

NATURAL RESOURCES ENTITIES AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill addresses the state entities that involve natural resources.

Highlighted Provisions:

This bill:

- ▶ creates a coordination council;
- ▶ moves the Office of Energy Development to within the Department of Natural Resources;
- ▶ divides the Division of Parks and Recreation into two divisions and transfers certain grants administered by the Utah Office of Outdoor Recreation to the new division;
- ▶ addresses the Outdoor Adventure Commission;
- ▶ addresses the Utah Office of Outdoor Recreation and its powers and duties;
- ▶ removes certain outdated provisions;
- ▶ includes a transition and study provision and repeal of the provision; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill provides appropriations necessary to merge the Office of Energy Development into the Department of Natural Resources and to divide the Division of Parks and Recreation into two divisions.

Other Special Clauses:

This bill provides a special effective date.

This bill provides coordination clauses.

This bill provides revisor instructions.

Utah Code Sections Affected:**AMENDS:**

9-9-408, as last amended by Laws of Utah 2019, Chapter 246
11-42a-102, as last amended by Laws of Utah 2020, Chapter 244
11-45-102, as last amended by Laws of Utah 2012, Chapter 37
32B-6-702, as last amended by Laws of Utah 2020, Chapter 219
41-1a-418, as last amended by Laws of Utah 2020, Chapters 120, 322, and 405
41-1a-422, as last amended by Laws of Utah 2020, Chapters 120, 322, 354, and 405
41-6a-1509, as last amended by Laws of Utah 2019, Chapter 421
41-22-2, as last amended by Laws of Utah 2018, Chapter 166
41-22-3, as last amended by Laws of Utah 2015, Chapter 412
41-22-5.1, as last amended by Laws of Utah 2008, Chapter 382
41-22-5.5, as last amended by Laws of Utah 2018, Chapter 166
41-22-8, as last amended by Laws of Utah 2018, Chapter 373
41-22-10, as last amended by Laws of Utah 2007, Chapter 299
41-22-10.7, as last amended by Laws of Utah 2015, Chapter 412
41-22-19.5, as last amended by Laws of Utah 2011, Chapter 303
41-22-30, as last amended by Laws of Utah 2017, Chapter 38
41-22-31, as last amended by Laws of Utah 2017, Chapter 38
41-22-33, as last amended by Laws of Utah 2017, Chapter 38
41-22-35, as last amended by Laws of Utah 2019, Chapter 44
54-4-41, as enacted by Laws of Utah 2020, Chapter 217
57-14-204, as renumbered and amended by Laws of Utah 2013, Chapter 212
59-5-102, as last amended by Laws of Utah 2019, First Special Session, Chapter 3
59-7-614, as last amended by Laws of Utah 2019, Chapter 247
59-7-614.7, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
59-7-619, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
59-10-1014, as last amended by Laws of Utah 2019, Chapter 247

58 **59-10-1024**, as last amended by Laws of Utah 2019, Chapter 247
59 **59-10-1029**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
60 **59-10-1034**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
61 **59-10-1106**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
62 **59-12-104**, as last amended by Laws of Utah 2020, Chapters 44, 91, 354, 412, and 438
63 **59-13-201**, as last amended by Laws of Utah 2017, Chapter 234
64 **59-21-2**, as last amended by Laws of Utah 2018, Chapter 28
65 **59-28-103**, as last amended by Laws of Utah 2019, Chapter 290
66 **63A-4-104**, as enacted by Laws of Utah 1998, Chapter 225
67 **63B-3-301**, as last amended by Laws of Utah 2019, Chapter 61
68 **63B-4-301**, as last amended by Laws of Utah 2013, Chapter 310
69 **63B-5-201**, as last amended by Laws of Utah 2018, Chapter 25
70 **63B-6-501**, as last amended by Laws of Utah 2008, Chapter 382
71 **63B-6-502**, as last amended by Laws of Utah 2008, Chapter 250
72 **63B-7-102**, as last amended by Laws of Utah 2014, Chapter 196
73 **63B-10-302**, as last amended by Laws of Utah 2008, Chapter 382
74 **63C-21-201**, as enacted by Laws of Utah 2020, Chapter 199
75 **63C-21-202**, as enacted by Laws of Utah 2020, Chapter 199
76 **63H-2-102**, as last amended by Laws of Utah 2014, Chapter 301
77 **63H-2-202**, as last amended by Laws of Utah 2016, Chapter 337
78 **63H-4-102**, as last amended by Laws of Utah 2020, Chapter 352
79 **63H-4-110**, as renumbered and amended by Laws of Utah 2011, Chapter 370
80 **63H-5-110**, as renumbered and amended by Laws of Utah 2011, Chapter 370
81 **63I-1-263**, as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230,
82 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws
83 of Utah 2020, Chapter 360
84 **63I-1-279**, as enacted by Laws of Utah 2020, Chapter 154
85 **63I-2-263**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 12

86 **63J-1-601**, as last amended by Laws of Utah 2018, Chapters 76 and 469
87 **63J-1-602.1**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
88 **63J-4-502**, as last amended by Laws of Utah 2015, Chapter 451
89 **63J-4-608**, as last amended by Laws of Utah 2020, Chapter 354
90 **63L-2-301**, as last amended by Laws of Utah 2020, Chapter 168
91 **63L-7-104**, as enacted by Laws of Utah 2014, Chapter 323
92 **63N-9-102**, as last amended by Laws of Utah 2019, Chapter 506
93 **63N-9-106**, as last amended by Laws of Utah 2019, Chapter 506
94 **63N-9-202**, as enacted by Laws of Utah 2016, Chapter 88
95 **65A-3-1**, as last amended by Laws of Utah 2018, Chapter 420
96 **65A-10-2**, as last amended by Laws of Utah 1994, Chapter 294
97 **72-1-216**, as enacted by Laws of Utah 2020, Chapter 104
98 **72-4-302**, as last amended by Laws of Utah 2019, Chapter 246
99 **72-11-204**, as last amended by Laws of Utah 2010, Chapter 286
100 **73-3-30**, as last amended by Laws of Utah 2020, Chapter 421
101 **73-3-31**, as last amended by Laws of Utah 2014, Chapter 420
102 **73-10e-1**, as last amended by Laws of Utah 2009, Chapter 344
103 **73-18-2**, as last amended by Laws of Utah 2015, Chapter 113
104 **73-18-3.5**, as enacted by Laws of Utah 1987, Chapter 99
105 **73-18-4**, as last amended by Laws of Utah 2011, Chapter 386
106 **73-18-7**, as last amended by Laws of Utah 2016, Chapter 303
107 **73-18-8**, as last amended by Laws of Utah 2016, Chapter 303
108 **73-18-9**, as last amended by Laws of Utah 2008, Chapter 94
109 **73-18-11**, as last amended by Laws of Utah 1986, Chapter 197
110 **73-18-13**, as last amended by Laws of Utah 2015, Chapter 412
111 **73-18-13.5**, as last amended by Laws of Utah 2011, Chapter 386
112 **73-18-15**, as last amended by Laws of Utah 2012, Chapter 411
113 **73-18-15.2**, as last amended by Laws of Utah 2016, Chapter 303

114 **73-18-16**, as last amended by Laws of Utah 2016, Chapter 303
115 **73-18-17**, as last amended by Laws of Utah 1987, Chapter 99
116 **73-18-20**, as last amended by Laws of Utah 2019, Chapter 75
117 **73-18a-1**, as last amended by Laws of Utah 1986, Chapter 197
118 **73-18a-4**, as last amended by Laws of Utah 2008, Chapter 382
119 **73-18a-5**, as last amended by Laws of Utah 2008, Chapter 382
120 **73-18a-12**, as last amended by Laws of Utah 2008, Chapter 382
121 **73-18b-1**, as last amended by Laws of Utah 2007, Chapter 136
122 **73-18b-4**, as last amended by Laws of Utah 1997, Chapter 276
123 **73-18c-102**, as last amended by Laws of Utah 2007, Chapter 113
124 **73-18c-201**, as last amended by Laws of Utah 2008, Chapter 382
125 **76-6-206.2**, as last amended by Laws of Utah 2009, Chapter 344
126 **77-2-4.3**, as enacted by Laws of Utah 2011, Chapter 386
127 **78A-5-110**, as last amended by Laws of Utah 2017, Chapters 144, 150, and 186
128 **78A-7-120**, as last amended by Laws of Utah 2020, Chapter 230
129 **79-2-201**, as last amended by Laws of Utah 2020, Chapters 190 and 309
130 **79-4-101**, as enacted by Laws of Utah 2009, Chapter 344
131 **79-4-102**, as enacted by Laws of Utah 2009, Chapter 344
132 **79-4-201**, as renumbered and amended by Laws of Utah 2009, Chapter 344
133 **79-4-202**, as renumbered and amended by Laws of Utah 2009, Chapter 344
134 **79-4-203**, as last amended by Laws of Utah 2015, Chapter 163
135 **79-4-204**, as renumbered and amended by Laws of Utah 2009, Chapter 344
136 **79-4-301**, as renumbered and amended by Laws of Utah 2009, Chapter 344
137 **79-4-302**, as last amended by Laws of Utah 2020, Chapters 352 and 373
138 **79-4-401**, as renumbered and amended by Laws of Utah 2009, Chapter 344
139 **79-4-502**, as renumbered and amended by Laws of Utah 2009, Chapter 344 and
140 repealed and reenacted by Laws of Utah 2009, Chapter 347
141 **79-5-102**, as last amended by Laws of Utah 2019, Chapter 428

142 **79-5-201**, as renumbered and amended by Laws of Utah 2009, Chapter 344

143 **79-5-501**, as renumbered and amended by Laws of Utah 2009, Chapter 344

144 ENACTS:

145 **63I-2-279**, Utah Code Annotated 1953

146 **79-1-103**, Utah Code Annotated 1953

147 **79-2-206**, Utah Code Annotated 1953

148 **79-7-101**, Utah Code Annotated 1953

149 **79-7-102**, Utah Code Annotated 1953

150 **79-7-201**, Utah Code Annotated 1953

151 **79-7-202**, Utah Code Annotated 1953

152 **79-7-203**, Utah Code Annotated 1953

153 **79-7-204**, Utah Code Annotated 1953

154 **79-7-205**, Utah Code Annotated 1953

155 **79-7-301**, Utah Code Annotated 1953

156 **79-7-401**, Utah Code Annotated 1953

157 **79-7-402**, Utah Code Annotated 1953

158 **79-8-101**, Utah Code Annotated 1953

159 **79-8-102**, Utah Code Annotated 1953

160 **79-8-103**, Utah Code Annotated 1953

161 **79-8-104**, Utah Code Annotated 1953

162 RENUMBERS AND AMENDS:

163 **79-6-101**, (Renumbered from 63M-4-101, as renumbered and amended by Laws of
164 Utah 2008, Chapter 382)

165 **79-6-102**, (Renumbered from 63M-4-102, as last amended by Laws of Utah 2012,
166 Chapter 37)

167 **79-6-201**, (Renumbered from 63M-4-201, as last amended by Laws of Utah 2013,
168 Chapter 295)

169 **79-6-202**, (Renumbered from 63M-4-202, as renumbered and amended by Laws of

170 Utah 2008, Chapter 382)
171 **79-6-203**, (Renumbered from 63M-4-203, as last amended by Laws of Utah 2015,
172 Chapter 378)
173 **79-6-301**, (Renumbered from 63M-4-301, as last amended by Laws of Utah 2019,
174 Chapter 415)
175 **79-6-302**, (Renumbered from 63M-4-302, as last amended by Laws of Utah 2016,
176 Chapter 13)
177 **79-6-401**, (Renumbered from 63M-4-401, as last amended by Laws of Utah 2019,
178 Chapter 247)
179 **79-6-402**, (Renumbered from 63M-4-402, as enacted by Laws of Utah 2014, Chapter
180 294)
181 **79-6-501**, (Renumbered from 63M-4-501, as enacted by Laws of Utah 2012, Chapter
182 410)
183 **79-6-502**, (Renumbered from 63M-4-502, as enacted by Laws of Utah 2012, Chapter
184 410)
185 **79-6-503**, (Renumbered from 63M-4-503, as last amended by Laws of Utah 2018,
186 Chapter 149)
187 **79-6-504**, (Renumbered from 63M-4-504, as enacted by Laws of Utah 2012, Chapter
188 410)
189 **79-6-505**, (Renumbered from 63M-4-505, as last amended by Laws of Utah 2016,
190 Chapters 13 and 135)
191 **79-6-601**, (Renumbered from 63M-4-601, as enacted by Laws of Utah 2015, Chapter
192 356)
193 **79-6-602**, (Renumbered from 63M-4-602, as last amended by Laws of Utah 2019,
194 Chapter 501)
195 **79-6-603**, (Renumbered from 63M-4-603, as last amended by Laws of Utah 2018,
196 Chapter 149)
197 **79-6-604**, (Renumbered from 63M-4-604, as enacted by Laws of Utah 2015, Chapter

198 356)
199 **79-6-605**, (Renumbered from 63M-4-605, as last amended by Laws of Utah 2016,
200 Chapter 13)
201 **79-6-606**, (Renumbered from 63M-4-606, as enacted by Laws of Utah 2016, Chapter
202 337)
203 **79-6-701**, (Renumbered from 63M-4-701, as last amended by Laws of Utah 2020,
204 Chapter 412)
205 **79-6-702**, (Renumbered from 63M-4-702, as last amended by Laws of Utah 2020,
206 Chapter 412)
207 **79-6-801**, (Renumbered from 63M-4-801, as enacted by Laws of Utah 2020, Chapter
208 430)
209 **79-6-802**, (Renumbered from 63M-4-802, as enacted by Laws of Utah 2020, Chapter
210 430)
211 **79-6-803**, (Renumbered from 63M-4-803, as enacted by Laws of Utah 2020, Chapter
212 430)
213 **79-6-804**, (Renumbered from 63M-4-804, as enacted by Laws of Utah 2020, Chapter
214 430)
215 **79-6-805**, (Renumbered from 63M-4-805, as enacted by Laws of Utah 2020, Chapter
216 430)
217 **79-7-302**, (Renumbered from 79-2-402, as last amended by Laws of Utah 2010,
218 Chapter 218)
219 **79-8-105**, (Renumbered from 63N-9-204, as last amended by Laws of Utah 2019,
220 Chapter 290)
221 **79-8-106**, (Renumbered from 63N-9-205, as last amended by Laws of Utah 2019,
222 Chapter 290)
223 **79-8-201**, (Renumbered from 63N-9-301, as enacted by Laws of Utah 2019, Chapter
224 290)
225 **79-8-202**, (Renumbered from 63N-9-302, as enacted by Laws of Utah 2019, Chapter

226 290)
227 **79-8-203**, (Renumbered from 63N-9-303, as enacted by Laws of Utah 2019, Chapter
228 290)
229 **79-8-301**, (Renumbered from 63N-9-401, as enacted by Laws of Utah 2019, Chapter
230 506)
231 **79-8-302**, (Renumbered from 63N-9-402, as enacted by Laws of Utah 2019, Chapter
232 506)
233 **79-8-303**, (Renumbered from 63N-9-403, as enacted by Laws of Utah 2019, Chapter
234 506)
235 **79-8-304**, (Renumbered from 63N-9-404, as enacted by Laws of Utah 2019, Chapter
236 506)

237 **Utah Code Sections Affected by Coordination Clause:**

238 **9-9-112**, Utah Code Annotated 1953
239 **59-10-1034**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
240 **79-8-303**, (Renumbered from 63N-9-403 as enacted by Laws of Utah 2019, Chapter
241 506)

242 **Utah Code Sections Affected by Revisor Instructions:**

243 **79-2-206**, Utah Code Annotated 1953

244

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

246 Section 1. Section **9-9-408** is amended to read:

247 **9-9-408. Burial of ancient Native American remains in state parks.**

248 (1) As used in this section:

249 (a) "Ancient Native American remains" means ancient human remains, as defined in
250 Section **9-8-302**, that are Native American remains, as defined in Section **9-9-402**.

251 (b) "Antiquities Section" means the Antiquities Section of the Division of State History
252 created in Section **9-8-304**.

253 (2) (a) The division, the Antiquities Section, and the Division of State Parks [~~and~~

Recreation] shall cooperate in a study of the feasibility of burying ancient Native American remains in state parks.

(b) The study shall include:

(i) the process and criteria for determining which state parks would have land sufficient and appropriate to reserve a portion of the land for the burial of ancient Native American remains;

(ii) the process for burying the ancient Native American remains on the lands within state parks, including the responsibilities of state agencies and the assurance of cultural sensitivity;

(iii) how to keep a record of the locations in which specific ancient Native American remains are buried;

(iv) how to account for the costs of:

(A) burying the ancient Native American remains on lands found within state parks; and

(B) securing and maintaining burial sites in state parks; and

(v) any issues related to burying ancient Native American remains in state parks.

Section 2. Section **11-42a-102** is amended to read:

11-42a-102. Definitions.

(1) "Air quality standards" means that a vehicle's emissions are equal to or cleaner than the standards established in bin 4 Table S04-1, of 40 C.F.R. 86.1811-04(c)(6).

(2) (a) "Assessment" means the assessment that a local entity or the C-PACE district levies on private property under this chapter to cover the costs of an energy efficiency upgrade, a renewable energy system, or an electric vehicle charging infrastructure.

(b) "Assessment" does not constitute a property tax but shares the same priority lien as a property tax.

(3) "Assessment fund" means a special fund that a local entity establishes under Section [11-42a-206](#).

(4) "Benefitted property" means private property within an energy assessment area that

directly benefits from improvements.

(5) "Bond" means an assessment bond and a refunding assessment bond.

(6) (a) "Commercial or industrial real property" means private real property used directly or indirectly or held for one of the following purposes or activities, regardless of whether the purpose or activity is for profit:

(i) commercial;

(ii) mining;

(iii) agricultural;

(iv) industrial;

(v) manufacturing;

(vi) trade;

(vii) professional;

(viii) a private or public club;

(ix) a lodge;

(x) a business; or

(xi) a similar purpose.

(b) "Commercial or industrial real property" includes:

(i) private real property that is used as or held for dwelling purposes and contains:

(A) more than four rental units; or

(B) one or more owner-occupied or rental condominium units affiliated with a hotel;

and

(ii) real property owned by:

(A) the military installation development authority, created in Section 63H-1-201; or

(B) the Utah Inland Port Authority, created in Section 11-58-201.

(7) "Contract price" means:

(a) up to 100% of the cost of installing, acquiring, refinancing, or reimbursing for an improvement, as determined by the owner of the property benefitting from the improvement; or

(b) the amount payable to one or more contractors for the assessment, design,

engineering, inspection, and construction of an improvement.

(8) "C-PACE" means commercial property assessed clean energy.

(9) "C-PACE district" means the statewide authority established in Section 11-42a-106 to implement the C-PACE Act in collaboration with governing bodies, under the direction of OED.

(10) "Electric vehicle charging infrastructure" means equipment that is:

(a) permanently affixed to commercial or industrial real property; and

(b) designed to deliver electric energy to a qualifying electric vehicle or a qualifying plug-in hybrid vehicle.

(11) "Energy assessment area" means an area:

(a) within the jurisdictional boundaries of a local entity that approves an energy assessment area or, if the C-PACE district or a state interlocal entity levies the assessment, the C-PACE district or the state interlocal entity;

(b) containing only the commercial or industrial real property of owners who have voluntarily consented to an assessment under this chapter for the purpose of financing the costs of improvements that benefit property within the energy assessment area; and

(c) in which the proposed benefitted properties in the area are:

(i) contiguous; or

(ii) located on one or more contiguous or adjacent tracts of land that would be contiguous or adjacent property but for an intervening right-of-way, including a sidewalk, street, road, fixed guideway, or waterway.

(12) "Energy assessment bond" means a bond:

(a) issued under Section 11-42a-401; and

(b) payable in part or in whole from assessments levied in an energy assessment area.

(13) "Energy assessment lien" means a lien on property within an energy assessment area that arises from the levy of an assessment in accordance with Section 11-42a-301.

(14) "Energy assessment ordinance" means an ordinance that a local entity adopts under Section 11-42a-201 that:

- 338 (a) designates an energy assessment area;
- 339 (b) levies an assessment on benefitted property within the energy assessment area; and
- 340 (c) if applicable, authorizes the issuance of energy assessment bonds.
- 341 (15) "Energy assessment resolution" means one or more resolutions adopted by a local
- 342 entity under Section 11-42a-201 that:
- 343 (a) designates an energy assessment area;
- 344 (b) levies an assessment on benefitted property within the energy assessment area; and
- 345 (c) if applicable, authorizes the issuance of energy assessment bonds.
- 346 (16) "Energy efficiency upgrade" means an improvement that is:
- 347 (a) permanently affixed to commercial or industrial real property; and
- 348 (b) designed to reduce energy or water consumption, including:
- 349 (i) insulation in:
- 350 (A) a wall, roof, floor, or foundation; or
- 351 (B) a heating and cooling distribution system;
- 352 (ii) a window or door, including:
- 353 (A) a storm window or door;
- 354 (B) a multiglazed window or door;
- 355 (C) a heat-absorbing window or door;
- 356 (D) a heat-reflective glazed and coated window or door;
- 357 (E) additional window or door glazing;
- 358 (F) a window or door with reduced glass area; or
- 359 (G) other window or door modifications;
- 360 (iii) an automatic energy control system;
- 361 (iv) in a building or a central plant, a heating, ventilation, or air conditioning and
- 362 distribution system;
- 363 (v) caulk or weatherstripping;
- 364 (vi) a light fixture that does not increase the overall illumination of a building, unless
- 365 an increase is necessary to conform with the applicable building code;

366 (vii) an energy recovery system;
367 (viii) a daylighting system;
368 (ix) measures to reduce the consumption of water, through conservation or more
369 efficient use of water, including installation of:
370 (A) low-flow toilets and showerheads;
371 (B) timer or timing systems for a hot water heater; or
372 (C) rain catchment systems;
373 (x) a modified, installed, or remodeled fixture that is approved as a utility cost-saving
374 measure by the governing body or executive of a local entity;
375 (xi) measures or other improvements to effect seismic upgrades;
376 (xii) structures, measures, or other improvements to provide automated parking or
377 parking that reduces land use;
378 (xiii) the extension of an existing natural gas distribution company line;
379 (xiv) an energy efficient elevator, escalator, or other vertical transport device;
380 (xv) any other improvement that the governing body or executive of a local entity
381 approves as an energy efficiency upgrade; or
382 (xvi) any improvement that relates physically or functionally to any of the
383 improvements listed in Subsections (16)(b)(i) through (xv).
384 (17) "Governing body" means:
385 (a) for a county, city, town, or metro township, the legislative body of the county, city,
386 town, or metro township;
387 (b) for a local district, the board of trustees of the local district;
388 (c) for a special service district:
389 (i) if no administrative control board has been appointed under Section 17D-1-301, the
390 legislative body of the county, city, town, or metro township that established the special service
391 district; or
392 (ii) if an administrative control board has been appointed under Section 17D-1-301, the
393 administrative control board of the special service district;

(d) for the military installation development authority created in Section 63H-1-201, the board, as that term is defined in Section 63H-1-102; and

(e) for the Utah Inland Port Authority, created in Section 11-58-201, the board, as defined in Section 11-58-102.

(18) "Improvement" means a publicly or privately owned energy efficiency upgrade, renewable energy system, or electric vehicle charging infrastructure that:

(a) a property owner has requested; or

(b) has been or is being installed on a property for the benefit of the property owner.

(19) "Incidental refunding costs" means any costs of issuing a refunding assessment bond and calling, retiring, or paying prior bonds, including:

(a) legal and accounting fees;

(b) charges of financial advisors, escrow agents, certified public accountant verification entities, and trustees;

(c) underwriting discount costs, printing costs, and the costs of giving notice;

(d) any premium necessary in the calling or retiring of prior bonds;

(e) fees to be paid to the local entity to issue the refunding assessment bond and to refund the outstanding prior bonds;

(f) any other costs that the governing body determines are necessary and proper to incur in connection with the issuance of a refunding assessment bond; and

(g) any interest on the prior bonds that is required to be paid in connection with the issuance of the refunding assessment bond.

(20) "Installment payment date" means the date on which an installment payment of an assessment is payable.

(21) "Jurisdictional boundaries" means:

(a) for the C-PACE district or any state interlocal entity, the boundaries of the state; and

(b) for each local entity, the boundaries of the local entity.

(22) "Local district" means a local district under Title 17B, Limited Purpose Local

Government Entities - Local Districts.

(23) (a) "Local entity" means:

(i) a county, city, town, or metro township;

(ii) a special service district, a local district, or an interlocal entity as that term is defined in Section [11-13-103](#);

(iii) a state interlocal entity;

(iv) the military installation development authority, created in Section [63H-1-201](#);

(v) the Utah Inland Port Authority, created in Section [11-58-201](#); or

(vi) any political subdivision of the state.

(b) "Local entity" includes the C-PACE district solely in connection with:

(i) the designation of an energy assessment area;

(ii) the levying of an assessment; and

(iii) the assignment of an energy assessment lien to a third-party lender under Section [11-42a-302](#).

(24) "Local entity obligations" means energy assessment bonds and refunding assessment bonds that a local entity issues.

(25) "OED" means the Office of Energy Development created in Section [~~63M-4-401~~] [79-6-401](#).

(26) "OEM vehicle" means the same as that term is defined in Section [19-1-402](#).

(27) "Overhead costs" means the actual costs incurred or the estimated costs to be incurred in connection with an energy assessment area, including:

(a) appraisals, legal fees, filing fees, facilitation fees, and financial advisory charges;

(b) underwriting fees, placement fees, escrow fees, trustee fees, and paying agent fees;

(c) publishing and mailing costs;

(d) costs of levying an assessment;

(e) recording costs; and

(f) all other incidental costs.

(28) "Parameters resolution" means a resolution or ordinance that a local entity adopts

450 in accordance with Section 11-42a-201.

451 (29) "Prior bonds" means the energy assessment bonds refunded in part or in whole by
452 a refunding assessment bond.

453 (30) "Prior energy assessment ordinance" means the ordinance levying the assessments
454 from which the prior bonds are payable.

455 (31) "Prior energy assessment resolution" means the resolution levying the assessments
456 from which the prior bonds are payable.

457 (32) "Property" includes real property and any interest in real property, including water
458 rights and leasehold rights.

459 (33) "Public electrical utility" means a large-scale electric utility as that term is defined
460 in Section 54-2-1.

461 (34) "Qualifying electric vehicle" means a vehicle that:

462 (a) meets air quality standards;

463 (b) is not fueled by natural gas;

464 (c) draws propulsion energy from a battery with at least 10 kilowatt hours of capacity;

465 and

466 (d) is an OEM vehicle except that the vehicle is fueled by a fuel described in

467 Subsection (34)(c).

468 (35) "Qualifying plug-in hybrid vehicle" means a vehicle that:

469 (a) meets air quality standards;

470 (b) is not fueled by natural gas or propane;

471 (c) has a battery capacity that meets or exceeds the battery capacity described in

472 Subsection 30D(b)(3), Internal Revenue Code; and

473 (d) is fueled by a combination of electricity and:

474 (i) diesel fuel;

475 (ii) gasoline; or

476 (iii) a mixture of gasoline and ethanol.

477 (36) "Reduced payment obligation" means the full obligation of an owner of property

478 within an energy assessment area to pay an assessment levied on the property after the local
479 entity has reduced the assessment because of the issuance of a refunding assessment bond, in
480 accordance with Section 11-42a-403.

481 (37) "Refunding assessment bond" means an assessment bond that a local entity issues
482 under Section 11-42a-403 to refund, in part or in whole, energy assessment bonds.

483 (38) (a) "Renewable energy system" means a product, system, device, or interacting
484 group of devices that is permanently affixed to commercial or industrial real property not
485 located in the certified service area of a distribution electrical cooperative, as that term is
486 defined in Section 54-2-1, and:

487 (i) produces energy from renewable resources, including:

488 (A) a photovoltaic system;

489 (B) a solar thermal system;

490 (C) a wind system;

491 (D) a geothermal system, including a generation system, a direct-use system, or a
492 ground source heat pump system;

493 (E) a microhydro system;

494 (F) a biofuel system; or

495 (G) any other renewable source system that the governing body of the local entity
496 approves;

497 (ii) stores energy, including:

498 (A) a battery storage system; or

499 (B) any other energy storing system that the governing body or chief executive officer
500 of a local entity approves; or

501 (iii) any improvement that relates physically or functionally to any of the products,
502 systems, or devices listed in Subsection (38)(a)(i) or (ii).

503 (b) "Renewable energy system" does not include a system described in Subsection
504 (38)(a)(i) if the system provides energy to property outside the energy assessment area, unless
505 the system:

(i) (A) existed before the creation of the energy assessment area; and

(B) beginning before January 1, 2017, provides energy to property outside of the area that became the energy assessment area; or

(ii) provides energy to property outside the energy assessment area under an agreement with a public electrical utility that is substantially similar to agreements for other renewable energy systems that are not funded under this chapter.

(39) "Special service district" means the same as that term is defined in Section 17D-1-102.

(40) "State interlocal entity" means:

(a) an interlocal entity created under Chapter 13, Interlocal Cooperation Act, by two or more counties, cities, towns, or metro townships that collectively represent at least a majority of the state's population; or

(b) an entity that another state authorized, before January 1, 2017, to issue bonds, notes, or other obligations or refunding obligations to finance or refinance projects in the state.

(41) "Third-party lender" means a trust company, savings bank, savings and loan association, bank, credit union, or any other entity that provides loans directly to property owners for improvements authorized under this chapter.

Section 3. Section **11-45-102** is amended to read:

11-45-102. Definitions.

As used in this ~~[section]~~ chapter:

(1) "Energy code" means the energy efficiency code adopted under Section 15A-1-204.

(2) (a) "Energy efficiency project" means:

(i) for an existing building, a retrofit to improve energy efficiency; or

(ii) for a new building, an enhancement to improve energy efficiency beyond the minimum required by the energy code.

(b) "Energy efficiency projects" include the following expenses:

(i) construction;

(ii) engineering;

(iii) energy audit; or

(iv) inspection.

(3) "Fund" means the Energy Efficiency Fund created in Part 2, Energy Efficiency Fund.

(4) "Office" means the Office of Energy Development created in Section ~~[63M-4-401]~~ 79-6-401.

(5) "Political subdivision" means a county, city, town, or school district.

Section 4. Section **32B-6-702** is amended to read:

32B-6-702. Definitions.

As used in this part:

(1) "Commission-approved activity" means a leisure activity that:

(a) the commission approves by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(b) does not involve the use of a dangerous weapon.

