Department of Natural Resources Funding Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses revenue and expenditures related to funding of state accounts within the Department of Natural Resources.

Highlighted Provisions:

This bill:

- expands resources to be deposited into the Species Protection Account;
- modifies the brine shrimp royalty rate;
- provides for deposit of brine shrimp royalty into the Sovereign Lands Management Account;
- accounts for a tax on concentrated depleted uranium received for disposal at a radioactive waste facility to be deposited into the Species Protection Account;
- imposes a tax on wind or solar electric generation facilities to be deposited into the Species Protection Account;
- provides a tax on direct current transmission facilities to be deposited into the Species Protection Account;
- addresses the effect of the taxes on ratepayers;
- authorizes rulemaking; and
- makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

23A-3-214 (Effective 01/01/26), as renumbered and amended by Laws of Utah 2024, Chapter 88

59-23-4 (Effective 02/01/26), as last amended by Laws of Utah 2024, Chapter 88

59-24-103.7 (Effective 01/01/26), as enacted by Laws of Utah 2019, Chapter 18

59-24-104 (Effective 01/01/26), as last amended by Laws of Utah 2019, Chapter 466

59-24-105 (Effective 01/01/26), as last amended by Laws of Utah 2003, Chapter 295

ENACTS:

59-32-101 (Effective 01/01/26), Utah Code Annotated 1953

59-32-201 (Effective 01/01/26), Utah Code Annotated 1953

59-32-202 (Effective 01/01/26), Utah Code Annotated 1953

59-32-301 (Effective 01/01/26), Utah Code Annotated 1953

59-32-302 (Effective 01/01/26), Utah Code Annotated 1953

59-33-101 (Effective 01/01/26), Utah Code Annotated 1953

59-33-201 (Effective 01/01/26), Utah Code Annotated 1953

59-33-202 (Effective 01/01/26), Utah Code Annotated 1953

59-33-301 (Effective 01/01/26), Utah Code Annotated 1953

59-33-302 (Effective 01/01/26), Utah Code Annotated 1953

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

Section 1. Section **23A-3-214** is amended to read:

23A-3-214 (Effective 01/01/26). Species Protection Account.

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

(2) The [~~account~~] Species Protection Account shall consist of:

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

(a) tax revenue deposited into the Species Protection Account in accordance with Subsection 59-24-103.7(3)(b);

(b) tax revenue collected in accordance with Title 59, Chapter 32, Wind or Solar Electric Generation Facility Tax;

(c) tax revenue collected in accordance with Title 59, Chapter 33, Direct Current Transmission Tax; and

[~~(b)~~] (d) interest earned on money in the [~~account~~] Species Protection Account.

(3) Money in the [~~account~~] Species Protection Account may be appropriated by the Legislature to:

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

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

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

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

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

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

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

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

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

Section 2. Section **59-23-4** is amended to read:

59-23-4 (Effective 02/01/26). Brine shrimp royalty -- Royalty rate -- Commission to prepare billing statement -- Deposit of revenue.

(1) [~~A~~] Beginning February 1, 2026, a person shall pay for each tax year a brine shrimp royalty of [~~3.25~~] 3.75 cents multiplied by the total number of pounds of unprocessed brine shrimp eggs that the person harvests within the state during the tax year.

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

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

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

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

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

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

(iii) any additional information required by the commission.

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

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

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

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

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

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

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

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

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

Section 3. Section **59-24-103.7** is amended to read:

59-24-103.7 (Effective 01/01/26). Radioactive waste facility disposal tax for concentrated depleted uranium and specific site approved waste.

(1) On and after July 1, 2019, there is imposed a tax on a radioactive waste facility as provided in this section.

(2) The tax is equal to the sum of the following amounts:

(a) 12% of the gross receipts of a radioactive waste facility derived from the disposal of[~~:~~]

[~~(i) concentrated depleted uranium; and~~]

[~~(ii)~~] containerized waste disposed under Subsection 19-3-103.7(2);

(b) 10% of the gross receipts of a radioactive waste facility derived from the disposal of processed waste disposed under Subsection 19-3-103.7(2);[~~ and~~]

(c) 5% of the gross receipts of a radioactive waste facility derived from the disposal of uncontainerized, unprocessed waste disposed under Subsection 19-3-103.7(2)[~~.~~] ; and

(d) $7 per cubic foot of concentrated depleted uranium received for disposal at a radioactive waste facility on or after January 1, 2026.

