually deposit the amount described in Subsection (8)(b)
1277 into the Transit Transportation Investment Fund created in Section 72-2-124.

1278 (d) (i) As used in this Subsection (8)(d):

1279 (A) "Additional growth revenue" means the amount of relevant revenue collected in
1280 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the
1281 previous fiscal year.

1282 (B) "Combined amount" means the combined total amount of money deposited into the
1283 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.

1284 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation
1285 Investment Fund created in Subsection 72-2-124(10).

1286 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that
1287 equals 3.68% of the revenue collected from taxes described in Subsections (8)(a)(i) through
1288 (iii).

1289 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually
1290 reduce the deposit under Subsection (8)(a) into the Transportation Investment Fund of 2005 by
1291 an amount equal to the amount of the deposit under this Subsection (8)(d) to the Cottonwood
1292 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the
1293 limit in Subsection (8)(d)(iii).

1294 (iii) The commission shall annually deposit the amount described in Subsection
1295 (8)(d)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount
1296 for any single fiscal year of \$20,000,000.

1297 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous
1298 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood
1299 Canyons fund under this Subsection (8)(d) in the same proportion as the decline in relevant
1300 revenue.

1301 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
1302 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
1303 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

1304 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the
1305 fiscal year during which the commission receives notice under Section 63N-2-510 that
1306 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the commission
1307 shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue generated by
1308 the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund, created in
1309 Section 63N-2-512.

1310 (11) (a) The rate specified in this subsection is 0.15%.

1311 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year
1312 beginning on or after July 1, 2019, annually transfer the amount of revenue collected from the
1313 rate described in Subsection (11)(a) on the transactions that are subject to the sales and use tax
1314 under Subsection (2)(a)(i)(A) into the Medicaid Expansion Fund created in Section 26B-1-315.

1315 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
1316 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated credit
1317 solely for use of the Search and Rescue Financial Assistance Program created in, and expended
1318 in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

1319 (13) (a) For each fiscal year beginning with fiscal year 2020-21, the commission shall
1320 annually transfer \$1,813,400 of the revenue deposited into the Transportation Investment Fund
1321 of 2005 under Subsections (7) and (8) to the General Fund.

1322 (b) If the total revenue deposited into the Transportation Investment Fund of 2005
1323 under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the commission shall
1324 transfer the total revenue deposited into the Transportation Investment Fund of 2005 under
1325 Subsections (7) and (8) during the fiscal year to the General Fund.

1326 (14) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610,
1327 beginning the first day of the calendar quarter one year after the sales and use tax boundary for

1328 a housing and transit reinvestment zone is established, the commission, at least annually, shall
1329 transfer an amount equal to 15% of the sales and use tax increment within an established sales
1330 and use tax boundary, as defined in Section 63N-3-602, into the Transit Transportation
1331 Investment Fund created in Section 72-2-124.

1332 (15) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year
1333 beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure
1334 Restricted Account, created in Section 51-9-902, a portion of the taxes listed under Subsection
1335 (3)(a) equal to 1% of the revenues collected from the following sales and use taxes:

- 1336 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1337 (b) the tax imposed by Subsection (2)(b)(i); and
- 1338 (c) the tax imposed by Subsection (2)(f)(i)(A)(I).

1339 Section 8. Section 59-21-2 is amended to read:

1340 **59-21-2. Mineral Bonus Account created -- Contents -- Use of Mineral Bonus**
1341 **Account money -- Mineral Lease Account created -- Contents -- Appropriation of money**
1342 **from Mineral Lease Account.**

1343 (1) (a) There is created a restricted account within the General Fund known as the
1344 "Mineral Bonus Account."

1345 (b) The Mineral Bonus Account consists of federal mineral lease bonus payments
1346 deposited pursuant to Subsection 59-21-1(3).

1347 (c) The Legislature shall make appropriations from the Mineral Bonus Account in
1348 accordance with Section 35 of the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 191.

1349 (d) The state treasurer shall:

1350 (i) invest the money in the Mineral Bonus Account by following the procedures and
1351 requirements of Title 51, Chapter 7, State Money Management Act; and

1352 (ii) deposit all interest or other earnings derived from the account into the Mineral
1353 Bonus Account.

1354 (e) The Division of Finance shall, beginning on July 1, 2017, annually deposit 30% of
1355 mineral lease bonus payments deposited under Subsection (1)(b) from the previous fiscal year
1356 into the Wildland Fire Suppression Fund created in Section 65A-8-204, up to \$2,000,000 but
1357 not to exceed 20% of the amount expended in the previous fiscal year from the Wildland Fire
1358 Suppression Fund.

1359 (2) (a) There is created a restricted account within the General Fund known as the
1360 "Mineral Lease Account."

1361 (b) The Mineral Lease Account consists of federal mineral lease money deposited
1362 pursuant to Subsection 59-21-1(1).

1363 (c) The Legislature shall make appropriations from the Mineral Lease Account as
1364 provided in Subsection 59-21-1(1) and this Subsection (2).

1365 (d) The Legislature shall annually appropriate 32.5% of all deposits made to the
1366 Mineral Lease Account to the Permanent Community Impact Fund established by Section
1367 35A-8-303.

1368 (e) The Legislature shall annually appropriate 2.25% of all deposits made to the
1369 Mineral Lease Account to the State Board of Education, to be used for education research and
1370 experimentation in the use of staff and facilities designed to improve the quality of education in
1371 Utah.

1372 (f) The Legislature shall annually appropriate 2.25% of all deposits made to the
1373 Mineral Lease Account to the Utah Geological Survey Restricted Account, created in Section
1374 79-3-403, to be used by the Utah Geological Survey for activities carried on by the [survey]
1375 Utah Geological Survey having as a purpose the development and exploitation of natural
1376 resources in the state.

1377 (g) The Legislature shall annually appropriate 2.25% of all deposits made to the
1378 Mineral Lease Account to the Water Research Laboratory at Utah State University, to be used
1379 for activities carried on by the laboratory having as a purpose the development and exploitation
1380 of water resources in the state.

1381 (h) (i) The Legislature shall annually appropriate to the Division of Finance 40% of all
1382 deposits made to the Mineral Lease Account to be distributed as provided in Subsection
1383 (2)(h)(ii) to:

1384 (A) counties;

1385 (B) special service districts established:

1386 (I) by counties;

1387 (II) under Title 17D, Chapter 1, Special Service District Act; and

1388 (III) for the purpose of constructing, repairing, or maintaining roads; or

1389 (C) special service districts established:

- 1390 (I) by counties;
- 1391 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 1392 (III) for other purposes authorized by statute.
- 1393 (ii) The Division of Finance shall allocate the funds specified in Subsection (2)(h)(i):
- 1394 (A) in amounts proportionate to the amount of mineral lease money generated by each
- 1395 county; and
- 1396 (B) to a county or special service district established by a county under Title 17D,
- 1397 Chapter 1, Special Service District Act, as determined by the county legislative body.
- 1398 (i) (i) The Legislature shall annually appropriate 5% of all deposits made to the
- 1399 Mineral Lease Account to the Department of Workforce Services to be distributed to:
- 1400 (A) special service districts established:
- 1401 (I) by counties;
- 1402 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 1403 (III) for the purpose of constructing, repairing, or maintaining roads; or
- 1404 (B) special service districts established:
- 1405 (I) by counties;
- 1406 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 1407 (III) for other purposes authorized by statute.
- 1408 (ii) The Department of Workforce Services may distribute the amounts described in
- 1409 Subsection (2)(i)(i) only to special service districts established under Title 17D, Chapter 1,
- 1410 Special Service District Act, by counties:
- 1411 (A) of the third, fourth, fifth, or sixth class;
- 1412 (B) in which 4.5% or less of the mineral lease money within the state is generated; and
- 1413 (C) that are significantly socially or economically impacted as provided in Subsection
- 1414 (2)(i)(iii) by the development of minerals under the Mineral Lands Leasing Act, 30 U.S.C. Sec.
- 1415 181 et seq.
- 1416 (iii) The significant social or economic impact required under Subsection (2)(i)(ii)(C)
- 1417 shall be as a result of:
- 1418 (A) the transportation within the county of hydrocarbons, including solid hydrocarbons
- 1419 as defined in Section [59-5-101](#);
- 1420 (B) the employment of persons residing within the county in hydrocarbon extraction,

1421 including the extraction of solid hydrocarbons as defined in Section 59-5-101; or

1422 (C) a combination of Subsections (2)(i)(iii)(A) and (B).

1423 (iv) For purposes of distributing the appropriations under this Subsection (2)(i) to
1424 special service districts established by counties under Title 17D, Chapter 1, Special Service
1425 District Act, the Department of Workforce Services shall:

1426 (A) (I) allocate 50% of the appropriations equally among the counties meeting the
1427 requirements of Subsections (2)(i)(ii) and (iii); and

1428 (II) allocate 50% of the appropriations based on the ratio that the population of each
1429 county meeting the requirements of Subsections (2)(i)(ii) and (iii) bears to the total population
1430 of all of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii); and

1431 (B) after making the allocations described in Subsection (2)(i)(iv)(A), distribute the
1432 allocated revenues to special service districts established by the counties under Title 17D,
1433 Chapter 1, Special Service District Act, as determined by the executive director of the
1434 Department of Workforce Services after consulting with the county legislative bodies of the
1435 counties meeting the requirements of Subsections (2)(i)(ii) and (iii).

1436 (v) The executive director of the Department of Workforce Services:

1437 (A) shall determine whether a county meets the requirements of Subsections (2)(i)(ii)
1438 and (iii);

1439 (B) shall distribute the appropriations under Subsection (2)(i)(i) to special service
1440 districts established by counties under Title 17D, Chapter 1, Special Service District Act, that
1441 meet the requirements of Subsections (2)(i)(ii) and (iii); and

1442 (C) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1443 may make rules:

1444 (I) providing a procedure for making the distributions under this Subsection (2)(i) to
1445 special service districts; and

1446 (II) defining the term "population" for purposes of Subsection (2)(i)(iv).