(2) (a) "Recreational amenity" means:

(i) a billiard parlor;

(ii) a pool parlor;

(iii) a bowling facility;

(iv) a golf course;

(v) miniature golf;

(vi) a golf driving range;

(vii) a tennis club;

(viii) a sports facility that hosts professional sporting events and has a seating capacity equal to or greater than 6,500;

(ix) a concert venue that has a seating capacity equal to or greater than 6,500;

(x) one of the following if owned by a government agency:

(A) a convention center;

(B) a fair facility;

- 562 (C) an equestrian park;
- 563 (D) a theater; or
- 564 (E) a concert venue;
- 565 (xi) an amusement park:
- 566 (A) with one or more permanent amusement rides; and
- 567 (B) located on at least 50 acres;
- 568 (xii) a ski resort;
- 569 (xiii) a venue for live entertainment if the venue:
- 570 (A) is not regularly open for more than five hours on any day;
- 571 (B) is operated so that food is available whenever beer is sold, offered for sale, or
- 572 furnished at the venue; and
- 573 (C) is operated so that no more than 15% of its total annual receipts are from the sale
- 574 of beer;
- 575 (xiv) concessions operated within the boundary of a park administered by the:
- 576 (A) Division of State Parks [~~and Recreation~~]; or
- 577 (B) National Parks Service;
- 578 (xv) a facility or venue that is a recreational amenity for a person licensed under this
- 579 part before May 12, 2020;
- 580 (xvi) a venue for karaoke; or
- 581 (xvii) an enterprise developed around a commission-approved activity.
- 582 (b) "Recreational amenity" does not include an item described in Subsection (2)(a), if
- 583 the item is tangential to an enterprise or activity that is not included in Subsection (2)(a).
- 584 Section 5. Section **41-1a-418** is amended to read:
- 585 **41-1a-418. Authorized special group license plates.**
- 586 (1) The division shall only issue special group license plates in accordance with this
- 587 section through Section **41-1a-422** to a person who is specified under this section within the
- 588 categories listed as follows:
- 589 (a) disability special group license plates issued in accordance with Section **41-1a-420**;

- 590 (b) honor special group license plates, as in a war hero, which plates are issued for a:
591 (i) survivor of the Japanese attack on Pearl Harbor;
592 (ii) former prisoner of war;
593 (iii) recipient of a Purple Heart;
594 (iv) disabled veteran;
595 (v) recipient of a gold star award issued by the United States Secretary of Defense; or
596 (vi) recipient of a campaign or combat theater award determined by the Department of
597 Veterans and Military Affairs;
- 598 (c) unique vehicle type special group license plates, as for historical, collectors value,
599 or other unique vehicle type, which plates are issued for:
- 600 (i) a special interest vehicle;
601 (ii) a vintage vehicle;
602 (iii) a farm truck; or
603 (iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as
604 defined in Section 59-13-102; or
605 (B) beginning on the effective date of rules made by the Department of Transportation
606 authorized under Subsection 41-6a-702(5)(b) and until Subsection (4) applies, a vehicle
607 powered by clean fuel that meets the standards established by the Department of Transportation
608 in rules authorized under Subsection 41-6a-702(5)(b);
- 609 (d) recognition special group license plates, which plates are issued for:
- 610 (i) a current member of the Legislature;
611 (ii) a current member of the United States Congress;
612 (iii) a current member of the National Guard;
613 (iv) a licensed amateur radio operator;
614 (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;
615 (vi) an emergency medical technician;
616 (vii) a current member of a search and rescue team;
617 (viii) a current honorary consulate designated by the United States Department of

618 State;

619 (ix) an individual supporting commemoration and recognition of women's suffrage;

620 (x) an individual supporting a fraternal, initiatic order for those sharing moral and

621 metaphysical ideals, and designed to teach ethical and philosophical matters of brotherly love,

622 relief, and truth;

623 (xi) an individual supporting the Utah Wing of the Civil Air Patrol; or

624 (xii) an individual supporting the recognition and continuation of the work and life of

625 Dr. Martin Luther King, Jr.; or

626 (e) support special group license plates, as for a contributor to an institution or cause,

627 which plates are issued for a contributor to:

628 (i) an institution's scholastic scholarship fund;

629 (ii) the Division of Wildlife Resources;

630 (iii) the Department of Veterans and Military Affairs;

631 (iv) the Division of [~~Parks and~~] State Parks or the Division of Recreation;

632 (v) the Department of Agriculture and Food;

633 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;

634 (vii) the Boy Scouts of America;

635 (viii) spay and neuter programs through No More Homeless Pets in Utah;

636 (ix) the Boys and Girls Clubs of America;

637 (x) Utah public education;

638 (xi) programs that provide support to organizations that create affordable housing for

639 those in severe need through the Division of Real Estate;

640 (xii) the Department of Public Safety;

641 (xiii) programs that support Zion National Park;

642 (xiv) beginning on July 1, 2009, programs that provide support to firefighter

643 organizations;

644 (xv) programs that promote bicycle operation and safety awareness;

645 (xvi) programs that conduct or support cancer research;

(xvii) programs that create or support autism awareness;

(xviii) programs that create or support humanitarian service and educational and cultural exchanges;

(xix) until September 30, 2017, programs that conduct or support prostate cancer awareness, screening, detection, or prevention;

(xx) programs that support and promote adoptions;

(xxi) programs that support issues affecting women and children through an organization affiliated with a national professional men's basketball organization;

(xxii) programs that strengthen youth soccer, build communities, and promote environmental sustainability through an organization affiliated with a professional men's soccer organization;

(xxiii) programs that support children with heart disease;

(xxiv) programs that support the operation and maintenance of the Utah Law Enforcement Memorial;

(xxv) programs that provide assistance to children with cancer;

(xxvi) programs that promote leadership and career development through agricultural education;

(xxvii) the Utah State Historical Society;

(xxviii) programs to transport veterans to visit memorials honoring the service and sacrifices of veterans;

(xxix) programs that promote motorcycle safety awareness;

(xxx) organizations that promote clean air through partnership, education, and awareness; or

(xxxi) programs dedicated to strengthening the state's Latino community through education, mentoring, and leadership opportunities.

(2) (a) The division may not issue a new type of special group license plate or decal unless the division receives:

(i) (A) a private donation for the start-up fee established under Section [63J-1-504](#) for

the production and administrative costs of providing the new special group license plates or decals; or

(B) a legislative appropriation for the start-up fee provided under Subsection (2)(a)(i)(A); and

(ii) beginning on January 1, 2012, and for the issuance of a support special group license plate authorized in Section 41-1a-422, at least 500 completed applications for the new type of support special group license plate or decal to be issued with all fees required under this part for the support special group license plate or decal issuance paid by each applicant.

(b) (i) Beginning on January 1, 2012, each participating organization shall collect and hold applications for support special group license plates or decals authorized in Section 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications.

(ii) Once a participating organization has received at least 500 applications, it shall submit the applications, along with the necessary fees, to the division for the division to begin working on the design and issuance of the new type of support special group license plate or decal to be issued.

(iii) Beginning on January 1, 2012, the division may not work on the issuance or design of a new support special group license plate or decal authorized in Section 41-1a-422 until the applications and fees required under this Subsection (2) have been received by the division.

(iv) The division shall begin issuance of a new support special group license plate or decal authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months after receiving the applications and fees required under this Subsection (2).

(c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle registration of a motor vehicle that has been issued a firefighter recognition special group license plate unless the applicant is a contributor as defined in Subsection 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

(ii) A registered owner of a vehicle that has been issued a firefighter recognition special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle registration shall:

(A) be a contributor to the Firefighter Support Restricted Account as required under Subsection (2)(c)(i); or

(B) replace the firefighter recognition special group license plate with a new license plate.

(3) Beginning on July 1, 2011, if a support special group license plate or decal type authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500 license plates issued each year for a three consecutive year time period that begins on July 1, the division may not issue that type of support special group license plate or decal to a new applicant beginning on January 1 of the following calendar year after the three consecutive year time period for which that type of support special group license plate or decal has fewer than 500 license plates issued each year.

(4) Beginning on July 1, 2011, the division may not issue to an applicant a unique vehicle type license plate for a vehicle powered by clean fuel under Subsection (1)(c)(iv).

(5) (a) Beginning on October 1, 2017, the division may not issue a new prostate cancer support special group license plate.

(b) A registered owner of a vehicle that has been issued a prostate cancer support special group license plate before October 1, 2017, may renew the owner's motor vehicle registration, with the contribution allocated as described in Section 41-1a-422.

Section 6. Section 41-1a-422 is amended to read:

41-1a-422. Support special group license plates -- Contributor -- Voluntary contribution collection procedures.

(1) As used in this section:

(a) (i) Except as provided in Subsection (1)(a)(ii), "contributor" means a person who has donated or in whose name at least \$25 has been donated to:

(A) a scholastic scholarship fund of a single named institution;

(B) the Department of Veterans and Military Affairs for veterans programs;

(C) the Division of Wildlife Resources for the Wildlife Resources Account created in Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,

730 access, and management of wildlife habitat;

731 (D) the Department of Agriculture and Food for the benefit of conservation districts;

732 (E) the Division of ~~Parks and~~ Recreation for the benefit of snowmobile programs;

733 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with

734 the donation evenly divided between the two;

735 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America

736 council as specified by the contributor;

737 (H) No More Homeless Pets in Utah for distribution to organizations or individuals

738 that provide spay and neuter programs that subsidize the sterilization of domestic animals;

739 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth

740 development programs;

741 (J) the Utah Association of Public School Foundations to support public education;

742 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to

743 assist people who have severe housing needs;

744 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118

745 to support the families of fallen Utah Highway Patrol troopers and other Department of Public

746 Safety employees;

747 (M) the Division of State Parks ~~[and Recreation]~~ for distribution to organizations that

748 provide support for Zion National Park;

749 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support

750 firefighter organizations;

751 (O) the Share the Road Bicycle Support Restricted Account created in Section

752 72-2-127 to support bicycle operation and safety awareness programs;

753 (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support

754 cancer research programs;

755 (Q) Autism Awareness Restricted Account created in Section 53F-9-401 to support

756 autism awareness programs;

757 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account

758 created in Section 9-17-102 to support humanitarian service and educational and cultural
759 programs;

760 (S) Upon renewal of a prostate cancer support special group license plate, to the Cancer
761 Research Restricted Account created in Section 26-21a-302 to support cancer research
762 programs;

763 (T) the Choose Life Adoption Support Restricted Account created in Section
764 62A-4a-608 to support programs that promote adoption;

765 (U) the National Professional Men's Basketball Team Support of Women and Children
766 Issues Restricted Account created in Section 62A-1-202;

767 (V) the Utah Law Enforcement Memorial Support Restricted Account created in
768 Section 53-1-120;

769 (W) the Children with Cancer Support Restricted Account created in Section
770 26-21a-304 for programs that provide assistance to children with cancer;

771 (X) the National Professional Men's Soccer Team Support of Building Communities
772 Restricted Account created in Section 9-19-102;

773 (Y) the Children with Heart Disease Support Restricted Account created in Section
774 26-58-102;

775 (Z) the Utah Intracurricular Student Organization Support for Agricultural Education
776 and Leadership Restricted Account created in Section 4-42-102;

777 (AA) the Division of Wildlife Resources for the Support for State-Owned Shooting
778 Ranges Restricted Account created in Section 23-14-13.5, for the creation of new, and
779 operation and maintenance of existing, state-owned firearm shooting ranges;

780 (BB) the Utah State Historical Society to further the mission and purpose of the Utah
781 State Historical Society;

782 (CC) the Motorcycle Safety Awareness Support Restricted Account created in Section
783 72-2-130; [or]

784 (DD) the Transportation of Veterans to Memorials Support Restricted Account created
785 in Section 71-14-102;

(EE) clean air support causes, with half of the donation deposited into the Clean Air Support Restricted Account created in Section 19-1-109, and half of the donation deposited into the Clean Air Fund created in Section 59-10-1319; or

(FF) the Latino Community Support Restricted Account created in Section 13-1-16.

(ii) (A) For a veterans special group license plate described in Subsection 41-1a-421(1)(a)(v) or 41-1a-422(4), "contributor" means a person who has donated or in whose name at least a \$25 donation at the time of application and \$10 annual donation thereafter has been made.

(B) For a Utah Housing Opportunity special group license plate, "contributor" means a person who:

(I) has donated or in whose name at least \$30 has been donated at the time of application and annually after the time of application; and

(II) is a member of a trade organization for real estate licensees that has more than 15,000 Utah members.

(C) For an Honoring Heroes special group license plate, "contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually thereafter.

(D) For a firefighter support special group license plate, "contributor" means a person who:

(I) has donated or in whose name at least \$15 has been donated at the time of application and annually after the time of application; and

(II) is a currently employed, volunteer, or retired firefighter.

(E) For a cancer research special group license plate, "contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually after the time of application.

(F) For a Utah Law Enforcement Memorial Support special group license plate, "contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually thereafter.

(b) "Institution" means a state institution of higher education as defined under Section 53B-3-102 or a private institution of higher education in the state accredited by a regional or national accrediting agency recognized by the United States Department of Education.

(2) (a) An applicant for original or renewal collegiate special group license plates under Subsection (1)(a)(i) must be a contributor to the institution named in the application and present the original contribution verification form under Subsection (2)(b) or make a contribution to the division at the time of application under Subsection (3).

(b) An institution with a support special group license plate shall issue to a contributor a verification form designed by the commission containing:

(i) the name of the contributor;

(ii) the institution to which a donation was made;

(iii) the date of the donation; and

(iv) an attestation that the donation was for a scholastic scholarship.

(c) The state auditor may audit each institution to verify that the money collected by the institutions from contributors is used for scholastic scholarships.

(d) After an applicant has been issued collegiate license plates or renewal decals, the commission shall charge the institution whose plate was issued, a fee determined in accordance with Section 63J-1-504 for management and administrative expenses incurred in issuing and renewing the collegiate license plates.

(e) If the contribution is made at the time of application, the contribution shall be collected, treated, and deposited as provided under Subsection (3).

(3) (a) An applicant for original or renewal support special group license plates under this section must be a contributor to the sponsoring organization associated with the license plate.

(b) This contribution shall be:

(i) unless collected by the named institution under Subsection (2), collected by the division;

(ii) considered a voluntary contribution for the funding of the activities specified under

this section and not a motor vehicle registration fee;

(iii) deposited into the appropriate account less actual administrative costs associated with issuing the license plates; and

(iv) for a firefighter special group license plate, deposited into the appropriate account less:

(A) the costs of reordering firefighter special group license plate decals; and

(B) the costs of replacing recognition special group license plates with new license plates under Subsection 41-1a-1211(13).

(c) The donation described in Subsection (1)(a) must be made in the 12 months prior to registration or renewal of registration.

(d) The donation described in Subsection (1)(a) shall be a one-time donation made to the division when issuing original:

(i) snowmobile license plates; or

(ii) conservation license plates.

(4) Veterans license plates shall display one of the symbols representing the Army, Navy, Air Force, Marines, Coast Guard, or American Legion.

Section 7. Section 41-6a-1509 is amended to read:

**41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --
Registration and licensing requirements -- Equipment requirements.**

(1) (a) Except as provided in Subsection (1)(b), an individual may operate an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that meets the requirements of this section as a street-legal ATV on a street or highway.

(b) An individual may not operate an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle as a street-legal ATV on a highway if:

(i) the highway is an interstate system as defined in Section 72-1-102; or

(ii) the highway is in a county of the first class and both of the following criterion is met:

(A) the highway is near a grade separated portion of the highway; and

- 870 (B) the highway has a posted speed limit higher than 50 miles per hour.
- 871 (c) Nothing in this section authorizes the operation of a street-legal ATV in an area that
872 is not open to motor vehicle use.
- 873 (2) A street-legal ATV shall comply with Section 59-2-405.2, Subsection
874 41-1a-205(1), Subsection 53-8-205(1)(b), and the same requirements as:
- 875 (a) a motorcycle for:
- 876 (i) traffic rules under Title 41, Chapter 6a, Traffic Code;
- 877 (ii) titling, odometer statement, vehicle identification, license plates, and registration,
878 excluding registration fees, under Title 41, Chapter 1a, Motor Vehicle Act; and
- 879 (iii) the county motor vehicle emissions inspection and maintenance programs under
880 Section 41-6a-1642;
- 881 (b) a motor vehicle for:
- 882 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and
- 883 (ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of
884 Motor Vehicle Owners and Operators Act; and
- 885 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title
886 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business
887 Regulation Act, unless otherwise specified in this section.
- 888 (3) (a) The owner of an all-terrain type I vehicle being operated as a street-legal ATV
889 shall ensure that the vehicle is equipped with:
- 890 (i) one or more headlamps that meet the requirements of Section 41-6a-1603;
- 891 (ii) one or more tail lamps;
- 892 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
893 with a white light;
- 894 (iv) one or more red reflectors on the rear;
- 895 (v) one or more stop lamps on the rear;
- 896 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 897 (vii) a braking system, other than a parking brake, that meets the requirements of

898 Section 41-6a-1623;
899 (viii) a horn or other warning device that meets the requirements of Section
900 41-6a-1625;
901 (ix) a muffler and emission control system that meets the requirements of Section
902 41-6a-1626;
903 (x) rearview mirrors on the right and left side of the driver in accordance with Section
904 41-6a-1627;
905 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
906 (xii) a speedometer, illuminated for nighttime operation;
907 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
908 seat designed for passengers; and
909 (xiv) tires that:
910 (A) are not larger than the tires that the all-terrain vehicle manufacturer made available
911 for the all-terrain vehicle model; and
912 (B) have at least 2/32 inches or greater tire tread.
913 (b) The owner of an all-terrain type II vehicle or all-terrain type III vehicle being
914 operated as a street-legal all-terrain vehicle shall ensure that the vehicle is equipped with:
915 (i) two headlamps that meet the requirements of Section 41-6a-1603;
916 (ii) two tail lamps;
917 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
918 with a white light;
919 (iv) one or more red reflectors on the rear;
920 (v) two stop lamps on the rear;
921 (vi) amber or red electric turn signals, one on each side of the front and rear;
922 (vii) a braking system, other than a parking brake, that meets the requirements of
923 Section 41-6a-1623;
924 (viii) a horn or other warning device that meets the requirements of Section
925 41-6a-1625;

- 926 (ix) a muffler and emission control system that meets the requirements of Section
927 41-6a-1626;
- 928 (x) rearview mirrors on the right and left side of the driver in accordance with Section
929 41-6a-1627;
- 930 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 931 (xii) a speedometer, illuminated for nighttime operation;
- 932 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
933 seat designed for passengers;
- 934 (xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle
935 occupant;
- 936 (xv) a seat with a height between 20 and 40 inches when measured at the forward edge
937 of the seat bottom; and
- 938 (xvi) tires that:
- 939 (A) do not exceed 44 inches in height; and
- 940 (B) have at least 2/32 inches or greater tire tread.
- 941 (c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle
942 with wheel covers, mudguards, flaps, or splash aprons.
- 943 (4) (a) Subject to the requirements of Subsection (4)(b), an operator of a street-legal
944 all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not
945 exceed the lesser of:
- 946 (i) the posted speed limit; or
- 947 (ii) 50 miles per hour.
- 948 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal
949 all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:
- 950 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the
951 roadway; and
- 952 (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the front
953 and back of both sides of the vehicle.

(5) (a) A nonresident operator of an off-highway vehicle that is authorized to be operated on the highways of another state has the same rights and privileges as a street-legal ATV that is granted operating privileges on the highways of this state, subject to the restrictions under this section and rules made by the ~~[Board of Parks and]~~ Division of Recreation, after consulting the Outdoor Adventure Commission, if the other state offers reciprocal operating privileges to Utah residents.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the ~~[Board of Parks and]~~ Division of Recreation, after consultation with the Outdoor Adventure Commission, shall establish eligibility requirements for reciprocal operating privileges for nonresident users granted under Subsection (5)(a).

(6) Nothing in this chapter restricts the owner of an off-highway vehicle from operating the off-highway vehicle in accordance with Section 41-22-10.5.

(7) A violation of this section is an infraction.

Section 8. Section 41-22-2 is amended to read:

41-22-2. Definitions.

As used in this chapter:

(1) "Advisory council" means the Off-highway Vehicle Advisory Council appointed by the ~~[Board of Parks and]~~ Division of Recreation.

(2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain.

(3) (a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width, traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a rollover protection system, and designed for or capable of travel over unimproved terrain, and is:

(i) an electric-powered vehicle; or

(ii) a vehicle powered by an internal combustion engine and has an unladen dry weight

of 2,500 pounds or less.

(b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed for recreational use, or farm tractors as defined under Section 41-1a-102.

(4) (a) "All-terrain type III vehicle" means any other motor vehicle, not defined in Subsection (2), (3), (12), or (22), designed for or capable of travel over unimproved terrain.

(b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed for recreational use, or farm tractors as defined under Section 41-1a-102.

~~[(5) "Board" means the Board of Parks and Recreation.]~~

(5) "Commission" means the Outdoor Adventure Commission.

(6) "Cross-country" means across natural terrain and off an existing highway, road, route, or trail.

(7) "Dealer" means a person engaged in the business of selling off-highway vehicles at wholesale or retail.

(8) "Division" means the Division of ~~[Parks and]~~ Recreation.

(9) "Low pressure tire" means any pneumatic tire six inches or more in width designed for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

(10) "Manufacturer" means a person engaged in the business of manufacturing off-highway vehicles.

(11) (a) "Motor vehicle" means every vehicle which is self-propelled.

(b) "Motor vehicle" includes an off-highway vehicle.

(12) "Motorcycle" means every motor vehicle having a saddle for the use of the operator and designed to travel on not more than two tires.

(13) "Off-highway implement of husbandry" means every all-terrain type I vehicle, all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is used by the owner or the owner's agent for agricultural operations.

1010 (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,
1011 all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle.

1012 (15) "Operate" means to control the movement of or otherwise use an off-highway
1013 vehicle.

1014 (16) "Operator" means the person who is in actual physical control of an off-highway
1015 vehicle.

1016 (17) "Organized user group" means an off-highway vehicle organization incorporated
1017 as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit
1018 Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.

1019 (18) "Owner" means a person, other than a person with a security interest, having a
1020 property interest or title to an off-highway vehicle and entitled to the use and possession of that
1021 vehicle.

1022 (19) "Public land" means land owned or administered by any federal or state agency or
1023 any political subdivision of the state.

1024 (20) "Register" means the act of assigning a registration number to an off-highway
1025 vehicle.

1026 (21) "Roadway" is used as defined in Section 41-6a-102.

1027 (22) "Snowmobile" means any motor vehicle designed for travel on snow or ice and
1028 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

1029 (23) "Street or highway" means the entire width between boundary lines of every way
1030 or place of whatever nature, when any part of it is open to the use of the public for vehicular
1031 travel.

1032 (24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as
1033 defined in Section 41-6a-102.

1034 Section 9. Section 41-22-3 is amended to read:

1035 **41-22-3. Registration of vehicles -- Application -- Issuance of sticker and card --**
1036 **Proof of property tax payment -- Records.**

1037 (1) (a) Unless exempted under Section 41-22-9, a person may not operate or transport

and an owner may not give another person permission to operate or transport any off-highway vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle is registered under this chapter for the current year.

(b) Unless exempted under Section 41-22-9, a dealer may not sell an off-highway vehicle which can be used or transported on any public land, trail, street, or highway in this state, unless the off-highway vehicle is registered or is in the process of being registered under this chapter for the current year.

(2) The owner of an off-highway vehicle subject to registration under this chapter shall apply to the Motor Vehicle Division for registration on forms approved by the Motor Vehicle Division.

(3) Each application for registration of an off-highway vehicle shall be accompanied by:

(a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of sale showing ownership, make, model, horsepower or displacement, and serial number;

(b) the past registration card; or

(c) the fee for a duplicate.

(4) (a) Upon each annual registration, the Motor Vehicle Division shall issue a registration sticker and a registration card for each off-highway vehicle registered.

(b) The registration sticker shall:

(i) contain a unique number using numbers, letters, or combination of numbers and letters to identify the off-highway vehicle for which it is issued;

(ii) be affixed to the off-highway vehicle for which it is issued in a plainly visible position as prescribed by rule of the ~~[board]~~ division under Section 41-22-5.1; and

(iii) be maintained free of foreign materials and in a condition to be clearly legible.

(c) At all times, a registration card shall be kept with the off-highway vehicle and shall be available for inspection by a law enforcement officer.

(5) (a) Except as provided by Subsection (5)(c), an applicant for a registration card and registration sticker shall provide the Motor Vehicle Division a certificate, described under

1066 Subsection (5)(b), from the county assessor of the county in which the off-highway vehicle has
1067 situs for taxation.

1068 (b) The certificate required under Subsection (5)(a) shall state one of the following:

1069 (i) the property tax on the off-highway vehicle for the current year has been paid;

1070 (ii) in the county assessor's opinion, the tax is a lien on real property sufficient to
1071 secure the payment of the tax; or

1072 (iii) the off-highway vehicle is exempt by law from payment of property tax for the
1073 current year.

1074 (c) An off-highway vehicle for which an off-highway implement of husbandry sticker
1075 has been issued in accordance with Section 41-22-5.5 is exempt from the requirement under
1076 this Subsection (5).

1077 (6) (a) All records of the division made or kept under this section shall be classified by
1078 the Motor Vehicle Division in the same manner as motor vehicle records are classified under
1079 Section 41-1a-116.

1080 (b) Division records are available for inspection in the same manner as motor vehicle
1081 records under Section 41-1a-116.

1082 (7) A violation of this section is an infraction.

1083 Section 10. Section 41-22-5.1 is amended to read:

1084 **41-22-5.1. Rules of division relating to display of registration stickers.**

1085 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1086 ~~[board]~~ division, after consultation with the commission, shall make rules for the display of a
1087 registration sticker on an off-highway vehicle in accordance with Section 41-22-3.

1088 Section 11. Section 41-22-5.5 is amended to read:

1089 **41-22-5.5. Off-highway husbandry vehicles.**

1090 (1) (a) (i) The owner of an all-terrain type I vehicle, motorcycle, all-terrain type II
1091 vehicle, all-terrain type III vehicle, or snowmobile used for agricultural purposes may apply to
1092 the Motor Vehicle Division for an off-highway implement of husbandry sticker.

1093 (ii) Each application under Subsection (1)(a)(i) shall be accompanied by:

- 1094 (A) evidence of ownership;
- 1095 (B) a title or a manufacturer's certificate of origin; and
- 1096 (C) a signed statement certifying that the off-highway vehicle is used for agricultural
- 1097 purposes.
- 1098 (iii) The owner shall receive an off-highway implement of husbandry sticker upon
- 1099 production of:
- 1100 (A) the documents required under this Subsection (1); and
- 1101 (B) payment of an off-highway implement of husbandry sticker fee established by the
- 1102 ~~[board]~~ division, after consultation with the commission, not to exceed \$10.
- 1103 (b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or
- 1104 highways, it shall also be registered under Section [41-22-3](#).
- 1105 (c) The off-highway implement of husbandry sticker shall be displayed in a manner
- 1106 prescribed by the ~~[board]~~ division and shall identify the all-terrain type I vehicle, motorcycle,
- 1107 all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile as an off-highway
- 1108 implement of husbandry.
- 1109 (2) The off-highway implement of husbandry sticker is valid only for the life of the
- 1110 ownership of the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type
- 1111 III vehicle, or snowmobile and is not transferable.
- 1112 (3) The off-highway implement of husbandry sticker is valid for an all-terrain type I
- 1113 vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile that is
- 1114 being operated adjacent to a roadway:
- 1115 (a) when the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain
- 1116 type III vehicle, or snowmobile is only being used to travel from one parcel of land owned,
- 1117 operated, permitted, or leased for agricultural purposes by the owner of the vehicle to another
- 1118 parcel of land owned, operated, permitted, or leased for agricultural purposes by the owner; and
- 1119 (b) when this operation is necessary for the furtherance of agricultural purposes.
- 1120 (4) If the operation of an off-highway implement of husbandry adjacent to a roadway is
- 1121 impractical, it may be operated on the roadway if the operator exercises due care towards

1122 conventional motor vehicle traffic.

1123 (5) It is unlawful to operate an off-highway implement of husbandry along, across, or
1124 within the boundaries of an interstate freeway.

1125 (6) A violation of this section is an infraction.

1126 Section 12. Section **41-22-8** is amended to read:

1127 **41-22-8. Registration fees.**

1128 (1) The ~~[board]~~ division, after consultation with the commission, shall establish the
1129 fees which shall be paid in accordance with this chapter, subject to the following:

1130 (a) (i) Except as provided in Subsection (1)(a)(ii) or (iii), the fee for each off-highway
1131 vehicle registration may not exceed \$35.

1132 (ii) The fee for each snowmobile registration may not exceed \$26.

1133 (iii) The fee for each street-legal all-terrain vehicle may not exceed \$72.

1134 (b) The fee for each duplicate registration card may not exceed \$3.

1135 (c) The fee for each duplicate registration sticker may not exceed \$5.

1136 (2) A fee may not be charged for an off-highway vehicle that is owned and operated by
1137 the United States Government, this state, or its political subdivisions.

1138 (3) (a) In addition to the fees under this section, Section **41-22-33**, and Section
1139 **41-22-34**, the Motor Vehicle Division shall require a person to pay one dollar to register an
1140 off-highway vehicle under Section **41-22-3**.

1141 (b) The Motor Vehicle Division shall deposit the fees the Motor Vehicle Division
1142 collects under Subsection (3)(a) into the Spinal Cord and Brain Injury Rehabilitation Fund
1143 described in Section **26-54-102**.

1144 Section 13. Section **41-22-10** is amended to read:

1145 **41-22-10. Powers of division relating to off-highway vehicles.**

1146 (1) The ~~[board]~~ division may:

1147 (a) appoint and seek recommendations from the Off-highway Vehicle Advisory
1148 Council representing the various off-highway vehicle, conservation, and other appropriate
1149 interests; and

(b) adopt a uniform marker and sign system for use by agents of appropriate federal, state, county, and city agencies in areas of off-highway vehicle use.

(2) The ~~[board]~~ division shall receive and distribute voluntary contributions collected under Section ~~41-1a-230.6~~ in accordance with Section ~~41-22-19.5~~.

Section 14. Section ~~41-22-10.7~~ is amended to read:

~~41-22-10.7. Vehicle equipment requirements -- Rulemaking -- Exceptions.~~

(1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped with:

(a) brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions;

(b) headlights and taillights when operated between sunset and sunrise;

(c) a noise control device and except for a snowmobile, a spark arrestor device; and

(d) when operated on sand dunes designated by the ~~[board]~~ division, a safety flag that is:

(i) red or orange in color;

(ii) a minimum of six by 12 inches; and

(iii) attached to:

(A) the off-highway vehicle so that the safety flag is at least eight feet above the surface of level ground; or

(B) the protective headgear of a person operating a motorcycle so that the safety flag is at least 18 inches above the top of the person's head.

(2) A violation of Subsection (1) is an infraction.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the ~~[board]~~ division may make rules, after consultation with the commission, which set standards for the equipment and which designate sand dunes where safety flags are required under Subsection (1).

(4) An off-highway implement of husbandry used only in agricultural operations and not operated on a highway, is exempt from the provisions of this section.

1178 Section 15. Section **41-22-19.5** is amended to read:

1179 **41-22-19.5. Off-highway Access and Education Restricted Account -- Creation --**
1180 **Funding -- Distribution of funds.**

1181 (1) There is created in the General Fund a restricted account known as the Off-highway
1182 Access and Education Restricted Account.

1183 (2) The account shall be funded by:

1184 (a) contributions deposited into the Off-highway Access and Education Restricted
1185 Account in accordance with Section [41-1a-230.6](#);

1186 (b) private contributions; and

1187 (c) donations or grants from public or private entities.

1188 (3) The Legislature shall appropriate money in the account to the ~~[board]~~ division.

1189 (4) (a) The state treasurer shall invest money in the account according to Title 51,
1190 Chapter 7, State Money Management Act.

1191 (b) The Division of Finance shall deposit interest or other earnings derived from
1192 investment of account money into the General Fund.

1193 (5) The ~~[board]~~ division may expend up to 10% of the money appropriated under
1194 Subsection (3) to:

1195 (a) administer account distributions in accordance with Subsections (6) through (9);
1196 and

1197 (b) administer off-highway vehicle provisions under this chapter.

1198 (6) The ~~[board]~~ division shall distribute the funds to a charitable organization that:

1199 (a) qualifies as being tax exempt under Section 501(c)(3) of the Internal Revenue
1200 Code;

1201 (b) has at least one full-time employee; and

1202 (c) has as a primary part of ~~[its]~~ the charitable organization's mission to:

1203 (i) protect access to public lands by motor vehicle and off-highway vehicle operators;

1204 and

1205 (ii) educate the public about appropriate off-highway vehicle use.

- 1206 (7) The ~~[board]~~ division may only consider proposals that are:
- 1207 (a) proposed by a charitable organization under Subsection (6); and
- 1208 (b) designed to:
- 1209 (i) protect access to public lands by motor vehicle and off-highway vehicle operators;
- 1210 and
- 1211 (ii) educate the public about appropriate off-highway vehicle use.
- 1212 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1213 ~~[board]~~ division, after consulting with the commission, shall make rules providing procedures
- 1214 for an organization to apply to receive funds under this section.
- 1215 (9) The ~~[board]~~ division may not:
- 1216 (a) require matching funds from a charitable organization as a condition of receiving
- 1217 funds; or
- 1218 (b) prohibit the use of funds to cover litigation expenses incurred in protecting access
- 1219 to public lands by motor vehicle and off-highway vehicle operators.
- 1220 Section 16. Section **41-22-30** is amended to read:
- 1221 **41-22-30. Supervision, safety certificate, or driver license required -- Penalty.**
- 1222 (1) As used in this section, "direct supervision" means oversight at a distance:
- 1223 (a) of no more than 300 feet; and
- 1224 (b) within which:
- 1225 (i) visual contact is maintained; and
- 1226 (ii) advice and assistance can be given and received.
- 1227 (2) A person may not operate and an owner may not give that person permission to
- 1228 operate an off-highway vehicle on any public land, trail, street, or highway of this state unless
- 1229 the person:
- 1230 (a) is under the direct supervision of an off-highway vehicle safety instructor during a
- 1231 scheduled safety training course approved by the ~~[board]~~ division pursuant to Section
- 1232 [41-22-32](#);
- 1233 (b) (i) has in the person's possession the appropriate safety certificate issued or

1234 approved by the division; and

1235 (ii) if under 18 years of age, is under the direct supervision of a person who is at least
1236 18 years of age if operating on a public highway that is:

1237 (A) open to motor vehicles; and

1238 (B) not exclusively reserved for off-highway vehicle use; or

1239 (c) has in the person's immediate possession a valid motor vehicle operator's license, as
1240 provided in Title 53, Chapter 3, Uniform Driver License Act.

1241 (3) (a) A person convicted of a violation of this section is guilty of an infraction and
1242 shall be fined not more than \$100 per offense.

1243 (b) It is a defense to a charge under this section, if the person charged:

1244 (i) produces in court a license or an appropriate safety certificate that was:

1245 (A) valid at the time of the citation or arrest; and

1246 (B) issued to the person operating the off-highway vehicle; and

1247 (ii) can show that the direct supervision requirement under Subsection (2)(b) was not
1248 violated at the time of citation or arrest.

1249 (4) The requirements of this section do not apply to an operator of an off-highway
1250 implement of husbandry.

1251 Section 17. Section **41-22-31** is amended to read:

1252 **41-22-31. Division to set standards for safety program -- Safety certificates issued**
1253 **-- Cooperation with public and private entities -- State immunity from suit.**

1254 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1255 the ~~[board]~~ division shall make rules, after consultation with the commission, that establish
1256 curriculum standards for a comprehensive off-highway vehicle safety education and training
1257 program and shall implement this program.

1258 (b) The program shall be designed to develop and instill the knowledge, attitudes,
1259 habits, and skills necessary for the safe operation of an off-highway vehicle.

1260 (c) Components of the program shall include the preparation and dissemination of
1261 off-highway vehicle information and safety advice to the public and the training of off-highway

vehicle operators.

(d) Off-highway vehicle safety certificates shall be issued to those who successfully complete training or pass the knowledge and skills test established under the program.