(3)(a) For purposes of Subsection (2)(d), waste volume is equal to the net waste volume listed on the applicable low-level radioactive waste manifest completed in accordance with 10 C.F.R. Part 20, Appendix G, except that a fraction of a cubic foot is considered to be a full cubic foot.

(b) The commission shall deposit the tax revenue collected in accordance with Subsection (2)(d) into the Species Protection Fund in accordance with Section 23A-3-214.

Section 4. Section **59-24-104** is amended to read:

59-24-104 (Effective 01/01/26). Payment of tax.

(1) The tax imposed by Section 59-24-103.5 or 59-24-103.7 shall be paid by the owner or operator of a radioactive waste facility that receives radioactive waste for disposal or reprocessing.

(2) The payment shall be accompanied by the form prescribed by the commission.

(3) The payment shall be paid quarterly on or before the last day of the month next succeeding each calendar quarterly period.

Section 5. Section **59-24-105** is amended to read:

59-24-105 (Effective 01/01/26). Deposit of tax revenue.

[~~The~~] Except as provided in Section 59-24-103.7, the commission shall deposit the tax revenue collected under this chapter into the Uniform School Fund.

Section 6. Section **59-32-101** is enacted to read:

CHAPTER 32. WIND OR SOLAR ELECTRIC GENERATION FACILITY TAX

Part 1. General Provisions

59-32-101 (Effective 01/01/26). Definitions.

As used in this chapter:

(1) "Large-scale electric utility" means the same as that term is defined in Section 54-2-1.

(2) "Nameplate capacity" means the sum of the maximum rated outputs of all electrical generating equipment within a facility under specific conditions designated by the manufacturer, as indicated on individual nameplates physically attached to the equipment.

(3) "Operator" means a person engaged in the business of operating a wind or solar electric generation facility, regardless of whether the person is:

(a) an owner;

(b) an independent contractor; or

(c) acting in a capacity similar to Subsection (2)(a) or (b) as determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) "Wind or solar electric generation facility" means a facility with the capacity to generate electricity from wind or solar:

(a) using wind equipment with a nameplate capacity of at least one megawatt of electricity; or

(b) using solar equipment with a nameplate capacity of at least one megawatt of electricity.

(5) "Wind or solar electricity" means electricity generated by wind or solar.

Section 7. Section **59-32-201** is enacted to read:

Part 2. Imposition of Tax

59-32-201 (Effective 01/01/26). Imposition of wind or solar electric generation facility tax -- Deposit of revenue -- Effect on ratepayers.

(1) Beginning January 1, 2026, there is levied a tax on an operator of a wind or solar electric generation facility for wind or solar electricity.

(2) The tax levied under Subsection (1) is calculated by multiplying the number of kilowatts generated by the wind or solar electric generation facility that are sold or transported from the wind or solar electric generation facility in the previous calendar year by .108 cents.

(3)(a) An operator of a wind or solar electric generation facility in the state shall file with the commission, on or before June 1 of each year, a statement containing the information required by Subsection (3)(b) on forms furnished by the commission.

(b) The statement required in Subsection (3)(a) shall include:

(i) the name, description, and location of the wind or solar electric generation facility;

(ii) the number of kilowatts sold or transported from the wind or solar electric generation facility in the previous calendar year, including the electricity generated on lands held in trust by the United States for a federally recognized Indian tribe or the tribe's members; and

(iii) any other reasonable and necessary information required by the commission.

(c) A statement or report required to be filed with the commission shall be signed and sworn to by the operator of the wind or solar electric generation facility or the operator's designee.

(4) A willful false swearing as to a material fact set out in the statement or report required

by Subsection (3) is a violation of Section 76-8-504 and may result in prosecution.

(5) The tax imposed by this chapter does not apply to an interest of:

(a) the United States in the generation of wind or solar electricity or the proceeds in the generation of wind or solar electricity;

(b) the state or a political subdivision of the state in the generation of wind or solar electricity or the proceeds in the generation of wind or solar electricity; and

(c) an Indian or Indian tribe, as defined in Section 9-9-101, in the generation of wind or solar electricity or the proceeds in the generation of wind or solar electricity generated on land under the jurisdiction of the United States.