1447 (j) (i) The Legislature shall annually make the following appropriations from the
1448 Mineral Lease Account:

1449 (A) an amount equal to 52 cents multiplied by the number of acres of school or
1450 institutional trust lands, lands owned by the Division of State Parks or the Division of Outdoor
1451 Recreation, and lands owned by the Division of Wildlife Resources that are not under an in lieu

1452 of taxes contract, to each county in which those lands are located;

1453 (B) to each county in which school or institutional trust lands are transferred to the
1454 federal government after December 31, 1992, an amount equal to the number of transferred
1455 acres in the county multiplied by a payment per acre equal to the difference between 52 cents
1456 per acre and the per acre payment made to that county in the most recent payment under the
1457 federal payment in lieu of taxes program, 31 U.S.C. Sec. 6901 et seq., unless the federal
1458 payment was equal to or exceeded the 52 cents per acre, in which case a payment under this
1459 Subsection (2)(j)(i)(B) may not be made for the transferred lands;

1460 (C) to each county in which federal lands, which are entitlement lands under the federal
1461 in lieu of taxes program, are transferred to the school or institutional trust, an amount equal to
1462 the number of transferred acres in the county multiplied by a payment per acre equal to the
1463 difference between the most recent per acre payment made under the federal payment in lieu of
1464 taxes program and 52 cents per acre, unless the federal payment was equal to or less than 52
1465 cents per acre, in which case a payment under this Subsection (2)(j)(i)(C) may not be made for
1466 the transferred land; and

1467 (D) to a county of the fifth or sixth class, an amount equal to the product of:

1468 (I) \$1,000; and

1469 (II) the number of residences described in Subsection (2)(j)(iv) that are located within
1470 the county.

1471 (ii) A county receiving money under Subsection (2)(j)(i) may, as determined by the
1472 county legislative body, distribute the money or a portion of the money to:

1473 (A) special service districts established by the county under Title 17D, Chapter 1,
1474 Special Service District Act;

1475 (B) school districts; or

1476 (C) public institutions of higher education.

1477 (iii) (A) Beginning in fiscal year 1994-95 and in each year after fiscal year 1994-95, the
1478 Division of Finance shall increase or decrease the amounts per acre provided for in Subsections
1479 (2)(j)(i)(A) through (C) by the average annual change in the Consumer Price Index for all urban
1480 consumers published by the Department of Labor.

1481 (B) For fiscal years beginning on or after fiscal year 2001-02, the Division of Finance
1482 shall increase or decrease the amount described in Subsection (2)(j)(i)(D)(I) by the average

1483 annual change in the Consumer Price Index for all urban consumers published by the
1484 Department of Labor.

1485 (iv) Residences for purposes of Subsection (2)(j)(i)(D)(II) are residences that are:

1486 (A) owned by:

1487 (I) the Division of State Parks;

1488 (II) the Division of Outdoor Recreation; or

1489 (III) the Division of Wildlife Resources;

1490 (B) located on lands that are owned by:

1491 (I) the Division of State Parks;

1492 (II) the Division of Outdoor Recreation; or

1493 (III) the Division of Wildlife Resources; and

1494 (C) are not subject to taxation under:

1495 (I) Chapter 2, Property Tax Act; or

1496 (II) Chapter 4, Privilege Tax.

1497 (k) The Legislature shall annually appropriate to the Permanent Community Impact

1498 Fund all deposits remaining in the Mineral Lease Account after making the appropriations

1499 provided for in Subsections (2)(d) through (j).

1500 (3) (a) Each agency, board, institution of higher education, and political subdivision
1501 receiving money under this chapter shall provide the Legislature, through the Office of the
1502 Legislative Fiscal Analyst, with a complete accounting of the use of that money on an annual
1503 basis.

1504 (b) The accounting required under Subsection (3)(a) shall:

1505 (i) include actual expenditures for the prior fiscal year, budgeted expenditures for the
1506 current fiscal year, and planned expenditures for the following fiscal year; and

1507 (ii) be reviewed by the Business, Economic Development, and Labor Appropriations
1508 Subcommittee as part of its normal budgetary process under Title 63J, Chapter 1, Budgetary
1509 Procedures Act.

1510 Section 9. Section **59-23-4** is amended to read:

1511 **59-23-4. Brine shrimp royalty -- Royalty rate -- Commission to prepare billing**
1512 **statement -- Deposit of revenue.**

1513 (1) A person shall pay for each tax year a brine shrimp royalty of 3.25 cents multiplied

1514 by the total number of pounds of unprocessed brine shrimp eggs that the person harvests within
1515 the state during the tax year.

1516 (2) (a) A person that harvests unprocessed brine shrimp eggs shall report to the
1517 ~~[Department of Natural Resources]~~ Division of Wildlife Resources the total number of pounds
1518 of unprocessed brine shrimp eggs harvested by that person for that tax year on or before the
1519 February 15 immediately following the last day of that tax year.

1520 (b) The ~~[Department of Natural Resources]~~ Division of Wildlife Resources shall
1521 provide the following information to the commission on or before the March 1 immediately
1522 following the last day of a tax year:

1523 (i) the total number of pounds of unprocessed brine shrimp eggs harvested for that tax
1524 year; and

1525 (ii) for each person that harvested unprocessed brine shrimp eggs for that tax year:

1526 (A) the total number of pounds of unprocessed brine shrimp eggs harvested by that
1527 person for that tax year; and

1528 (B) a current billing address for that person; and

1529 (iii) any additional information required by the commission.

1530 (c) (i) The commission shall prepare and mail a billing statement to each person that
1531 harvested unprocessed brine shrimp eggs in a tax year by the March 30 immediately following
1532 the last day of a tax year.

1533 (ii) The billing statement under Subsection (2)(c)(i) shall specify:

1534 (A) the total number of pounds of unprocessed brine shrimp eggs harvested by that
1535 person for that tax year;

1536 (B) the brine shrimp royalty that the person owes; and

1537 (C) the date that the brine shrimp royalty payment is due as provided in Section
1538 [59-23-5](#).

1539 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1540 commission may make rules prescribing the information required under Subsection (2)(b)(iii).

1541 (3) Revenue generated by the brine shrimp royalty shall be deposited as follows:

1542 (a) \$125,000 of the revenue generated by the brine shrimp royalty shall be deposited in
1543 the Sovereign Lands Management Account created in Section [65A-5-1](#); and

1544 (b) the remainder of the revenue generated by the brine shrimp royalty shall be

1545 deposited in the Species Protection Account created in [~~Section 79-2-303~~] Section 23A-3-214.

1546 Section 10. Section **63J-1-602.1** is amended to read:

1547 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

1548 Appropriations made from the following accounts or funds are nonlapsing:

1549 (1) The Native American Repatriation Restricted Account created in Section 9-9-407.

1550 (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
1551 as provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.

1552 (3) Funds collected for directing and administering the C-PACE district created in
1553 Section 11-42a-106.

1554 (4) Money received by the Utah Inland Port Authority, as provided in Section
1555 11-58-105.

1556 (5) The Commerce Electronic Payment Fee Restricted Account created in Section
1557 13-1-17.

1558 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in
1559 Section 19-2a-106.

1560 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
1561 Section 19-5-126.

1562 (8) State funds for matching federal funds in the Children's Health Insurance Program
1563 as provided in Section 26B-3-906.

1564 (9) Funds collected from the program fund for local health department expenses
1565 incurred in responding to a local health emergency under Section 26B-7-111.

1566 (10) The Technology Development Restricted Account created in Section 31A-3-104.

1567 (11) The Criminal Background Check Restricted Account created in Section
1568 31A-3-105.

1569 (12) The Captive Insurance Restricted Account created in Section 31A-3-304, except
1570 to the extent that Section 31A-3-304 makes the money received under that section free revenue.

1571 (13) The Title Licensee Enforcement Restricted Account created in Section
1572 31A-23a-415.

1573 (14) The Health Insurance Actuarial Review Restricted Account created in Section
1574 31A-30-115.

1575 (15) The State Mandated Insurer Payments Restricted Account created in Section

- 1576 [31A-30-118](#).
- 1577 (16) The Insurance Fraud Investigation Restricted Account created in Section
- 1578 [31A-31-108](#).
- 1579 (17) The Underage Drinking Prevention Media and Education Campaign Restricted
- 1580 Account created in Section [32B-2-306](#).
- 1581 (18) The Drinking While Pregnant Prevention Media and Education Campaign
- 1582 Restricted Account created in Section [32B-2-308](#).
- 1583 (19) The School Readiness Restricted Account created in Section [35A-15-203](#).
- 1584 (20) Money received by the Utah State Office of Rehabilitation for the sale of certain
- 1585 products or services, as provided in Section [35A-13-202](#).
- 1586 (21) The Oil and Gas Administrative Penalties Account created in Section [40-6-11](#).
- 1587 (22) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 1588 (23) The Division of Oil, Gas, and Mining Restricted account created in Section
- 1589 [40-6-23](#).
- 1590 (24) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to
- 1591 the Motor Vehicle Division.
- 1592 (25) The License Plate Restricted Account created by Section [41-1a-122](#).
- 1593 (26) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
- 1594 created by Section [41-3-110](#) to the State Tax Commission.
- 1595 (27) The State Disaster Recovery Restricted Account to the Division of Emergency
- 1596 Management, as provided in Section [53-2a-603](#).
- 1597 (28) The Response, Recovery, and Post-disaster Mitigation Restricted Account created
- 1598 in Section [53-2a-1302](#).
- 1599 (29) The Department of Public Safety Restricted Account to the Department of Public
- 1600 Safety, as provided in Section [53-3-106](#).
- 1601 (30) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
- 1602 [53-8-303](#).
- 1603 (31) The DNA Specimen Restricted Account created in Section [53-10-407](#).
- 1604 (32) The Technical Colleges Capital Projects Fund created in Section [53B-2a-118](#).
- 1605 (33) The Higher Education Capital Projects Fund created in Section [53B-22-202](#).
- 1606 (34) A certain portion of money collected for administrative costs under the School