(2) The division shall cooperate with appropriate private organizations and associations, private and public corporations, and local government units to implement the program established under this section.

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

Section 18. Section **41-22-33** is amended to read:

41-22-33. Fees for safety and education program -- Penalty -- Unlawful acts.

(1) A fee set by the [board] division, after consultation with the commission, in accordance with Section **63J-1-504** shall be added to the registration fee required to register an off-highway vehicle under Section **41-22-8** to help fund the off-highway vehicle safety and education program.

(2) If the [board] division modifies the fee under Subsection (1), the modification shall take effect on the first day of the calendar quarter after 90 days from the day on which the [board] division provides the State Tax Commission:

(a) notice from the [board] division stating that the [board] division will modify the fee; and

(b) a copy of the fee modification.

Section 19. Section **41-22-35** is amended to read:

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

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

1290 the nonresident off-highway vehicle on any public land, trail, street, or highway in this state
1291 shall:

1292 (i) apply for an off-highway vehicle decal issued exclusively for an off-highway
1293 vehicle owned by a nonresident of the state;

1294 (ii) pay an annual off-highway vehicle user fee; and
1295 (iii) provide evidence that the owner is a nonresident.

1296 (b) The provisions of Subsection (1)(a) do not apply to an off-highway vehicle if the
1297 off-highway vehicle is:

1298 (i) used exclusively as an off-highway implement of husbandry;
1299 (ii) used exclusively for the purposes of a scheduled competitive event sponsored by a
1300 public or private entity or another event sponsored by a governmental entity under rules made
1301 by the ~~[board]~~ division, after consultation with the commission;

1302 (iii) owned and operated by a state government agency and the operation of the
1303 off-highway vehicle within the boundaries of the state is within the course and scope of the
1304 duties of the agency; or

1305 (iv) used exclusively for the purpose of an off-highway vehicle manufacturer
1306 sponsored event within the state under rules made by the ~~[board]~~ division.

1307 (2) The off-highway vehicle user fee is \$30.

1308 (3) Upon compliance with the provisions of Subsection (1)(a), the nonresident shall:

1309 (a) receive a nonresident off-highway vehicle user decal indicating compliance with the
1310 provisions of Subsection (1)(a); and

1311 (b) display the decal on the off-highway vehicle in accordance with rules made by the
1312 ~~[board]~~ division.

1313 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1314 ~~[board]~~ division, after consultation with the commission, shall make rules establishing:

1315 (a) procedures for:

1316 (i) the payment of off-highway vehicle user fees; and
1317 (ii) the display of a decal on an off-highway vehicle as required under Subsection

1318 (3)(b);
1319 (b) acceptable evidence indicating compliance with Subsection (1);
1320 (c) eligibility for scheduled competitive events or other events under Subsection
1321 (1)(b)[~~(i)~~](ii); and
1322 (d) eligibility for an off-highway vehicle manufacturer sponsored event under
1323 Subsection (1)(b)[~~(iii)~~](iv).
1324 (5) (a) An off-highway vehicle user decal may be issued and the off-highway vehicle
1325 user fee may be collected by the division or agents of the division.
1326 (b) An agent shall retain 10% of all off-highway vehicle user fees collected.
1327 (c) The division may require agents to obtain a bond in a reasonable amount.
1328 (d) On or before the tenth day of each month, each agent shall:
1329 (i) report all sales to the division; and
1330 (ii) submit all off-highway vehicle user fees collected less the remuneration provided in
1331 Subsection (5)(b).
1332 (e) (i) If an agent fails to pay the amount due, the division may assess a penalty of 20%
1333 of the amount due.
1334 (ii) Delinquent payments shall bear interest at the rate of 1% per month.
1335 (iii) If the amount due is not paid because of bad faith or fraud, the division shall assess
1336 a penalty of 100% of the total amount due together with interest.
1337 (f) All fees collected by an agent, except the remuneration provided in Subsection
1338 (5)(b), shall:
1339 (i) be kept separate and apart from the private funds of the agent; and
1340 (ii) belong to the state.
1341 (g) An agent may not issue an off-highway vehicle user decal to any person unless the
1342 person furnishes evidence of compliance with the provisions of Subsection (1)(a).
1343 (h) A violation of any provision of this Subsection (5) is a class B misdemeanor and
1344 may be cause for revocation of the agent authorization.
1345 (6) Revenue generated by off-highway vehicle user fees shall be deposited in the

1346 Off-highway Vehicle Account created in Section 41-22-19.

1347 Section 20. Section 54-4-41 is amended to read:

1348 **54-4-41. Recovery of investment in utility-owned vehicle charging infrastructure.**

1349 (1) As used in this section, "charging infrastructure program" means the program
1350 described in Subsection (2).

1351 (2) The commission shall authorize a large-scale electric utility program that:

1352 (a) allows for funding from large-scale electric utility customers for a maximum of
1353 \$50,000,000 for all costs and expenses associated with:

1354 (i) the deployment of utility-owned vehicle charging infrastructure; and

1355 (ii) utility vehicle charging service provided by the large-scale electric utility;

1356 (b) creates a new customer class, with a utility vehicle charging service rate structure
1357 that:

1358 (i) is determined by the commission to be in the public interest;

1359 (ii) is a transitional rate structure expected to allow the large-scale electric utility to
1360 recover, through charges to utility vehicle charging service customers, the large-scale electric
1361 utility's full cost of service for utility-owned vehicle charging infrastructure and utility vehicle
1362 charging service over a reasonable time frame determined by the commission; and

1363 (iii) may allow different rates for large-scale electric utility customers to reflect
1364 contributions to investment; and

1365 (c) includes a transportation plan that promotes:

1366 (i) the deployment of utility-owned vehicle charging infrastructure in the public
1367 interest; and

1368 (ii) the availability of utility vehicle charging service.

1369 (3) Before submitting a proposed charging infrastructure program to the commission
1370 for commission approval under Subsection (2), a large-scale electric utility shall seek and
1371 consider input from:

1372 (a) the Division of Public Utilities, established in Section 54-4a-1;

1373 (b) the Office of Consumer Services, created in Section 54-10a-201;

- 1374 (c) the Division of Air Quality, created in Section 19-1-105;
1375 (d) the Department of Transportation, created in Section 72-1-201;
1376 (e) the Governor's Office of Economic Development, created in Section 63N-1-201;
1377 (f) the Office of Energy Development, created in Section [~~63M-4-401~~] 79-6-401;
1378 (g) the board of the Utah Inland Port Authority, created in Section 11-58-201;
1379 (h) representatives of the Point of the Mountain State Land Development Authority,
1380 created in Section 11-59-201;
1381 (i) third-party electric vehicle battery charging service operators; and
1382 (j) any other person who files a request for notice with the commission.
1383 (4) The commission shall find a charging infrastructure program to be in the public
1384 interest if the commission finds that the charging infrastructure program:
1385 (a) increases the availability of electric vehicle battery charging service in the state;
1386 (b) enables the significant deployment of infrastructure that supports electric vehicle
1387 battery charging service and utility-owned vehicle charging infrastructure in a manner
1388 reasonably expected to increase electric vehicle adoption;
1389 (c) includes an evaluation of investments in the areas of the authority jurisdictional
1390 land, as defined in Section 11-58-102, and the point of the mountain state land, as defined in
1391 Section 11-59-102;
1392 (d) enables competition, innovation, and customer choice in electric vehicle battery
1393 charging services, while promoting low-cost services for electric vehicle battery charging
1394 customers; and
1395 (e) provides for ongoing coordination with the Department of Transportation, created
1396 in Section 72-1-201.
1397 (5) The commission may, consistent with Subsection (2), approve an amendment to the
1398 charging infrastructure program if the large-scale electric utility demonstrates that the
1399 amendment:
1400 (a) is prudent;
1401 (b) will provide net benefits to customers; and

1402 (c) is otherwise consistent with the requirements of Subsection (2).

1403 (6) The commission shall authorize recovery of a large-scale electric utility's
1404 investment in utility-owned vehicle charging infrastructure through a balancing account or
1405 other ratemaking treatment that reflects:

1406 (a) charging infrastructure program costs associated with prudent investment, including
1407 the large-scale electric utility's pre-tax average weighted cost of capital approved by the
1408 commission in the large-scale electric utility's most recent general rate proceeding, and
1409 associated revenue and prudently incurred expenses; and

1410 (b) a carrying charge.

1411 (7) A large-scale electric utility's investment in utility-owned vehicle charging
1412 infrastructure is prudently made if the large-scale electric utility demonstrates in a formal
1413 adjudicative proceeding before the commission that the investment can reasonably be
1414 anticipated to:

1415 (a) result in one or more projects that are in the public interest of the large-scale
1416 electric utility's customers to reduce transportation sector emissions over a reasonable time
1417 period as determined by the commission;

1418 (b) provide the large-scale electric utility's customers significant benefits that may
1419 include revenue from utility vehicle charging service that offsets the large-scale electric utility's
1420 costs and expenses; and

1421 (c) facilitate any other measure that the commission determines:

1422 (i) promotes deployment of utility-owned vehicle charging infrastructure and utility
1423 vehicle charging service; or

1424 (ii) creates significant benefits in the long term for customers of the large-scale electric
1425 utility.

1426 (8) A large-scale electric utility that establishes and implements a charging
1427 infrastructure program shall annually, on or before June 1, submit a written report to the Public
1428 Utilities, Energy, and Technology Interim Committee of the Legislature about the charging
1429 infrastructure program's activities during the previous calendar year, including information on:

- 1430 (a) the charging infrastructure program's status, operation, funding, and benefits;
1431 (b) the disposition of charging infrastructure program funds; and
1432 (c) the charging infrastructure program's impact on rates.

1433 Section 21. Section **57-14-204** is amended to read:

1434 **57-14-204. Liability not limited where willful or malicious conduct involved or**
1435 **admission fee charged.**

1436 (1) Nothing in this part limits any liability that otherwise exists for:

1437 (a) willful or malicious failure to guard or warn against a dangerous condition, use,
1438 structure, or activity;

1439 (b) deliberate, willful, or malicious injury to persons or property; or

1440 (c) an injury suffered where the owner of land charges a person to enter or go on the
1441 land or use the land for any recreational purpose.

1442 (2) For purposes of Subsection (1)(c), if the land is leased to the state or a subdivision
1443 of the state, any consideration received by the owner for the lease is not a charge within the
1444 meaning of this section.

1445 (3) Any person who hunts upon a cooperative wildlife management unit, as authorized
1446 by Title 23, Chapter 23, Cooperative Wildlife Management Units, is not considered to have
1447 paid a fee within the meaning of this section.

1448 (4) Owners of a dam or reservoir who allow recreational use of the dam or reservoir
1449 and its surrounding area and do not themselves charge a fee for that use, are considered not to
1450 have charged for that use within the meaning of Subsection (1)(c), even if the user pays a fee to
1451 the Division of State Parks ~~[and]~~ or the Division of Recreation for the use of the services and
1452 facilities at that dam or reservoir.

1453 (5) The state or a subdivision of the state that owns property purchased for a railway
1454 corridor is considered not to have charged for use of the railway corridor within the meaning of
1455 Subsection (1)(c), even if the user pays a fee for travel on a privately owned rail car that crosses
1456 or travels over the railway corridor of the state or a subdivision of the state:

1457 (a) allows recreational use of the railway corridor and its surrounding area; and

1458 (b) does not charge a fee for that use.

1459 Section 22. Section **59-5-102** is amended to read:

1460 **59-5-102. Definitions -- Severance tax -- Computation -- Rate -- Annual**

1461 **exemption -- Tax credits -- Tax rate reduction.**

1462 (1) As used in this section:

1463 (a) "Division" means the Division of Oil, Gas, and Mining created in Section [40-6-15](#).

1464 (b) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]

1465 [79-6-401](#).

1466 (c) "Royalty rate" means the percentage of the interests described in Subsection

1467 (2)(b)(i) as defined by a contract between the United States, the state, an Indian, or an Indian

1468 tribe and the oil or gas producer.

1469 (d) "Taxable value" means the total value of the oil or gas minus:

1470 (i) any royalties paid to, or the value of oil or gas taken in kind by, the interest holders

1471 described in Subsection (2)(b)(i); and

1472 (ii) the total value of oil or gas exempt from severance tax under Subsection (2)(b)(ii).

1473 (e) "Taxable volume" means:

1474 (i) for oil, the total volume of barrels minus:

1475 (A) for an interest described in Subsection (2)(b)(i), the product of the royalty rate and

1476 the total volume of barrels; and

1477 (B) the number of barrels that are exempt under Subsection (2)(b)(ii); and

1478 (ii) for natural gas, the total volume of MCFs minus:

1479 (A) for an interest described in Subsection (2)(b)(i), the product of the royalty rate and

1480 the total volume of MCFs; and

1481 (B) the number of MCFs that are exempt under Subsection (2)(b)(ii).

1482 (f) "Total value" means the value, as determined by Section [59-5-103.1](#), of all oil or

1483 gas that is:

1484 (i) produced; and

1485 (ii) (A) saved;

- 1486 (B) sold; or
- 1487 (C) transported from the field where the oil or gas was produced.
- 1488 (g) "Total volume" means:
- 1489 (i) for oil, the number of barrels:
- 1490 (A) produced; and
- 1491 (B) (I) saved;
- 1492 (II) sold; or
- 1493 (III) transported from the field where the oil was produced; and
- 1494 (ii) for natural gas, the number of MCFs:
- 1495 (A) produced; and
- 1496 (B) (I) saved;
- 1497 (II) sold; or
- 1498 (III) transported from the field where the natural gas was produced.
- 1499 (h) "Value of oil or gas taken in kind" means the volume of oil or gas taken in kind
- 1500 multiplied by the market price for oil or gas at the location where the oil or gas was produced
- 1501 on the date the oil or gas was taken in kind.
- 1502 (2) (a) Except as provided in Subsection (2)(b), a person owning an interest in oil or
- 1503 gas produced from a well in the state, including a working interest, royalty interest, payment
- 1504 out of production, or any other interest, or in the proceeds of the production of oil or gas, shall
- 1505 pay to the state a severance tax on the owner's interest in the taxable value of the oil or gas:
- 1506 (i) produced; and
- 1507 (ii) (A) saved;
- 1508 (B) sold; or
- 1509 (C) transported from the field where the substance was produced.
- 1510 (b) The severance tax imposed by Subsection (2)(a) does not apply to:
- 1511 (i) an interest of:
- 1512 (A) the United States in oil or gas or in the proceeds of the production of oil or gas;
- 1513 (B) the state or a political subdivision of the state in oil or gas or in the proceeds of the

1514 production of oil or gas; and
1515 (C) an Indian or Indian tribe as defined in Section 9-9-101 in oil or gas or in the
1516 proceeds of the production of oil or gas produced from land under the jurisdiction of the United
1517 States; and
1518 (ii) the value of:
1519 (A) oil or gas produced from stripper wells, unless the exemption prevents the
1520 severance tax from being treated as a deduction for federal tax purposes;
1521 (B) oil or gas produced in the first 12 months of production for wildcat wells started
1522 after January 1, 1990; and
1523 (C) oil or gas produced in the first six months of production for development wells
1524 started after January 1, 1990.
1525 (3) (a) The severance tax on oil shall be calculated as follows:
1526 (i) dividing the taxable value by the taxable volume;
1527 (ii) (A) multiplying the rate described in Subsection (4)(a)(i) by the portion of the
1528 figure calculated in Subsection (3)(a)(i) that is subject to the rate described in Subsection
1529 (4)(a)(i); and
1530 (B) multiplying the rate described in Subsection (4)(a)(ii) by the portion of the figure
1531 calculated in Subsection (3)(a)(i) that is subject to the rate described in Subsection (4)(a)(ii);
1532 (iii) adding together the figures calculated in Subsections (3)(a)(ii)(A) and (B); and
1533 (iv) multiplying the figure calculated in Subsection (3)(a)(iii) by the taxable volume.
1534 (b) The severance tax on natural gas shall be calculated as follows:
1535 (i) dividing the taxable value by the taxable volume;
1536 (ii) (A) multiplying the rate described in Subsection (4)(b)(i) by the portion of the
1537 figure calculated in Subsection (3)(b)(i) that is subject to the rate described in Subsection
1538 (4)(b)(i); and
1539 (B) multiplying the rate described in Subsection (4)(b)(ii) by the portion of the figure
1540 calculated in Subsection (3)(b)(i) that is subject to the rate described in Subsection (4)(b)(ii);
1541 (iii) adding together the figures calculated in Subsections (3)(b)(ii)(A) and (B); and

- 1542 (iv) multiplying the figure calculated in Subsection (3)(b)(iii) by the taxable volume.
- 1543 (c) The severance tax on natural gas liquids shall be calculated by multiplying the
- 1544 taxable value of the natural gas liquids by the severance tax rate in Subsection (4)(c).
- 1545 (4) Subject to Subsection (9):
- 1546 (a) the severance tax rate for oil is as follows:
- 1547 (i) 3% of the taxable value of the oil up to and including the first \$13 per barrel for oil;
- 1548 and
- 1549 (ii) 5% of the taxable value of the oil from \$13.01 and above per barrel for oil;
- 1550 (b) the severance tax rate for natural gas is as follows:
- 1551 (i) 3% of the taxable value of the natural gas up to and including the first \$1.50 per
- 1552 MCF for gas; and
- 1553 (ii) 5% of the taxable value of the natural gas from \$1.51 and above per MCF for gas;
- 1554 and
- 1555 (c) the severance tax rate for natural gas liquids is 4% of the taxable value of the
- 1556 natural gas liquids.
- 1557 (5) If oil or gas is shipped outside the state:
- 1558 (a) the shipment constitutes a sale; and
- 1559 (b) the oil or gas is subject to the tax imposed by this section.
- 1560 (6) (a) Except as provided in Subsection (6)(b), if the oil or gas is stockpiled, the tax is
- 1561 not imposed until the oil or gas is:
- 1562 (i) sold;
- 1563 (ii) transported; or
- 1564 (iii) delivered.
- 1565 (b) If oil or gas is stockpiled for more than two years, the oil or gas is subject to the tax
- 1566 imposed by this section.
- 1567 (7) (a) Subject to other provisions of this Subsection (7), a taxpayer that pays for all or
- 1568 part of the expenses of a recompletion or workover may claim a nonrefundable tax credit equal
- 1569 to the amount stated on a tax credit certificate that the office issues to the taxpayer.

1570 (b) The maximum tax credit per taxpayer per well in a calendar year is the lesser of:

1571 (i) 20% of the taxpayer's payment of expenses of a well recompletion or workover

1572 during the calendar year; and

1573 (ii) \$30,000.

1574 (c) A taxpayer may carry forward a tax credit allowed under this Subsection (7) for the

1575 next three calendar years if the tax credit exceeds the taxpayer's tax liability under this part for

1576 the calendar year in which the taxpayer claims the tax credit.

1577 (d) (i) To claim a tax credit under this Subsection (7), a taxpayer shall follow the

1578 procedures and requirements of this Subsection (7)(d).

1579 (ii) The taxpayer shall prepare a summary of the taxpayer's expenses of a well

1580 recompletion or workover during the calendar year that the well recompletion or workover is

1581 completed.

1582 (iii) An independent certified public accountant shall:

1583 (A) review the summary from the taxpayer; and

1584 (B) provide a report on the accuracy and validity of the amount of expenses of a well

1585 recompletion or workover that the taxpayer included in the summary, in accordance with the

1586 agreed upon procedures.

1587 (iv) The taxpayer shall submit the taxpayer's summary and the independent certified

1588 public accountant's report to the division to verify that the expenses certified by the

1589 independent certified public accountant are well recompletion or workover expenses.

1590 (v) The division shall return to the taxpayer:

1591 (A) the taxpayer's summary;

1592 (B) the report by the independent certified public accountant; and

1593 (C) a report by the division that includes the amount of approved well recompletion or

1594 workover expenses.

1595 (vi) The taxpayer shall apply to the office for a tax credit certificate to receive a written

1596 certification, on a form approved by the commission, that includes:

1597 (A) the amount of the taxpayer's payments of expenses of a well recompletion or

1598 workover during the calendar year; and

1599 (B) the amount of the taxpayer's tax credit.

1600 (vii) A taxpayer that receives a tax credit certificate shall retain the tax credit certificate

1601 for the same time period that a person is required to keep books and records under Section

1602 [59-1-1406](#).

1603 (e) The office shall submit to the commission an electronic list that includes:

1604 (i) the name and identifying information of each taxpayer to which the office issues a

1605 tax credit certificate; and

1606 (ii) for each taxpayer, the amount of the tax credit listed on the tax credit certificate.

1607 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

1608 (i) the office may make rules to govern the application process for receiving a tax

1609 credit certificate under this Subsection (7); and

1610 (ii) the division shall make rules to establish the agreed upon procedures described in

1611 Subsection (7)(d)(iii).

1612 (8) (a) Subject to the other provisions of this Subsection (8), a taxpayer may claim a

1613 tax credit against a severance tax owing on natural gas under this section if:

1614 (i) the taxpayer is required to pay a severance tax on natural gas under this section;

1615 (ii) the taxpayer owns or operates a plant in the state that converts natural gas to

1616 hydrogen fuel; and

1617 (iii) all of the natural gas for which the taxpayer owes a severance tax under this

1618 section is used for the production in the state of hydrogen fuel for use in zero emission motor

1619 vehicles.

1620 (b) The taxpayer may claim a tax credit equal to the lesser of:

1621 (i) the amount of tax that the taxpayer owes under this section; and

1622 (ii) \$5,000,000.

1623 (c) (i) To claim a tax credit under this Subsection (8), a taxpayer shall follow the

1624 procedures and requirements of this Subsection (8)(c).

1625 (ii) The taxpayer shall request that the division verify that the taxpayer owns or

1626 operates a plant in this state:

1627 (A) that converts natural gas to hydrogen fuel; and

1628 (B) at which all natural gas is converted to hydrogen fuel for use in zero emission
1629 motor vehicles.

1630 (d) The division shall submit to the commission an electronic list that includes the
1631 name and identifying information of each taxpayer for which the division completed the
1632 verification described in Subsection (8)(c).

1633 (9) A 50% reduction in the tax rate is imposed upon the incremental production
1634 achieved from an enhanced recovery project.

1635 (10) The taxes imposed by this section are:

1636 (a) in addition to all other taxes provided by law; and

1637 (b) delinquent, unless otherwise deferred, on June 1 following the calendar year when
1638 the oil or gas is:

1639 (i) produced; and

1640 (ii) (A) saved;

1641 (B) sold; or

1642 (C) transported from the field.

1643 (11) With respect to the tax imposed by this section on each owner of an interest in the
1644 production of oil or gas or in the proceeds of the production of oil or gas in the state, each
1645 owner is liable for the tax in proportion to the owner's interest in the production or in the
1646 proceeds of the production.

1647 (12) The tax imposed by this section shall be reported and paid by each producer that
1648 takes oil or gas in kind pursuant to an agreement on behalf of the producer and on behalf of
1649 each owner entitled to participate in the oil or gas sold by the producer or transported by the
1650 producer from the field where the oil or gas is produced.

1651 (13) Each producer shall deduct the tax imposed by this section from the amounts due
1652 to other owners for the production or the proceeds of the production.

1653 Section 23. Section **59-7-614** is amended to read:

**59-7-614. Renewable energy systems tax credits -- Definitions -- Certification --
Rulemaking authority.**

(1) As used in this section:

(a) (i) "Active solar system" means a system of equipment that is capable of:

(A) collecting and converting incident solar radiation into thermal, mechanical, or electrical energy; and

(B) transferring a form of energy described in Subsection (1)(a)(i)(A) by a separate apparatus to storage or to the point of use.

(ii) "Active solar system" includes water heating, space heating or cooling, and electrical or mechanical energy generation.

(b) "Biomass system" means a system of apparatus and equipment for use in:

(i) converting material into biomass energy, as defined in Section 59-12-102; and

(ii) transporting the biomass energy by separate apparatus to the point of use or storage.

(c) "Commercial energy system" means a system that is:

(i) (A) an active solar system;

(B) a biomass system;

(C) a direct use geothermal system;

(D) a geothermal electricity system;

(E) a geothermal heat pump system;

(F) a hydroenergy system;

(G) a passive solar system; or

(H) a wind system;

(ii) located in the state; and

(iii) used:

(A) to supply energy to a commercial unit; or

(B) as a commercial enterprise.

(d) "Commercial enterprise" means an entity, the purpose of which is to produce electrical, mechanical, or thermal energy for sale from a commercial energy system.

1682 (e) (i) "Commercial unit" means a building or structure that an entity uses to transact
1683 business.

1684 (ii) Notwithstanding Subsection (1)(e)(i):

1685 (A) with respect to an active solar system used for agricultural water pumping or a
1686 wind system, each individual energy generating device is considered to be a commercial unit;
1687 or

1688 (B) if an energy system is the building or structure that an entity uses to transact
1689 business, a commercial unit is the complete energy system itself.

1690 (f) "Direct use geothermal system" means a system of apparatus and equipment that
1691 enables the direct use of geothermal energy to meet energy needs, including heating a building,
1692 an industrial process, and aquaculture.

1693 (g) "Geothermal electricity" means energy that is:

1694 (i) contained in heat that continuously flows outward from the earth; and

1695 (ii) used as a sole source of energy to produce electricity.

1696 (h) "Geothermal energy" means energy generated by heat that is contained in the earth.

1697 (i) "Geothermal heat pump system" means a system of apparatus and equipment that:

1698 (i) enables the use of thermal properties contained in the earth at temperatures well
1699 below 100 degrees Fahrenheit; and

1700 (ii) helps meet heating and cooling needs of a structure.

1701 (j) "Hydroenergy system" means a system of apparatus and equipment that is capable
1702 of:

1703 (i) intercepting and converting kinetic water energy into electrical or mechanical
1704 energy; and

1705 (ii) transferring this form of energy by separate apparatus to the point of use or storage.

1706 (k) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]
1707 79-6-401.

1708 (l) (i) "Passive solar system" means a direct thermal system that utilizes the structure of
1709 a building and its operable components to provide for collection, storage, and distribution of

1710 heating or cooling during the appropriate times of the year by utilizing the climate resources
1711 available at the site.

1712 (ii) "Passive solar system" includes those portions and components of a building that
1713 are expressly designed and required for the collection, storage, and distribution of solar energy.

1714 (m) "Photovoltaic system" means an active solar system that generates electricity from
1715 sunlight.

1716 (n) (i) "Principal recovery portion" means the portion of a lease payment that
1717 constitutes the cost a person incurs in acquiring a commercial energy system.

1718 (ii) "Principal recovery portion" does not include:

1719 (A) an interest charge; or

1720 (B) a maintenance expense.

1721 (o) "Residential energy system" means the following used to supply energy to or for a
1722 residential unit:

1723 (i) an active solar system;

1724 (ii) a biomass system;

1725 (iii) a direct use geothermal system;

1726 (iv) a geothermal heat pump system;

1727 (v) a hydroenergy system;

1728 (vi) a passive solar system; or

1729 (vii) a wind system.

1730 (p) (i) "Residential unit" means a house, condominium, apartment, or similar dwelling
1731 unit that:

1732 (A) is located in the state; and

1733 (B) serves as a dwelling for a person, group of persons, or a family.

1734 (ii) "Residential unit" does not include property subject to a fee under:

1735 (A) Section 59-2-405;

1736 (B) Section 59-2-405.1;

1737 (C) Section 59-2-405.2;

1738 (D) Section 59-2-405.3; or

1739 (E) Section 72-10-110.5.

1740 (q) "Wind system" means a system of apparatus and equipment that is capable of:

1741 (i) intercepting and converting wind energy into mechanical or electrical energy; and

1742 (ii) transferring these forms of energy by a separate apparatus to the point of use, sale,
1743 or storage.

1744 (2) A taxpayer may claim an energy system tax credit as provided in this section
1745 against a tax due under this chapter for a taxable year.

1746 (3) (a) Subject to the other provisions of this Subsection (3), a taxpayer may claim a
1747 nonrefundable tax credit under this Subsection (3) with respect to a residential unit the taxpayer
1748 owns or uses if:

1749 (i) the taxpayer:

1750 (A) purchases and completes a residential energy system to supply all or part of the
1751 energy required for the residential unit; or

1752 (B) participates in the financing of a residential energy system to supply all or part of
1753 the energy required for the residential unit;

1754 (ii) the residential energy system is completed and placed in service on or after January
1755 1, 2007; and

1756 (iii) the taxpayer obtains a written certification from the office in accordance with
1757 Subsection (7).

1758 (b) (i) Subject to Subsections (3)(b)(ii) through (iv) and, as applicable, Subsection
1759 (3)(c) or (d), the tax credit is equal to 25% of the reasonable costs of each residential energy
1760 system installed with respect to each residential unit the taxpayer owns or uses.

1761 (ii) A tax credit under this Subsection (3) may include installation costs.

1762 (iii) A taxpayer may claim a tax credit under this Subsection (3) for the taxable year in
1763 which the residential energy system is completed and placed in service.

1764 (iv) If the amount of a tax credit under this Subsection (3) exceeds a taxpayer's tax
1765 liability under this chapter for a taxable year, the amount of the tax credit exceeding the

1766 liability may be carried forward for a period that does not exceed the next four taxable years.

1767 (c) The total amount of tax credit a taxpayer may claim under this Subsection (3) for a
1768 residential energy system, other than a photovoltaic system, may not exceed \$2,000 per
1769 residential unit.

1770 (d) The total amount of tax credit a taxpayer may claim under this Subsection (3) for a
1771 photovoltaic system may not exceed:

1772 (i) for a system installed on or after January 1, 2018, but on or before December 31,
1773 2020, \$1,600;

1774 (ii) for a system installed on or after January 1, 2021, but on or before December 31,
1775 2021, \$1,200;

1776 (iii) for a system installed on or after January 1, 2022, but on or before December 31,
1777 2022, \$800;

1778 (iv) for a system installed on or after January 1, 2023, but on or before December 31,
1779 2023, \$400; and

1780 (v) for a system installed on or after January 1, 2024, \$0.

1781 (e) If a taxpayer sells a residential unit to another person before the taxpayer claims the
1782 tax credit under this Subsection (3):

1783 (i) the taxpayer may assign the tax credit to the other person; and

1784 (ii) (A) if the other person files a return under this chapter, the other person may claim
1785 the tax credit under this section as if the other person had met the requirements of this section
1786 to claim the tax credit; or

1787 (B) if the other person files a return under Chapter 10, Individual Income Tax Act, the
1788 other person may claim the tax credit under Section 59-10-1014 as if the other person had met
1789 the requirements of Section 59-10-1014 to claim the tax credit.

1790 (4) (a) Subject to the other provisions of this Subsection (4), a taxpayer may claim a
1791 refundable tax credit under this Subsection (4) with respect to a commercial energy system if:

1792 (i) the commercial energy system does not use:

1793 (A) wind, geothermal electricity, solar, or biomass equipment capable of producing a

1794 total of 660 or more kilowatts of electricity; or
1795 (B) solar equipment capable of producing 2,000 or more kilowatts of electricity;
1796 (ii) the taxpayer purchases or participates in the financing of the commercial energy
1797 system;
1798 (iii) (A) the commercial energy system supplies all or part of the energy required by
1799 commercial units owned or used by the taxpayer; or
1800 (B) the taxpayer sells all or part of the energy produced by the commercial energy
1801 system as a commercial enterprise;
1802 (iv) the commercial energy system is completed and placed in service on or after
1803 January 1, 2007; and
1804 (v) the taxpayer obtains a written certification from the office in accordance with
1805 Subsection (7).
1806 (b) (i) Subject to Subsections (4)(b)(ii) through (v), the tax credit is equal to 10% of the
1807 reasonable costs of the commercial energy system.
1808 (ii) A tax credit under this Subsection (4) may include installation costs.
1809 (iii) A taxpayer may claim a tax credit under this Subsection (4) for the taxable year in
1810 which the commercial energy system is completed and placed in service.
1811 (iv) A tax credit under this Subsection (4) may not be carried forward or carried back.
1812 (v) The total amount of tax credit a taxpayer may claim under this Subsection (4) may
1813 not exceed \$50,000 per commercial unit.
1814 (c) (i) Subject to Subsections (4)(c)(ii) and (iii), a taxpayer that is a lessee of a
1815 commercial energy system installed on a commercial unit may claim a tax credit under this
1816 Subsection (4) if the taxpayer confirms that the lessor irrevocably elects not to claim the tax
1817 credit.
1818 (ii) A taxpayer described in Subsection (4)(c)(i) may claim as a tax credit under this
1819 Subsection (4) only the principal recovery portion of the lease payments.
1820 (iii) A taxpayer described in Subsection (4)(c)(i) may claim a tax credit under this
1821 Subsection (4) for a period that does not exceed seven taxable years after the date the lease

1822 begins, as stated in the lease agreement.

1823 (5) (a) Subject to the other provisions of this Subsection (5), a taxpayer may claim a
1824 refundable tax credit under this Subsection (5) with respect to a commercial energy system if:

1825 (i) the commercial energy system uses wind, geothermal electricity, or biomass
1826 equipment capable of producing a total of 660 or more kilowatts of electricity;

1827 (ii) (A) the commercial energy system supplies all or part of the energy required by
1828 commercial units owned or used by the taxpayer; or

1829 (B) the taxpayer sells all or part of the energy produced by the commercial energy
1830 system as a commercial enterprise;

1831 (iii) the commercial energy system is completed and placed in service on or after
1832 January 1, 2007; and

1833 (iv) the taxpayer obtains a written certification from the office in accordance with
1834 Subsection (7).