(6) If wind or solar electricity is transported outside the state:

(a) the transportation constitutes a sale; and

(b) the wind or solar electric generation facility that generates the wind or solar electricity is subject to the tax imposed by this section.

(7) The commission shall deposit revenue from the tax imposed in this section into the Species Protection Account in accordance with Section 23A-3-214.

(8)(a) A large-scale electric utility may not:

(i) recover from ratepayers, through rates or other charges, any amount paid for a tax imposed under this section; or

(ii) include any amount paid for a tax imposed under this section in the large-scale electric utility's rate base or revenue requirement.

(b) The Public Service Commission shall:

(i) enforce the requirements of this Subsection (8); and

(ii) reject any rate filing or request that violates this Subsection (8).

Section 8. Section **59-32-202** is enacted to read:

59-32-202 (Effective 01/01/26). Tax as lien on property.

The tax imposed by this chapter, together with penalties and interest, is and shall remain a lien upon the wind or solar electric generation facility until the tax is paid.

Section 9. Section **59-32-301** is enacted to read:

Part 3. Administration, Collection, and Enforcement of Tax

59-32-301 (Effective 01/01/26). Administration, collection, and enforcement of wind or solar electric generation facility tax -- Rulemaking.

(1) The commission shall administer, collect, and enforce a tax under this chapter in accordance with Chapter 1, General Taxation Policies.

(2)(a) In case of any failure to make or file a statement or report required by this chapter, the penalty provided in Section 59-1-401 and interest at the rate and in the manner prescribed in Section 59-1-402 shall be charged and added to the tax.

(b) The commission shall collect an amount added under this Subsection (2) to a tax, whether as a penalty, interest, or both, at the same time, in the same manner, and as a part of the tax.

(3) An overpayment of a tax imposed by this chapter shall accrue interest at the rate and in the manner prescribed in Section 59-1-402.

(4) The commission may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish the requirements for a statement or report required under Section 59-32-201.

Section 10. Section **59-32-302** is enacted to read:

59-32-302 (Effective 01/01/26). When taxes due -- Payment of tax -- Audit.

(1) Except as provided in Subsection (2), the tax imposed by this chapter is due and payable on or before June 1 of the year next succeeding the calendar year when the wind or solar electricity is sold or transported.

(2)(a) Notwithstanding Subsection (1), the commission may, for good cause shown upon a written application by the taxpayer, extend the time of payment of the whole or any part of the tax for a period not to exceed six months.

(b) If the commission allows an extension under Subsection (2)(a), interest at the rate and in the manner prescribed in Section 59-1-402 shall be charged and added to the amount of the tax allowed the extension.

(3) If the tax imposed by Section 59-32-201 is not paid when due or is underpaid, the taxpayer is subject to the penalty provided under Section 59-1-401.

(4) The commission may conduct an audit to determine whether a tax is owed under this chapter.

Section 11. Section **59-33-101** is enacted to read:

CHAPTER 33. DIRECT CURRENT TRANSMISSION TAX

Part 1. General Provisions

59-33-101 (Effective 01/01/26). Definitions.

As used in this chapter:

(1) "Capacity" means the maximum amount of power that can be transferred through a transmission line.

(2) "Direct current" means an electric current that:

(a) flows in one constant direction; and

(b) maintains a constant voltage polarity between conductors.

(3) "Direct current transmission line" means a transmission line that transmits direct current from a point within the state.

(4) "Large-scale electric utility" means the same as that term is defined in Section 54-2-1.

(5) "Operator" means a person engaged in the business of operating a transmission line, regardless of whether the person is:

(a) an owner;

(b) an independent contractor; or

(c) acting in a capacity similar to Subsection (5)(a) or (b) as determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(6) "Transmission line" means an electrical line, including structures, equipment, plant, or fixtures associated with the electrical line, operated at a nominal voltage of 34,000 volts or above.

Section 12. Section **59-33-201** is enacted to read:

Part 2. Imposition of Tax

59-33-201 (Effective 01/01/26). Imposition of a direct current transmission line tax -- Deposit of revenue -- Effect on ratepayers.