- 1607 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 1608 (35) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5,
1609 subject to Subsection 54-5-1.5(4)(d).
- 1610 (36) Funds collected from a surcharge fee to provide certain licensees with access to an
1611 electronic reference library, as provided in Section 58-3a-105.
- 1612 (37) Certain fines collected by the Division of Professional Licensing for violation of
1613 unlawful or unprofessional conduct that are used for education and enforcement purposes, as
1614 provided in Section 58-17b-505.
- 1615 (38) Funds collected from a surcharge fee to provide certain licensees with access to an
1616 electronic reference library, as provided in Section 58-22-104.
- 1617 (39) Funds collected from a surcharge fee to provide certain licensees with access to an
1618 electronic reference library, as provided in Section 58-55-106.
- 1619 (40) Funds collected from a surcharge fee to provide certain licensees with access to an
1620 electronic reference library, as provided in Section 58-56-3.5.
- 1621 (41) Certain fines collected by the Division of Professional Licensing for use in
1622 education and enforcement of the Security Personnel Licensing Act, as provided in Section
1623 58-63-103.
- 1624 (42) The Relative Value Study Restricted Account created in Section 59-9-105.
- 1625 (43) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 1626 (44) Funds paid to the Division of Real Estate for the cost of a criminal background
1627 check for a mortgage loan license, as provided in Section 61-2c-202.
- 1628 (45) Funds paid to the Division of Real Estate for the cost of a criminal background
1629 check for principal broker, associate broker, and sales agent licenses, as provided in Section
1630 61-2f-204.
- 1631 (46) Certain funds donated to the Department of Health and Human Services, as
1632 provided in Section 26B-1-202.
- 1633 (47) Certain funds donated to the Division of Child and Family Services, as provided
1634 in Section 80-2-404.
- 1635 (48) Funds collected by the Office of Administrative Rules for publishing, as provided
1636 in Section 63G-3-402.
- 1637 (49) The Immigration Act Restricted Account created in Section 63G-12-103.

- 1638 (50) Money received by the military installation development authority, as provided in
1639 Section [63H-1-504](#).
- 1640 (51) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).
- 1641 (52) The Unified Statewide 911 Emergency Service Account created in Section
1642 [63H-7a-304](#).
- 1643 (53) The Utah Statewide Radio System Restricted Account created in Section
1644 [63H-7a-403](#).
- 1645 (54) The Utah Capital Investment Restricted Account created in Section [63N-6-204](#).
- 1646 (55) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 1647 (56) Funds collected by the housing of state probationary inmates or state parole
1648 inmates, as provided in Subsection [64-13e-104\(2\)](#).
- 1649 (57) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
1650 and State Lands, as provided in Section [65A-8-103](#).
- 1651 (58) The Amusement Ride Safety Restricted Account, as provided in Section
1652 [72-16-204](#).
- 1653 (59) Certain funds received by the Office of the State Engineer for well drilling fines or
1654 bonds, as provided in Section [73-3-25](#).
- 1655 (60) The Water Resources Conservation and Development Fund, as provided in
1656 Section [73-23-2](#).
- 1657 (61) Award money under the State Asset Forfeiture Grant Program, as provided under
1658 Section [77-11b-403](#).
- 1659 (62) Funds donated or paid to a juvenile court by private sources, as provided in
1660 Subsection [78A-6-203\(1\)\(c\)](#).
- 1661 (63) Fees for certificate of admission created under Section [78A-9-102](#).
- 1662 (64) Funds collected for adoption document access as provided in Sections [78B-6-141](#),
1663 [78B-6-144](#), and [78B-6-144.5](#).
- 1664 (65) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,
1665 Utah Indigent Defense Commission.
- 1666 (66) The Utah Geological Survey [~~Oil, Gas, and Mining~~] Restricted Account created in
1667 Section [79-3-403](#).
- 1668 (67) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State

1669 Park, and Green River State Park, as provided under Section 79-4-403.

1670 (68) Certain funds received by the Division of State Parks from the sale or disposal of
1671 buffalo, as provided under Section 79-4-1001.

1672 Section 11. Section 63L-11-102 is amended to read:

1673 **63L-11-102. Definitions.**

1674 As used in this chapter:

1675 (1) "Coordinating committee" means the committee created in Section 63L-11-401.

1676 (2) [~~"Executive director"~~] "Director" means the public lands policy [~~executive~~] director
1677 appointed under Section 63L-11-201.

1678 (3) "Office" means the Public Lands Policy Coordinating Office created in Section
1679 63L-11-201.

1680 (4) "Political subdivision" means:

1681 (a) a county, municipality, special district, special service district, school district, or
1682 interlocal entity, as defined in Section 11-13-103; or

1683 (b) an administrative subunit of an entity listed in Subsection (4)(a).

1684 Section 12. Section 63L-11-201 is amended to read:

1685 **63L-11-201. Public Lands Policy Coordinating Office -- Director -- Appointment**
1686 **-- Qualifications -- Compensation.**

1687 (1) There is created within the Department of Natural Resources the Public Lands
1688 Policy Coordinating Office to be administered by [~~an executive~~] a director.

1689 (2) The [~~executive~~] director shall be appointed by the governor with the advice and
1690 consent of the Senate and shall serve at the pleasure of the governor.

1691 (3) (a) The [~~executive~~] director shall have demonstrated the necessary administrative
1692 and professional ability through education and experience to efficiently and effectively manage
1693 the office's affairs.

1694 (b) The director shall serve as an advisor to the governor on public lands issues.

1695 (4) (a) The governor shall establish the director's salary within the salary range fixed by
1696 the Legislature in Title 67, Chapter 22, State Officer Compensation.

1697 (b) The [~~executive director and~~] employees of the office shall receive compensation as
1698 provided in Title 63A, Chapter 17, Utah State Personnel Management Act.

1699 [~~(b)~~] (c) The office space for the [~~executive~~] director and employees of the office shall

1700 be in a building where the Department of Natural Resources is located.

1701 Section 13. Section **63L-11-202** is amended to read:

1702 **63L-11-202. Powers and duties of the office and director.**

1703 (1) The office shall:

1704 (a) make a report to the Constitutional Defense Council created under Section

1705 [63C-4a-202](#) concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter

1706 4a, Constitutional and Federalism Defense Act;

1707 (b) provide staff assistance to the Constitutional Defense Council created under Section

1708 [63C-4a-202](#) for meetings of the council;

1709 (c) (i) prepare and submit a constitutional defense plan under Section [63C-4a-403](#); and

1710 (ii) execute any action assigned in a constitutional defense plan;

1711 (d) develop public lands policies by:

1712 (i) developing cooperative contracts and agreements between the state, political

1713 subdivisions, and agencies of the federal government for involvement in the development of

1714 public lands policies;

1715 (ii) producing research, documents, maps, studies, analysis, or other information that

1716 supports the state's participation in the development of public lands policy;

1717 (iii) preparing comments to ensure that the positions of the state and political

1718 subdivisions are considered in the development of public lands policy; and

1719 (iv) partnering with state agencies and political subdivisions in an effort to:

1720 (A) prepare coordinated public lands policies;

1721 (B) develop consistency reviews and responses to public lands policies;

1722 (C) develop management plans that relate to public lands policies; and

1723 (D) develop and maintain a statewide land use plan that is based on cooperation and in

1724 conjunction with political subdivisions;

1725 (e) facilitate and coordinate the exchange of information, comments, and

1726 recommendations on public lands policies between and among:

1727 (i) state agencies;

1728 (ii) political subdivisions;

1729 (iii) the ~~Office of~~ Center for Rural Development created under Section [63N-4-102](#);

1730 (iv) the coordinating committee;

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

1762 information and services related to:

1763 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and
1764 Classification Act;

1765 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and
1766 Classification Act, or R.S. 2477 matters; or

1767 (c) any other matter within the office's responsibility.

1768 (4) In fulfilling the duties under this part, the office shall consult, as necessary, with:

1769 (a) the Department of Natural Resources;

1770 (b) the Department of Agriculture and Food;

1771 (c) the Department of Environmental Quality;

1772 (d) other applicable state agencies;

1773 (e) political subdivisions of the state;

1774 (f) federal land management agencies; and

1775 (g) elected officials.

1776 Section 14. Section **63L-11-305** is amended to read:

1777 **63L-11-305. Facilitating the acquisition of federal land.**

1778 (1) As used in this section:

1779 (a) "Federal land" means land that the secretary is authorized to dispose of under the
1780 federal land disposal law.

1781 (b) "Federal land disposal law" means the Recreation and Public Purposes Act, 43
1782 U.S.C. Sec. 869 et seq.

1783 (c) "Government entity" means any state or local government entity allowed to submit
1784 a land application under the federal land disposal law.

1785 (d) "Land application" means an application under the federal land disposal law
1786 requesting the secretary to sell or lease federal land.

1787 (e) "Land application process" means the actions involved in the process of submitting
1788 and obtaining a final decision on a land application.

1789 (f) "Secretary" means the Secretary of the Interior of the United States.

1790 (2) The office shall:

1791 (a) develop expertise:

1792 (i) in the land application process; and

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

1824 (i) report to the Executive Appropriations Committee of the Legislature, as frequently
1825 as the [executive] director considers appropriate or as requested by the Executive
1826 Appropriations Committee, on the need for legislative appropriations to provide funds for the
1827 public purposes described in land applications.

1828 (3) The office may:

1829 (a) assist a government entity or the secretary in the filing and processing of a land
1830 application; and

1831 (b) enter into an agreement with the secretary related to the office assisting in
1832 processing a land application.