1835 (b) (i) Subject to Subsections (5)(b)(ii) and (iii), a tax credit under this Subsection (5)
1836 is equal to the product of:

1837 (A) 0.35 cents; and

1838 (B) the kilowatt hours of electricity produced and used or sold during the taxable year.

1839 (ii) A tax credit under this Subsection (5) may be claimed for production occurring
1840 during a period of 48 months beginning with the month in which the commercial energy
1841 system is placed in commercial service.

1842 (iii) A tax credit under this Subsection (5) may not be carried forward or carried back.

1843 (c) A taxpayer that is a lessee of a commercial energy system installed on a commercial
1844 unit may claim a tax credit under this Subsection (5) if the taxpayer confirms that the lessor
1845 irrevocably elects not to claim the tax credit.

1846 (6) (a) Subject to the other provisions of this Subsection (6), a taxpayer may claim a
1847 refundable tax credit as provided in this Subsection (6) if:

1848 (i) the taxpayer owns a commercial energy system that uses solar equipment capable of
1849 producing a total of 660 or more kilowatts of electricity;

1850 (ii) (A) the commercial energy system supplies all or part of the energy required by
1851 commercial units owned or used by the taxpayer; or

1852 (B) the taxpayer sells all or part of the energy produced by the commercial energy
1853 system as a commercial enterprise;

1854 (iii) the taxpayer does not claim a tax credit under Subsection (4);

1855 (iv) the commercial energy system is completed and placed in service on or after
1856 January 1, 2015; and

1857 (v) the taxpayer obtains a written certification from the office in accordance with
1858 Subsection (7).

1859 (b) (i) Subject to Subsections (6)(b)(ii) and (iii), a tax credit under this Subsection (6)
1860 is equal to the product of:

1861 (A) 0.35 cents; and

1862 (B) the kilowatt hours of electricity produced and used or sold during the taxable year.

1863 (ii) A tax credit under this Subsection (6) may be claimed for production occurring
1864 during a period of 48 months beginning with the month in which the commercial energy
1865 system is placed in commercial service.

1866 (iii) A tax credit under this Subsection (6) may not be carried forward or carried back.

1867 (c) A taxpayer that is a lessee of a commercial energy system installed on a commercial
1868 unit may claim a tax credit under this Subsection (6) if the taxpayer confirms that the lessor
1869 irrevocably elects not to claim the tax credit.

1870 (7) (a) Before a taxpayer may claim a tax credit under this section, the taxpayer shall
1871 obtain a written certification from the office.

1872 (b) The office shall issue a taxpayer a written certification if the office determines that:

1873 (i) the taxpayer meets the requirements of this section to receive a tax credit; and

1874 (ii) the residential energy system or commercial energy system with respect to which
1875 the taxpayer seeks to claim a tax credit:

1876 (A) has been completely installed;

1877 (B) is a viable system for saving or producing energy from renewable resources; and

(C) is safe, reliable, efficient, and technically feasible to ensure that the residential energy system or commercial energy system uses the state's renewable and nonrenewable energy resources in an appropriate and economic manner.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules:

(i) for determining whether a residential energy system or commercial energy system meets the requirements of Subsection (7)(b)(ii); and

(ii) for purposes of a tax credit under Subsection (3) or (4), establishing the reasonable costs of a residential energy system or a commercial energy system, as an amount per unit of energy production.

(d) A taxpayer that obtains a written certification from the office shall retain the certification for the same time period a person is required to keep books and records under Section [59-1-1406](#).

(e) The office shall submit to the commission an electronic list that includes:

(i) the name and identifying information of each taxpayer to which the office issues a written certification; and

(ii) for each taxpayer:

(A) the amount of the tax credit listed on the written certification; and

(B) the date the renewable energy system was installed.

(8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules to address the certification of a tax credit under this section.

(9) A tax credit under this section is in addition to any tax credits provided under the laws or rules and regulations of the United States.

Section 24. Section **59-7-614.7** is amended to read:

59-7-614.7. Nonrefundable alternative energy development tax credit.

(1) As used in this section:

(a) "Alternative energy entity" means the same as that term is defined in Section [\[63M-4-502\]](#) [79-6-502](#).

1906 (b) "Alternative energy project" means the same as that term is defined in Section
1907 [~~63M-4-502~~] 79-6-502.

1908 (c) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]
1909 79-6-401.

1910 (2) Subject to the other provisions of this section, an alternative energy entity may
1911 claim a nonrefundable tax credit for alternative energy development as provided in this section.

1912 (3) The tax credit under this section is the amount listed as the tax credit amount on a
1913 tax credit certificate that the office issues under [~~Title 63M, Chapter 4,~~] Title 79, Chapter 6,
1914 Part 5, Alternative Energy Development Tax Credit Act, to the alternative energy entity for the
1915 taxable year.

1916 (4) An alternative energy entity may carry forward a tax credit under this section for a
1917 period that does not exceed the next seven taxable years if:

1918 (a) the alternative energy entity is allowed to claim a tax credit under this section for a
1919 taxable year; and

1920 (b) the amount of the tax credit exceeds the alternative energy entity's tax liability
1921 under this chapter for that taxable year.

1922 (5) (a) In accordance with Section 59-7-159, the Revenue and Taxation Interim
1923 Committee shall study the tax credit allowed by this section and make recommendations
1924 concerning whether the tax credit should be continued, modified, or repealed.

1925 (b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by
1926 this Subsection (5), the office shall provide the following information, if available to the office,
1927 to the Office of the Legislative Fiscal Analyst by electronic means:

1928 (A) the amount of tax credit that the office grants to each alternative energy entity for
1929 each taxable year;

1930 (B) the new state revenues generated by each alternative energy project;

1931 (C) the information contained in the office's latest report under Section [~~63M-4-505~~]
1932 79-6-505; and

1933 (D) any other information that the Office of the Legislative Fiscal Analyst requests.

(ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

(B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection (5)(b)(i) in the aggregate for all alternative energy entities that receive the tax credit under this section.

(c) As part of the study required by this Subsection (5), the Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection (5)(b).

(d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:

- (i) the cost of the tax credit to the state;
- (ii) the purpose and effectiveness of the tax credit; and
- (iii) the extent to which the state benefits from the tax credit.

Section 25. Section **59-7-619** is amended to read:

59-7-619. Nonrefundable high cost infrastructure development tax credit.

(1) As used in this section:

(a) "High cost infrastructure project" means the same as that term is defined in Section ~~[63M-4-602]~~ 79-6-602.

(b) "Infrastructure cost-burdened entity" means the same as that term is defined in Section ~~[63M-4-602]~~ 79-6-602.

(c) "Infrastructure-related revenue" means the same as that term is defined in Section ~~[63M-4-602]~~ 79-6-602.

(d) "Office" means the Office of Energy Development created in Section ~~[63M-4-401]~~ 79-6-401.

(2) Subject to the other provisions of this section, a corporation that is an infrastructure

cost-burdened entity may claim a nonrefundable tax credit for development of a high cost infrastructure project as provided in this section.

(3) The tax credit under this section is the amount listed as the tax credit amount on a tax credit certificate that the office issues under ~~[Title 63M, Chapter 4,]~~ Title 79, Chapter 6, Part 6, High Cost Infrastructure Development Tax Credit Act, to the infrastructure cost-burdened entity for the taxable year.

(4) An infrastructure cost-burdened entity may carry forward a tax credit under this section for a period that does not exceed the next seven taxable years if:

(a) the infrastructure cost-burdened entity is allowed to claim a tax credit under this section for a taxable year; and

(b) the amount of the tax credit exceeds the infrastructure cost-burdened entity's tax liability under this chapter for that taxable year.

(5) (a) In accordance with Section 59-7-159, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.

(b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5), the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst:

(A) the amount of tax credit that the office grants to each infrastructure cost-burdened entity for each taxable year;

(B) the infrastructure-related revenue generated by each high cost infrastructure project;

(C) the information contained in the office's latest report under Section ~~[63M-4-505]~~ 79-6-605; and

(D) any other information that the Office of the Legislative Fiscal Analyst requests.

(ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

(B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting

the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection (5)(b)(i) in the aggregate for all infrastructure cost-burdened entities that receive the tax credit under this section.

(c) As part of the study required by this Subsection (5), the Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection (5)(b).

(d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:

- (i) the cost of the tax credit to the state;
- (ii) the purpose and effectiveness of the tax credit; and
- (iii) the extent to which the state benefits from the tax credit.

Section 26. Section **59-10-1014** is amended to read:

59-10-1014. Nonrefundable renewable energy systems tax credits -- Definitions -- Certification -- Rulemaking authority.

(1) As used in this section:

(a) (i) "Active solar system" means a system of equipment that is capable of:

(A) collecting and converting incident solar radiation into thermal, mechanical, or electrical energy; and

(B) transferring a form of energy described in Subsection (1)(a)(i)(A) by a separate apparatus to storage or to the point of use.

(ii) "Active solar system" includes water heating, space heating or cooling, and electrical or mechanical energy generation.

(b) "Biomass system" means a system of apparatus and equipment for use in:

(i) converting material into biomass energy, as defined in Section [59-12-102](#); and

(ii) transporting the biomass energy by separate apparatus to the point of use or storage.

(c) "Direct use geothermal system" means a system of apparatus and equipment that

2018 enables the direct use of geothermal energy to meet energy needs, including heating a building,
2019 an industrial process, and aquaculture.

2020 (d) "Geothermal electricity" means energy that is:

2021 (i) contained in heat that continuously flows outward from the earth; and

2022 (ii) used as a sole source of energy to produce electricity.

2023 (e) "Geothermal energy" means energy generated by heat that is contained in the earth.

2024 (f) "Geothermal heat pump system" means a system of apparatus and equipment that:

2025 (i) enables the use of thermal properties contained in the earth at temperatures well
2026 below 100 degrees Fahrenheit; and

2027 (ii) helps meet heating and cooling needs of a structure.

2028 (g) "Hydroenergy system" means a system of apparatus and equipment that is capable
2029 of:

2030 (i) intercepting and converting kinetic water energy into electrical or mechanical
2031 energy; and

2032 (ii) transferring this form of energy by separate apparatus to the point of use or storage.

2033 (h) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]
2034 [79-6-401](#).

2035 (i) (i) "Passive solar system" means a direct thermal system that utilizes the structure of
2036 a building and its operable components to provide for collection, storage, and distribution of
2037 heating or cooling during the appropriate times of the year by utilizing the climate resources
2038 available at the site.

2039 (ii) "Passive solar system" includes those portions and components of a building that
2040 are expressly designed and required for the collection, storage, and distribution of solar energy.

2041 (j) "Photovoltaic system" means an active solar system that generates electricity from
2042 sunlight.

2043 (k) (i) "Principal recovery portion" means the portion of a lease payment that
2044 constitutes the cost a person incurs in acquiring a residential energy system.

2045 (ii) "Principal recovery portion" does not include:

- 2046 (A) an interest charge; or
2047 (B) a maintenance expense.
- 2048 (l) "Residential energy system" means the following used to supply energy to or for a
2049 residential unit:
- 2050 (i) an active solar system;
2051 (ii) a biomass system;
2052 (iii) a direct use geothermal system;
2053 (iv) a geothermal heat pump system;
2054 (v) a hydroenergy system;
2055 (vi) a passive solar system; or
2056 (vii) a wind system.
- 2057 (m) (i) "Residential unit" means a house, condominium, apartment, or similar dwelling
2058 unit that:
- 2059 (A) is located in the state; and
2060 (B) serves as a dwelling for a person, group of persons, or a family.
- 2061 (ii) "Residential unit" does not include property subject to a fee under:
- 2062 (A) Section 59-2-405;
2063 (B) Section 59-2-405.1;
2064 (C) Section 59-2-405.2;
2065 (D) Section 59-2-405.3; or
2066 (E) Section 72-10-110.5.
- 2067 (n) "Wind system" means a system of apparatus and equipment that is capable of:
2068 (i) intercepting and converting wind energy into mechanical or electrical energy; and
2069 (ii) transferring these forms of energy by a separate apparatus to the point of use or
2070 storage.
- 2071 (2) A claimant, estate, or trust may claim an energy system tax credit as provided in
2072 this section against a tax due under this chapter for a taxable year.
- 2073 (3) For a taxable year beginning on or after January 1, 2007, a claimant, estate, or trust

2074 may claim a nonrefundable tax credit under this section with respect to a residential unit the
2075 claimant, estate, or trust owns or uses if:

2076 (a) the claimant, estate, or trust:

2077 (i) purchases and completes a residential energy system to supply all or part of the
2078 energy required for the residential unit; or

2079 (ii) participates in the financing of a residential energy system to supply all or part of
2080 the energy required for the residential unit;

2081 (b) the residential energy system is installed on or after January 1, 2007; and

2082 (c) the claimant, estate, or trust obtains a written certification from the office in
2083 accordance with Subsection (5).

2084 (4) (a) For a residential energy system, other than a photovoltaic system, the tax credit
2085 described in this section is equal to the lesser of:

2086 (i) 25% of the reasonable costs, including installation costs, of each residential energy
2087 system installed with respect to each residential unit the claimant, estate, or trust owns or uses;
2088 and

2089 (ii) \$2,000.

2090 (b) Subject to Subsection (5)(d), for a residential energy system that is a photovoltaic
2091 system, the tax credit described in this section is equal to the lesser of:

2092 (i) 25% of the reasonable costs, including installation costs, of each system installed
2093 with respect to each residential unit the claimant, estate, or trust owns or uses; or

2094 (ii) (A) for a system installed on or after January 1, 2007, but on or before December
2095 31, 2017, \$2,000;

2096 (B) for a system installed on or after January 1, 2018, but on or before December 31,
2097 2020, \$1,600;

2098 (C) for a system installed on or after January 1, 2021, but on or before December 31,
2099 2021, \$1,200;

2100 (D) for a system installed on or after January 1, 2022, but on or before December 31,
2101 2022, \$800;

2102 (E) for a system installed on or after January 1, 2023, but on or before December 31,
2103 2023, \$400; and

2104 (F) for a system installed on or after January 1, 2024, \$0.

2105 (c) (i) The office shall determine the amount of the tax credit that a claimant, estate, or
2106 trust may claim and list that amount on the written certification that the office issues under
2107 Subsection (5).

2108 (ii) The claimant, estate, or trust may claim the tax credit in the amount listed on the
2109 written certification that the office issues under Subsection (5).

2110 (d) A claimant, estate, or trust may claim a tax credit under Subsection (3) for the
2111 taxable year in which the residential energy system is installed.

2112 (e) If the amount of a tax credit listed on the written certification exceeds a claimant's,
2113 estate's, or trust's tax liability under this chapter for a taxable year, the claimant, estate, or trust
2114 may carry forward the amount of the tax credit exceeding the liability for a period that does not
2115 exceed the next four taxable years.

2116 (f) A claimant, estate, or trust may claim a tax credit with respect to additional
2117 residential energy systems or parts of residential energy systems for a subsequent taxable year
2118 if the total amount of tax credit the claimant, estate, or trust claims does not exceed \$2,000 per
2119 residential unit.

2120 (g) (i) Subject to Subsections (4)(g)(ii) and (iii), a claimant, estate, or trust that leases a
2121 residential energy system installed on a residential unit may claim a tax credit under Subsection
2122 (3) if the claimant, estate, or trust confirms that the lessor irrevocably elects not to claim the tax
2123 credit.

2124 (ii) A claimant, estate, or trust described in Subsection (4)(g)(i) that leases a residential
2125 energy system may claim as a tax credit under Subsection (3) only the principal recovery
2126 portion of the lease payments.

2127 (iii) A claimant, estate, or trust described in Subsection (4)(g)(i) that leases a
2128 residential energy system may claim a tax credit under Subsection (3) for a period that does not
2129 exceed seven taxable years after the date the lease begins, as stated in the lease agreement.

(h) If a claimant, estate, or trust sells a residential unit to another person before the claimant, estate, or trust claims the tax credit under Subsection (3):

(i) the claimant, estate, or trust may assign the tax credit to the other person; and

(ii) (A) if the other person files a return under Chapter 7, Corporate Franchise and Income Taxes, the other person may claim the tax credit as if the other person had met the requirements of Section 59-7-614 to claim the tax credit; or

(B) if the other person files a return under this chapter, the other person may claim the tax credit under this section as if the other person had met the requirements of this section to claim the tax credit.

(5) (a) Before a claimant, estate, or trust may claim a tax credit under this section, the claimant, estate, or trust shall obtain a written certification from the office.

(b) The office shall issue a claimant, estate, or trust a written certification if the office determines that:

(i) the claimant, estate, or trust meets the requirements of this section to receive a tax credit; and

(ii) the office determines that the residential energy system with respect to which the claimant, estate, or trust seeks to claim a tax credit:

(A) has been completely installed;

(B) is a viable system for saving or producing energy from renewable resources; and

(C) is safe, reliable, efficient, and technically feasible to ensure that the residential energy system uses the state's renewable and nonrenewable energy resources in an appropriate and economic manner.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules:

(i) for determining whether a residential energy system meets the requirements of Subsection (5)(b)(ii); and

(ii) for purposes of determining the amount of a tax credit that a claimant, estate, or trust may receive under Subsection (4), establishing the reasonable costs of a residential energy

2158 system, as an amount per unit of energy production.

2159 (d) A claimant, estate, or trust that obtains a written certification from the office shall
2160 retain the certification for the same time period a person is required to keep books and records
2161 under Section [59-1-1406](#).

2162 (e) The office shall submit to the commission an electronic list that includes:

2163 (i) the name and identifying information of each claimant, estate, or trust to which the
2164 office issues a written certification; and

2165 (ii) for each claimant, estate, or trust:

2166 (A) the amount of the tax credit listed on the written certification; and

2167 (B) the date the renewable energy system was installed.

2168 (6) A tax credit under this section is in addition to any tax credits provided under the
2169 laws or rules and regulations of the United States.

2170 (7) A purchaser of one or more solar units that claims a tax credit under Section
2171 [59-10-1024](#) for the purchase of the one or more solar units may not claim a tax credit under this
2172 section for that purchase.

2173 Section 27. Section **59-10-1024** is amended to read:

2174 **59-10-1024. Nonrefundable tax credit for qualifying solar projects.**

2175 (1) As used in this section:

2176 (a) "Active solar system" means the same as that term is defined in Section
2177 [59-10-1014](#).

2178 (b) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]
2179 [79-6-401](#).

2180 (c) "Purchaser" means a claimant, estate, or trust that purchases one or more solar units
2181 from a qualifying political subdivision.

2182 (d) "Qualifying political subdivision" means:

2183 (i) a city or town in this state;

2184 (ii) an interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act;

2185 or

- 2186 (iii) a special service district created under Title 17D, Chapter 1, Special Service
2187 District Act.
- 2188 (e) "Qualifying solar project" means the portion of an active solar system:
2189 (i) that a qualifying political subdivision:
2190 (A) constructs;
2191 (B) controls; or
2192 (C) owns;
- 2193 (ii) with respect to which the qualifying political subdivision sells one or more solar
2194 units; and
- 2195 (iii) that generates electrical output that is furnished:
2196 (A) to one or more residential units; or
2197 (B) for the benefit of one or more residential units.
- 2198 (f) "Residential unit" means the same as that term is defined in Section [59-10-1014](#).
2199 (g) "Solar unit" means a portion of the electrical output:
2200 (i) of a qualifying solar project;
2201 (ii) that a qualifying political subdivision sells to a purchaser; and
2202 (iii) the purchase of which requires that the purchaser agree to bear a proportionate
2203 share of the expense of the qualifying solar project:
- 2204 (A) in accordance with a written agreement between the purchaser and the qualifying
2205 political subdivision;
2206 (B) in exchange for a credit on the purchaser's electrical bill; and
2207 (C) as determined by a formula established by the qualifying political subdivision.
- 2208 (2) (a) Subject to Subsections (2)(b) and (3), a purchaser may claim a nonrefundable
2209 tax credit equal to the amount stated on a tax credit certificate issued by the office.
- 2210 (b) The maximum tax credit per taxpayer per taxable year is the lesser of:
2211 (i) 25% of the amount that the purchaser pays to purchase one or more solar units
2212 during the taxable year; and
2213 (ii) \$2,000.

2214 (3) (a) To claim a tax credit under this section, a purchaser shall receive a tax credit
2215 certificate from the office.

2216 (b) The purchaser shall submit, with the purchaser's application for a tax credit
2217 certificate, proof of the purchaser's purchase of one or more solar units.

2218 (c) If the office determines that the purchaser purchased one or more solar units during
2219 the taxable year, the office shall:

2220 (i) determine the amount of the purchaser's tax credit; and

2221 (ii) issue, on a form approved by the commission, a tax credit certificate to the
2222 purchaser that states the amount of the purchaser's tax credit.

2223 (d) If the office determines that a claimant, estate, or trust requesting a tax credit
2224 certificate is not eligible for a tax credit certificate under this section but may be eligible for a
2225 tax credit certificate under Section 59-10-1014, the office shall treat the claimant, estate, or
2226 trust as applying for a written certification in accordance with Section 59-10-1014.

2227 (e) A purchaser who receives a tax credit certificate shall retain the tax credit certificate
2228 for the same time period that a person is required to keep books and records under Section
2229 59-1-1406.

2230 (f) The office shall submit to the commission an electronic list that includes:

2231 (i) the name and identifying information of each purchaser to whom the office issued a
2232 certificate; and

2233 (ii) for each claimant, estate, or trust:

2234 (A) the amount of the tax credit listed on the written certification; and

2235 (B) the date or dates the claimant, estate, or trust purchased one or more solar units.

2236 (4) A purchaser may carry forward a tax credit under this section for a period that does
2237 not exceed the next four taxable years if:

2238 (a) the purchaser is allowed to claim a tax credit under this section for a taxable year;
2239 and

2240 (b) the amount of the tax credit exceeds the purchaser's tax liability under this chapter
2241 for that taxable year.

(5) Subject to Section [59-10-1014](#), a tax credit under this section is in addition to any other tax credit allowed by this chapter.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules to govern the application process for receiving a tax credit certificate.

Section 28. Section **59-10-1029** is amended to read:

59-10-1029. Nonrefundable alternative energy development tax credit.

(1) As used in this section:

(a) "Alternative energy entity" means the same as that term is defined in Section ~~[63M-4-502]~~ [79-6-502](#).

(b) "Alternative energy project" means the same as that term is defined in Section ~~[63M-4-502]~~ [79-6-502](#).

(c) "Office" means the Office of Energy Development created in Section ~~[63M-4-401]~~ [79-6-401](#).

(2) Subject to the other provisions of this section, an alternative energy entity may claim a nonrefundable tax credit for alternative energy development as provided in this section.

(3) The tax credit under this section is the amount listed as the tax credit amount on a tax credit certificate that the office issues under ~~[Title 63M, Chapter 4,]~~ [Title 79, Chapter 6](#), Part 5, Alternative Energy Development Tax Credit Act, to the alternative energy entity for the taxable year.

(4) An alternative energy entity may carry forward a tax credit under this section for a period that does not exceed the next seven taxable years if:

(a) the alternative energy entity is allowed to claim a tax credit under this section for a taxable year; and

(b) the amount of the tax credit exceeds the alternative energy entity's tax liability under this chapter for that taxable year.

(5) (a) In accordance with Section [59-10-137](#), the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.

2270 (b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by
2271 this Subsection (5), the office shall provide the following information, if available to the office,
2272 to the Office of the Legislative Fiscal Analyst by electronic means:

2273 (A) the amount of tax credit that the office grants to each alternative energy entity for
2274 each taxable year;

2275 (B) the new state revenues generated by each alternative energy project;

2276 (C) the information contained in the office's latest report under Section [~~63M-4-505~~]
2277 79-6-505; and

2278 (D) any other information that the Office of the Legislative Fiscal Analyst requests.

2279 (ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall
2280 redact information that identifies a recipient of a tax credit under this section.

2281 (B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting
2282 the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a
2283 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to
2284 provide the information described in Subsection (5)(b)(i) in the aggregate for all alternative
2285 energy entities that receive the tax credit under this section.

2286 (c) As part of the study required by this Subsection (5), the Office of the Legislative
2287 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and
2288 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the
2289 office under Subsection (5)(b).

2290 (d) The Revenue and Taxation Interim Committee shall ensure that the
2291 recommendations described in Subsection (5)(a) include an evaluation of:

2292 (i) the cost of the tax credit to the state;

2293 (ii) the purpose and effectiveness of the tax credit; and

2294 (iii) the extent to which the state benefits from the tax credit.

2295 Section 29. Section **59-10-1034** is amended to read:

2296 **59-10-1034. Nonrefundable high cost infrastructure development tax credit.**

2297 (1) As used in this section:

2298 (a) "High cost infrastructure project" means the same as that term is defined in Section
2299 [~~63M-4-602~~] 79-6-602.

2300 (b) "Infrastructure cost-burdened entity" means the same as that term is defined in
2301 Section [~~63M-4-602~~] 79-6-602.

2302 (c) "Infrastructure-related revenue" means the same as that term is defined in Section
2303 [~~63M-4-602~~] 79-6-602.

2304 (d) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]
2305 79-6-401.

2306 (2) Subject to the other provisions of this section, a claimant, estate, or trust that is an
2307 infrastructure cost-burdened entity may claim a nonrefundable tax credit for development of a
2308 high cost infrastructure project as provided in this section.

2309 (3) The tax credit under this section is the amount listed as the tax credit amount on a
2310 tax credit certificate that the office issues under [~~Title 63M, Chapter 4,~~] Title 79, Chapter 6,
2311 Part 6, High Cost Infrastructure Development Tax Credit Act, to the infrastructure
2312 cost-burdened entity for the taxable year.

2313 (4) An infrastructure cost-burdened entity may carry forward a tax credit under this
2314 section for a period that does not exceed the next seven taxable years if:

2315 (a) the infrastructure cost-burdened entity is allowed to claim a tax credit under this
2316 section for a taxable year; and

2317 (b) the amount of the tax credit exceeds the infrastructure cost-burdened entity's tax
2318 liability under this chapter for that taxable year.

2319 (5) (a) In accordance with Section 59-10-137, the Revenue and Taxation Interim
2320 Committee shall study the tax credit allowed by this section and make recommendations
2321 concerning whether the tax credit should be continued, modified, or repealed.

2322 (b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by
2323 this Subsection (5), the office shall provide the following information, if available to the office,
2324 to the Office of the Legislative Fiscal Analyst:

2325 (A) the amount of tax credit that the office grants to each infrastructure cost-burdened

2326 entity for each taxable year;

2327 (B) the infrastructure-related revenue generated by each high cost infrastructure
2328 project;

2329 (C) the information contained in the office's latest report under Section [~~63M-4-505~~]
2330 79-6-605; and

2331 (D) any other information that the Office of the Legislative Fiscal Analyst requests.

2332 (ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall
2333 redact information that identifies a recipient of a tax credit under this section.

2334 (B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting
2335 the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a
2336 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to
2337 provide the information described in Subsection (5)(b)(i) in the aggregate for all infrastructure
2338 cost-burdened entities that receive the tax credit under this section.

2339 (c) As part of the study required by this Subsection (5), the Office of the Legislative
2340 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and
2341 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the
2342 office under Subsection (5)(b).

2343 (d) The Revenue and Taxation Interim Committee shall ensure that the
2344 recommendations described in Subsection (5)(a) include an evaluation of:

- 2345 (i) the cost of the tax credit to the state;
2346 (ii) the purpose and effectiveness of the tax credit; and
2347 (iii) the extent to which the state benefits from the tax credit.

2348 Section 30. Section **59-10-1106** is amended to read:

2349 **59-10-1106. Refundable renewable energy systems tax credits -- Definitions --**
2350 **Certification -- Rulemaking authority.**

2351 (1) As used in this section:

2352 (a) "Active solar system" means the same as that term is defined in Section
2353 59-10-1014.

- 2354 (b) "Biomass system" means the same as that term is defined in Section 59-10-1014.
- 2355 (c) "Commercial energy system" means the same as that term is defined in Section
- 2356 59-7-614.
- 2357 (d) "Commercial enterprise" means the same as that term is defined in Section
- 2358 59-7-614.
- 2359 (e) (i) "Commercial unit" means the same as that term is defined in Section 59-7-614.
- 2360 (ii) Notwithstanding Subsection (1)(e)(i):
- 2361 (A) with respect to an active solar system used for agricultural water pumping or a
- 2362 wind system, each individual energy generating device is considered to be a commercial unit;
- 2363 or
- 2364 (B) if an energy system is the building or structure that a claimant, estate, or trust uses
- 2365 to transact business, a commercial unit is the complete energy system itself.
- 2366 (f) "Direct use geothermal system" means the same as that term is defined in Section
- 2367 59-10-1014.
- 2368 (g) "Geothermal electricity" means the same as that term is defined in Section
- 2369 59-10-1014.
- 2370 (h) "Geothermal energy" means the same as that term is defined in Section 59-10-1014.
- 2371 (i) "Geothermal heat pump system" means the same as that term is defined in Section
- 2372 59-10-1014.
- 2373 (j) "Hydroenergy system" means the same as that term is defined in Section
- 2374 59-10-1014.
- 2375 (k) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]
- 2376 79-6-401.
- 2377 (l) "Passive solar system" means the same as that term is defined in Section
- 2378 59-10-1014.
- 2379 (m) "Principal recovery portion" means the same as that term is defined in Section
- 2380 59-10-1014.
- 2381 (n) "Wind system" means the same as that term is defined in Section 59-10-1014.

(2) A claimant, estate, or trust may claim an energy system tax credit as provided in this section against a tax due under this chapter for a taxable year.

(3) (a) Subject to the other provisions of this Subsection (3), a claimant, estate, or trust may claim a refundable tax credit under this Subsection (3) with respect to a commercial energy system if:

(i) the commercial energy system does not use:

(A) wind, geothermal electricity, solar, or biomass equipment capable of producing a total of 660 or more kilowatts of electricity; or

(B) solar equipment capable of producing 2,000 or more kilowatts of electricity;

(ii) the claimant, estate, or trust purchases or participates in the financing of the commercial energy system;

(iii) (A) the commercial energy system supplies all or part of the energy required by commercial units owned or used by the claimant, estate, or trust; or

(B) the claimant, estate, or trust sells all or part of the energy produced by the commercial energy system as a commercial enterprise;

(iv) the commercial energy system is completed and placed in service on or after January 1, 2007; and

(v) the claimant, estate, or trust obtains a written certification from the office in accordance with Subsection (6).

(b) (i) Subject to Subsections (3)(b)(ii) through (v), the tax credit is equal to 10% of the reasonable costs of the commercial energy system.

(ii) A tax credit under this Subsection (3) may include installation costs.

(iii) A claimant, estate, or trust may claim a tax credit under this Subsection (3) for the taxable year in which the commercial energy system is completed and placed in service.

(iv) A tax credit under this Subsection (3) may not be carried forward or carried back.

(v) The total amount of tax credit a claimant, estate, or trust may claim under this Subsection (3) may not exceed \$50,000 per commercial unit.

(c) (i) Subject to Subsections (3)(c)(ii) and (iii), a claimant, estate, or trust that is a

2410 lessee of a commercial energy system installed on a commercial unit may claim a tax credit
2411 under this Subsection (3) if the claimant, estate, or trust confirms that the lessor irrevocably
2412 elects not to claim the tax credit.

2413 (ii) A claimant, estate, or trust described in Subsection (3)(c)(i) may claim as a tax
2414 credit under this Subsection (3) only the principal recovery portion of the lease payments.

2415 (iii) A claimant, estate, or trust described in Subsection (3)(c)(i) may claim a tax credit
2416 under this Subsection (3) for a period that does not exceed seven taxable years after the date the
2417 lease begins, as stated in the lease agreement.

2418 (4) (a) Subject to the other provisions of this Subsection (4), a claimant, estate, or trust
2419 may claim a refundable tax credit under this Subsection (4) with respect to a commercial
2420 energy system if:

2421 (i) the commercial energy system uses wind, geothermal electricity, or biomass
2422 equipment capable of producing a total of 660 or more kilowatts of electricity;

2423 (ii) (A) the commercial energy system supplies all or part of the energy required by
2424 commercial units owned or used by the claimant, estate, or trust; or

2425 (B) the claimant, estate, or trust sells all or part of the energy produced by the
2426 commercial energy system as a commercial enterprise;

2427 (iii) the commercial energy system is completed and placed in service on or after
2428 January 1, 2007; and

2429 (iv) the claimant, estate, or trust obtains a written certification from the office in
2430 accordance with Subsection (6).

2431 (b) (i) Subject to Subsections (4)(b)(ii) and (iii), a tax credit under this Subsection (4)
2432 is equal to the product of:

2433 (A) 0.35 cents; and

2434 (B) the kilowatt hours of electricity produced and used or sold during the taxable year.

2435 (ii) A tax credit under this Subsection (4) may be claimed for production occurring
2436 during a period of 48 months beginning with the month in which the commercial energy
2437 system is placed in commercial service.

2438 (iii) A tax credit under this Subsection (4) may not be carried forward or back.

2439 (c) A claimant, estate, or trust that is a lessee of a commercial energy system installed
2440 on a commercial unit may claim a tax credit under this Subsection (4) if the claimant, estate, or
2441 trust confirms that the lessor irrevocably elects not to claim the tax credit.