(1) Beginning January 1, 2026, there is levied an annual tax on an operator of a direct current transmission line that:

(a) transmits electricity starting at a point within this state;

(b) begins the transmission of electricity on or after January 1, 2025; and

(c) has a capacity of 500 kilovolts.

(2) The tax levied under Subsection (1) is calculated by multiplying the capacity of the direct current transmission line in kilovolts by $10,000.

(3)(a) An operator of a direct current transmission line in the state shall file with the commission, on or before June 1 of each year, a statement containing the information required by Subsection (3)(b) on forms furnished by the commission.

(b) The statement required in Subsection (3)(a) shall include:

(i) the name, description, and location of the direct current transmission line; and

(ii) any other reasonable and necessary information required by the commission.

(c) A statement or report required to be filed with the commission shall be signed and sworn to by the operator of the direct current transmission line or the operator's designee.

(4) A willful false swearing as to a material fact set out in the statement or report required by Subsection (3) is a violation of Section 76-8-504 and may result in prosecution.

(5) The tax imposed by this chapter does not apply to an interest of:

(a) the United States in the transmission of electricity or the proceeds in the transmission of electricity;

(b) the state or a political subdivision of the state in the transmission of electricity or the proceeds in the transmission of electricity; and

(c) an Indian or Indian tribe, as defined in Section 9-9-101, in the transmission of electricity or the proceeds in the transmission of electricity generated on land under the jurisdiction of the United States.

(6) The commission shall deposit revenue from the tax imposed in this section into the Species Protection Account in accordance with Section 23A-3-214.

(7)(a) A large-scale electric utility may not:

(i) recover from ratepayers, through rates or other charges, any amount paid for a tax imposed under this section; or

(ii) include any amount paid for a tax imposed under this section in the large-scale electric utility's rate base or revenue requirement.

(b) The Public Service Commission shall:

(i) enforce the requirements of this Subsection (7); and

(ii) reject any rate filing or request that violates this Subsection (7).

Section 13. Section **59-33-202** is enacted to read:

59-33-202 (Effective 01/01/26). Tax as lien on property.

The tax imposed by this chapter, together with penalties and interest, is and shall remain a lien upon the direct current transmission line until the tax is paid.

Section 14. Section **59-33-301** is enacted to read:

Part 3. Administration, Collection, and Enforcement of Tax

59-33-301 (Effective 01/01/26). Administration, collection, and enforcement of direct current transmission line tax -- Rulemaking.

(1) The commission shall administer, collect, and enforce a tax under this chapter in accordance with Chapter 1, General Taxation Policies.

(2)(a) In case of any failure to make or file a statement or report required by this chapter, the penalty provided in Section 59-1-401 and interest at the rate and in the manner prescribed in Section 59-1-402 shall be charged and added to the tax.

(b) The commission shall collect an amount added under this Subsection (2) to a tax, whether as a penalty, interest, or both, at the same time, in the same manner, and as a part of the tax.

(3) An overpayment of a tax imposed by this chapter shall accrue interest at the rate and in the manner prescribed in Section 59-1-402.

(4) The commission may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish the requirements for a statement or report required under Section 59-33-201.

Section 15. Section **59-33-302** is enacted to read:

59-33-302 (Effective 01/01/26). When taxes are due -- Payment of tax -- Audit.

(1) Except as provided in Subsection (2), the tax imposed by this chapter is due and payable on or before June 1 of the year next succeeding the calendar year for which the tax is imposed.

(2)(a) Notwithstanding Subsection (1), the commission may, for good cause shown upon a written application by the taxpayer, extend the time of payment of the whole or any part of the tax for a period not to exceed six months.

(b) If the commission allows an extension under Subsection (2)(a), interest at the rate and in the manner prescribed in Section 59-1-402 shall be charged and added to the amount of the tax allowed the extension.

(3) If the tax imposed by Section 59-33-201 is not paid when due or is underpaid, the taxpayer is subject to the penalty provided under Section 59-1-401.

(4) The commission may conduct an audit to determine whether a tax is owed under this chapter.

Section 16. **Effective Date.**

(1) Except as provided in Subsection (2), this bill takes effect January 1, 2026.

(2) The actions affecting Section 59-23-4 **(Effective 02/01/26)** take effect on February 1, 2026.