1833 Section 15. Section **63L-11-402** is amended to read:

1834 **63L-11-402. Membership -- Terms -- Chair -- Expenses.**

1835 (1) The Resource Development Coordinating Committee consists of the following 26
1836 members:

1837 (a) the state science advisor;

1838 (b) a representative from the Department of Agriculture and Food appointed by the
1839 commissioner of the Department of Agriculture and Food;

1840 (c) a representative from the Department of Cultural and Community Engagement
1841 appointed by the executive director of the Department of Cultural and Community
1842 Engagement;

1843 (d) a representative from the Department of Environmental Quality appointed by the
1844 executive director of the Department of Environmental Quality;

1845 (e) a representative from the Department of Natural Resources appointed by the
1846 executive director of the Department of Natural Resources;

1847 (f) a representative from the Department of Transportation appointed by the executive
1848 director of the Department of Transportation;

1849 (g) a representative from the Governor's Office of Economic Opportunity appointed by
1850 the director of the Governor's Office of Economic Opportunity;

1851 (h) a representative from the Housing and Community Development Division
1852 appointed by the director of the Housing and Community Development Division;

1853 (i) a representative from the Utah Historical Society appointed by the director of the
1854 Utah Historical Society;

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

1886 director of the Division of Emergency Management; and

1887 (z) a representative from the Division of Conservation, created under Section 4-46-401,
1888 appointed by the director of the Division of Conservation.

1889 (2) (a) As particular issues require, the coordinating committee may, by majority vote
1890 of the members present, appoint additional temporary members to serve as ex officio voting
1891 members.

1892 (b) Those ex officio members may discuss and vote on the issue or issues for which
1893 they were appointed.

1894 (3) A chair shall be selected by a vote of 14 committee members with the concurrence
1895 of the [executive] director.

1896 (4) A member may not receive compensation or benefits for the member's service, but
1897 may receive per diem and travel expenses in accordance with:

1898 (a) Sections 63A-3-106 and 63A-3-107; and

1899 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1900 63A-3-107.

1901 Section 16. Section 63L-11-403 is amended to read:

1902 **63L-11-403. Director responsibilities.**

1903 The [executive] director shall:

1904 (1) administer this part;

1905 (2) subject to the direction and approval of the governor, take necessary action to
1906 implement this part; and

1907 (3) inform political subdivision representatives, in advance, of all coordinating
1908 committee meetings.

1909 Section 17. Section 67-22-2 is amended to read:

1910 **67-22-2. Compensation -- Other state officers.**

1911 (1) As used in this section:

1912 (a) "Appointed executive" means the:

1913 (i) commissioner of the Department of Agriculture and Food;

1914 (ii) commissioner of the Insurance Department;

1915 (iii) commissioner of the Labor Commission;

1916 (iv) director, Department of Alcoholic Beverage Services;

- 1917 (v) commissioner of the Department of Financial Institutions;
- 1918 (vi) executive director, Department of Commerce;
- 1919 (vii) executive director, Commission on Criminal and Juvenile Justice;
- 1920 (viii) adjutant general;
- 1921 (ix) executive director, Department of Cultural and Community Engagement;
- 1922 (x) executive director, Department of Corrections;
- 1923 (xi) commissioner, Department of Public Safety;
- 1924 (xii) executive director, Department of Natural Resources;
- 1925 (xiii) executive director, Governor's Office of Planning and Budget;
- 1926 (xiv) executive director, Department of Government Operations;
- 1927 (xv) executive director, Department of Environmental Quality;
- 1928 (xvi) executive director, Governor's Office of Economic Opportunity;
- 1929 (xvii) executive director, Department of Workforce Services;
- 1930 (xviii) executive director, Department of Health, Nonphysician;
- 1931 (xix) executive director, Department of Human Services;
- 1932 (xx) executive director, Department of Transportation;
- 1933 (xxi) executive director, Department of Veterans and Military Affairs;
- 1934 (xxii) [~~executive~~] director, Public Lands Policy Coordinating Office, created in Section
- 1935 [63L-11-201](#); and
- 1936 (xxiii) Great Salt Lake commissioner, appointed under Section [73-32-201](#).
- 1937 (b) "Board or commission executive" means:
- 1938 (i) members, Board of Pardons and Parole;
- 1939 (ii) chair, State Tax Commission;
- 1940 (iii) commissioners, State Tax Commission;
- 1941 (iv) executive director, State Tax Commission;
- 1942 (v) chair, Public Service Commission; and
- 1943 (vi) commissioners, Public Service Commission.
- 1944 (c) "Deputy" means the person who acts as the appointed executive's second in
- 1945 command as determined by the Division of Human Resource Management.
- 1946 (2) (a) The director of the Division of Human Resource Management shall:
- 1947 (i) before October 31 of each year, recommend to the governor a compensation plan for

1948 the appointed executives and the board or commission executives; and
1949 (ii) base those recommendations on market salary studies conducted by the Division of
1950 Human Resource Management.
1951 (b) (i) The Division of Human Resource Management shall determine the salary range
1952 for the appointed executives by:
1953 (A) identifying the salary range assigned to the appointed executive's deputy;
1954 (B) designating the lowest minimum salary from those deputies' salary ranges as the
1955 minimum salary for the appointed executives' salary range; and
1956 (C) designating 105% of the highest maximum salary range from those deputies' salary
1957 ranges as the maximum salary for the appointed executives' salary range.
1958 (ii) If the deputy is a medical doctor, the Division of Human Resource Management
1959 may not consider that deputy's salary range in designating the salary range for appointed
1960 executives.
1961 (c) (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for
1962 board or commission executives, the Division of Human Resource Management shall set the
1963 maximum salary in the salary range for each of those positions at 90% of the salary for district
1964 judges as established in the annual appropriation act under Section [67-8-2](#).
1965 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii)
1966 or (iii), the Division of Human Resource Management shall set the maximum salary in the
1967 salary range for each of those positions at 100% of the salary for district judges as established
1968 in the annual appropriation act under Section [67-8-2](#).
1969 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), the governor shall establish a
1970 specific salary for each appointed executive within the range established under Subsection
1971 (2)(b).
1972 (ii) If the executive director of the Department of Health is a physician, the governor
1973 shall establish a salary within the highest physician salary range established by the Division of
1974 Human Resource Management.
1975 (iii) The governor may provide salary increases for appointed executives within the
1976 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).
1977 (b) The governor shall apply the same overtime regulations applicable to other FLSA
1978 exempt positions.

1979 (c) The governor may develop standards and criteria for reviewing the appointed
1980 executives.

1981 (4) Salaries for other Schedule A employees, as defined in Section 63A-17-301, that
1982 are not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected Official and Judicial
1983 Salary Act, shall be established as provided in Section 63A-17-301.

1984 (5) (a) The Legislature fixes benefits for the appointed executives and the board or
1985 commission executives as follows:

1986 (i) the option of participating in a state retirement system established by Title 49, Utah
1987 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered
1988 by the State Retirement Office in accordance with the Internal Revenue Code and its
1989 accompanying rules and regulations;

1990 (ii) health insurance;

1991 (iii) dental insurance;

1992 (iv) basic life insurance;

1993 (v) unemployment compensation;

1994 (vi) workers' compensation;

1995 (vii) required employer contribution to Social Security;

1996 (viii) long-term disability income insurance;

1997 (ix) the same additional state-paid life insurance available to other noncareer service
1998 employees;

1999 (x) the same severance pay available to other noncareer service employees;

2000 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as
2001 follows:

2002 (A) sick leave;

2003 (B) converted sick leave if accrued prior to January 1, 2014;

2004 (C) educational allowances;

2005 (D) holidays; and

2006 (E) annual leave except that annual leave shall be accrued at the maximum rate
2007 provided to Schedule B state employees;

2008 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
2009 provided by law or rule upon resignation or retirement according to the same criteria and

2010 procedures applied to Schedule B state employees;

2011 (xiii) the option to purchase additional life insurance at group insurance rates according
2012 to the same criteria and procedures applied to Schedule B state employees; and

2013 (xiv) professional memberships if being a member of the professional organization is a
2014 requirement of the position.

2015 (b) Each department shall pay the cost of additional state-paid life insurance for its
2016 executive director from its existing budget.

2017 (6) The Legislature fixes the following additional benefits:

2018 (a) for the executive director of the State Tax Commission a vehicle for official and
2019 personal use;

2020 (b) for the executive director of the Department of Transportation a vehicle for official
2021 and personal use;

2022 (c) for the executive director of the Department of Natural Resources a vehicle for
2023 commute and official use;

2024 (d) for the commissioner of Public Safety:

2025 (i) an accidental death insurance policy if POST certified; and

2026 (ii) a public safety vehicle for official and personal use;

2027 (e) for the executive director of the Department of Corrections:

2028 (i) an accidental death insurance policy if POST certified; and

2029 (ii) a public safety vehicle for official and personal use;

2030 (f) for the adjutant general a vehicle for official and personal use; and

2031 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
2032 official use.

2033 Section 18. Section **73-5-15** is amended to read:

2034 **73-5-15. Groundwater management plan.**

2035 (1) As used in this section:

2036 (a) "Critical management area" means a groundwater basin in which the groundwater
2037 withdrawals consistently exceed the safe yield.

2038 (b) "Safe yield" means the amount of groundwater that can be withdrawn from a
2039 groundwater basin over a period of time without exceeding the long-term recharge of the basin
2040 or unreasonably affecting the basin's physical and chemical integrity.

2041 (2) (a) The state engineer may regulate groundwater withdrawals within a specific
2042 groundwater basin by adopting a groundwater management plan in accordance with this section
2043 for any groundwater basin or aquifer or combination of hydrologically connected groundwater
2044 basins or aquifers.

2045 (b) The objectives of a groundwater management plan are to:

2046 (i) limit groundwater withdrawals to safe yield;

2047 (ii) protect the physical integrity of the aquifer; and

2048 (iii) protect water quality.

2049 (c) The state engineer shall adopt a groundwater management plan for a groundwater
2050 basin if more than one-third of the water right owners in the groundwater basin request that the
2051 state engineer adopt a groundwater management plan.