2442 (5) (a) Subject to the other provisions of this Subsection (5), a claimant, estate, or trust
2443 may claim a refundable tax credit as provided in this Subsection (5) if:

2444 (i) the claimant, estate, or trust owns a commercial energy system that uses solar
2445 equipment capable of producing a total of 660 or more kilowatts of electricity;

2446 (ii) (A) the commercial energy system supplies all or part of the energy required by
2447 commercial units owned or used by the claimant, estate, or trust; or

2448 (B) the claimant, estate, or trust sells all or part of the energy produced by the
2449 commercial energy system as a commercial enterprise;

2450 (iii) the claimant, estate, or trust does not claim a tax credit under Subsection (3);

2451 (iv) the commercial energy system is completed and placed in service on or after
2452 January 1, 2015; and

2453 (v) the claimant, estate, or trust obtains a written certification from the office in
2454 accordance with Subsection (6).

2455 (b) (i) Subject to Subsections (5)(b)(ii) and (iii), a tax credit under this Subsection (5)
2456 is equal to the product of:

2457 (A) 0.35 cents; and

2458 (B) the kilowatt hours of electricity produced and used or sold during the taxable year.

2459 (ii) A tax credit under this Subsection (5) may be claimed for production occurring
2460 during a period of 48 months beginning with the month in which the commercial energy
2461 system is placed in commercial service.

2462 (iii) A tax credit under this Subsection (5) may not be carried forward or carried back.

2463 (c) A claimant, estate, or trust that is a lessee of a commercial energy system installed
2464 on a commercial unit may claim a tax credit under this Subsection (5) if the claimant, estate, or
2465 trust confirms that the lessor irrevocably elects not to claim the tax credit.

2466 (6) (a) Before a claimant, estate, or trust may claim a tax credit under this section, the
2467 claimant, estate, or trust shall obtain a written certification from the office.

2468 (b) The office shall issue a claimant, estate, or trust a written certification if the office
2469 determines that:

2470 (i) the claimant, estate, or trust meets the requirements of this section to receive a tax
2471 credit; and

2472 (ii) the office determines that the commercial energy system with respect to which the
2473 claimant, estate, or trust seeks to claim a tax credit:

2474 (A) has been completely installed;

2475 (B) is a viable system for saving or producing energy from renewable resources; and

2476 (C) is safe, reliable, efficient, and technically feasible to ensure that the commercial
2477 energy system uses the state's renewable and nonrenewable resources in an appropriate and
2478 economic manner.

2479 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2480 office may make rules:

2481 (i) for determining whether a commercial energy system meets the requirements of
2482 Subsection (6)(b)(ii); and

2483 (ii) for purposes of a tax credit under Subsection (3), establishing the reasonable costs
2484 of a commercial energy system, as an amount per unit of energy production.

2485 (d) A claimant, estate, or trust that obtains a written certification from the office shall
2486 retain the certification for the same time period a person is required to keep books and records
2487 under Section 59-1-1406.

2488 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2489 commission may make rules to address the certification of a tax credit under this section.

2490 (8) A tax credit under this section is in addition to any tax credits provided under the
2491 laws or rules and regulations of the United States.

2492 (9) A purchaser of one or more solar units that claims a tax credit under Section
2493 59-10-1024 for the purchase of the one or more solar units may not claim a tax credit under this

2494 section for that purchase.

2495 Section 31. Section **59-12-104** is amended to read:

2496 **59-12-104. Exemptions.**

2497 Exemptions from the taxes imposed by this chapter are as follows:

2498 (1) sales of aviation fuel, motor fuel, and special fuel subject to a Utah state excise tax
2499 under Chapter 13, Motor and Special Fuel Tax Act;

2500 (2) subject to Section [59-12-104.6](#), sales to the state, its institutions, and its political
2501 subdivisions; however, this exemption does not apply to sales of:

2502 (a) construction materials except:

2503 (i) construction materials purchased by or on behalf of institutions of the public
2504 education system as defined in Utah Constitution, Article X, Section 2, provided the
2505 construction materials are clearly identified and segregated and installed or converted to real
2506 property which is owned by institutions of the public education system; and

2507 (ii) construction materials purchased by the state, its institutions, or its political
2508 subdivisions which are installed or converted to real property by employees of the state, its
2509 institutions, or its political subdivisions; or

2510 (b) tangible personal property in connection with the construction, operation,
2511 maintenance, repair, or replacement of a project, as defined in Section [11-13-103](#), or facilities
2512 providing additional project capacity, as defined in Section [11-13-103](#);

2513 (3) (a) sales of an item described in Subsection (3)(b) from a vending machine if:

2514 (i) the proceeds of each sale do not exceed \$1; and

2515 (ii) the seller or operator of the vending machine reports an amount equal to 150% of
2516 the cost of the item described in Subsection (3)(b) as goods consumed; and

2517 (b) Subsection (3)(a) applies to:

2518 (i) food and food ingredients; or

2519 (ii) prepared food;

2520 (4) (a) sales of the following to a commercial airline carrier for in-flight consumption:

2521 (i) alcoholic beverages;

2522 (ii) food and food ingredients; or
 2523 (iii) prepared food;
 2524 (b) sales of tangible personal property or a product transferred electronically:
 2525 (i) to a passenger;
 2526 (ii) by a commercial airline carrier; and
 2527 (iii) during a flight for in-flight consumption or in-flight use by the passenger; or
 2528 (c) services related to Subsection (4)(a) or (b);
 2529 (5) (a) (i) beginning on July 1, 2008, and ending on September 30, 2008, sales of parts
 2530 and equipment:
 2531 (A) (I) by an establishment described in NAICS Code 336411 or 336412 of the 2002
 2532 North American Industry Classification System of the federal Executive Office of the
 2533 President, Office of Management and Budget; and
 2534 (II) for:
 2535 (Aa) installation in an aircraft, including services relating to the installation of parts or
 2536 equipment in the aircraft;
 2537 (Bb) renovation of an aircraft; or
 2538 (Cc) repair of an aircraft; or
 2539 (B) for installation in an aircraft operated by a common carrier in interstate or foreign
 2540 commerce; or
 2541 (ii) beginning on October 1, 2008, sales of parts and equipment for installation in an
 2542 aircraft operated by a common carrier in interstate or foreign commerce; and
 2543 (b) notwithstanding the time period of Subsection 59-1-1410(8) for filing for a refund,
 2544 a person may claim the exemption allowed by Subsection (5)(a)(i)(B) for a sale by filing for a
 2545 refund:
 2546 (i) if the sale is made on or after July 1, 2008, but on or before September 30, 2008;
 2547 (ii) as if Subsection (5)(a)(i)(B) were in effect on the day on which the sale is made;
 2548 (iii) if the person did not claim the exemption allowed by Subsection (5)(a)(i)(B) for
 2549 the sale prior to filing for the refund;

- 2550 (iv) for sales and use taxes paid under this chapter on the sale;
- 2551 (v) in accordance with Section 59-1-1410; and
- 2552 (vi) subject to any extension allowed for filing for a refund under Section 59-1-1410, if
- 2553 the person files for the refund on or before September 30, 2011;
- 2554 (6) sales of commercials, motion picture films, prerecorded audio program tapes or
- 2555 records, and prerecorded video tapes by a producer, distributor, or studio to a motion picture
- 2556 exhibitor, distributor, or commercial television or radio broadcaster;
- 2557 (7) (a) except as provided in Subsection (85) and subject to Subsection (7)(b), sales of
- 2558 cleaning or washing of tangible personal property if the cleaning or washing of the tangible
- 2559 personal property is not assisted cleaning or washing of tangible personal property;
- 2560 (b) if a seller that sells at the same business location assisted cleaning or washing of
- 2561 tangible personal property and cleaning or washing of tangible personal property that is not
- 2562 assisted cleaning or washing of tangible personal property, the exemption described in
- 2563 Subsection (7)(a) applies if the seller separately accounts for the sales of the assisted cleaning
- 2564 or washing of the tangible personal property; and
- 2565 (c) for purposes of Subsection (7)(b) and in accordance with Title 63G, Chapter 3,
- 2566 Utah Administrative Rulemaking Act, the commission may make rules:
- 2567 (i) governing the circumstances under which sales are at the same business location;
- 2568 and
- 2569 (ii) establishing the procedures and requirements for a seller to separately account for
- 2570 sales of assisted cleaning or washing of tangible personal property;
- 2571 (8) sales made to or by religious or charitable institutions in the conduct of their regular
- 2572 religious or charitable functions and activities, if the requirements of Section 59-12-104.1 are
- 2573 fulfilled;
- 2574 (9) sales of a vehicle of a type required to be registered under the motor vehicle laws of
- 2575 this state if the vehicle is:
- 2576 (a) not registered in this state; and
- 2577 (b) (i) not used in this state; or

2578 (ii) used in this state:

2579 (A) if the vehicle is not used to conduct business, for a time period that does not

2580 exceed the longer of:

2581 (I) 30 days in any calendar year; or

2582 (II) the time period necessary to transport the vehicle to the borders of this state; or

2583 (B) if the vehicle is used to conduct business, for the time period necessary to transport

2584 the vehicle to the borders of this state;

2585 (10) (a) amounts paid for an item described in Subsection (10)(b) if:

2586 (i) the item is intended for human use; and

2587 (ii) (A) a prescription was issued for the item; or

2588 (B) the item was purchased by a hospital or other medical facility; and

2589 (b) (i) Subsection (10)(a) applies to:

2590 (A) a drug;

2591 (B) a syringe; or

2592 (C) a stoma supply; and

2593 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

2594 commission may by rule define the terms:

2595 (A) "syringe"; or

2596 (B) "stoma supply";

2597 (11) purchases or leases exempt under Section [19-12-201](#);

2598 (12) (a) sales of an item described in Subsection (12)(c) served by:

2599 (i) the following if the item described in Subsection (12)(c) is not available to the

2600 general public:

2601 (A) a church; or

2602 (B) a charitable institution; or

2603 (ii) an institution of higher education if:

2604 (A) the item described in Subsection (12)(c) is not available to the general public; or

2605 (B) the item described in Subsection (12)(c) is prepaid as part of a student meal plan

2606 offered by the institution of higher education; or

2607 (b) sales of an item described in Subsection (12)(c) provided for a patient by:

2608 (i) a medical facility; or

2609 (ii) a nursing facility; and

2610 (c) Subsections (12)(a) and (b) apply to:

2611 (i) food and food ingredients;

2612 (ii) prepared food; or

2613 (iii) alcoholic beverages;

2614 (13) (a) except as provided in Subsection (13)(b), the sale of tangible personal property

2615 or a product transferred electronically by a person:

2616 (i) regardless of the number of transactions involving the sale of that tangible personal

2617 property or product transferred electronically by that person; and

2618 (ii) not regularly engaged in the business of selling that type of tangible personal

2619 property or product transferred electronically;

2620 (b) this Subsection (13) does not apply if:

2621 (i) the sale is one of a series of sales of a character to indicate that the person is

2622 regularly engaged in the business of selling that type of tangible personal property or product

2623 transferred electronically;

2624 (ii) the person holds that person out as regularly engaged in the business of selling that

2625 type of tangible personal property or product transferred electronically;

2626 (iii) the person sells an item of tangible personal property or product transferred

2627 electronically that the person purchased as a sale that is exempt under Subsection (25); or

2628 (iv) the sale is of a vehicle or vessel required to be titled or registered under the laws of

2629 this state in which case the tax is based upon:

2630 (A) the bill of sale or other written evidence of value of the vehicle or vessel being

2631 sold; or

2632 (B) in the absence of a bill of sale or other written evidence of value, the fair market

2633 value of the vehicle or vessel being sold at the time of the sale as determined by the

2634 commission; and

2635 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2636 commission shall make rules establishing the circumstances under which:

2637 (i) a person is regularly engaged in the business of selling a type of tangible personal
2638 property or product transferred electronically;

2639 (ii) a sale of tangible personal property or a product transferred electronically is one of
2640 a series of sales of a character to indicate that a person is regularly engaged in the business of
2641 selling that type of tangible personal property or product transferred electronically; or

2642 (iii) a person holds that person out as regularly engaged in the business of selling a type
2643 of tangible personal property or product transferred electronically;

2644 (14) amounts paid or charged for a purchase or lease of machinery, equipment, normal
2645 operating repair or replacement parts, or materials, except for office equipment or office
2646 supplies, by:

2647 (a) a manufacturing facility that:

2648 (i) is located in the state; and

2649 (ii) uses or consumes the machinery, equipment, normal operating repair or
2650 replacement parts, or materials:

2651 (A) in the manufacturing process to manufacture an item sold as tangible personal
2652 property, as the commission may define that phrase in accordance with Title 63G, Chapter 3,
2653 Utah Administrative Rulemaking Act; or

2654 (B) for a scrap recycler, to process an item sold as tangible personal property, as the
2655 commission may define that phrase in accordance with Title 63G, Chapter 3, Utah
2656 Administrative Rulemaking Act;

2657 (b) an establishment, as the commission defines that term in accordance with Title
2658 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

2659 (i) is described in NAICS Subsector 212, Mining (except Oil and Gas), or NAICS
2660 Code 213113, Support Activities for Coal Mining, 213114, Support Activities for Metal
2661 Mining, or 213115, Support Activities for Nonmetallic Minerals (except Fuels) Mining, of the

2662 2002 North American Industry Classification System of the federal Executive Office of the
2663 President, Office of Management and Budget;
2664 (ii) is located in the state; and
2665 (iii) uses or consumes the machinery, equipment, normal operating repair or
2666 replacement parts, or materials in:
2667 (A) the production process to produce an item sold as tangible personal property, as the
2668 commission may define that phrase in accordance with Title 63G, Chapter 3, Utah
2669 Administrative Rulemaking Act;
2670 (B) research and development, as the commission may define that phrase in accordance
2671 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
2672 (C) transporting, storing, or managing tailings, overburden, or similar waste materials
2673 produced from mining;
2674 (D) developing or maintaining a road, tunnel, excavation, or similar feature used in
2675 mining; or
2676 (E) preventing, controlling, or reducing dust or other pollutants from mining; or
2677 (c) an establishment, as the commission defines that term in accordance with Title 63G,
2678 Chapter 3, Utah Administrative Rulemaking Act, that:
2679 (i) is described in NAICS Code 518112, Web Search Portals, of the 2002 North
2680 American Industry Classification System of the federal Executive Office of the President,
2681 Office of Management and Budget;
2682 (ii) is located in the state; and
2683 (iii) uses or consumes the machinery, equipment, normal operating repair or
2684 replacement parts, or materials in the operation of the web search portal;
2685 (15) (a) sales of the following if the requirements of Subsection (15)(b) are met:
2686 (i) tooling;
2687 (ii) special tooling;
2688 (iii) support equipment;
2689 (iv) special test equipment; or

2690 (v) parts used in the repairs or renovations of tooling or equipment described in
2691 Subsections (15)(a)(i) through (iv); and

2692 (b) sales of tooling, equipment, or parts described in Subsection (15)(a) are exempt if:

2693 (i) the tooling, equipment, or parts are used or consumed exclusively in the
2694 performance of any aerospace or electronics industry contract with the United States
2695 government or any subcontract under that contract; and

2696 (ii) under the terms of the contract or subcontract described in Subsection (15)(b)(i),
2697 title to the tooling, equipment, or parts is vested in the United States government as evidenced
2698 by:

2699 (A) a government identification tag placed on the tooling, equipment, or parts; or
2700 (B) listing on a government-approved property record if placing a government
2701 identification tag on the tooling, equipment, or parts is impractical;

2702 (16) sales of newspapers or newspaper subscriptions;

2703 (17) (a) except as provided in Subsection (17)(b), tangible personal property or a
2704 product transferred electronically traded in as full or part payment of the purchase price, except
2705 that for purposes of calculating sales or use tax upon vehicles not sold by a vehicle dealer,
2706 trade-ins are limited to other vehicles only, and the tax is based upon:

2707 (i) the bill of sale or other written evidence of value of the vehicle being sold and the
2708 vehicle being traded in; or

2709 (ii) in the absence of a bill of sale or other written evidence of value, the then existing
2710 fair market value of the vehicle being sold and the vehicle being traded in, as determined by the
2711 commission; and

2712 (b) Subsection (17)(a) does not apply to the following items of tangible personal
2713 property or products transferred electronically traded in as full or part payment of the purchase
2714 price:

2715 (i) money;

2716 (ii) electricity;

2717 (iii) water;

2718 (iv) gas; or
2719 (v) steam;
2720 (18) (a) (i) except as provided in Subsection (18)(b), sales of tangible personal property
2721 or a product transferred electronically used or consumed primarily and directly in farming
2722 operations, regardless of whether the tangible personal property or product transferred
2723 electronically:
2724 (A) becomes part of real estate; or
2725 (B) is installed by a:
2726 (I) farmer;
2727 (II) contractor; or
2728 (III) subcontractor; or
2729 (ii) sales of parts used in the repairs or renovations of tangible personal property or a
2730 product transferred electronically if the tangible personal property or product transferred
2731 electronically is exempt under Subsection (18)(a)(i); and
2732 (b) amounts paid or charged for the following are subject to the taxes imposed by this
2733 chapter:
2734 (i) (A) subject to Subsection (18)(b)(i)(B), machinery, equipment, materials, or
2735 supplies if used in a manner that is incidental to farming; and
2736 (B) tangible personal property that is considered to be used in a manner that is
2737 incidental to farming includes:
2738 (I) hand tools; or
2739 (II) maintenance and janitorial equipment and supplies;
2740 (ii) (A) subject to Subsection (18)(b)(ii)(B), tangible personal property or a product
2741 transferred electronically if the tangible personal property or product transferred electronically
2742 is used in an activity other than farming; and
2743 (B) tangible personal property or a product transferred electronically that is considered
2744 to be used in an activity other than farming includes:
2745 (I) office equipment and supplies; or

2746 (II) equipment and supplies used in:
 2747 (Aa) the sale or distribution of farm products;
 2748 (Bb) research; or
 2749 (Cc) transportation; or
 2750 (iii) a vehicle required to be registered by the laws of this state during the period
 2751 ending two years after the date of the vehicle's purchase;
 2752 (19) sales of hay;
 2753 (20) exclusive sale during the harvest season of seasonal crops, seedling plants, or
 2754 garden, farm, or other agricultural produce if the seasonal crops are, seedling plants are, or
 2755 garden, farm, or other agricultural produce is sold by:
 2756 (a) the producer of the seasonal crops, seedling plants, or garden, farm, or other
 2757 agricultural produce;
 2758 (b) an employee of the producer described in Subsection (20)(a); or
 2759 (c) a member of the immediate family of the producer described in Subsection (20)(a);
 2760 (21) purchases made using a coupon as defined in 7 U.S.C. Sec. 2012 that is issued
 2761 under the Food Stamp Program, 7 U.S.C. Sec. 2011 et seq.;
 2762 (22) sales of nonreturnable containers, nonreturnable labels, nonreturnable bags,
 2763 nonreturnable shipping cases, and nonreturnable casings to a manufacturer, processor,
 2764 wholesaler, or retailer for use in packaging tangible personal property to be sold by that
 2765 manufacturer, processor, wholesaler, or retailer;
 2766 (23) a product stored in the state for resale;
 2767 (24) (a) purchases of a product if:
 2768 (i) the product is:
 2769 (A) purchased outside of this state;
 2770 (B) brought into this state:
 2771 (I) at any time after the purchase described in Subsection (24)(a)(i)(A); and
 2772 (II) by a nonresident person who is not living or working in this state at the time of the
 2773 purchase;

2774 (C) used for the personal use or enjoyment of the nonresident person described in
2775 Subsection (24)(a)(i)(B)(II) while that nonresident person is within the state; and
2776 (D) not used in conducting business in this state; and
2777 (ii) for:
2778 (A) a product other than a boat described in Subsection (24)(a)(ii)(B), the first use of
2779 the product for a purpose for which the product is designed occurs outside of this state;
2780 (B) a boat, the boat is registered outside of this state; or
2781 (C) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is registered
2782 outside of this state;
2783 (b) the exemption provided for in Subsection (24)(a) does not apply to:
2784 (i) a lease or rental of a product; or
2785 (ii) a sale of a vehicle exempt under Subsection (33); and
2786 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
2787 purposes of Subsection (24)(a), the commission may by rule define what constitutes the
2788 following:
2789 (i) conducting business in this state if that phrase has the same meaning in this
2790 Subsection (24) as in Subsection (63);
2791 (ii) the first use of a product if that phrase has the same meaning in this Subsection (24)
2792 as in Subsection (63); or
2793 (iii) a purpose for which a product is designed if that phrase has the same meaning in
2794 this Subsection (24) as in Subsection (63);
2795 (25) a product purchased for resale in the regular course of business, either in its
2796 original form or as an ingredient or component part of a manufactured or compounded product;
2797 (26) a product upon which a sales or use tax was paid to some other state, or one of its
2798 subdivisions, except that the state shall be paid any difference between the tax paid and the tax
2799 imposed by this part and Part 2, Local Sales and Use Tax Act, and no adjustment is allowed if
2800 the tax paid was greater than the tax imposed by this part and Part 2, Local Sales and Use Tax
2801 Act;

2802 (27) any sale of a service described in Subsections 59-12-103(1)(b), (c), and (d) to a
2803 person for use in compounding a service taxable under the subsections;

2804 (28) purchases made in accordance with the special supplemental nutrition program for
2805 women, infants, and children established in 42 U.S.C. Sec. 1786;

2806 (29) sales or leases of rolls, rollers, refractory brick, electric motors, or other
2807 replacement parts used in the furnaces, mills, or ovens of a steel mill described in SIC Code
2808 3312 of the 1987 Standard Industrial Classification Manual of the federal Executive Office of
2809 the President, Office of Management and Budget;

2810 (30) sales of a boat of a type required to be registered under Title 73, Chapter 18, State
2811 Boating Act, a boat trailer, or an outboard motor if the boat, boat trailer, or outboard motor is:

2812 (a) not registered in this state; and
2813 (b) (i) not used in this state; or
2814 (ii) used in this state:

2815 (A) if the boat, boat trailer, or outboard motor is not used to conduct business, for a
2816 time period that does not exceed the longer of:

2817 (I) 30 days in any calendar year; or
2818 (II) the time period necessary to transport the boat, boat trailer, or outboard motor to
2819 the borders of this state; or

2820 (B) if the boat, boat trailer, or outboard motor is used to conduct business, for the time
2821 period necessary to transport the boat, boat trailer, or outboard motor to the borders of this
2822 state;

2823 (31) sales of aircraft manufactured in Utah;

2824 (32) amounts paid for the purchase of telecommunications service for purposes of
2825 providing telecommunications service;

2826 (33) sales, leases, or uses of the following:

2827 (a) a vehicle by an authorized carrier; or
2828 (b) tangible personal property that is installed on a vehicle:
2829 (i) sold or leased to or used by an authorized carrier; and

2830 (ii) before the vehicle is placed in service for the first time;
2831 (34) (a) 45% of the sales price of any new manufactured home; and
2832 (b) 100% of the sales price of any used manufactured home;
2833 (35) sales relating to schools and fundraising sales;
2834 (36) sales or rentals of durable medical equipment if:
2835 (a) a person presents a prescription for the durable medical equipment; and
2836 (b) the durable medical equipment is used for home use only;
2837 (37) (a) sales to a ski resort of electricity to operate a passenger ropeway as defined in
2838 Section 72-11-102; and
2839 (b) the commission shall by rule determine the method for calculating sales exempt
2840 under Subsection (37)(a) that are not separately metered and accounted for in utility billings;
2841 (38) sales to a ski resort of:
2842 (a) snowmaking equipment;
2843 (b) ski slope grooming equipment;
2844 (c) passenger ropeways as defined in Section 72-11-102; or
2845 (d) parts used in the repairs or renovations of equipment or passenger ropeways
2846 described in Subsections (38)(a) through (c);
2847 (39) subject to Subsection 59-12-103(2)(j), sales of natural gas, electricity, heat, coal,
2848 fuel oil, or other fuels for industrial use;
2849 (40) (a) subject to Subsection (40)(b), sales or rentals of the right to use or operate for
2850 amusement, entertainment, or recreation an unassisted amusement device as defined in Section
2851 59-12-102;
2852 (b) if a seller that sells or rents at the same business location the right to use or operate
2853 for amusement, entertainment, or recreation one or more unassisted amusement devices and
2854 one or more assisted amusement devices, the exemption described in Subsection (40)(a)
2855 applies if the seller separately accounts for the sales or rentals of the right to use or operate for
2856 amusement, entertainment, or recreation for the assisted amusement devices; and
2857 (c) for purposes of Subsection (40)(b) and in accordance with Title 63G, Chapter 3,

2858 Utah Administrative Rulemaking Act, the commission may make rules:

2859 (i) governing the circumstances under which sales are at the same business location;

2860 and

2861 (ii) establishing the procedures and requirements for a seller to separately account for
2862 the sales or rentals of the right to use or operate for amusement, entertainment, or recreation for
2863 assisted amusement devices;

2864 (41) (a) sales of photocopies by:

2865 (i) a governmental entity; or

2866 (ii) an entity within the state system of public education, including:

2867 (A) a school; or

2868 (B) the State Board of Education; or

2869 (b) sales of publications by a governmental entity;

2870 (42) amounts paid for admission to an athletic event at an institution of higher
2871 education that is subject to the provisions of Title IX of the Education Amendments of 1972,
2872 20 U.S.C. Sec. 1681 et seq.;

2873 (43) (a) sales made to or by:

2874 (i) an area agency on aging; or

2875 (ii) a senior citizen center owned by a county, city, or town; or

2876 (b) sales made by a senior citizen center that contracts with an area agency on aging;

2877 (44) sales or leases of semiconductor fabricating, processing, research, or development
2878 materials regardless of whether the semiconductor fabricating, processing, research, or
2879 development materials:

2880 (a) actually come into contact with a semiconductor; or

2881 (b) ultimately become incorporated into real property;

2882 (45) an amount paid by or charged to a purchaser for accommodations and services
2883 described in Subsection 59-12-103(1)(i) to the extent the amount is exempt under Section
2884 59-12-104.2;

2885 (46) beginning on September 1, 2001, the lease or use of a vehicle issued a temporary

2886 sports event registration certificate in accordance with Section 41-3-306 for the event period
2887 specified on the temporary sports event registration certificate;

2888 (47) (a) sales or uses of electricity, if the sales or uses are made under a retail tariff
2889 adopted by the Public Service Commission only for purchase of electricity produced from a
2890 new alternative energy source built after January 1, 2016, as designated in the tariff by the
2891 Public Service Commission; and

2892 (b) for a residential use customer only, the exemption under Subsection (47)(a) applies
2893 only to the portion of the tariff rate a customer pays under the tariff described in Subsection
2894 (47)(a) that exceeds the tariff rate under the tariff described in Subsection (47)(a) that the
2895 customer would have paid absent the tariff;

2896 (48) sales or rentals of mobility enhancing equipment if a person presents a
2897 prescription for the mobility enhancing equipment;

2898 (49) sales of water in a:

2899 (a) pipe;

2900 (b) conduit;

2901 (c) ditch; or

2902 (d) reservoir;

2903 (50) sales of currency or coins that constitute legal tender of a state, the United States,
2904 or a foreign nation;

2905 (51) (a) sales of an item described in Subsection (51)(b) if the item:

2906 (i) does not constitute legal tender of a state, the United States, or a foreign nation; and

2907 (ii) has a gold, silver, or platinum content of 50% or more; and

2908 (b) Subsection (51)(a) applies to a gold, silver, or platinum:

2909 (i) ingot;

2910 (ii) bar;

2911 (iii) medallion; or

2912 (iv) decorative coin;

2913 (52) amounts paid on a sale-leaseback transaction;

2914 (53) sales of a prosthetic device:
2915 (a) for use on or in a human; and
2916 (b) (i) for which a prescription is required; or
2917 (ii) if the prosthetic device is purchased by a hospital or other medical facility;
2918 (54) (a) except as provided in Subsection (54)(b), purchases, leases, or rentals of
2919 machinery or equipment by an establishment described in Subsection (54)(c) if the machinery
2920 or equipment is primarily used in the production or postproduction of the following media for
2921 commercial distribution:
2922 (i) a motion picture;
2923 (ii) a television program;
2924 (iii) a movie made for television;
2925 (iv) a music video;
2926 (v) a commercial;
2927 (vi) a documentary; or
2928 (vii) a medium similar to Subsections (54)(a)(i) through (vi) as determined by the
2929 commission by administrative rule made in accordance with Subsection (54)(d); or
2930 (b) purchases, leases, or rentals of machinery or equipment by an establishment
2931 described in Subsection (54)(c) that is used for the production or postproduction of the
2932 following are subject to the taxes imposed by this chapter:
2933 (i) a live musical performance;
2934 (ii) a live news program; or
2935 (iii) a live sporting event;
2936 (c) the following establishments listed in the 1997 North American Industry
2937 Classification System of the federal Executive Office of the President, Office of Management
2938 and Budget, apply to Subsections (54)(a) and (b):
2939 (i) NAICS Code 512110; or
2940 (ii) NAICS Code 51219; and
2941 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

2942 commission may by rule:

2943 (i) prescribe what constitutes a medium similar to Subsections (54)(a)(i) through (vi);

2944 or

2945 (ii) define:

2946 (A) "commercial distribution";

2947 (B) "live musical performance";

2948 (C) "live news program"; or

2949 (D) "live sporting event";

2950 (55) (a) leases of seven or more years or purchases made on or after July 1, 2004, but

2951 on or before June 30, 2027, of tangible personal property that:

2952 (i) is leased or purchased for or by a facility that:

2953 (A) is an alternative energy electricity production facility;

2954 (B) is located in the state; and

2955 (C) (I) becomes operational on or after July 1, 2004; or

2956 (II) has its generation capacity increased by one or more megawatts on or after July 1,

2957 2004, as a result of the use of the tangible personal property;

2958 (ii) has an economic life of five or more years; and

2959 (iii) is used to make the facility or the increase in capacity of the facility described in

2960 Subsection (55)(a)(i) operational up to the point of interconnection with an existing

2961 transmission grid including:

2962 (A) a wind turbine;

2963 (B) generating equipment;

2964 (C) a control and monitoring system;

2965 (D) a power line;

2966 (E) substation equipment;

2967 (F) lighting;

2968 (G) fencing;

2969 (H) pipes; or

2970 (I) other equipment used for locating a power line or pole; and
2971 (b) this Subsection (55) does not apply to:
2972 (i) tangible personal property used in construction of:
2973 (A) a new alternative energy electricity production facility; or
2974 (B) the increase in the capacity of an alternative energy electricity production facility;
2975 (ii) contracted services required for construction and routine maintenance activities;
2976 and
2977 (iii) unless the tangible personal property is used or acquired for an increase in capacity
2978 of the facility described in Subsection (55)(a)(i)(C)(II), tangible personal property used or
2979 acquired after:
2980 (A) the alternative energy electricity production facility described in Subsection
2981 (55)(a)(i) is operational as described in Subsection (55)(a)(iii); or
2982 (B) the increased capacity described in Subsection (55)(a)(i) is operational as described
2983 in Subsection (55)(a)(iii);
2984 (56) (a) leases of seven or more years or purchases made on or after July 1, 2004, but
2985 on or before June 30, 2027, of tangible personal property that:
2986 (i) is leased or purchased for or by a facility that:
2987 (A) is a waste energy production facility;
2988 (B) is located in the state; and
2989 (C) (I) becomes operational on or after July 1, 2004; or
2990 (II) has its generation capacity increased by one or more megawatts on or after July 1,
2991 2004, as a result of the use of the tangible personal property;
2992 (ii) has an economic life of five or more years; and
2993 (iii) is used to make the facility or the increase in capacity of the facility described in
2994 Subsection (56)(a)(i) operational up to the point of interconnection with an existing
2995 transmission grid including:
2996 (A) generating equipment;
2997 (B) a control and monitoring system;

2998 (C) a power line;
2999 (D) substation equipment;
3000 (E) lighting;
3001 (F) fencing;
3002 (G) pipes; or
3003 (H) other equipment used for locating a power line or pole; and
3004 (b) this Subsection (56) does not apply to:
3005 (i) tangible personal property used in construction of:
3006 (A) a new waste energy facility; or
3007 (B) the increase in the capacity of a waste energy facility;
3008 (ii) contracted services required for construction and routine maintenance activities;
3009 and
3010 (iii) unless the tangible personal property is used or acquired for an increase in capacity
3011 described in Subsection (56)(a)(i)(C)(II), tangible personal property used or acquired after:
3012 (A) the waste energy facility described in Subsection (56)(a)(i) is operational as
3013 described in Subsection (56)(a)(iii); or
3014 (B) the increased capacity described in Subsection (56)(a)(i) is operational as described
3015 in Subsection (56)(a)(iii);
3016 (57) (a) leases of five or more years or purchases made on or after July 1, 2004, but on
3017 or before June 30, 2027, of tangible personal property that:
3018 (i) is leased or purchased for or by a facility that:
3019 (A) is located in the state;
3020 (B) produces fuel from alternative energy, including:
3021 (I) methanol; or
3022 (II) ethanol; and
3023 (C) (I) becomes operational on or after July 1, 2004; or
3024 (II) has its capacity to produce fuel increase by 25% or more on or after July 1, 2004, as
3025 a result of the installation of the tangible personal property;

3026 (ii) has an economic life of five or more years; and
3027 (iii) is installed on the facility described in Subsection (57)(a)(i);
3028 (b) this Subsection (57) does not apply to:
3029 (i) tangible personal property used in construction of:
3030 (A) a new facility described in Subsection (57)(a)(i); or
3031 (B) the increase in capacity of the facility described in Subsection (57)(a)(i); or
3032 (ii) contracted services required for construction and routine maintenance activities;
3033 and
3034 (iii) unless the tangible personal property is used or acquired for an increase in capacity
3035 described in Subsection (57)(a)(i)(C)(II), tangible personal property used or acquired after:
3036 (A) the facility described in Subsection (57)(a)(i) is operational; or
3037 (B) the increased capacity described in Subsection (57)(a)(i) is operational;
3038 (58) (a) subject to Subsection (58)(b) or (c), sales of tangible personal property or a
3039 product transferred electronically to a person within this state if that tangible personal property
3040 or product transferred electronically is subsequently shipped outside the state and incorporated
3041 pursuant to contract into and becomes a part of real property located outside of this state;
3042 (b) the exemption under Subsection (58)(a) is not allowed to the extent that the other
3043 state or political entity to which the tangible personal property is shipped imposes a sales, use,
3044 gross receipts, or other similar transaction excise tax on the transaction against which the other
3045 state or political entity allows a credit for sales and use taxes imposed by this chapter; and
3046 (c) notwithstanding the time period of Subsection 59-1-1410(8) for filing for a refund,
3047 a person may claim the exemption allowed by this Subsection (58) for a sale by filing for a
3048 refund:
3049 (i) if the sale is made on or after July 1, 2004, but on or before June 30, 2008;
3050 (ii) as if this Subsection (58) as in effect on July 1, 2008, were in effect on the day on
3051 which the sale is made;
3052 (iii) if the person did not claim the exemption allowed by this Subsection (58) for the
3053 sale prior to filing for the refund;

- 3054 (iv) for sales and use taxes paid under this chapter on the sale;
- 3055 (v) in accordance with Section 59-1-1410; and
- 3056 (vi) subject to any extension allowed for filing for a refund under Section 59-1-1410, if
- 3057 the person files for the refund on or before June 30, 2011;
- 3058 (59) purchases:
- 3059 (a) of one or more of the following items in printed or electronic format:
- 3060 (i) a list containing information that includes one or more:
- 3061 (A) names; or
- 3062 (B) addresses; or
- 3063 (ii) a database containing information that includes one or more:
- 3064 (A) names; or
- 3065 (B) addresses; and
- 3066 (b) used to send direct mail;
- 3067 (60) redemptions or repurchases of a product by a person if that product was:
- 3068 (a) delivered to a pawnbroker as part of a pawn transaction; and
- 3069 (b) redeemed or repurchased within the time period established in a written agreement
- 3070 between the person and the pawnbroker for redeeming or repurchasing the product;
- 3071 (61) (a) purchases or leases of an item described in Subsection (61)(b) if the item:
- 3072 (i) is purchased or leased by, or on behalf of, a telecommunications service provider;
- 3073 and
- 3074 (ii) has a useful economic life of one or more years; and
- 3075 (b) the following apply to Subsection (61)(a):
- 3076 (i) telecommunications enabling or facilitating equipment, machinery, or software;
- 3077 (ii) telecommunications equipment, machinery, or software required for 911 service;
- 3078 (iii) telecommunications maintenance or repair equipment, machinery, or software;
- 3079 (iv) telecommunications switching or routing equipment, machinery, or software; or
- 3080 (v) telecommunications transmission equipment, machinery, or software;
- 3081 (62) (a) beginning on July 1, 2006, and ending on June 30, 2027, purchases of tangible

personal property or a product transferred electronically that are used in the research and development of alternative energy technology; and

(b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may, for purposes of Subsection (62)(a), make rules defining what constitutes purchases of tangible personal property or a product transferred electronically that are used in the research and development of alternative energy technology;

(63) (a) purchases of tangible personal property or a product transferred electronically if:

(i) the tangible personal property or product transferred electronically is:

(A) purchased outside of this state;

(B) brought into this state at any time after the purchase described in Subsection (63)(a)(i)(A); and

(C) used in conducting business in this state; and

(ii) for:

(A) tangible personal property or a product transferred electronically other than the tangible personal property described in Subsection (63)(a)(ii)(B), the first use of the property for a purpose for which the property is designed occurs outside of this state; or

(B) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is registered outside of this state and not required to be registered in this state under Section 41-1a-202 or 73-18-9 based on residency;

(b) the exemption provided for in Subsection (63)(a) does not apply to:

(i) a lease or rental of tangible personal property or a product transferred electronically; or

(ii) a sale of a vehicle exempt under Subsection (33); and

(c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for purposes of Subsection (63)(a), the commission may by rule define what constitutes the following:

(i) conducting business in this state if that phrase has the same meaning in this

3110 Subsection (63) as in Subsection (24);

3111 (ii) the first use of tangible personal property or a product transferred electronically if

3112 that phrase has the same meaning in this Subsection (63) as in Subsection (24); or

3113 (iii) a purpose for which tangible personal property or a product transferred

3114 electronically is designed if that phrase has the same meaning in this Subsection (63) as in

3115 Subsection (24);

3116 (64) sales of disposable home medical equipment or supplies if:

3117 (a) a person presents a prescription for the disposable home medical equipment or

3118 supplies;

3119 (b) the disposable home medical equipment or supplies are used exclusively by the

3120 person to whom the prescription described in Subsection (64)(a) is issued; and

3121 (c) the disposable home medical equipment and supplies are listed as eligible for

3122 payment under:

3123 (i) Title XVIII, federal Social Security Act; or

3124 (ii) the state plan for medical assistance under Title XIX, federal Social Security Act;

3125 (65) sales:

3126 (a) to a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit

3127 District Act; or

3128 (b) of tangible personal property to a subcontractor of a public transit district, if the

3129 tangible personal property is:

3130 (i) clearly identified; and

3131 (ii) installed or converted to real property owned by the public transit district;

3132 (66) sales of construction materials:

3133 (a) purchased on or after July 1, 2010;

3134 (b) purchased by, on behalf of, or for the benefit of an international airport:

3135 (i) located within a county of the first class; and

3136 (ii) that has a United States customs office on its premises; and

3137 (c) if the construction materials are:

- 3138 (i) clearly identified;
- 3139 (ii) segregated; and
- 3140 (iii) installed or converted to real property:
- 3141 (A) owned or operated by the international airport described in Subsection (66)(b); and
- 3142 (B) located at the international airport described in Subsection (66)(b);
- 3143 (67) sales of construction materials:
- 3144 (a) purchased on or after July 1, 2008;
- 3145 (b) purchased by, on behalf of, or for the benefit of a new airport:
- 3146 (i) located within a county of the second class; and
- 3147 (ii) that is owned or operated by a city in which an airline as defined in Section
- 3148 59-2-102 is headquartered; and
- 3149 (c) if the construction materials are:
- 3150 (i) clearly identified;
- 3151 (ii) segregated; and
- 3152 (iii) installed or converted to real property:
- 3153 (A) owned or operated by the new airport described in Subsection (67)(b);
- 3154 (B) located at the new airport described in Subsection (67)(b); and
- 3155 (C) as part of the construction of the new airport described in Subsection (67)(b);
- 3156 (68) sales of fuel to a common carrier that is a railroad for use in a locomotive engine;
- 3157 (69) purchases and sales described in Section 63H-4-111;
- 3158 (70) (a) sales of tangible personal property to an aircraft maintenance, repair, and
- 3159 overhaul provider for use in the maintenance, repair, overhaul, or refurbishment in this state of
- 3160 a fixed wing turbine powered aircraft if that fixed wing turbine powered aircraft's registration
- 3161 lists a state or country other than this state as the location of registry of the fixed wing turbine
- 3162 powered aircraft; or
- 3163 (b) sales of tangible personal property by an aircraft maintenance, repair, and overhaul
- 3164 provider in connection with the maintenance, repair, overhaul, or refurbishment in this state of
- 3165 a fixed wing turbine powered aircraft if that fixed wing turbine powered aircraft's registration

3166 lists a state or country other than this state as the location of registry of the fixed wing turbine
3167 powered aircraft;

3168 (71) subject to Section 59-12-104.4, sales of a textbook for a higher education course:

3169 (a) to a person admitted to an institution of higher education; and

3170 (b) by a seller, other than a bookstore owned by an institution of higher education, if

3171 51% or more of that seller's sales revenue for the previous calendar quarter are sales of a

3172 textbook for a higher education course;

3173 (72) a license fee or tax a municipality imposes in accordance with Subsection

3174 10-1-203(5) on a purchaser from a business for which the municipality provides an enhanced

3175 level of municipal services;

3176 (73) amounts paid or charged for construction materials used in the construction of a

3177 new or expanding life science research and development facility in the state, if the construction

3178 materials are:

3179 (a) clearly identified;

3180 (b) segregated; and

3181 (c) installed or converted to real property;

3182 (74) amounts paid or charged for:

3183 (a) a purchase or lease of machinery and equipment that:

3184 (i) are used in performing qualified research:

3185 (A) as defined in Section 41(d), Internal Revenue Code; and

3186 (B) in the state; and

3187 (ii) have an economic life of three or more years; and

3188 (b) normal operating repair or replacement parts:

3189 (i) for the machinery and equipment described in Subsection (74)(a); and

3190 (ii) that have an economic life of three or more years;

3191 (75) a sale or lease of tangible personal property used in the preparation of prepared

3192 food if:

3193 (a) for a sale:

- 3194 (i) the ownership of the seller and the ownership of the purchaser are identical; and
3195 (ii) the seller or the purchaser paid a tax under this chapter on the purchase of that
3196 tangible personal property prior to making the sale; or
3197 (b) for a lease:
3198 (i) the ownership of the lessor and the ownership of the lessee are identical; and
3199 (ii) the lessor or the lessee paid a tax under this chapter on the purchase of that tangible
3200 personal property prior to making the lease;
3201 (76) (a) purchases of machinery or equipment if:
3202 (i) the purchaser is an establishment described in NAICS Subsector 713, Amusement,
3203 Gambling, and Recreation Industries, of the 2012 North American Industry Classification
3204 System of the federal Executive Office of the President, Office of Management and Budget;
3205 (ii) the machinery or equipment:
3206 (A) has an economic life of three or more years; and
3207 (B) is used by one or more persons who pay admission or user fees described in
3208 Subsection 59-12-103(1)(f) to the purchaser of the machinery and equipment; and
3209 (iii) 51% or more of the purchaser's sales revenue for the previous calendar quarter is:
3210 (A) amounts paid or charged as admission or user fees described in Subsection
3211 59-12-103(1)(f); and
3212 (B) subject to taxation under this chapter; and
3213 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3214 commission may make rules for verifying that 51% of a purchaser's sales revenue for the
3215 previous calendar quarter is:
3216 (i) amounts paid or charged as admission or user fees described in Subsection
3217 59-12-103(1)(f); and
3218 (ii) subject to taxation under this chapter;
3219 (77) purchases of a short-term lodging consumable by a business that provides
3220 accommodations and services described in Subsection 59-12-103(1)(i);
3221 (78) amounts paid or charged to access a database:

3222 (a) if the primary purpose for accessing the database is to view or retrieve information
3223 from the database; and

3224 (b) not including amounts paid or charged for a:

3225 (i) digital audio work;

3226 (ii) digital audio-visual work; or

3227 (iii) digital book;

3228 (79) amounts paid or charged for a purchase or lease made by an electronic financial
3229 payment service, of:

3230 (a) machinery and equipment that:

3231 (i) are used in the operation of the electronic financial payment service; and

3232 (ii) have an economic life of three or more years; and

3233 (b) normal operating repair or replacement parts that:

3234 (i) are used in the operation of the electronic financial payment service; and

3235 (ii) have an economic life of three or more years;

3236 (80) beginning on April 1, 2013, sales of a fuel cell as defined in Section 54-15-102;

3237 (81) amounts paid or charged for a purchase or lease of tangible personal property or a
3238 product transferred electronically if the tangible personal property or product transferred
3239 electronically:

3240 (a) is stored, used, or consumed in the state; and

3241 (b) is temporarily brought into the state from another state:

3242 (i) during a disaster period as defined in Section 53-2a-1202;

3243 (ii) by an out-of-state business as defined in Section 53-2a-1202;

3244 (iii) for a declared state disaster or emergency as defined in Section 53-2a-1202; and

3245 (iv) for disaster- or emergency-related work as defined in Section 53-2a-1202;

3246 (82) sales of goods and services at a morale, welfare, and recreation facility, as defined
3247 in Section 39-9-102, made pursuant to Title 39, Chapter 9, State Morale, Welfare, and
3248 Recreation Program;

3249 (83) amounts paid or charged for a purchase or lease of molten magnesium;

3250 (84) amounts paid or charged for a purchase or lease made by a qualifying data center
3251 or an occupant of a qualifying data center of machinery, equipment, or normal operating repair
3252 or replacement parts, if the machinery, equipment, or normal operating repair or replacement
3253 parts:

3254 (a) are used in:

3255 (i) the operation of the qualifying data center; or

3256 (ii) the occupant's operations in the qualifying data center; and

3257 (b) have an economic life of one or more years;

3258 (85) sales of cleaning or washing of a vehicle, except for cleaning or washing of a
3259 vehicle that includes cleaning or washing of the interior of the vehicle;

3260 (86) amounts paid or charged for a purchase or lease of machinery, equipment, normal
3261 operating repair or replacement parts, catalysts, chemicals, reagents, solutions, or supplies used
3262 or consumed:

3263 (a) by a refiner who owns, leases, operates, controls, or supervises a refinery as defined
3264 in Section [~~63M-4-701~~] 79-6-701 located in the state;

3265 (b) if the machinery, equipment, normal operating repair or replacement parts,
3266 catalysts, chemicals, reagents, solutions, or supplies are used or consumed in:

3267 (i) the production process to produce gasoline or diesel fuel, or at which blendstock is
3268 added to gasoline or diesel fuel;

3269 (ii) research and development;

3270 (iii) transporting, storing, or managing raw materials, work in process, finished
3271 products, and waste materials produced from refining gasoline or diesel fuel, or adding
3272 blendstock to gasoline or diesel fuel;

3273 (iv) developing or maintaining a road, tunnel, excavation, or similar feature used in
3274 refining; or

3275 (v) preventing, controlling, or reducing pollutants from refining; and

3276 (c) beginning on July 1, 2021, if the person holds a valid refiner tax exemption
3277 certification as defined in Section [~~63M-4-701~~] 79-6-701;

3278 (87) amounts paid to or charged by a proprietor for accommodations and services, as
3279 defined in Section 63H-1-205, if the proprietor is subject to the MIDA accommodations tax
3280 imposed under Section 63H-1-205;

3281 (88) amounts paid or charged for a purchase or lease of machinery, equipment, normal
3282 operating repair or replacement parts, or materials, except for office equipment or office
3283 supplies, by an establishment, as the commission defines that term in accordance with Title
3284 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

3285 (a) is described in NAICS Code 621511, Medical Laboratories, of the 2017 North
3286 American Industry Classification System of the federal Executive Office of the President,
3287 Office of Management and Budget;

3288 (b) is located in this state; and

3289 (c) uses the machinery, equipment, normal operating repair or replacement parts, or
3290 materials in the operation of the establishment; and

3291 (89) amounts paid or charged for an item exempt under Section 59-12-104.10.

3292 Section 32. Section 59-13-201 is amended to read:

3293 **59-13-201. Rate -- Tax basis -- Exemptions -- Revenue deposited into the**
3294 **Transportation Fund -- Restricted account for boating uses -- Refunds -- Reduction of tax**
3295 **in limited circumstances.**

3296 (1) (a) Subject to the provisions of this section and except as provided in Subsection
3297 (1)(e), a tax is imposed at the rate of 16.5% of the statewide average rack price of a gallon of
3298 motor fuel per gallon upon all motor fuel that is sold, used, or received for sale or used in this
3299 state.

3300 (b) (i) Until December 31, 2018, and subject to the requirements under Subsection
3301 (1)(c), the statewide average rack price of a gallon of motor fuel under Subsection (1)(a) shall
3302 be determined by calculating the previous fiscal year statewide average rack price of a gallon of
3303 regular unleaded motor fuel, excluding federal and state excise taxes, for the 12 months ending
3304 on the previous June 30 as published by an oil pricing service.

3305 (ii) Beginning on January 1, 2019, and subject to the requirements under Subsection

(1)(c), the statewide average rack price of a gallon of motor fuel under Subsection (1)(a) shall be determined by calculating the previous three fiscal years statewide average rack price of a gallon of regular unleaded motor fuel, excluding federal and state excise taxes, for the 36 months ending on the previous June 30 as published by an oil pricing service.

(c) (i) Subject to the requirement in Subsection (1)(c)(ii), the statewide average rack price of a gallon of motor fuel determined under Subsection (1)(b) may not be less than \$1.78 per gallon.

(ii) Beginning on January 1, 2019, the commission shall, on January 1, annually adjust the minimum statewide average rack price of a gallon of motor fuel described in Subsection (1)(c)(i) by taking the minimum statewide average rack price of a gallon of motor fuel for the previous calendar year and adding an amount equal to the greater of:

(A) an amount calculated by multiplying the minimum statewide average rack price of a gallon of motor fuel for the previous calendar year by the actual percent change during the previous fiscal year in the Consumer Price Index; and

(B) 0.

(iii) The statewide average rack price of a gallon of motor fuel determined by the commission under Subsection (1)(b) may not exceed \$2.43 per gallon.

(iv) The minimum statewide average rack price of a gallon of motor fuel described and adjusted under Subsections (1)(c)(i) and (ii) may not exceed the maximum statewide average rack price of a gallon of motor fuel under Subsection (1)(c)(iii).

(d) (i) The commission shall annually:

(A) determine the statewide average rack price of a gallon of motor fuel in accordance with Subsections (1)(b) and (c);

(B) adjust the fuel tax rate imposed under Subsection (1)(a), rounded to the nearest one-tenth of a cent, based on the determination under Subsection (1)(b);

(C) publish the adjusted fuel tax as a cents per gallon rate; and

(D) post or otherwise make public the adjusted fuel tax rate as determined in Subsection (1)(d)(i)(B) no later than 60 days prior to the annual effective date under Subsection

3334 (1)(d)(ii).

3335 (ii) The tax rate imposed under this Subsection (1) and adjusted as required under
3336 Subsection (1)(d)(i) shall take effect on January 1 of each year.

3337 (e) In lieu of the tax imposed under Subsection (1)(a) and subject to the provisions of
3338 this section, a tax is imposed at the rate of 3/19 of the rate imposed under Subsection (1)(a),
3339 rounded up to the nearest penny, upon all motor fuels that meet the definition of clean fuel in
3340 Section 59-13-102 and are sold, used, or received for sale or use in this state.

3341 (2) Any increase or decrease in tax rate applies to motor fuel that is imported to the
3342 state or sold at refineries in the state on or after the effective date of the rate change.

3343 (3) (a) No motor fuel tax is imposed upon:

3344 (i) motor fuel that is brought into and sold in this state in original packages as purely
3345 interstate commerce sales;

3346 (ii) motor fuel that is exported from this state if proof of actual exportation on forms
3347 prescribed by the commission is made within 180 days after exportation;

3348 (iii) motor fuel or components of motor fuel that is sold and used in this state and
3349 distilled from coal, oil shale, rock asphalt, bituminous sand, or solid hydrocarbons located in
3350 this state; or

3351 (iv) motor fuel that is sold to the United States government, this state, or the political
3352 subdivisions of this state.

3353 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3354 commission shall make rules governing the procedures for administering the tax exemption
3355 provided under Subsection (3)(a)(iv).

3356 (4) The commission may either collect no tax on motor fuel exported from the state or,
3357 upon application, refund the tax paid.

3358 (5) (a) All revenue received by the commission under this part shall be deposited daily
3359 with the state treasurer and credited to the Transportation Fund.

3360 (b) An appropriation from the Transportation Fund shall be made to the commission to
3361 cover expenses incurred in the administration and enforcement of this part and the collection of

the motor fuel tax.

(6) (a) The commission shall determine what amount of motor fuel tax revenue is received from the sale or use of motor fuel used in motorboats registered under the provisions of the State Boating Act, and this amount shall be deposited in a restricted revenue account in the General Fund of the state.

(b) The funds from this account shall be used for the construction, improvement, operation, and maintenance of state-owned boating facilities and for the payment of the costs and expenses of the Division of ~~Parks and~~ Recreation in administering and enforcing the State Boating Act.

(7) (a) The United States government or any of its instrumentalities, this state, or a political subdivision of this state that has purchased motor fuel from a licensed distributor or from a retail dealer of motor fuel and has paid the tax on the motor fuel as provided in this section is entitled to a refund of the tax and may file with the commission for a quarterly refund.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules governing the application and refund provided for in Subsection (7)(a).

(8) (a) The commission shall refund annually into the Off-Highway Vehicle Account in the General Fund an amount equal to .5% of the motor fuel tax revenues collected under this section.

(b) This amount shall be used as provided in Section 41-22-19.

(9) (a) Beginning on April 1, 2001, a tax imposed under this section on motor fuel that is sold, used, or received for sale or use in this state is reduced to the extent provided in Subsection (9)(b) if:

(i) a tax imposed on the basis of the sale, use, or receipt for sale or use of the motor fuel is paid to the Navajo Nation;

(ii) the tax described in Subsection (9)(a)(i) is imposed without regard to whether or not the person required to pay the tax is an enrolled member of the Navajo Nation; and

3390 (iii) the commission and the Navajo Nation execute and maintain an agreement as
3391 provided in this Subsection (9) for the administration of the reduction of tax.

3392 (b) (i) If but for Subsection (9)(a) the motor fuel is subject to a tax imposed by this
3393 section:

3394 (A) the state shall be paid the difference described in Subsection (9)(b)(ii) if that
3395 difference is greater than \$0; and

3396 (B) a person may not require the state to provide a refund, a credit, or similar tax relief
3397 if the difference described in Subsection (9)(b)(ii) is less than or equal to \$0.

3398 (ii) The difference described in Subsection (9)(b)(i) is equal to the difference between:

3399 (A) the amount of tax imposed on the motor fuel by this section; less

3400 (B) the tax imposed and collected by the Navajo Nation on the motor fuel.

3401 (c) For purposes of Subsections (9)(a) and (b), the tax paid to the Navajo Nation under
3402 a tax imposed by the Navajo Nation on the basis of the sale, use, or receipt for sale or use of
3403 motor fuel does not include any interest or penalties a taxpayer may be required to pay to the
3404 Navajo Nation.

3405 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3406 commission shall make rules governing the procedures for administering the reduction of tax
3407 provided under this Subsection (9).

3408 (e) The agreement required under Subsection (9)(a):

3409 (i) may not:

3410 (A) authorize the state to impose a tax in addition to a tax imposed under this chapter;

3411 (B) provide a reduction of taxes greater than or different from the reduction described
3412 in this Subsection (9); or

3413 (C) affect the power of the state to establish rates of taxation;

3414 (ii) shall:

3415 (A) be in writing;

3416 (B) be signed by:

3417 (I) the chair of the commission or the chair's designee; and

3418 (II) a person designated by the Navajo Nation that may bind the Navajo Nation;
3419 (C) be conditioned on obtaining any approval required by federal law;
3420 (D) state the effective date of the agreement; and
3421 (E) state any accommodation the Navajo Nation makes related to the construction and
3422 maintenance of state highways and other infrastructure within the Utah portion of the Navajo
3423 Nation; and
3424 (iii) may:
3425 (A) notwithstanding Section 59-1-403, authorize the commission to disclose to the
3426 Navajo Nation information that is:
3427 (I) contained in a document filed with the commission; and
3428 (II) related to the tax imposed under this section;
3429 (B) provide for maintaining records by the commission or the Navajo Nation; or
3430 (C) provide for inspections or audits of distributors, carriers, or retailers located or
3431 doing business within the Utah portion of the Navajo Nation.
3432 (f) (i) If, on or after April 1, 2001, the Navajo Nation changes the tax rate of a tax
3433 imposed on motor fuel, any change in the reduction of taxes under this Subsection (9) as a
3434 result of the change in the tax rate is not effective until the first day of the calendar quarter after
3435 a 60-day period beginning on the date the commission receives notice:
3436 (A) from the Navajo Nation; and
3437 (B) meeting the requirements of Subsection (9)(f)(ii).
3438 (ii) The notice described in Subsection (9)(f)(i) shall state:
3439 (A) that the Navajo Nation has changed or will change the tax rate of a tax imposed on
3440 motor fuel;
3441 (B) the effective date of the rate change of the tax described in Subsection (9)(f)(ii)(A);
3442 and
3443 (C) the new rate of the tax described in Subsection (9)(f)(ii)(A).
3444 (g) If the agreement required by Subsection (9)(a) terminates, a reduction of tax is not
3445 permitted under this Subsection (9) beginning on the first day of the calendar quarter after a

3446 30-day period beginning on the day the agreement terminates.

3447 (h) If there is a conflict between this Subsection (9) and the agreement required by
3448 Subsection (9)(a), this Subsection (9) governs.

3449 Section 33. Section **59-21-2** is amended to read:

3450 **59-21-2. Mineral Bonus Account created -- Contents -- Use of Mineral Bonus**
3451 **Account money -- Mineral Lease Account created -- Contents -- Appropriation of money**
3452 **from Mineral Lease Account.**

3453 (1) (a) There is created a restricted account within the General Fund known as the
3454 "Mineral Bonus Account."

3455 (b) The Mineral Bonus Account consists of federal mineral lease bonus payments
3456 deposited pursuant to Subsection **59-21-1**(3).

3457 (c) The Legislature shall make appropriations from the Mineral Bonus Account in
3458 accordance with Section 35 of the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 191.

3459 (d) The state treasurer shall:

3460 (i) invest the money in the Mineral Bonus Account by following the procedures and
3461 requirements of Title 51, Chapter 7, State Money Management Act; and

3462 (ii) deposit all interest or other earnings derived from the account into the Mineral
3463 Bonus Account.

3464 (e) The Division of Finance shall, beginning on July 1, 2017, annually deposit 30% of
3465 mineral lease bonus payments deposited under Subsection (1)(b) from the previous fiscal year
3466 into the Wildland Fire Suppression Fund created in Section **65A-8-204**, up to \$2,000,000 but
3467 not to exceed 20% of the amount expended in the previous fiscal year from the Wildland Fire
3468 Suppression Fund.

3469 (2) (a) There is created a restricted account within the General Fund known as the
3470 "Mineral Lease Account."

3471 (b) The Mineral Lease Account consists of federal mineral lease money deposited
3472 pursuant to Subsection **59-21-1**(1).

3473 (c) The Legislature shall make appropriations from the Mineral Lease Account as

3474 provided in Subsection 59-21-1(1) and this Subsection (2).

3475 (d) (i) Except as provided in Subsections (2)(d)(ii) and (iii), the Legislature shall
3476 annually appropriate 32.5% of all deposits made to the Mineral Lease Account to the
3477 Permanent Community Impact Fund established by Section 35A-8-303.

3478 (ii) For fiscal year 2016-17 only and from the amount required to be deposited under
3479 Subsection (2)(d)(i), the Legislature shall appropriate \$26,000,000 of the deposits made to the
3480 Mineral Lease Account to the Impacted Communities Transportation Development Restricted
3481 Account established by Section 72-2-128.

3482 (iii) For fiscal year 2017-18 only and from the amount required to be deposited under
3483 Subsection (2)(d)(i), the Legislature shall appropriate \$27,000,000 of the deposits made to the
3484 Mineral Lease Account to the Impacted Communities Transportation Development Restricted
3485 Account established by Section 72-2-128.

3486 (e) The Legislature shall annually appropriate 2.25% of all deposits made to the
3487 Mineral Lease Account to the State Board of Education, to be used for education research and
3488 experimentation in the use of staff and facilities designed to improve the quality of education in
3489 Utah.

3490 (f) The Legislature shall annually appropriate 2.25% of all deposits made to the
3491 Mineral Lease Account to the Utah Geological Survey, to be used for activities carried on by
3492 the survey having as a purpose the development and exploitation of natural resources in the
3493 state.

3494 (g) The Legislature shall annually appropriate 2.25% of all deposits made to the
3495 Mineral Lease Account to the Water Research Laboratory at Utah State University, to be used
3496 for activities carried on by the laboratory having as a purpose the development and exploitation
3497 of water resources in the state.

3498 (h) (i) The Legislature shall annually appropriate to the Division of Finance 40% of all
3499 deposits made to the Mineral Lease Account to be distributed as provided in Subsection
3500 (2)(h)(ii) to:

3501 (A) counties;

- 3502 (B) special service districts established:
- 3503 (I) by counties;
- 3504 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 3505 (III) for the purpose of constructing, repairing, or maintaining roads; or
- 3506 (C) special service districts established:
- 3507 (I) by counties;
- 3508 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 3509 (III) for other purposes authorized by statute.
- 3510 (ii) The Division of Finance shall allocate the funds specified in Subsection (2)(h)(i):
- 3511 (A) in amounts proportionate to the amount of mineral lease money generated by each
- 3512 county; and
- 3513 (B) to a county or special service district established by a county under Title 17D,
- 3514 Chapter 1, Special Service District Act, as determined by the county legislative body.
- 3515 (i) (i) The Legislature shall annually appropriate 5% of all deposits made to the
- 3516 Mineral Lease Account to the Department of Workforce Services to be distributed to:
- 3517 (A) special service districts established:
- 3518 (I) by counties;
- 3519 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 3520 (III) for the purpose of constructing, repairing, or maintaining roads; or
- 3521 (B) special service districts established:
- 3522 (I) by counties;
- 3523 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 3524 (III) for other purposes authorized by statute.
- 3525 (ii) The Department of Workforce Services may distribute the amounts described in
- 3526 Subsection (2)(i)(i) only to special service districts established under Title 17D, Chapter 1,
- 3527 Special Service District Act, by counties:
- 3528 (A) of the third, fourth, fifth, or sixth class;
- 3529 (B) in which 4.5% or less of the mineral lease money within the state is generated; and

3530 (C) that are significantly socially or economically impacted as provided in Subsection
3531 (2)(i)(iii) by the development of minerals under the Mineral Lands Leasing Act, 30 U.S.C. Sec.
3532 181 et seq.

3533 (iii) The significant social or economic impact required under Subsection (2)(i)(ii)(C)
3534 shall be as a result of:

3535 (A) the transportation within the county of hydrocarbons, including solid hydrocarbons
3536 as defined in Section 59-5-101;

3537 (B) the employment of persons residing within the county in hydrocarbon extraction,
3538 including the extraction of solid hydrocarbons as defined in Section 59-5-101; or

3539 (C) a combination of Subsections (2)(i)(iii)(A) and (B).

3540 (iv) For purposes of distributing the appropriations under this Subsection (2)(i) to
3541 special service districts established by counties under Title 17D, Chapter 1, Special Service
3542 District Act, the Department of Workforce Services shall:

3543 (A) (I) allocate 50% of the appropriations equally among the counties meeting the
3544 requirements of Subsections (2)(i)(ii) and (iii); and

3545 (II) allocate 50% of the appropriations based on the ratio that the population of each
3546 county meeting the requirements of Subsections (2)(i)(ii) and (iii) bears to the total population
3547 of all of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii); and

3548 (B) after making the allocations described in Subsection (2)(i)(iv)(A), distribute the
3549 allocated revenues to special service districts established by the counties under Title 17D,
3550 Chapter 1, Special Service District Act, as determined by the executive director of the
3551 Department of Workforce Services after consulting with the county legislative bodies of the
3552 counties meeting the requirements of Subsections (2)(i)(ii) and (iii).

3553 (v) The executive director of the Department of Workforce Services:

3554 (A) shall determine whether a county meets the requirements of Subsections (2)(i)(ii)
3555 and (iii);

3556 (B) shall distribute the appropriations under Subsection (2)(i)(i) to special service
3557 districts established by counties under Title 17D, Chapter 1, Special Service District Act, that

3558 meet the requirements of Subsections (2)(i)(ii) and (iii); and

3559 (C) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3560 may make rules:

3561 (I) providing a procedure for making the distributions under this Subsection (2)(i) to
3562 special service districts; and

3563 (II) defining the term "population" for purposes of Subsection (2)(i)(iv).

3564 (j) (i) The Legislature shall annually make the following appropriations from the
3565 Mineral Lease Account:

3566 (A) an amount equal to 52 cents multiplied by the number of acres of school or
3567 institutional trust lands, lands owned by the Division of State Parks ~~[and]~~ or the Division of
3568 Recreation, and lands owned by the Division of Wildlife Resources that are not under an in lieu
3569 of taxes contract, to each county in which those lands are located;

3570 (B) to each county in which school or institutional trust lands are transferred to the
3571 federal government after December 31, 1992, an amount equal to the number of transferred
3572 acres in the county multiplied by a payment per acre equal to the difference between 52 cents
3573 per acre and the per acre payment made to that county in the most recent payment under the
3574 federal payment in lieu of taxes program, 31 U.S.C. Sec. 6901 et seq., unless the federal
3575 payment was equal to or exceeded the 52 cents per acre, in which case a payment under this
3576 Subsection (2)(j)(i)(B) may not be made for the transferred lands;

3577 (C) to each county in which federal lands, which are entitlement lands under the federal
3578 in lieu of taxes program, are transferred to the school or institutional trust, an amount equal to
3579 the number of transferred acres in the county multiplied by a payment per acre equal to the
3580 difference between the most recent per acre payment made under the federal payment in lieu of
3581 taxes program and 52 cents per acre, unless the federal payment was equal to or less than 52
3582 cents per acre, in which case a payment under this Subsection (2)(j)(i)(C) may not be made for
3583 the transferred land; and

3584 (D) to a county of the fifth or sixth class, an amount equal to the product of:

3585 (I) \$1,000; and

3586 (II) the number of residences described in Subsection (2)(j)(iv) that are located within
3587 the county.