2052 (3) (a) In developing a groundwater management plan, the state engineer may consider:

2053 (i) the hydrology of the groundwater basin;

2054 (ii) the physical characteristics of the groundwater basin;

2055 (iii) the relationship between surface water and groundwater, including whether the
2056 groundwater should be managed in conjunction with hydrologically connected surface waters;

2057 (iv) the conjunctive management of water rights to facilitate and coordinate the lease,
2058 purchase, or voluntary use of water rights subject to the groundwater management plan;

2059 (v) the geographic spacing and location of groundwater withdrawals;

2060 (vi) water quality;

2061 (vii) local well interference; and

2062 (viii) other relevant factors.

2063 (b) The state engineer shall base the provisions of a groundwater management plan on
2064 the principles of prior appropriation.

2065 (c) (i) The state engineer shall use the best available scientific method to determine
2066 safe yield.

2067 (ii) As hydrologic conditions change or additional information becomes available, safe
2068 yield determinations made by the state engineer may be revised by following the procedures
2069 listed in Subsection (5).

2070 (4) (a) (i) Except as provided in Subsection (4)(b), the withdrawal of water from a
2071 groundwater basin shall be limited to the basin's safe yield.

2072 (ii) Before limiting withdrawals in a groundwater basin to safe yield, the state engineer
2073 shall:

2074 (A) determine the groundwater basin's safe yield; and

2075 (B) adopt a groundwater management plan for the groundwater basin.

2076 (iii) If the state engineer determines that groundwater withdrawals in a groundwater
2077 basin exceed the safe yield, the state engineer shall regulate groundwater rights in that
2078 groundwater basin based on the priority date of the water rights under the groundwater
2079 management plan, unless a voluntary arrangement exists under Subsection (4)(c) that requires a
2080 different distribution.

2081 (iv) A groundwater management plan shall include a list of each groundwater right in
2082 the proposed groundwater management area known to the state engineer identifying the water
2083 right holder, the land to which the groundwater right is appurtenant, and any identification
2084 number the state engineer uses in the administration of water rights.

2085 (b) When adopting a groundwater management plan for a critical management area, the
2086 state engineer shall, based on economic and other impacts to an individual water user or a local
2087 community caused by the implementation of safe yield limits on withdrawals, allow gradual
2088 implementation of the groundwater management plan.

2089 (c) (i) In consultation with the state engineer, water users in a groundwater basin may
2090 agree to participate in a voluntary arrangement for managing withdrawals at any time, either
2091 before or after a determination that groundwater withdrawals exceed the groundwater basin's
2092 safe yield.

2093 (ii) A voluntary arrangement under Subsection (4)(c)(i) shall be consistent with other
2094 law.

2095 (iii) The adoption of a voluntary arrangement under this Subsection (4)(c) by less than
2096 all of the water users in a groundwater basin does not affect the rights of water users who do
2097 not agree to the voluntary arrangement.

2098 (5) To adopt a groundwater management plan, the state engineer shall:

2099 (a) give notice as specified in Subsection (7) at least 30 days before the first public
2100 meeting held in accordance with Subsection (5)(b):

2101 (i) that the state engineer proposes to adopt a groundwater management plan;

2102 (ii) describing generally the land area proposed to be included in the groundwater

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

2134 (B) in accordance with Section 45-1-101 for two weeks;
2135 (ii) published conspicuously on the state engineer's website; and
2136 (iii) mailed to each of the following that has within its boundaries a portion of the land
2137 area to be included within the proposed groundwater management plan:
2138 (A) county;
2139 (B) incorporated city or town;
2140 (C) a special district created to acquire or assess a groundwater right under Title 17B,
2141 Chapter 1, Provisions Applicable to All Special Districts;
2142 (D) improvement district under Title 17B, Chapter 2a, Part 4, Improvement District
2143 Act;
2144 (E) service area, under Title 17B, Chapter 2a, Part 9, Service Area Act;
2145 (F) drainage district, under Title 17B, Chapter 2a, Part 2, Drainage District Act;
2146 (G) irrigation district, under Title 17B, Chapter 2a, Part 5, Irrigation District Act;
2147 (H) metropolitan water district, under Title 17B, Chapter 2a, Part 6, Metropolitan
2148 Water District Act;
2149 (I) special service district providing water, sewer, drainage, or flood control services,
2150 under Title 17D, Chapter 1, Special Service District Act;
2151 (J) water conservancy district, under Title 17B, Chapter 2a, Part 10, Water
2152 Conservancy District Act; and
2153 (K) conservation district, under Title 17D, Chapter 3, Conservation District Act.
2154 (b) A notice required by this section is effective upon substantial compliance with
2155 Subsections (7)(a)(i) through (iii).
2156 (8) A groundwater management plan may be amended in the same manner as a
2157 groundwater management plan may be adopted under this section.
2158 (9) The existence of a groundwater management plan does not preclude any otherwise
2159 eligible person from filing any application or challenging any decision made by the state
2160 engineer within the affected groundwater basin.
2161 (10) (a) A person aggrieved by a groundwater management plan may challenge any
2162 aspect of the groundwater management plan by filing a complaint within 60 days after the
2163 adoption of the groundwater management plan in the district court for any county in which the
2164 groundwater basin is found.

2165 (b) Notwithstanding Subsection (9), a person may challenge the components of a
2166 groundwater management plan only in the manner provided by Subsection (10)(a).

2167 (c) An action brought under this Subsection (10) is reviewed de novo by the district
2168 court.

2169 (d) A person challenging a groundwater management plan under this Subsection (10)
2170 shall join the state engineer as a defendant in the action challenging the groundwater
2171 management plan.

2172 (e) (i) Within 30 days after the day on which a person files an action challenging any
2173 aspect of a groundwater management plan under Subsection (10)(a), the person filing the action
2174 shall publish notice of the action:

2175 (A) in a newspaper of general circulation in the county in which the district court is
2176 located; and

2177 (B) in accordance with Section 45-1-101 for two weeks.

2178 (ii) The notice required by Subsection (10)(e)(i)(A) shall be published once a week for
2179 two consecutive weeks.

2180 (iii) The notice required by Subsection (10)(e)(i) shall:

2181 (A) identify the groundwater management plan the person is challenging;

2182 (B) identify the case number assigned by the district court;

2183 (C) state that a person affected by the groundwater management plan may petition the
2184 district court to intervene in the action challenging the groundwater management plan; and

2185 (D) list the address for the clerk of the district court in which the action is filed.

2186 (iv) (A) Any person affected by the groundwater management plan may petition to
2187 intervene in the action within 60 days after the day on which notice is last published under
2188 Subsections (10)(e)(i) and (ii).

2189 (B) The district court's treatment of a petition to intervene under this Subsection
2190 (10)(e)(iv) is governed by the Utah Rules of Civil Procedure.

2191 ~~[(v) A district court in which an action is brought under Subsection (10)(a) shall~~
2192 ~~consolidate all actions brought under that subsection and include in the consolidated action any~~
2193 ~~person whose petition to intervene is granted.]~~

2194 (11) A groundwater management plan adopted or amended in accordance with this
2195 section is exempt from the requirements in Title 63G, Chapter 3, Utah Administrative

2196 Rulemaking Act.

2197 (12) (a) Except as provided in Subsection (12)(b), recharge and recovery projects
2198 permitted under Chapter 3b, Groundwater Recharge and Recovery Act, are exempted from this
2199 section.

2200 (b) In a critical management area, the artificial recharge of a groundwater basin that
2201 uses surface water naturally tributary to the groundwater basin, in accordance with Chapter 3b,
2202 Groundwater Recharge and Recovery Act, constitutes a beneficial use of the water under
2203 Section 73-1-3 if:

2204 (i) the recharge is done during the time the area is designated as a critical management
2205 area;

2206 (ii) the recharge is done with a valid recharge permit;

2207 (iii) the water placed in the aquifer is not recovered under a recovery permit; and

2208 (iv) the water placed in the aquifer is used to replenish the groundwater basin.

2209 (13) Nothing in this section may be interpreted to require the development,
2210 implementation, or consideration of a groundwater management plan as a prerequisite or
2211 condition to the exercise of the state engineer's enforcement powers under other law, including
2212 powers granted under Section 73-2-25.

2213 (14) A groundwater management plan adopted in accordance with this section may not
2214 apply to the dewatering of a mine.

2215 (15) (a) A groundwater management plan adopted by the state engineer before May 1,
2216 2006, remains in force and has the same legal effect as it had on the day on which it was
2217 adopted by the state engineer.

2218 (b) If a groundwater management plan that existed before May 1, 2006, is amended on
2219 or after May 1, 2006, the amendment is subject to this section's provisions.

2220 Section 19. Section 73-10-27 is amended to read:

2221 **73-10-27. Definitions -- Project priorities -- Considerations -- Bids and contracts**
2222 **-- Definitions -- Retainage.**

2223 (1) As used in this section:

2224 (a) "Board" means the Board of Water Resources created in Section 73-10-1.5.

2225 (b) "Estimated cost" means the cost of the labor, material, and equipment necessary for
2226 construction of the contemplated project.

- 2227 (c) "Lowest responsible bidder" means a licensed contractor:
- 2228 (i) who:
- 2229 (A) submits the lowest bid; and
- 2230 (B) furnishes a payment bond and a performance bond under Sections 14-1-18 and
- 2231 63G-6a-1103; and
- 2232 (ii) whose bid:
- 2233 (A) is in compliance with the invitation for a bid; and
- 2234 (B) meets the plans and specifications.
- 2235 (2) In considering the priority for a project to be built or financed with funds made
- 2236 available under Section 73-10-24, the board shall give preference to a project that:
- 2237 (a) is sponsored by, or for the benefit of, the state or a political subdivision of the state;
- 2238 (b) meets a critical local need;
- 2239 (c) has greater economic feasibility;
- 2240 (d) will yield revenue to the state within a reasonable time or will return a reasonable
- 2241 rate of interest, based on financial feasibility; and
- 2242 (e) meets other considerations deemed necessary by the board, including wildlife
- 2243 management and recreational needs.
- 2244 ~~[(3)(a) In determining the economic feasibility, the board shall establish a~~
- 2245 ~~benefit-to-cost ratio for each project, using a uniform standard of procedure for all projects.]~~
- 2246 ~~[(b) In considering whether a project should be built, the benefit-to-cost ratio for each~~
- 2247 ~~project shall be weighted based on the relative cost of the project.]~~
- 2248 ~~[(c) A project, when considered in total with all other projects constructed under this~~
- 2249 ~~chapter and still the subject of a repayment contract, may not cause the accumulative~~
- 2250 ~~benefit-to-cost ratio of the projects to be less than one to one.]~~
- 2251 ~~[(4)] (3) A project may not be built if the project is not:~~
- 2252 (a) in the public interest, as determined by the board; or
- 2253 (b) adequately designed based on sound engineering and geologic considerations.
- 2254 ~~[(5)] (4) In preparing a project constructed by the board, the board shall:~~
- 2255 (a) based on a competitive bid, award a contract for:
- 2256 (i) a flood control project:
- 2257 (A) involving a city or county; and

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

2273 ~~[(6)]~~ (5) If no satisfactory bid is received by the board upon the readvertisement of the
2274 project in accordance with Subsection ~~[(5)]~~ (4), the board may proceed to construct the project
2275 in accordance with the plan and specifications used to calculate the estimated cost of the
2276 project.