3588 (ii) A county receiving money under Subsection (2)(j)(i) may, as determined by the
3589 county legislative body, distribute the money or a portion of the money to:

3590 (A) special service districts established by the county under Title 17D, Chapter 1,
3591 Special Service District Act;

3592 (B) school districts; or

3593 (C) public institutions of higher education.

3594 (iii) (A) Beginning in fiscal year 1994-95 and in each year after fiscal year 1994-95, the
3595 Division of Finance shall increase or decrease the amounts per acre provided for in Subsections
3596 (2)(j)(i)(A) through (C) by the average annual change in the Consumer Price Index for all urban
3597 consumers published by the Department of Labor.

3598 (B) For fiscal years beginning on or after fiscal year 2001-02, the Division of Finance
3599 shall increase or decrease the amount described in Subsection (2)(j)(i)(D)(I) by the average
3600 annual change in the Consumer Price Index for all urban consumers published by the
3601 Department of Labor.

3602 (iv) Residences for purposes of Subsection (2)(j)(i)(D)(II) are residences that are:

3603 (A) owned by:

3604 (I) the Division of State Parks [~~and~~] or the Division of Recreation; or

3605 (II) the Division of Wildlife Resources;

3606 (B) located on lands that are owned by:

3607 (I) the Division of State Parks [~~and~~] or the Division of Recreation; or

3608 (II) the Division of Wildlife Resources; and

3609 (C) are not subject to taxation under:

3610 (I) Chapter 2, Property Tax Act; or

3611 (II) Chapter 4, Privilege Tax.

3612 (k) The Legislature shall annually appropriate to the Permanent Community Impact
3613 Fund all deposits remaining in the Mineral Lease Account after making the appropriations

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

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

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

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

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

Section 34. Section **59-28-103** is amended to read:

59-28-103. Imposition -- Rate -- Revenue distribution.

(1) Subject to the other provisions of this chapter, the state shall impose a tax on the transactions described in Subsection **59-12-103**(1)(i) at a rate of .32%.

(2) The tax imposed under this chapter is in addition to any other taxes imposed on the transactions described in Subsection **59-12-103**(1)(i).

(3) (a) (i) Subject to Subsection (3)(a)(ii), the commission shall deposit 6% of the revenue the state collects from the tax under this chapter into the Hospitality and Tourism Management Education Account created in Section **53F-9-501** to fund the Hospitality and Tourism Management Career and Technical Education Pilot Program created in Section **53E-3-515**.

(ii) The commission may not deposit more than \$300,000 into the Hospitality and Tourism Management Education Account under Subsection (3)(a)(i) in a fiscal year.

(b) Except for the amount deposited into the Hospitality and Tourism Management Education Account under Subsection (3)(a) and the administrative charge retained under Subsection **59-28-104**(4), the commission shall deposit any revenue the state collects from the tax under this chapter into the Outdoor Recreation Infrastructure Account created in Section

3642 [63N-9-205] 79-8-106 to fund the Outdoor Recreational Infrastructure Grant Program created
3643 in Section 63N-9-202 and the Recreation Restoration Infrastructure Grant Program created in
3644 Section [63N-9-302] 79-8-202.

3645 Section 35. Section 63A-4-104 is amended to read:

3646 **63A-4-104. Course-of-construction insurance for facilities constructed by This is**
3647 **the Place Foundation.**

3648 The risk manager may provide course-of-construction insurance for facilities
3649 constructed by This is the Place Foundation at This is the Place State Park and bill the Division
3650 of State Parks [~~and Recreation~~] for the cost of the insurance.

3651 Section 36. Section 63B-3-301 is amended to read:

3652 **63B-3-301. Legislative intent -- Additional projects.**

3653 (1) It is the intent of the Legislature that, for any lease purchase agreement that the
3654 Legislature may authorize the Division of Facilities Construction and Management to enter into
3655 during its 1994 Annual General Session, the State Building Ownership Authority, at the
3656 reasonable rates and amounts it may determine, and with technical assistance from the state
3657 treasurer, the director of the Division of Finance, and the executive director of the Governor's
3658 Office of Management and Budget, may seek out the most cost effective and prudent lease
3659 purchase plans available to the state and may, pursuant to Chapter 1, Part 3, State Building
3660 Ownership Authority Act, certificate out interests in, or obligations of the authority pertaining
3661 to:

3662 (a) the lease purchase obligation; or

3663 (b) lease rental payments under the lease purchase obligation.

3664 (2) It is the intent of the Legislature that the Department of Transportation dispose of
3665 surplus real properties and use the proceeds from those properties to acquire or construct
3666 through the Division of Facilities Construction and Management a new District Two Complex.

3667 (3) It is the intent of the Legislature that the State Building Board allocate funds from
3668 the Capital Improvement appropriation and donations to cover costs associated with the
3669 upgrade of the Governor's Residence that go beyond the restoration costs which can be covered

3670 by insurance proceeds.

3671 (4) (a) It is the intent of the Legislature to authorize the State Building Ownership
3672 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
3673 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
3674 participation interests may be created, to provide up to \$10,600,000 for the construction of a
3675 Natural Resources Building in Salt Lake City, together with additional amounts necessary to:

- 3676 (i) pay costs of issuance;
3677 (ii) pay capitalized interest; and
3678 (iii) fund any debt service reserve requirements.

3679 (b) It is the intent of the Legislature that the authority seek out the most cost effective
3680 and prudent lease purchase plan available with technical assistance from the state treasurer, the
3681 director of the Division of Finance, and the executive director of the Governor's Office of
3682 Management and Budget.

3683 (c) It is the intent of the Legislature that the operating budget for the Department of
3684 Natural Resources not be increased to fund these lease payments.

3685 (5) (a) It is the intent of the Legislature to authorize the State Building Ownership
3686 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
3687 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
3688 participation interests may be created, to provide up to \$8,300,000 for the acquisition of the
3689 office buildings currently occupied by the Department of Environmental Quality and
3690 approximately 19 acres of additional vacant land at the Airport East Business Park in Salt Lake
3691 City, together with additional amounts necessary to:

- 3692 (i) pay costs of issuance;
3693 (ii) pay capitalized interest; and
3694 (iii) fund any debt service reserve requirements.

3695 (b) It is the intent of the Legislature that the authority seek out the most cost effective
3696 and prudent lease purchase plan available with technical assistance from the state treasurer, the
3697 director of the Division of Finance, and the executive director of the Governor's Office of

3698 Management and Budget.

3699 (6) (a) It is the intent of the Legislature to authorize the State Building Ownership
3700 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
3701 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
3702 participation interests may be created, to provide up to \$9,000,000 for the acquisition or
3703 construction of up to two field offices for the Department of Human Services in the
3704 southwestern portion of Salt Lake County, together with additional amounts necessary to:

- 3705 (i) pay costs of issuance;
3706 (ii) pay capitalized interest; and
3707 (iii) fund any debt service reserve requirements.

3708 (b) It is the intent of the Legislature that the authority seek out the most cost effective
3709 and prudent lease purchase plan available with technical assistance from the state treasurer, the
3710 director of the Division of Finance, and the executive director of the Governor's Office of
3711 Management and Budget.

3712 (7) (a) It is the intent of the Legislature to authorize the State Building Ownership
3713 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
3714 issue or execute obligations or enter into or arrange for lease purchase agreements in which
3715 participation interests may be created, to provide up to \$5,000,000 for the acquisition or
3716 construction of up to 13 stores for the Department of Alcoholic Beverage Control, together
3717 with additional amounts necessary to:

- 3718 (i) pay costs of issuance;
3719 (ii) pay capitalized interest; and
3720 (iii) fund any debt service reserve requirements.

3721 (b) It is the intent of the Legislature that the authority seek out the most cost effective
3722 and prudent lease purchase plan available with technical assistance from the state treasurer, the
3723 director of the Division of Finance, and the executive director of the Governor's Office of
3724 Management and Budget.

3725 (c) It is the intent of the Legislature that the operating budget for the Department of

3726 Alcoholic Beverage Control not be increased to fund these lease payments.

3727 (8) (a) It is the intent of the Legislature to authorize the State Building Ownership
3728 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
3729 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
3730 participation interests may be created, to provide up to \$6,800,000 for the construction of a
3731 Prerelease and Parole Center for the Department of Corrections, containing a minimum of 300
3732 beds, together with additional amounts necessary to:

- 3733 (i) pay costs of issuance;
3734 (ii) pay capitalized interest; and
3735 (iii) fund any debt service reserve requirements.

3736 (b) It is the intent of the Legislature that the authority seek out the most cost effective
3737 and prudent lease purchase plan available with technical assistance from the state treasurer, the
3738 director of the Division of Finance, and the executive director of the Governor's Office of
3739 Management and Budget.

3740 (9) If S.B. 275, 1994 General Session, which authorizes funding for a Courts Complex
3741 in Salt Lake City, becomes law, it is the intent of the Legislature that:

3742 (a) the Legislative Management Committee, the Interim Appropriation Subcommittees
3743 for General Government and Capital Facilities and Executive Offices, Courts, and Corrections,
3744 the Office of the Legislative Fiscal Analyst, the Governor's Office of Management and Budget,
3745 and the State Building Board participate in a review of the proposed facility design for the
3746 Courts Complex no later than December 1994; and

3747 (b) although this review will not affect the funding authorization issued by the 1994
3748 Legislature, it is expected that Division of Facilities Construction and Management will give
3749 proper attention to concerns raised in these reviews and make appropriate design changes
3750 pursuant to the review.

3751 (10) It is the intent of the Legislature that:

3752 (a) the Division of Facilities Construction and Management, in cooperation with the
3753 Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services,

3754 develop a flexible use prototype facility for the Division of Youth Corrections renamed in 2003
3755 to the Division of Juvenile Justice Services;

3756 (b) the development process use existing prototype proposals unless it can be
3757 quantifiably demonstrated that the proposals cannot be used;

3758 (c) the facility is designed so that with minor modifications, it can accommodate
3759 detention, observation and assessment, transition, and secure programs as needed at specific
3760 geographical locations;

3761 (d) (i) funding as provided in the fiscal year 1995 bond authorization for the Division
3762 of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services is used to
3763 design and construct one facility and design the other;

3764 (ii) the Division of Youth Corrections renamed in 2003 to the Division of Juvenile
3765 Justice Services shall:

3766 (A) determine the location for the facility for which design and construction are fully
3767 funded; and

3768 (B) in conjunction with the Division of Facilities Construction and Management,
3769 determine the best methodology for design and construction of the fully funded facility;

3770 (e) the Division of Facilities Construction and Management submit the prototype as
3771 soon as possible to the Infrastructure and General Government Appropriations Subcommittee
3772 and Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee for
3773 review;

3774 (f) the Division of Facilities Construction and Management issue a Request for
3775 Proposal for one of the facilities, with that facility designed and constructed entirely by the
3776 winning firm;

3777 (g) the other facility be designed and constructed under the existing Division of
3778 Facilities Construction and Management process;

3779 (h) that both facilities follow the program needs and specifications as identified by
3780 Division of Facilities Construction and Management and the Division of Youth Corrections
3781 renamed in 2003 to the Division of Juvenile Justice Services in the prototype; and

3782 (i) the fully funded facility should be ready for occupancy by September 1, 1995.

3783 (11) It is the intent of the Legislature that the fiscal year 1995 funding for the State Fair
3784 Park Master Study be used by the Division of Facilities Construction and Management to
3785 develop a master plan for the State Fair Park that:

3786 (a) identifies capital facilities needs, capital improvement needs, building
3787 configuration, and other long term needs and uses of the State Fair Park and its buildings; and

3788 (b) establishes priorities for development, estimated costs, and projected timetables.

3789 (12) It is the intent of the Legislature that:

3790 (a) the Division of Facilities Construction and Management, in cooperation with the
3791 Division of State Parks [and Recreation], formerly known as the Division of Parks and
3792 Recreation, and surrounding counties, develop a master plan and general program for the
3793 phased development of Antelope Island;

3794 (b) the master plan:

3795 (i) establish priorities for development;

3796 (ii) include estimated costs and projected time tables; and

3797 (iii) include recommendations for funding methods and the allocation of
3798 responsibilities between the parties; and

3799 (c) the results of the effort be reported to the Natural Resources, Agriculture, and
3800 Environmental Quality Appropriations Subcommittee and Infrastructure and General
3801 Government Appropriations Subcommittee.

3802 (13) It is the intent of the Legislature to authorize the University of Utah to use:

3803 (a) bond reserves to plan, design, and construct the Kingsbury Hall renovation under
3804 the supervision of the director of the Division of Facilities Construction and Management
3805 unless supervisory authority is delegated by the director; and

3806 (b) donated and other nonappropriated funds to plan, design, and construct the Biology
3807 Research Building under the supervision of the director of the Division of Facilities
3808 Construction and Management unless supervisory authority is delegated by the director.

3809 (14) It is the intent of the Legislature to authorize Utah State University to use:

3810 (a) federal and other funds to plan, design, and construct the Bee Lab under the
3811 supervision of the director of the Division of Facilities Construction and Management unless
3812 supervisory authority is delegated by the director;

3813 (b) donated and other nonappropriated funds to plan, design, and construct an Athletic
3814 Facility addition and renovation under the supervision of the director of the Division of
3815 Facilities Construction and Management unless supervisory authority is delegated by the
3816 director;

3817 (c) donated and other nonappropriated funds to plan, design, and construct a renovation
3818 to the Nutrition and Food Science Building under the supervision of the director of the
3819 Division of Facilities Construction and Management unless supervisory authority is delegated
3820 by the director; and

3821 (d) federal and private funds to plan, design, and construct the Millville Research
3822 Facility under the supervision of the director of the Division of Facilities Construction and
3823 Management unless supervisory authority is delegated by the director.

3824 (15) It is the intent of the Legislature to authorize Salt Lake Community College to use:

3825 (a) institutional funds to plan, design, and construct a remodel to the Auto Trades
3826 Office and Learning Center under the supervision of the director of the Division of Facilities
3827 Construction and Management unless supervisory authority is delegated by the director;

3828 (b) institutional funds to plan, design, and construct the relocation and expansion of a
3829 temporary maintenance compound under the supervision of the director of the Division of
3830 Facilities Construction and Management unless supervisory authority is delegated by the
3831 director; and

3832 (c) institutional funds to plan, design, and construct the Alder Amphitheater under the
3833 supervision of the director of the Division of Facilities Construction and Management unless
3834 supervisory authority is delegated by the director.

3835 (16) It is the intent of the Legislature to authorize Southern Utah University to use:

3836 (a) federal funds to plan, design, and construct a Community Services Building under
3837 the supervision of the director of the Division of Facilities Construction and Management

3838 unless supervisory authority is delegated by the director; and

3839 (b) donated and other nonappropriated funds to plan, design, and construct a stadium
3840 expansion under the supervision of the director of the Division of Facilities Construction and
3841 Management unless supervisory authority is delegated by the director.

3842 (17) It is the intent of the Legislature to authorize the Department of Corrections to use
3843 donated funds to plan, design, and construct a Prison Chapel at the Central Utah Correctional
3844 Facility in Gunnison under the supervision of the director of the Division of Facilities
3845 Construction and Management unless supervisory authority is delegated by the director.

3846 (18) If the Utah National Guard does not relocate in the Signetics Building, it is the
3847 intent of the Legislature to authorize the Guard to use federal funds and funds from Provo City
3848 to plan and design an Armory in Provo, Utah, under the supervision of the director of the
3849 Division of Facilities Construction and Management unless supervisory authority is delegated
3850 by the director.

3851 (19) It is the intent of the Legislature that the Utah Department of Transportation use
3852 \$250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in
3853 Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

3854 (20) It is the intent of the Legislature that the Ogden-Weber Applied Technology
3855 Center use the money appropriated for fiscal year 1995 to design the Metal Trades Building
3856 and purchase equipment for use in that building that could be used in metal trades or other
3857 programs in other Applied Technology Centers.

3858 (21) It is the intent of the Legislature that the Bridgerland Applied Technology Center
3859 and the Ogden-Weber Applied Technology Center projects as designed in fiscal year 1995 be
3860 considered as the highest priority projects for construction funding in fiscal year 1996.

3861 (22) It is the intent of the Legislature that:

3862 (a) the Division of Facilities Construction and Management complete physical space
3863 utilization standards by June 30, 1995, for the use of technology education activities;

3864 (b) these standards are to be developed with and approved by the State Board of
3865 Education, the Board of Regents, and the Utah State Building Board;

3866 (c) these physical standards be used as the basis for:

3867 (i) determining utilization of any technology space based on number of stations capable
3868 and occupied for any given hour of operation; and

3869 (ii) requests for any new space or remodeling;

3870 (d) the fiscal year 1995 projects at the Bridgerland Applied Technology Center and the
3871 Ogden-Weber Applied Technology Center are exempt from this process; and

3872 (e) the design of the Davis Applied Technology Center take into account the utilization
3873 formulas established by the Division of Facilities Construction and Management.

3874 (23) It is the intent of the Legislature that Utah Valley State College may use the
3875 money from the bond allocated to the remodel of the Signetics building to relocate its technical
3876 education programs at other designated sites or facilities under the supervision of the director
3877 of the Division of Facilities Construction and Management unless supervisory authority is
3878 delegated by the director.

3879 (24) It is the intent of the Legislature that the money provided for the fiscal year 1995
3880 project for the Bridgerland Applied Technology Center be used to design and construct the
3881 space associated with Utah State University and design the technology center portion of the
3882 project.

3883 (25) It is the intent of the Legislature that the governor provide periodic reports on the
3884 expenditure of the funds provided for electronic technology, equipment, and hardware to the
3885 Infrastructure and General Government Appropriations Subcommittee, and the Legislative
3886 Management Committee.

3887 Section 37. Section **63B-4-301** is amended to read:

3888 **63B-4-301. Bonds for golf course at Wasatch Mountain State Park.**

3889 (1) The State Building Ownership Authority under authority of Title 63B, Chapter 1,
3890 Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into
3891 or arrange for a lease purchase agreement in which participation interests may be created, to
3892 provide up to \$2,500,000 for a new nine-hole golf course at Wasatch Mountain State Park for
3893 the Division of State Parks [and Recreation], formerly known as the Division of Parks and

3894 Recreation, together with additional amounts necessary to:

- 3895 (a) pay costs of issuance;
3896 (b) pay capitalized interest; and
3897 (c) fund any debt service reserve requirements.

3898 (2) (a) The State Building Ownership Authority shall work cooperatively with the
3899 Division of State Parks [~~and Recreation~~], formerly known as the Division of Parks and
3900 Recreation, to seek out the most cost effective and prudent lease purchase plan available.

3901 (b) The state treasurer, the director of the Division of Finance, and the executive
3902 director of the Governor's Office of Management and Budget shall provide technical assistance
3903 to accomplish the purpose specified in Subsection (2)(a).

3904 Section 38. Section **63B-5-201** is amended to read:

3905 **63B-5-201. Legislative intent statements.**

3906 (1) If the United States Department of Defense has not provided matching funds to
3907 construct the National Guard Armory in Orem by December 31, 1997, the Division of Facilities
3908 Construction and Management shall transfer any funds received from issuance of a General
3909 Obligation Bond for benefit of the Orem Armory to the Provo Armory for capital
3910 improvements.

3911 (2) It is the intent of the Legislature that the University of Utah use institutional funds
3912 to plan, design, and construct:

3913 (a) the Health Science East parking structure under the supervision of the director of
3914 the Division of Facilities Construction and Management unless supervisory authority is
3915 delegated by the director;

3916 (b) the Health Science Office Building under the supervision of the director of the
3917 Division of Facilities Construction and Management unless supervisory authority is delegated
3918 by the director; and

3919 (c) the new Student Housing/Olympic Athletes Village under the supervision of the
3920 director of the Division of Facilities Construction and Management unless supervisory
3921 authority is delegated by the director.

3922 (3) It is the intent of the Legislature that Utah State University use institutional funds to
3923 plan, design, and construct a multipurpose facility under the supervision of the director of the
3924 Division of Facilities Construction and Management unless supervisory authority is delegated
3925 by the director.

3926 (4) It is the intent of the Legislature that the Utah Geologic Survey use agency internal
3927 funding to plan, design, and construct a sample library facility under the supervision of the
3928 director of the Division of Facilities Construction and Management unless supervisory
3929 authority is delegated by the director.

3930 (5) (a) If legislation introduced in the 1996 General Session to fund the Wasatch State
3931 Park Club House does not pass, the State Building Ownership Authority, under authority of
3932 Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute
3933 obligations, or enter into or arrange for a lease purchase agreement in which participation
3934 interests may be created, to provide up to \$1,500,000 for the remodel and expansion of the
3935 clubhouse at Wasatch Mountain State Park for the Division of State Parks [~~and Recreation~~],
3936 formerly known as the Division of Parks and Recreation, together with additional amounts
3937 necessary to:

- 3938 (i) pay costs of issuance;
3939 (ii) pay capitalized interest; and
3940 (iii) fund any debt service reserve requirements.

3941 (b) The State Building Ownership Authority shall work cooperatively with the
3942 Division of State Parks [~~and Recreation~~], formerly known as the Division of Parks and
3943 Recreation, to seek out the most cost effective and prudent lease purchase plan available.

3944 (6) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
3945 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
3946 into or arrange for a lease purchase agreement in which participation interests may be created,
3947 to provide up to \$835,300 for the construction of a liquor store in the Snyderville area, together
3948 with additional amounts necessary to:

- 3949 (i) pay costs of issuance;

3950 (ii) pay capitalized interest; and

3951 (iii) fund any debt service reserve requirements.

3952 (b) The State Building Ownership Authority shall work cooperatively with the
3953 Department of Alcoholic Beverage Control to seek out the most cost effective and prudent
3954 lease purchase plan available.

3955 (7) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
3956 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
3957 into or arrange for a lease purchase agreement in which participation interests may be created,
3958 to provide up to \$15,000,000 for the construction of the Huntsman Cancer Institute, together
3959 with additional amounts necessary to:

3960 (i) pay costs of issuance;

3961 (ii) pay capitalized interest; and

3962 (iii) fund any debt service reserve requirements.

3963 (b) The State Building Ownership Authority shall work cooperatively with the
3964 University of Utah to seek out the most cost effective and prudent lease purchase plan
3965 available.

3966 (c) It is the intent of the Legislature that the University of Utah lease land to the State
3967 Building Ownership Authority for the construction of the Huntsman Cancer Institute facility.

3968 (8) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
3969 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
3970 into or arrange for a lease purchase agreement in which participation interests may be created,
3971 to provide up to \$857,600 for the construction of an addition to the Human Services facility in
3972 Vernal, Utah together with additional amounts necessary to:

3973 (i) pay costs of issuance;

3974 (ii) pay capitalized interest; and

3975 (iii) fund any debt service reserve requirements.

3976 (b) The State Building Ownership Authority shall work cooperatively with the
3977 Department of Human Services to seek out the most cost effective and prudent lease purchase

3978 plan available.

3979 (9) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
3980 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
3981 into or arrange for a lease purchase agreement in which participation interests may be created,
3982 to provide up to \$3,470,200 for the construction of the Student Services Center, at Utah State
3983 University Eastern, together with additional amounts necessary to:

- 3984 (i) pay costs of issuance;
- 3985 (ii) pay capitalized interest; and
- 3986 (iii) fund any debt service reserve requirements.

3987 (b) The State Building Ownership Authority shall work cooperatively with Utah State
3988 University Eastern to seek out the most cost effective and prudent lease purchase plan
3989 available.

3990 (10) (a) Notwithstanding anything to the contrary in Title 53B, Chapter 21, Revenue
3991 Bonds, which prohibits the issuance of revenue bonds payable from legislative appropriations,
3992 the State Board of Regents, on behalf of Dixie College, may issue, sell, and deliver revenue
3993 bonds or other evidences of indebtedness of Dixie College to borrow money on the credit of
3994 the income and revenues, including legislative appropriations, of Dixie College, to finance the
3995 acquisition of the Dixie Center.

3996 (b) (i) The bonds or other evidences of indebtedness authorized by this section shall be
3997 issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions
3998 and in amounts that the board, by resolution, determines are reasonable and necessary and may
3999 not exceed \$6,000,000 together with additional amounts necessary to:

- 4000 (A) pay cost of issuance;
- 4001 (B) pay capitalized interest; and
- 4002 (C) fund any debt service reserve requirements.

4003 (ii) To the extent that future legislative appropriations will be required to provide for
4004 payment of debt service in full, the board shall ensure that the revenue bonds are issued
4005 containing a clause that provides for payment from future legislative appropriations that are

4006 legally available for that purpose.

4007 (11) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
4008 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
4009 into or arrange for a lease purchase agreement in which participation interests may be created,
4010 to provide up to \$10,479,000 for the construction of a facility for the Courts - Davis County
4011 Regional Expansion, together with additional amounts necessary to:

- 4012 (i) pay costs of issuance;
- 4013 (ii) pay capitalized interest; and
- 4014 (iii) fund any debt service reserve requirements.

4015 (b) The State Building Ownership Authority shall work cooperatively with the
4016 Administrative Office of the Courts to seek out the most cost effective and prudent lease
4017 purchase plan available.

4018 (12) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
4019 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
4020 into or arrange for a lease purchase agreement in which participation interests may be created,
4021 to provide up to \$4,200,000 for the purchase and remodel of the Washington County
4022 Courthouse, together with additional amounts necessary to:

- 4023 (i) pay costs of issuance;
- 4024 (ii) pay capitalized interest; and
- 4025 (iii) fund any debt service reserve requirements.

4026 (b) The State Building Ownership Authority shall work cooperatively with the
4027 Administrative Office of the Courts to seek out the most cost effective and prudent lease
4028 purchase plan available.

4029 (13) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
4030 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
4031 into or arrange for a lease purchase agreement in which participation interests may be created,
4032 to provide up to \$14,299,700 for the construction of a facility for the State Library and the
4033 Division of Services for the Blind and Visually Impaired, together with additional amounts

4034 necessary to:

- 4035 (i) pay costs of issuance;
4036 (ii) pay capitalized interest; and
4037 (iii) fund any debt service reserve requirements.

4038 (b) The State Building Ownership Authority shall work cooperatively with the State
4039 Board of Education and the Governor's Office of Economic Development to seek out the most
4040 cost effective and prudent lease purchase plan available.

4041 Section 39. Section **63B-6-501** is amended to read:

4042 **63B-6-501. Revenue bond authorizations.**

4043 (1) (a) It is the intent of the Legislature that:

4044 (i) the State Board of Regents, on behalf of the University of Utah, issue, sell, and
4045 deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow
4046 money on the credit and income and revenues of the University of Utah, other than
4047 appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping
4048 a renovation and expansion of the Robert L. Rice Stadium; and

4049 (ii) Olympic funds, University funds, and activity revenues be used as the primary
4050 revenue sources for repayment of any obligation created under the authority of this Subsection
4051 (1).

4052 (b) The bonds or other evidences of indebtedness authorized may provide up to
4053 \$50,000,000 together with other amounts necessary to pay costs of issuance, pay capitalized
4054 interest, and fund any debt service reserve requirements.

4055 (2) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
4056 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations or enter
4057 into or arrange for a lease purchase agreement in which participation interests may be created
4058 to provide up to \$350,000 for the remodeling and completion of the Wasatch Mountain State
4059 Park Clubhouse for the Division of State Parks [and Recreation], formerly known as the
4060 Division of Parks and Recreation, together with additional amounts necessary to pay costs of
4061 issuance, pay capitalized interest, and fund any debt service reserve requirements.

(b) The State Building Ownership Authority shall work cooperatively with the Division of State Parks [and Recreation], formerly known as the division of Parks and Recreation, to seek out the most cost effective and prudent lease purchase plan available.

(c) It is the intent of the Legislature that park revenues be used as the primary revenue sources for repayment of any obligation created under authority of this Subsection (2).

(3) It is the intent of the Legislature that:

(a) the State Building Ownership Authority, under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in which participation interests may be created, to provide up to \$6,000,000 for the construction, or acquisition, or both, of liquor stores, together with additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service requirements; and

(b) liquor control funds be used as the primary revenue source for the repayment of any obligation created under authority of this Subsection (3).

Section 40. Section **63B-6-502** is amended to read:

63B-6-502. Other capital facility authorizations and intent language.

(1) It is the intent of the Legislature that the University of Utah use institutional funds to plan, design, and construct:

(a) the Health Science Lab Building under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director; and

(b) the gymnastics facility under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

(2) It is the intent of the Legislature that Southern Utah University use institutional funds to plan, design, and construct a science center addition under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

4090 (3) It is the intent of the Legislature that Utah Valley State College use institutional
4091 funds to plan, design, and construct a student center addition under the supervision of the
4092 director of the Division of Facilities Construction and Management unless supervisory
4093 authority is delegated by the director.

4094 (4) (a) It is the intent of the Legislature that the Division of Facilities Construction and
4095 Management lease property at the Draper Prison to an entity for the purpose of constructing
4096 recycling and transfer facilities to employ inmates if the following conditions are satisfactorily
4097 met:

- 4098 (i) the entity assures continuous employment of state inmates;
- 4099 (ii) the lease with the entity provides an appropriate return to the state;
- 4100 (iii) the lease has an initial term of not to exceed 20 years;
- 4101 (iv) the lease protects the state from all liability;
- 4102 (v) the entity guarantees that no adverse environmental impact will occur;
- 4103 (vi) the state retains the right to:
 - 4104 (A) monitor the types of wastes that are processed; and
 - 4105 (B) prohibit the processing of types of wastes that are considered to be a risk to the
 - 4106 state or surrounding property uses;
- 4107 (vii) the lease provides for adequate security arrangements;
- 4108 (viii) the entity assumes responsibility for any taxes or fees associated with the facility;
- 4109 and

4110 (ix) the entity assumes responsibility for bringing utilities to the site and any state
4111 expenditures for roads, etc. are considered in establishing the return to the state.

4112 (b) Except as provided in Subsections (4)(c) and (d), the facility may be constructed
4113 without direct supervision by the Division of Facilities Construction and Management.

4114 (c) Notwithstanding Subsection (4)(b), the Division of Facilities Construction and
4115 Management shall:

- 4116 (i) review the design, plans, and specifications of the project; and
- 4117 (ii) approve them if they are appropriate.

4118 (d) Notwithstanding Subsection (4)(b), the Division of Facilities Construction and
4119 Management may:

4120 (i) require that the project be submitted to the local building official for plan review
4121 and inspection; and

4122 (ii) inspect the project.

4123 (5) It is the intent of the Legislature that:

4124 (a) the \$221,497.86 authorized for the Capitol Hill Day Care Center in Subsection (4)
4125 of Laws of Utah 1992, Chapter 304, Section 56, be used for general capital improvements; and

4126 (b) the Building Board should, in allocating the \$221,497.86, if appropriate under the
4127 Board's normal allocation and prioritization process, give preference to projects for the
4128 Division of State Parks [and Recreation], formerly known as the Division of Parks and
4129 Recreation.

4130 Section 41. Section **63B-7-102** is amended to read:

4131 **63B-7-102. Maximum amount -- Projects authorized.**

4132 (1) The total amount of bonds issued under this part may not exceed \$33,600,000.

4133 (2) (a) Proceeds from the issuance of bonds shall be provided to the division to provide
4134 funds to pay all or part of the cost of acquiring and constructing the projects listed in this
4135 Subsection (2).

4136 (b) These costs may include the cost of acquiring land, interests in land, easements and
4137 rights-of-way, improving sites, and acquiring, constructing, equipping, and furnishing facilities
4138 and all structures, roads, parking facilities, utilities, and improvements necessary, incidental, or
4139 convenient to the facilities, interest estimated to accrue on these bonds during the period to be
4140 covered by construction of the projects plus a period of six months after the end of the
4141 construction period, and all related engineering, architectural, and legal fees.

4142 (c) For the division, proceeds shall be provided for the following:

4143	PROJECT DESCRIPTION	AMOUNT FUNDED	ESTIMATED OPERATIONS AND MAINTENANCE
4144	Southern Utah University Land Purchase	\$4,600,000	\$0
4145	Salt Lake Community College High Tech Center - Jordan Campus	\$3,980,700	\$507,900
4146	Children's Special Health Care Needs Clinic	\$755,400	\$247,600
4147	Youth Corrections - 2 @ 32 beds (Vernal / Logan)	\$419,500	\$276,000
4148	Corrections - Gunnison 288 bed and Lagoon Expansion	\$8,425,600	\$0
4149	University of Utah - Cowles Building	\$445,500	\$101,700
4150	Utah Valley State College - Technical Building	\$1,166,300	\$391,000
4151	Sevier Valley Applied Technology Center - Shop Expansion	\$3,014,300	\$443,300
4152	Division of <u>State Parks [and Recreation]</u> , <u>formerly known as the Division of Parks and</u> <u>Recreation</u> , Statewide Restrooms	\$1,000,000	\$22,700
4153	Murray Highway Patrol Office	\$2,300,000	\$81,000
4154	Department of Workforce Services - Davis County Employment Center	\$2,780,000	\$128,100
4155	State Hospital - Rampton II	\$1,600,000	\$462,000
4156	Courts - 4th District Land - Provo	\$1,368,000	\$0
4157	Dixie College - Land	\$1,000,000	\$0

4158 TOTAL CAPITAL AND ECONOMIC \$32,855,300
4159 DEVELOPMENT

4159 (d) For purposes of this section, operations and maintenance costs:

4160 (i) are estimates only;

4161 (ii) may include any operations and maintenance costs already funded in existing
4162 agency budgets; and

4163 (iii) are not commitments by this Legislature or future Legislatures to fund those
4164 operations and maintenance costs.