2277 ~~[(7)]~~ (6) If a payment on a contract with a private contractor for construction of a
2278 project under this section is retained or withheld, it shall be retained or withheld and released
2279 as provided in Section 13-8-5.

2280 Section 20. Section 79-2-102 is amended to read:

2281 **79-2-102. Definitions.**

2282 As used in this chapter:

2283 (1) "Conservation officer" is as defined in Section 23A-1-101.

2284 ~~[(2)] "Species protection" means an action to protect a plant or animal species identified~~
2285 ~~as:]~~

2286 ~~[(a) sensitive by the state; or]~~

2287 ~~[(b) threatened or endangered under the Endangered Species Act of 1973, 16 U.S.C.~~
2288 ~~Sec. 1531 et seq.]~~

2289 [~~3~~] (2) "Volunteer" means a person who donates a service to the department or a
2290 division of the department without pay or other compensation.

2291 Section 21. Section **79-2-406** is amended to read:

2292 **79-2-406. Wetlands -- In-lieu fee program study.**

2293 (1) As used in this section, "committee" means the Natural Resources, Agriculture, and
2294 Environment Interim Committee.

2295 (2) The department shall publish, on the department's website, the land use permits
2296 collected by the Utah Geological Survey pursuant to Subsection [~~79-3-202(1)(r)~~]
2297 ~~79-3-202(1)(r)~~ 79-3-202(1)(q).

2298 (3) (a) The department shall study and make recommendations to the committee on the
2299 viability of an in-lieu fee program for wetland mitigation, including:

2300 (i) the viability of the state establishing and administering an in-lieu fee program; and

2301 (ii) the viability of the state partnering with a private organization to establish and
2302 administer an in-lieu fee program.

2303 (b) As part of the study described in Subsection (3)(a), the department shall consult
2304 with public and private individuals and entities that may be necessary or helpful to the
2305 establishment or administration of an in-lieu fee program for wetland mitigation, which may
2306 include:

2307 (i) the Utah Department of Environmental Quality;

2308 (ii) the United States Army Corps of Engineers;

2309 (iii) the United States Fish and Wildlife Service;

2310 (iv) the United States Environmental Protection Agency; or

2311 (v) a non-profit entity that has experience with the establishment and administration of
2312 in-lieu fee programs.

2313 (c) The department shall provide a report on the status of the department's study during
2314 or before the committee's November interim meeting in 2022.

2315 (d) The department shall provide a final report of the department's study and
2316 recommendations, including any recommended legislation, during or before the committee's
2317 first interim meeting in 2023.

2318 Section 22. Section **79-3-202** is amended to read:

2319 **79-3-202. Powers and duties of survey.**

- 2320 (1) The survey shall:
- 2321 (a) assist and advise state and local agencies and state educational institutions on
2322 geologic, paleontologic, and mineralogic subjects;
- 2323 (b) collect and distribute reliable information regarding the mineral industry and
2324 mineral resources, topography, paleontology, and geology of the state;
- 2325 (c) survey the geology of the state, including mineral occurrences and the ores of
2326 metals, energy resources, industrial minerals and rocks, mineral-bearing waters, and surface
2327 and ground water resources, with special reference to their economic contents, values, uses,
2328 kind, and availability in order to facilitate their economic use;
- 2329 (d) investigate the kind, amount, and availability of mineral substances contained in
2330 lands owned and controlled by the state, to contribute to the most effective and beneficial
2331 administration of these lands for the state;
- 2332 (e) determine and investigate areas of geologic and topographic hazards that could
2333 affect the safety of, or cause economic loss to, the citizens of the state;
- 2334 (f) assist local and state agencies in their planning, zoning, and building regulation
2335 functions by publishing maps, delineating appropriately wide special earthquake risk areas,
2336 and, at the request of state agencies or other governmental agencies, review the siting of critical
2337 facilities;
- 2338 (g) cooperate with state agencies, political subdivisions of the state,
2339 quasi-governmental agencies, federal agencies, schools of higher education, and others in fields
2340 of mutual concern, which may include field investigations and preparation, publication, and
2341 distribution of reports and maps;
- 2342 (h) collect and preserve data pertaining to mineral resource exploration and
2343 development programs and construction activities, such as claim maps, location of drill holes,
2344 location of surface and underground workings, geologic plans and sections, drill logs, and
2345 assay and sample maps, including the maintenance of a sample library of cores and cuttings;
- 2346 (i) study and analyze other scientific, economic, or aesthetic problems as, in the
2347 judgment of the board, should be undertaken by the survey to serve the needs of the state and to
2348 support the development of natural resources and utilization of lands within the state;
- 2349 (j) prepare, publish, distribute, and sell maps, reports, and bulletins, embodying the
2350 work accomplished by the survey, directly or in collaboration with others, and collect and

2351 prepare exhibits of the geological and mineral resources of this state and interpret their
2352 significance;

2353 (k) collect, maintain, and preserve data and information in order to accomplish the
2354 purposes of this section and act as a repository for information concerning the geology of this
2355 state;

2356 (l) stimulate research, study, and activities in the field of paleontology;

2357 (m) mark, protect, and preserve critical paleontological sites;

2358 (n) collect, preserve, and administer critical paleontological specimens until the
2359 specimens are placed in a repository or curation facility;

2360 (o) administer critical paleontological site excavation records;

2361 (p) edit and publish critical paleontological records and reports; and

2362 ~~[(q) by following the procedures and requirements of Title 63J, Chapter 5, Federal~~
2363 ~~Funds Procedures Act, seek federal grants, loans, or participation in federal programs, and, in~~
2364 ~~accordance with applicable federal program guidelines, administer federally funded state~~
2365 ~~programs regarding:]~~

2366 ~~[(i) renewable energy;]~~

2367 ~~[(ii) energy efficiency; and]~~

2368 ~~[(iii) energy conservation; and]~~

2369 ~~[(~~τ~~) (q) collect the land use permits described in Sections 10-9a-521 and 17-27a-520.~~

2370 (2) (a) The survey may maintain as confidential, and not as a public record,
2371 information provided to the survey by any source.

2372 (b) The board shall adopt rules in order to determine whether to accept the information
2373 described in Subsection (2)(a) and to maintain the confidentiality of the accepted information.

2374 (c) The survey shall maintain information received from any source at the level of
2375 confidentiality assigned to it by the source.

2376 (3) Upon approval of the board, the survey shall undertake other activities consistent
2377 with Subsection (1).

2378 (4) (a) Subject to the authority granted to the department, the survey may enter into
2379 cooperative agreements with the entities specified in Subsection (1)(g), if approved by the
2380 board, and may accept or commit allocated or budgeted funds in connection with those
2381 agreements.

2382 (b) The survey may undertake joint projects with private entities if:

2383 (i) the action is approved by the board;

2384 (ii) the projects are not inconsistent with the state's objectives; and

2385 (iii) the results of the projects are available to the public.

2386 Section 23. Section **79-3-403** is amended to read:

2387 **79-3-403. Utah Geological Survey Restricted Account.**

2388 (1) As used in this section:

2389 (a) "Account" means the Utah Geological Survey [~~Oil, Gas, and Mining~~] Restricted

2390 Account created by this section.

2391 (b) "Survey" means the Utah Geological Survey.

2392 (2) (a) There is created a restricted account within the General Fund known as the

2393 "Utah Geological Survey [~~Oil, Gas, and Mining~~] Restricted Account."

2394 (b) The account consists of:

2395 (i) deposits to the account made under Section [51-9-306](#);

2396 (ii) deposits to the account made under Section [59-21-2](#);

2397 ~~[(ii)]~~ (iii) appropriations of the Legislature; and

2398 ~~[(iii)]~~ (iv) interest and other earnings described in Subsection (2)(c).

2399 (c) The Office of the Treasurer shall deposit interest and other earnings derived from

2400 investment of money in the account into the account.

2401 (3) (a) Upon appropriation by the Legislature, the survey shall use money from the

2402 account to pay costs of:

2403 (i) programs or projects administered by the survey that are primarily related to oil, gas,

2404 and mining[-]; and

2405 (ii) activities carried on by the survey having as a purpose the development and

2406 exploitation of natural resources in the state.

2407 (b) An appropriation provided for under this section is not intended to replace the

2408 following that is otherwise allocated for the programs or projects described in Subsection

2409 (3)(a)(i):

2410 (i) federal money; or

2411 (ii) a dedicated credit.

2412 (4) Appropriations made in accordance with this section are nonlapsing in accordance

2413 with Section [63J-1-602.1](#).

2414 Section 24. Section **79-6-102** is amended to read:

2415 **79-6-102. Definitions.**

2416 As used in this chapter:

2417 [~~(1) "Appointing authority" means:~~]

2418 [~~(a) on and before June 30, 2029, the governor; and]~~

2419 [~~(b) on and after July 1, 2029, the executive director.]~~

2420 [~~(2) (a) On and before June 30, 2029, "energy advisor" means the governor's energy~~

2421 ~~advisor appointed under Section [79-6-401](#).]~~

2422 [~~(b) On and after July 1, 2029, "energy advisor" means the energy advisor appointed by~~

2423 ~~the executive director under Section [79-6-401](#).]~~

2424 [~~(3)~~] (1) "Office" means the Office of Energy Development created in Section

2425 [79-6-401](#).

2426 [~~(4)~~] (2) "State agency" means an executive branch:

2427 (a) department;

2428 (b) agency;

2429 (c) board;

2430 (d) commission;

2431 (e) division; or

2432 (f) state educational institution.

2433 Section 25. Section **79-6-106** is amended to read:

2434 **79-6-106. Hydrogen advisory council.**

2435 (1) The department shall create a hydrogen advisory council within the office that

2436 consists of seven to nine members appointed by the executive director, in consultation with the

2437 [~~energy advisor~~] director. The executive director shall appoint members with expertise in:

2438 (a) hydrogen energy in general;

2439 (b) hydrogen project facilities;

2440 (c) technology suppliers;

2441 (d) hydrogen producers or processors;

2442 (e) renewable and fossil based power generation industries; and

2443 (f) fossil fuel based hydrogen feedstock providers.

2444 (2) (a) Except as required by Subsection (2)(b), a member shall serve a four-year term.

2445 (b) The executive director shall, at the time of appointment or reappointment, adjust
2446 the length of terms to ensure that the terms of council members are staggered so that
2447 approximately half of the hydrogen advisory council is appointed every two years.

2448 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
2449 appointed for the unexpired term.

2450 (3) (a) A majority of the members appointed under this section constitutes a quorum of
2451 the hydrogen advisory council.

2452 (b) The hydrogen advisory council shall determine:

2453 (i) the time and place of meetings; and

2454 (ii) any other procedural matter not specified in this section.

2455 (4) A member may not receive compensation or benefits for the member's service, but
2456 may receive per diem and travel expenses in accordance with:

2457 (a) Section [63A-3-106](#);

2458 (b) Section [63A-3-107](#); and

2459 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2460 [63A-3-107](#).

2461 (5) The office shall staff the hydrogen advisory council.

2462 (6) The hydrogen advisory council may:

2463 (a) develop hydrogen facts and figures that facilitate use of hydrogen fuel within the
2464 state;

2465 (b) encourage cross-state cooperation with states that have hydrogen programs;

2466 (c) work with state agencies, the private sector, and other stakeholders, such as
2467 environmental groups, to:

2468 (i) recommend realistic goals for hydrogen development that can be executed within
2469 realistic time frames; and

2470 (ii) educate, discuss, consult, and make recommendations in hydrogen related matters
2471 that benefit the state;

2472 (d) promote hydrogen research at state institutions of higher education, as defined in
2473 Section [53B-3-102](#);

2474 (e) make recommendations regarding how to qualify for federal funding of hydrogen

2475 projects, including hydrogen related projects for:

2476 (i) the state;

2477 (ii) a local government;

2478 (iii) a privately commissioned project;

2479 (iv) an educational project;

2480 (v) scientific development; and

2481 (vi) engineering and novel technologies;

2482 (f) make recommendations related to the development of multiple feedstock or energy

2483 resources in the state such as wind, solar, hydroelectric, geothermal, coal, natural gas, oil,

2484 water, electrolysis, coal gasification, liquefaction, hydrogen storage, safety handling,

2485 compression, and transportation;

2486 (g) make recommendations to establish statewide safety protocols for production,

2487 transportation, and handling of hydrogen for both residential and commercial applications;

2488 (h) facilitate public events to raise the awareness of hydrogen and hydrogen related

2489 fuels within the state and how hydrogen can be advantageous to all forms of transportation,

2490 heat, and power generation;

2491 (i) review and make recommendations regarding legislation; and

2492 (j) make other recommendations to the ~~[energy advisor]~~ director related to hydrogen

2493 development in the state.

2494 Section 26. Section **79-6-401** is amended to read:

2495 **79-6-401. Office of Energy Development -- Director -- Purpose -- Rulemaking**
 2496 **regarding confidential information -- Fees -- Duties and powers.**

2497 (1) There is created an Office of Energy Development ~~[in]~~ within the Department of
 2498 Natural Resources to be administered by a director.

2499 (2) (a) The governor shall appoint the director and the director shall serve at the
 2500 pleasure of the governor.

2501 (b) The director shall have demonstrated the necessary administrative and professional
 2502 ability through education and experience to efficiently and effectively manage the office's
 2503 affairs.

2504 (c) The director shall serve as an advisor to the governor on energy related matters.

2505 ~~[(2) (a) The energy advisor shall serve as the director of the office or, on or before June~~

2506 ~~30, 2029, appoint a director of the office.]~~
2507 ~~[(b) The director:]~~
2508 ~~[(i) shall, if the energy advisor appoints a director under Subsection (2)(a), report to the~~
2509 ~~energy advisor; and]~~
2510 ~~[(ii) may appoint staff as funding within existing budgets allows.]~~
2511 ~~[(c) The office may consolidate energy staff and functions existing in the state energy~~
2512 ~~program.]~~
2513 (3) The purposes of the office are to:
2514 (a) serve as the primary resource for advancing energy and mineral development in the
2515 state;
2516 (b) implement:
2517 (i) the state energy policy under Section 79-6-301; and
2518 (ii) the governor's energy and mineral development goals and objectives;
2519 (c) advance energy education, outreach, and research, including the creation of
2520 elementary, higher education, and technical college energy education programs;
2521 (d) promote energy and mineral development workforce initiatives; and
2522 (e) support collaborative research initiatives targeted at Utah-specific energy and
2523 mineral development.
2524 (4) By following the procedures and requirements of Title 63J, Chapter 5, Federal
2525 Funds Procedures Act, the office may:
2526 (a) seek federal grants or loans;
2527 (b) seek to participate in federal programs; and
2528 (c) in accordance with applicable federal program guidelines, administer federally
2529 funded state energy programs.
2530 (5) The office shall perform the duties required by Sections 11-42a-106, 59-5-102,
2531 59-7-614.7, 59-10-1029, 63C-26-202, Part 5, Alternative Energy Development Tax Credit Act,
2532 and Part 6, High Cost Infrastructure Development Tax Credit Act.
2533 (6) (a) For purposes of administering this section, the office may make rules, by
2534 following Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to maintain as
2535 confidential, and not as a public record, information that the office receives from any source.
2536 (b) The office shall maintain information the office receives from any source at the

2537 level of confidentiality assigned by the source.

2538 (7) The office may charge application, filing, and processing fees in amounts
2539 determined by the office in accordance with Section [63J-1-504](#) as dedicated credits for
2540 performing office duties described in this part.

2541 (8) (a) An employee of the office on April 30, 2024, is an at-will employee.

2542 (b) For an employee [~~of the~~] described in Subsection (8)(a) who was employed by the
2543 office on [~~July 1, 2021]~~ April 30, 2024, the employee shall have the same salary and benefit
2544 options [~~the~~] an employee had when the office was part of the office of the governor.

2545 (c) An employee of the office hired on or after May 1, 2024, shall receive
2546 compensation as provided in Title 63A, Chapter 17, Utah State Personnel Management Act.

2547 (9) (a) The office shall prepare a strategic energy plan to achieve the state's energy
2548 policy, including:

2549 (i) technological and infrastructure innovation needed to meet future energy demand
2550 including:

2551 (A) energy production technologies;

2552 (B) battery and storage technologies;

2553 (C) smart grid technologies;

2554 (D) energy efficiency technologies; and

2555 (E) any other developing energy technology, energy infrastructure planning, or
2556 investments that will assist the state in meeting energy demand;

2557 (ii) the state's efficient utilization and development of:

2558 (A) nonrenewable energy resources, including natural gas, coal, clean coal, hydrogen,
2559 oil, oil shale, and oil sands;

2560 (B) renewable energy resources, including geothermal, solar, hydrogen, wind, biomass,
2561 biofuel, and hydroelectric;

2562 (C) nuclear power; and

2563 (D) earth minerals;

2564 (iii) areas of energy-related academic research;

2565 (iv) specific areas of workforce development necessary for an evolving energy
2566 industry;

2567 (v) the development of partnerships with national laboratories; and

- 2568 (vi) a proposed state budget for economic development and investment.
- 2569 (b) In preparing the strategic energy plan, the office shall consult with stakeholders,
2570 including representatives from:
- 2571 (i) energy companies in the state;
- 2572 (ii) private and public institutions of higher education within the state conducting
2573 energy-related research; and
- 2574 (iii) other state agencies.
- 2575 (c) On or before the October 2023 interim meeting, the office shall report to the Public
2576 Utilities, Energy, and Technology Interim Committee and the Executive Appropriations
2577 [~~Interim~~] Committee describing:
- 2578 (i) progress towards creation of the strategic energy plan; and
- 2579 (ii) a proposed budget for the office to continue development of the strategic energy
2580 plan.
- 2581 (10) The director shall:
- 2582 (a) annually review and propose updates to the state's energy policy, as contained in
2583 Section [79-6-301](#);
- 2584 (b) promote as the governor considers necessary:
- 2585 (i) the development of cost-effective energy resources both renewable and
2586 nonrenewable; and
- 2587 (ii) educational programs, including programs supporting conservation and energy
2588 efficiency measures;
- 2589 (c) coordinate across state agencies to assure consistency with state energy policy,
2590 including:
- 2591 (i) working with the State Energy Program to promote access to federal assistance for
2592 energy-related projects for state agencies and members of the public;
- 2593 (ii) working with the Division of Emergency Management to assist the governor in
2594 carrying out the governor's energy emergency powers under Title 53, Chapter 2a, Part 10,
2595 Energy Emergency Powers of the Governor Act;
- 2596 (iii) participating in the annual review of the energy emergency plan and the
2597 maintenance of the energy emergency plan and a current list of contact persons required by
2598 Section [53-2a-902](#); and

2599 (iv) identifying and proposing measures necessary to facilitate low-income consumers'
2600 access to energy services;

2601 (d) coordinate with the Division of Emergency Management ongoing activities
2602 designed to test an energy emergency plan to ensure coordination and information sharing
2603 among state agencies and political subdivisions in the state, public utilities and other energy
2604 suppliers, and other relevant public sector persons as required by Sections [53-2a-902](#),
2605 [53-2a-1004](#), [53-2a-1008](#), and [53-2a-1010](#);

2606 (e) coordinate with requisite state agencies to study:

2607 (i) the creation of a centralized state repository for energy-related information;

2608 (ii) methods for streamlining state review and approval processes for energy-related
2609 projects; and

2610 (iii) the development of multistate energy transmission and transportation
2611 infrastructure;

2612 (f) coordinate energy-related regulatory processes within the state;

2613 (g) compile, and make available to the public, information about federal, state, and
2614 local approval requirements for energy-related projects;

2615 (h) act as the state's advocate before federal and local authorities for energy-related
2616 infrastructure projects or coordinate with the appropriate state agency; and

2617 (i) help promote the Division of Facilities Construction and Management's measures to
2618 improve energy efficiency in state buildings.

2619 (11) The director has standing to testify on behalf of the governor at the Public Service
2620 Commission created in Section [54-1-1](#).

2621 Section 27. Section **79-6-404**, which is renumbered from Section 79-6-202 is
2622 renumbered and amended to read:

2623 **~~[79-6-202]~~. 79-6-404. Agency cooperation.**

2624 A state agency shall provide the [~~energy advisor~~] office with any energy-related
2625 information requested by the [~~energy advisor if the energy advisor's~~] office if the office's
2626 request is consistent with other law.

2627 Section 28. Section **79-6-405**, which is renumbered from Section 79-6-203 is
2628 renumbered and amended to read:

2629 **~~[79-6-203]~~. 79-6-405. Reports.**

- 2630 (1) The ~~[energy advisor]~~ director shall report annually to:
- 2631 (a) the ~~[appointing authority]~~ governor; and
- 2632 (b) the Natural Resources, Agriculture, and Environment Interim Committee.
- 2633 (2) The report required in Subsection (1) shall:
- 2634 (a) summarize the status and development of the state's energy resources;
- 2635 (b) summarize the activities and accomplishments of the Office of Energy
- 2636 Development;
- 2637 (c) address the ~~[energy advisor's]~~ director's activities under this part; and
- 2638 (d) recommend any energy-related executive or legislative action the ~~[energy advisor]~~
- 2639 director considers beneficial to the state, including updates to the state energy policy under
- 2640 Section 79-6-301.

2641 Section 29. Section 79-6-901 is amended to read:

2642 **79-6-901. Definitions.**

2643 As used in this part:

- 2644 (1) "Application" means an application for a tax credit under Title 79, Chapter 6, Part
- 2645 6, High Cost Infrastructure Development Tax Credit Act.
- 2646 (2) "Board" means the Utah Energy Infrastructure Board created in Section 79-6-902.
- 2647 (3) "Electric interlocal entity" means the same as that term is defined in Section
- 2648 11-13-103.

2649 ~~[(4) "Energy advisor" means the energy advisor appointed under Section 79-6-201.]~~

2650 ~~[(5)]~~ (4) "Fuel standard compliance project" means the same as that term is defined in

2651 Section 79-6-602.

2652 ~~[(6)]~~ (5) "Office" means the Office of Energy Development created in Section

2653 79-6-401.

2654 ~~[(7)]~~ (6) "Tax credit" means the same as that term is defined in Section 79-6-602.

2655 Section 30. Section 79-6-902 is amended to read:

2656 **79-6-902. Utah Energy Infrastructure Board.**

- 2657 (1) There is created within the office the Utah Energy Infrastructure Board that consists
- 2658 of nine members as follows:
- 2659 (a) members appointed by the governor:
- 2660 (i) ~~[the energy advisor or]~~ the director of the Office of Energy Development, who shall

2661 serve as chair of the board;

2662 (ii) one member from the Governor's Office of Economic Opportunity;

2663 (iii) one member from a public utility or electric interlocal entity that operates electric

2664 transmission facilities within the state;

2665 (iv) two members representing the economic development interests of rural

2666 communities as follows:

2667 (A) one member currently serving as county commissioner of a county of the third,

2668 fourth, fifth, or sixth class, as described in Section [17-50-501](#); and

2669 (B) one member of a rural community with work experience in the energy industry;

2670 (v) two members of the general public with relevant industry or community

2671 experience; and

2672 (vi) one member of the general public who has experience with public finance and

2673 bonding; and

2674 (b) the director of the School and Institutional Trust Lands Administration created in

2675 Section [53C-1-201](#).

2676 (2) (a) The term of an appointed board member is four years.

2677 (b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment

2678 or reappointment, adjust the length of terms to ensure that the terms of board members are

2679 staggered so that approximately half of the board is appointed every two years.

2680 (c) The governor may remove a member of the board for cause.

2681 (d) The governor shall fill a vacancy in the board in the same manner under this section

2682 as the appointment of the member whose vacancy is being filled.

2683 (e) An individual appointed to fill a vacancy shall serve the remaining unexpired term

2684 of the member whose vacancy the individual is filling.

2685 (f) A board member shall serve until a successor is appointed and qualified.

2686 (3) (a) Five members of the board constitute a quorum for conducting board business.

2687 (b) A majority vote of the quorum present is required for an action to be taken by the

2688 board.

2689 (4) The board shall meet as needed to review an application.

2690 (5) A member may not receive compensation or benefits for the member's service, but

2691 may receive per diem and travel expenses in accordance with:

- 2692 (a) Section [63A-3-106](#);
- 2693 (b) Section [63A-3-107](#); and
- 2694 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 2695 [63A-3-107](#).

2696 Section 31. Section **79-7-601**, which is renumbered from Section 79-4-1102 is

2697 renumbered and amended to read:

2698 **Part 6. Contingency Planning for Management of Federal Land**

2699 ~~[79-4-1102]~~. **79-7-601. Contingency plan for federal property.**

2700 (1) As used in this part, "fiscal emergency" means a major disruption in the operation

2701 of one or more national parks, national monuments, national forests, or national recreation

2702 areas in the state caused by the unforeseen or sudden significant decrease or elimination of

2703 funding from the federal government.

2704 (2) During a fiscal emergency, and subject to congressional approval, the governor's

2705 agreement with the United States Department of the Interior, or a presidential executive order,

2706 the governor ~~[is authorized to]~~ may enter into an agreement with the federal government to

2707 ensure that one or more national parks, national monuments, national forests, or national

2708 recreation areas in the state, according to the priority set under ~~[Section 79-4-1103]~~ Section

2709 [79-7-602](#), remain open to the public.

2710 Section 32. Section **79-7-602**, which is renumbered from Section 79-4-1103 is

2711 renumbered and amended to read:

2712 ~~[79-4-1103]~~. **79-7-602. Governor's duties -- Priority of federal property.**

2713 (1) During a fiscal emergency, the governor shall:

2714 (a) if financially practicable, work with the federal government to open and maintain

2715 the operation of one or more national parks, national monuments, national forests, and national

2716 recreation areas in the state, in the order established under this section; and

2717 (b) report to the speaker of the House and the president of the Senate on the need, if

2718 any, for additional appropriations to assist the division in opening and operating one or more

2719 national parks, national monuments, national forests, and national recreation areas in the state.

2720 (2) The director of the Division of Outdoor Recreation, in consultation with the

2721 executive director of the ~~[Governor's Office of Economic Opportunity]~~ Department of Natural

2722 Resources, shall determine, by rule, the priority of national parks, national monuments,

2723 national forests, and national recreation areas in the state.

2724 (3) In determining the priority described in Subsection (2), the director of the Division
2725 of Outdoor Recreation shall consider the:

2726 (a) economic impact of the national park, national monument, national forest, or
2727 national recreation area in the state; and

2728 (b) recreational value offered by the national park, national monument, national forest,
2729 or national recreation area.

2730 (4) The director of the Division of Outdoor Recreation shall annually review the
2731 priority set under Subsection (2) to determine whether the priority list should be amended.

2732 Section 33. **Repealer.**

2733 This bill repeals:

2734 Section [40-6-22](#), **Regulatory certainty to support economic recovery.**

2735 Section [73-10-12](#), **Appropriations.**

2736 Section [73-10-13](#), **Appropriation for loan fund.**

2737 Section [73-10-31](#), **Allocation of funds for credit enhancement and interest**
2738 **buy-down agreements.**

2739 Section [79-4-1101](#), **Title.**

2740 Section [79-6-201](#), **Advisor -- Duties.**

2741 Section 34. **Effective date.**

2742 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

2743 (2) (a) The actions affecting the following sections take effect on July 1, 2024:

2744 (i) Section [23A-3-214](#);

2745 (ii) Section [51-9-306](#);

2746 (iii) Section [59-12-103](#) (Contingently Superseded 01/01/25);

2747 (iv) Section [59-21-2](#);

2748 (v) Section [59-23-4](#);

2749 (vi) Section [63J-1-602.1](#); and

2750 (vii) Section [79-3-403](#).

2751 (b) The actions affecting Section [59-12-103](#) (Contingently Effective 01/01/25)
2752 contingently take effect on January 1, 2025.

2753 Section 35. **Coordinating H.B. 519 with other 2024 General Session legislation.**

2754 The Legislature intends that, on May 1, 2024, in legislation that passes in the 2024
2755 General Session and becomes law:

2756 (1) any reference to the executive director of the Public Lands Policy Coordinating
2757 Office be changed to director of the Public Lands Policy Coordinating Office in any new
2758 language added to the Utah Code;

2759 (2) any occurrence of "executive director" be changed to "director" in any new
2760 language added to Title 63L, Chapter 11, Public Lands Planning; and

2761 (3) any reference to energy advisor be changed to the director of the Office of Energy
2762 Development in any new language added to the Utah Code.