4165 (3) (a) The amounts funded as listed in Subsection (2) are estimates only and do not
4166 constitute a limitation on the amount that may be expended for any project.

4167 (b) The board may revise these estimates and redistribute the amount estimated for a
4168 project among the projects authorized.

4169 (c) The commission, by resolution and in consultation with the board, may delete one
4170 or more projects from this list if the inclusion of that project or those projects in the list could
4171 be construed to violate state law or federal law or regulation.

4172 (4) (a) The division may enter into agreements related to these projects before the
4173 receipt of proceeds of bonds issued under this chapter.

4174 (b) The division shall make those expenditures from unexpended and unencumbered
4175 building funds already appropriated to the Capital Projects Fund.

4176 (c) The division shall reimburse the Capital Projects Fund upon receipt of the proceeds
4177 of bonds issued under this chapter.

4178 (d) The commission may, by resolution, make any statement of intent relating to that
4179 reimbursement that is necessary or desirable to comply with federal tax law.

4180 (5) (a) For those projects for which only partial funding is provided in Subsection (2),
4181 it is the intent of the Legislature that the balance necessary to complete the projects be
4182 addressed by future Legislatures, either through appropriations or through the issuance or sale
4183 of bonds.

4184 (b) For those phased projects, the division may enter into contracts for amounts not to

4185 exceed the anticipated full project funding but may not allow work to be performed on those
4186 contracts in excess of the funding already authorized by the Legislature.

4187 (c) Those contracts shall contain a provision for termination of the contract for the
4188 convenience of the state.

4189 (d) It is also the intent of the Legislature that this authorization to the division does not
4190 bind future Legislatures to fund projects initiated from this authorization.

4191 Section 42. Section **63B-10-302** is amended to read:

4192 **63B-10-302. Other revenue bond authorizations.**

4193 (1) It is the intent of the Legislature that the State Building Ownership Authority, under
4194 the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may
4195 issue or execute obligations to provide up to \$12,000,000 for the construction of a 36-hole golf
4196 course at Soldier Hollow in the Wasatch Mountain State Park, including necessary facilities
4197 such as a clubhouse, restroom facilities, and maintenance facilities, together with additional
4198 amounts necessary to:

4199 (a) pay costs of issuance;

4200 (b) pay capitalized interest; and

4201 (c) fund any debt service reserve requirements.

4202 (2) The State Building Ownership Authority shall work cooperatively with the
4203 Division of State Parks [and Recreation], formerly known as the Division of Parks and
4204 Recreation, in the design and construction of the golf course at Soldier Hollow.

4205 Section 43. Section **63C-21-201** is amended to read:

4206 **63C-21-201. Outdoor Adventure Commission created.**

4207 (1) There is created the Outdoor Adventure Commission consisting of the following
4208 [+4] 15 members:

4209 (a) one member of the Senate, appointed by the president of the Senate;

4210 (b) one member of the House of Representatives, appointed by the speaker of the
4211 House of Representatives;

4212 (c) the director of the Utah Office of Outdoor Recreation, or the director's designee;

- 4213 (d) the managing director of the Utah Office of Tourism, or the managing director's
4214 designee;
- 4215 (e) the director of the Division of ~~[Parks and]~~ Recreation, or the director's designee;
- 4216 (f) the director of the School and Institutional Trust Lands Administration, or the
4217 director's designee;
- 4218 (g) the coordinator of the Off-Highway Vehicle and Recreational Trails Program
4219 within the Division of ~~[Parks and]~~ Recreation;
- 4220 (h) a representative of the agriculture industry appointed jointly by the president of the
4221 Senate and the speaker of the House of Representatives;
- 4222 (i) a representative of the natural resources development industry appointed jointly by
4223 the president of the Senate and the speaker of the House of Representatives;
- 4224 (j) one representative of the Utah League of Cities and Towns appointed by the Utah
4225 League of Cities and Towns;
- 4226 (k) one representative of the Utah Association of Counties appointed by the Utah
4227 Association of Counties;
- 4228 (l) one individual appointed jointly by the Utah League of Cities and Towns and the
4229 Utah Association of Counties;
- 4230 (m) a representative of conservation interests appointed jointly by the president of the
4231 Senate and the speaker of the House of Representatives; ~~[and]~~
- 4232 (n) a representative of the outdoor recreation industry appointed jointly by the president
4233 of the Senate and the speaker of the House of Representatives~~[-]; and~~
- 4234 ~~[(2)(a) The senator appointed under Subsection (1)(a) is a cochair of the commission.]~~
4235 ~~[(b) The representative appointed under Subsection (1)(b) is a cochair of the~~
4236 ~~commission.]~~
- 4237 (o) the coordinator of the boating program within the Division of Recreation.
- 4238 (2) The commission shall annually select one of its members to be the chair of the
4239 commission.
- 4240 (3) (a) If a vacancy occurs in the membership of the commission appointed under

4241 Subsection (1)(a) or (b), or Subsections (1)(h) through (n), the member shall be replaced in the
4242 same manner in which the original appointment was made.

4243 (b) A member appointed under Subsections (1)(h) through (n) ~~[serves]~~ shall serve a
4244 term of four years and until the member's successor is appointed and qualified.

4245 (c) Notwithstanding the requirements of Subsection (3)(b), for members appointed
4246 under Subsections (1)(h) through (n), the division shall, at the time of appointment or
4247 reappointment, adjust the length of terms to ensure that the terms of commission members are
4248 staggered so that approximately half of the commission members appointed under Subsections
4249 (1)(h) through (n) are appointed every two years.

4250 (d) An individual may be appointed to more than one term.

4251 (4) (a) Eight commission members constitutes a quorum.

4252 (b) The action of a majority of a quorum constitutes an action of the commission.

4253 (5) (a) The salary and expenses of a commission member who is a legislator shall be
4254 paid in accordance with Section [36-2-2](#), Legislative Joint Rules, Title 5, Chapter 2, Lodging,
4255 Meal, and Transportation Expenses, and Legislative Joint Rules, Title 5, Chapter 3, Legislator
4256 Compensation.

4257 (b) A commission member who is not a legislator may not receive compensation or
4258 benefits for the member's service on the commission, but may receive per diem and
4259 reimbursement for travel expenses incurred as a commission member at the rates established by
4260 the Division of Finance under:

4261 (i) Sections [63A-3-106](#) and [63A-3-107](#); and

4262 (ii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
4263 [63A-3-107](#).

4264 (6) The Department of Transportation shall serve as a technical advisor to the
4265 commission.

4266 (7) The ~~[Office of Legislative Research and General Counsel and the Office of the~~
4267 ~~Legislative Fiscal Analyst]~~ Division of Recreation, created in Section [79-7-201](#), shall provide
4268 staff support to the commission.

4269 Section 44. Section **63C-21-202** is amended to read:

4270 **63C-21-202. Strategic plan -- Commission powers and duties -- Consultant --**
4271 **Reports.**

4272 (1) (a) The commission shall gather information on recreation assets from state and
4273 local agencies and other sources and develop a strategic plan aimed at meeting the future needs
4274 of outdoor recreation within the state [~~in order~~] to enhance the quality of life of Utah residents.
4275 Asset lists received from state and local agencies shall include:

4276 (i) common data points, to be established by the Office of Outdoor Recreation that can
4277 be uniformly compared with other recreation assets within the state, such as asset type, size,
4278 unique characteristics, vegetation, land ownership, and similar items;

4279 (ii) any specific needs, challenges, or limitations on recreation use of the assets; and

4280 (iii) a ranking of potential enhancements to the assets related to recreation use.

4281 (b) The strategic plan shall address:

4282 (i) outdoor recreation as a major contributor to residents' quality of life;

4283 (ii) the needs and impacts of residents who engage in outdoor recreation;

4284 (iii) the impact on local communities related to outdoor recreation, including the costs
4285 associated with emergency services and infrastructure;

4286 (iv) outdoor recreation as a means to retain and attract an exceptional workforce to
4287 provide for a sustainable economy;

4288 (v) impacts to the environment, wildlife, and natural resources and measures to
4289 preserve the natural beauty of the state as more people engage in outdoor recreation;

4290 (vi) identify opportunities for sustainable revenue sources to provide for maintenance
4291 and future needs;

4292 (vii) the interface with public lands that are federally managed and private lands; and

4293 (viii) other items determined by the commission.

4294 (2) The commission shall:

4295 (a) engage one or more consultants to:

4296 (i) manage the strategic planning process in accordance with Subsection (3); and

4297 (ii) conduct analytical work in accordance with Subsection (3);
4298 (b) guide the analytical work of a consultant described in Subsection (2)(a) and review
4299 the results of the work;
4300 (c) coordinate with a consultant described in Subsection (2)(a) to engage in a process
4301 and create a strategic plan;
4302 (d) conduct regional meetings to gather stakeholder input during the strategic planning
4303 process;
4304 (e) seek input from federal entities including the United States Department of the
4305 Interior, the United States Department of Agriculture, and Utah's congressional delegation; and
4306 (f) produce a final report including a strategic plan and any recommendations.
4307 (3) The commission₂ by contract with a consultant engaged under Subsection (2)(a)₂
4308 shall direct the consultant to:
4309 (a) conduct an inventory of existing outdoor recreation resources, programs, and
4310 information;
4311 (b) conduct an analysis of what is needed to develop and implement an effective
4312 outdoor recreation strategy aimed at enhancing the quality of life of Utah residents;
4313 (c) collect and analyze data related to the future projected conditions of the outdoor
4314 recreation resources, programs, and information, including the affordability and financing of
4315 outdoor recreation;
4316 (d) develop alternatives to the projection described in Subsection (3)(c) by modeling
4317 potential changes to the outdoor recreation industry and economic growth;
4318 (e) in coordination with the commission, engage in extensive local stakeholder
4319 involvement to better understand the needs of, concerns of, and opportunities for different
4320 communities and outdoor recreation user types;
4321 (f) recommend accountability or performance measures to assess the effectiveness of
4322 the outdoor recreation system;
4323 (g) based on the data described in this Subsection (3), make comparisons between
4324 outdoor recreation in Utah and outdoor recreation in other states or countries;

(h) in coordination with the commission, conduct the regional meetings described in Subsection (2)(d) to share information and seek input from a range of stakeholders;

(i) recommend changes to the governance system for outdoor recreation that would facilitate implementation of the strategic plan;

(j) engage in any other data collection or analysis requested by the commission; and

(k) produce for the commission:

(i) a draft report of findings, observations, and strategic priorities, including:

(A) a statewide vision and strategy for outdoor recreation;

(B) a strategy for how to meaningfully engage stakeholders throughout the state;

(C) funding needs related to outdoor recreation; and

(D) recommendations for the steps the state should take to implement a statewide vision and strategy for outdoor recreation; and

(ii) a final report, incorporating feedback from the commission on the draft report described in Subsection (3)(k)(i), regarding the future of the outdoor recreation in the state.

(4) The commission shall consult with the Division of Recreation as provided by statute.

Section 45. Section **63H-2-102** is amended to read:

63H-2-102. Definitions.

As used in this chapter:

(1) "Agency" is as defined in Section [17C-1-102](#).

(2) "Assessment area" is as defined in Section [11-42-102](#).

(3) "Assessment bonds" is as defined in Section [11-42-102](#).

(4) "Authority" means the Utah Energy Infrastructure Authority created in Section [63H-2-201](#).

(5) "Authority bond" means a bond issued by the authority in accordance with Part 4, Bonding.

(6) "Board" means the board created under Section [63H-2-202](#).

(7) "Community" means the county, city, or town in which is located a qualifying

4353 energy delivery project financed by an authority bond.

4354 (8) "Electric interlocal entity" has the same meaning as defined in Section 11-13-103.

4355 (9) "Energy advisor" means the ~~[governor's]~~ energy advisor appointed under Section
4356 ~~[63M-4-201]~~ 79-6-201.

4357 (10) "Energy delivery project" means a project that is designed to:

4358 (a) increase the capacity for the delivery of energy to a user of energy inside or outside
4359 the state; or

4360 (b) increase the capability of an existing energy delivery system or related facility to
4361 deliver energy to a user of energy inside or outside the state.

4362 (11) "Independent state agency" is as defined in Section 63E-1-102.

4363 (12) "Project area" is as defined in Section 17C-1-102.

4364 (13) "Public entity" means:

4365 (a) the United States or an agency of the United States;

4366 (b) the state or an agency of the state;

4367 (c) a political subdivision of the state or an agency of a political subdivision of the
4368 state;

4369 (d) another state or an agency of that state; or

4370 (e) a political subdivision of another state or an agency of that political subdivision.

4371 (14) "Qualifying energy delivery project" means a project approved by the board in
4372 accordance with Part 3, Qualifying Energy Delivery Projects.

4373 (15) "Record" means information that is:

4374 (a) inscribed on a tangible medium; or

4375 (b) (i) stored in an electronic or other medium; and

4376 (ii) retrievable in perceivable form.

4377 (16) "Tax increment bond" is as defined in Section 11-27-2.

4378 Section 46. Section 63H-2-202 is amended to read:

4379 **63H-2-202. Authority board.**

4380 (1) There is created the Utah Energy Infrastructure Authority Board that consists of

4381 nine members~~[, appointed by the governor]~~ as follows:

4382 (a) members appointed by the governor:

4383 (i) the energy advisor or the ~~[executive]~~ director of the Office of Energy Development,
4384 who shall serve as chair of the board;

4385 ~~[(b)]~~ (ii) one member from the Governor's Office of Economic Development;

4386 ~~[(c)]~~ (iii) one member from a public utility or electric interlocal entity that operates
4387 electric transmission facilities within the state;

4388 ~~[(d)]~~ (iv) two members representing the economic development interests of rural
4389 communities as follows:

4390 ~~[(i)]~~ (A) one member currently serving as county commissioner of a county of the
4391 third, fourth, fifth, or sixth class, as described in Section 17-50-501; and

4392 ~~[(ii)]~~ (B) one member of a rural community with work experience in the energy
4393 industry;

4394 ~~[(e)]~~ (v) two members of the general public with relevant industry or community
4395 experience; and

4396 ~~[(f) the director of the School and Institutional Trust Lands Administration created in~~
4397 ~~Section 53C-1-201; and]~~

4398 ~~[(g)]~~ (vi) one member of the general public who has experience with public finance and
4399 bonding~~[-];~~ and

4400 (b) the director of the School and Institutional Trust Lands Administration created in
4401 Section 53C-1-201.

4402 (2) (a) The term of ~~[a]~~ an appointed board member is four years.

4403 (b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment
4404 or reappointment, adjust the length of terms to ensure that the terms of board members are
4405 staggered so that approximately half of the board is appointed every two years.

4406 (c) The governor may remove a member of the board for cause.

4407 (d) The governor shall fill a vacancy in the board in the same manner under this section
4408 as the appointment of the member whose vacancy is being filled.

4409 (e) An individual appointed to fill a vacancy shall serve the remaining unexpired term
4410 of the member whose vacancy the individual is filling.

4411 (f) A board member shall serve until a successor is appointed and qualified.

4412 (3) (a) Five members of the board constitute a quorum for conducting board business.

4413 (b) A majority vote of the quorum present is required for an action to be taken by the
4414 board.

4415 (4) (a) Except as provided in Subsections (4)(b) and (4)(c), the board shall meet once
4416 each month, on a day determined by the board, to review an application referred to the board by
4417 the Office of Energy Development under [~~Title 63M, Chapter 4~~] Title 79, Chapter 6, Part 6,
4418 High Cost Infrastructure Development Tax Credit Act.

4419 (b) Subject to Subsection (4)(c), the board may cancel the board's meeting for a given
4420 month if there are no applications described in Subsection (4)(a) pending board approval.

4421 (c) The board shall meet no less frequently than once each quarter, on a day determined
4422 by the board.

4423 (5) A member may not receive compensation or benefits for the member's service, but
4424 may receive per diem and travel expenses in accordance with:

4425 (a) Section [63A-3-106](#);

4426 (b) Section [63A-3-107](#); and

4427 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
4428 [63A-3-107](#).

4429 Section 47. Section **63H-4-102** is amended to read:

4430 **63H-4-102. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and**
4431 **expenses.**

4432 (1) There is created an independent state agency and a body politic and corporate
4433 known as the "Heber Valley Historic Railroad Authority."

4434 (2) The authority is composed of eight members as follows:

4435 (a) one member of the county legislative body of Wasatch County;

4436 (b) the mayor of Heber City;

- 4437 (c) the mayor of Midway;
- 4438 (d) the executive director of the Department of Transportation or the executive
4439 director's designee;
- 4440 (e) the ~~[executive]~~ director of the Division of State Parks ~~[and Recreation]~~, or the
4441 ~~[executive]~~ director's designee; and
- 4442 (f) three public members appointed by the governor with the advice and consent of the
4443 Senate, being private citizens of the state, as follows:
- 4444 (i) two people representing the tourism industry, one each from Wasatch and Utah
4445 counties; and
- 4446 (ii) one person representing the public at large.
- 4447 (3) All members shall be residents of the state.
- 4448 (4) (a) Except as required by Subsection (4)(b), the three public members are appointed
4449 for four-year terms beginning July 1, 2010.
- 4450 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
4451 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4452 authority members are staggered so that approximately half of the authority is appointed every
4453 two years.
- 4454 (5) Any of the three public members may be removed from office by the governor or
4455 for cause by an affirmative vote of any four members of the authority.
- 4456 (6) When a vacancy occurs in the membership for any reason, the replacement is
4457 appointed for the unexpired term by the governor with advice and consent of the Senate for the
4458 unexpired term.
- 4459 (7) Each public member shall hold office for the term of appointment and until a
4460 successor has been appointed and qualified.
- 4461 (8) A public member is eligible for reappointment, but may not serve more than two
4462 full consecutive terms.
- 4463 (9) The governor shall appoint the chair of the authority from among its members.
- 4464 (10) The members shall elect from among their number a vice chair and other officers

4465 they may determine.

4466 (11) The powers of the authority are vested in its members.

4467 (12) (a) Four members constitute a quorum for transaction of authority business.

4468 (b) An affirmative vote of at least four members is necessary for any action taken by
4469 the authority.

4470 (13) A member may not receive compensation or benefits for the member's service, but
4471 may receive per diem and travel expenses in accordance with:

4472 (a) Section 63A-3-106;

4473 (b) Section 63A-3-107; and

4474 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4475 63A-3-107.

4476 Section 48. Section 63H-4-110 is amended to read:

4477 **63H-4-110. Lease of rails from Department of Transportation and Division of**
4478 **State Parks.**

4479 The Department of Transportation and the Division of State Parks [~~and Recreation~~]
4480 shall jointly lease the rails, bed, right-of-way, and related property for not more than \$1 per
4481 year to the authority.

4482 Section 49. Section 63H-5-110 is amended to read:

4483 **63H-5-110. Lease of rails or equipment from Department of Transportation and**
4484 **Division of State Parks.**

4485 The Department of Transportation and the Division of State Parks [~~and Recreation~~]
4486 may jointly lease the rails, bed, right-of-way, and related property for the operation of a scenic
4487 and historic railroad in and around Weber and Box Elder Counties, for not more than \$1 per
4488 year to the authority.

4489 Section 50. Section 63I-1-263 is amended to read:

4490 **63I-1-263. Repeal dates, Titles 63A to 63N.**

4491 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

4492 (a) Subsection 63A-1-201(1) is repealed;

4493 (b) Subsection 63A-1-202(2)(c), the language "using criteria established by the board"
4494 is repealed;

4495 (c) Section 63A-1-203 is repealed;

4496 (d) Subsections 63A-1-204(1) and (2), the language "After consultation with the board,
4497 and" is repealed; and

4498 (e) Subsection 63A-1-204(1)(b), the language "using the standards provided in
4499 Subsection 63A-1-203(3)(c)" is repealed.

4500 (2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital
4501 improvement funding, is repealed July 1, 2024.

4502 (3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,
4503 2023.

4504 (4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review
4505 Committee, are repealed July 1, 2023.

4506 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
4507 1, 2028.

4508 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
4509 2025.

4510 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
4511 2024.

4512 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
4513 repealed July 1, 2021.

4514 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
4515 July 1, 2023.

4516 ~~[(10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1,~~
4517 ~~2025.]~~

4518 ~~[(11)]~~ (10) Title 63F, Chapter 2, Data Security Management Council, is repealed July
4519 1, 2025.

4520 ~~[(12)]~~ (11) Section 63G-6a-805, which creates the Purchasing from Persons with

4521 Disabilities Advisory Board, is repealed July 1, 2026.

4522 ~~[(13)]~~ (12) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed

4523 July 1, 2025.

4524 ~~[(14)]~~ (13) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed

4525 July 1, 2024.

4526 ~~[(15)]~~ (14) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,

4527 2026.

4528 ~~[(16)]~~ (15) Subsection [63J-1-602.1](#)~~[(14)]~~(15), Nurse Home Visiting Restricted Account

4529 is repealed July 1, 2026.

4530 ~~[(17)]~~ (16) (a) Subsection [63J-1-602.1](#)(58), relating to the Utah Statewide Radio

4531 System Restricted Account, is repealed July 1, 2022.

4532 (b) When repealing Subsection [63J-1-602.1](#)(58), the Office of Legislative Research and

4533 General Counsel shall, in addition to the office's authority under Subsection [36-12-12](#)(3), make

4534 necessary changes to subsection numbering and cross references.

4535 ~~[(18)]~~ (17) Subsection [63J-1-602.2](#)~~[(4)]~~(5), referring to dedicated credits to the Utah

4536 Marriage Commission, is repealed July 1, 2023.

4537 ~~[(19)]~~ (18) Subsection [63J-1-602.2](#)~~[(5)]~~(6), referring to the Trip Reduction Program, is

4538 repealed July 1, 2022.

4539 ~~[(20)]~~ (19) Subsection [63J-1-602.2](#)(25), related to the Utah Seismic Safety

4540 Commission, is repealed January 1, 2025.

4541 ~~[(21)]~~ (20) Title 63J, Chapter 4, Part 5, Resource Development Coordinating

4542 Committee, is repealed July 1, 2027.

4543 ~~[(22)]~~ (21) Subsection [63J-4-608](#)(3), which creates the Federal Land Application

4544 Advisory Committee, is repealed on July 1, 2021.

4545 ~~[(23)]~~ (22) In relation to the Utah Substance Use and Mental Health Advisory Council,

4546 on January 1, 2023:

4547 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are

4548 repealed;

4549 (b) Section 63M-7-305, the language that states "council" is replaced with
4550 "commission";

4551 (c) Subsection 63M-7-305(1) is repealed and replaced with:
4552 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

4553 (d) Subsection 63M-7-305(2) is repealed and replaced with:
4554 "(2) The commission shall:
4555 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
4556 Drug-Related Offenses Reform Act; and
4557 (b) coordinate the implementation of Section 77-18-1.1 and related provisions in
4558 Subsections 77-18-1(5)(b)(iii) and (iv).".

4559 ~~[(24)]~~ (23) The Crime Victim Reparations and Assistance Board, created in Section
4560 63M-7-504, is repealed July 1, 2027.

4561 ~~[(25)]~~ (24) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed
4562 July 1, 2022.

4563 ~~[(26)]~~ (25) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
4564 2021.

4565 ~~[(27)]~~ (26) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is
4566 repealed January 1, 2023.

4567 ~~[(28)]~~ (27) Title 63N, Chapter 1, Part 5, Governor's Economic Development
4568 Coordinating Council, is repealed July 1, 2024.

4569 ~~[(29)]~~ (28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

4570 ~~[(30)]~~ (29) Section 63N-2-512 is repealed July 1, 2021.

4571 ~~[(31)]~~ (30) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
4572 January 1, 2021.

4573 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
4574 calendar years beginning on or after January 1, 2021.

4575 (c) Notwithstanding Subsection ~~[(31)]~~ (30)(b), an entity may carry forward a tax credit
4576 in accordance with Section 59-9-107 if:

4577 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
4578 31, 2020; and

4579 (ii) the qualified equity investment that is the basis of the tax credit is certified under
4580 Section 63N-2-603 on or before December 31, 2023.

4581 ~~[(32)]~~ (31) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1,
4582 2023.

4583 ~~[(33)]~~ (32) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is
4584 repealed July 1, 2023.

4585 ~~[(34)]~~ (33) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed
4586 July 1, 2025.

4587 ~~[(35)]~~ (34) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant
4588 Program, is repealed January 1, 2023.

4589 ~~[(36)]~~ (35) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed
4590 January 1, 2023.

4591 Section 51. Section 63I-1-279 is amended to read:

4592 **63I-1-279. Repeal dates, Title 79.**

4593 (1) Subsection 79-2-201(2)~~[(n)]~~(r), related to the Heritage Trees Advisory Committee,
4594 is repealed July 1, 2026.

4595 (2) Subsection 79-2-201(2)~~[(o)]~~(s), related to the Recreational Trails Advisory Council,
4596 is repealed July 1, 2027.

4597 (3) Subsection 79-2-201(2)~~[(p)]~~(t), related to the Boating Advisory Council, is repealed
4598 July 1, 2024.

4599 (4) Subsection 79-2-201(2)~~[(q)]~~(u), related to the Wildlife Board Nominating
4600 Committee, is repealed July 1, 2023.

4601 (5) Subsection 79-2-201(2)~~[(r)]~~(v), related to regional advisory councils for the
4602 Wildlife Board, is repealed July 1, 2023.

4603 (6) Title 79, Chapter 5, Part 2, Advisory Council, which creates the Recreational Trails
4604 Advisory Council, is repealed July 1, 2027.

4605 Section 52. Section **63I-2-263** is amended to read:
4606 **63I-2-263. Repeal dates, Title 63A to Title 63N.**
4607 (1) On July 1, 2020:
4608 (a) Subsection **63A-1-203**(5)(a)(i) is repealed; and
4609 (b) in Subsection **63A-1-203**(5)(a)(ii), the language that states "appointed on or after
4610 May 8, 2018," is repealed.
4611 (2) Section **63A-3-111** is repealed June 30, 2021.
4612 (3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is
4613 repealed July 1, 2021.
4614 (4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology
4615 Commission is repealed July 1, 2023.
4616 (5) The following sections regarding the World War II Memorial Commission are
4617 repealed on July 1, 2022:
4618 (a) Section **63G-1-801**;
4619 (b) Section **63G-1-802**;
4620 (c) Section **63G-1-803**; and
4621 (d) Section **63G-1-804**.
4622 (6) Subsections **63G-6a-802**(1)(d) and **63G-6a-802**(3)(b)(iii), regarding a procurement
4623 relating to a vice presidential debate, are repealed January 1, 2021.
4624 (7) In relation to the State Fair Park Committee, on January 1, 2021:
4625 (a) Section **63H-6-104.5** is repealed; and
4626 (b) Subsections **63H-6-104**(8) and (9) are repealed.
4627 (8) Section **63H-7a-303** is repealed July 1, 2024.
4628 (9) Subsection **63J-1-206**(3)(c), relating to coronavirus, is repealed July 1, 2021.
4629 (10) In relation to the Employability to Careers Program Board, on July 1, 2022:
4630 (a) Subsection **63J-1-602.1**~~[(57)]~~(59) is repealed;
4631 (b) Subsection **63J-4-301**(1)(h), related to the review of data and metrics, is repealed;
4632 and

- 4633 (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.
- 4634 ~~[(11) Title 63M, Chapter 4, Part 8, Voluntary Home Energy Information Pilot Program~~
- 4635 ~~Act, is repealed January 1, 2022.]~~
- 4636 ~~[(12)]~~ (11) Sections ~~63M-7-213~~ and ~~63M-7-213.5~~ are repealed on January 1, 2023.
- 4637 ~~[(13)]~~ (12) Subsection ~~63N-12-508~~(3) is repealed December 31, 2021.
- 4638 ~~[(14)]~~ (13) Title 63N, Chapter 13, Part 3, Facilitating Public-Private Partnerships Act,
- 4639 is repealed January 1, 2024.
- 4640 ~~[(15)]~~ (14) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is
- 4641 repealed December 31, 2021.
- 4642 Section 53. Section **63I-2-279** is enacted to read:
- 4643 **63I-2-279. Repeal dates, Title 79.**
- 4644 (1) Section ~~79-2-206~~ is repealed July 1, 2022.
- 4645 (2) Title 79, Chapter 6, Part 8, Voluntary Home Energy Information Pilot Program Act,
- 4646 is repealed January 1, 2022.
- 4647 Section 54. Section **63J-1-601** is amended to read:
- 4648 **63J-1-601. End of fiscal year -- Unexpended balances -- Funds not to be closed**
- 4649 **out -- Pending claims -- Transfer of amounts from item of appropriation -- Nonlapsing**
- 4650 **accounts and funds -- Institutions of higher education to report unexpended balances.**
- 4651 (1) As used in this section:
- 4652 (a) "Education grant subrecipient" means a nonfederal entity that:
- 4653 (i) receives a subaward from the State Board of Education to carry out at least part of a
- 4654 federal or state grant program; and
- 4655 (ii) does not include an individual who is a beneficiary of the federal or state grant
- 4656 program.
- 4657 (b) "Transaction control number" means the unique numerical identifier established by
- 4658 the Department of Health to track each medical claim and indicates the date on which the claim
- 4659 is entered.
- 4660 (2) On or before August 31 of each fiscal year, the director of the Division of Finance

4661 shall close out to the proper fund or account all remaining unexpended and unencumbered
4662 balances of appropriations made by the Legislature, except:

- 4663 (a) those funds classified under Title 51, Chapter 5, Funds Consolidation Act, as:
 - 4664 (i) enterprise funds;
 - 4665 (ii) internal service funds;
 - 4666 (iii) trust and agency funds;
 - 4667 (iv) capital projects funds;
 - 4668 (v) discrete component unit funds;
 - 4669 (vi) debt service funds; and
 - 4670 (vii) permanent funds;
- 4671 (b) those appropriations from a fund or account or appropriations to a program that are
4672 designated as nonlapsing under Section [63J-1-602.1](#) or [63J-1-602.2](#);
- 4673 (c) expendable special revenue funds, unless specifically directed to close out the fund
4674 in the fund's enabling legislation;
- 4675 (d) acquisition and development funds appropriated to the Division of State Parks [~~and~~
4676 Recreation] or the Division of Recreation;
- 4677 (e) funds encumbered to pay purchase orders issued prior to May 1 for capital
4678 equipment if delivery is expected before June 30; and
- 4679 (f) unexpended and unencumbered balances of appropriations that meet the
4680 requirements of Section [63J-1-603](#).

4681 (3) (a) Liabilities and related expenses for goods and services received on or before
4682 June 30 shall be recognized as expenses due and payable from appropriations made prior to
4683 June 30.

4684 (b) The liability and related expense shall be recognized within time periods
4685 established by the Division of Finance but shall be recognized not later than August 31.

4686 (c) Liabilities and expenses not so recognized may be paid from regular departmental
4687 appropriations for the subsequent fiscal year, if these claims do not exceed unexpended and
4688 unencumbered balances of appropriations for the years in which the obligation was incurred.

4689 (d) No amounts may be transferred from an item of appropriation of any department,
4690 institution, or agency into the Capital Projects Fund or any other fund without the prior express
4691 approval of the Legislature.

4692 (4) (a) For purposes of this chapter, a claim processed under the authority of Title 26,
4693 Chapter 18, Medical Assistance Act:

4694 (i) is not a liability or an expense to the state for budgetary purposes, unless the
4695 Division of Health Care Financing receives the claim within the time periods established by the
4696 Division of Finance under Subsection (3)(b); and

4697 (ii) is not subject to Subsection (3)(c).

4698 (b) The transaction control number that the Division of Health Care Financing records
4699 on each claim invoice is the date of receipt.

4700 (5) (a) For purposes of this chapter, a claim processed in accordance with Title 35A,
4701 Chapter 13, Utah State Office of Rehabilitation Act:

4702 (i) is not a liability or an expense to the state for budgetary purposes, unless the Utah
4703 State Office of Rehabilitation receives the claim within the time periods established by the
4704 Division of Finance under Subsection (3)(b); and

4705 (ii) is not subject to Subsection (3)(c).

4706 (b) (i) The Utah State Office of Rehabilitation shall mark each claim invoice with the
4707 date on which the Utah State Office of Rehabilitation receives the claim invoice.

4708 (ii) The date described in Subsection (5)(b)(i) is the date of receipt for purposes of this
4709 section.

4710 (6) (a) For purposes of this chapter, a reimbursement request received from an
4711 education grant subrecipient:

4712 (i) is not a liability or expense to the state for budgetary purposes, unless the State
4713 Board of Education receives the claim within the time periods described in Subsection (3)(b);
4714 and

4715 (ii) is not subject to Subsection (3)(c).

4716 (b) The transaction control number that the State Board of Education records on a

4717 claim invoice is the date of receipt.

4718 (7) Any balance from an appropriation to a state institution of higher education that
4719 remains unexpended at the end of the fiscal year shall be reported to the Division of Finance by
4720 the September 1 following the close of the fiscal year.

4721 Section 55. Section **63J-1-602.1** is amended to read:

4722 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

4723 Appropriations made from the following accounts or funds are nonlapsing:

4724 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
4725 and Leadership Restricted Account created in Section [4-42-102](#).

4726 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

4727 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
4728 Section [9-18-102](#).

4729 (4) The National Professional Men's Soccer Team Support of Building Communities
4730 Restricted Account created in Section [9-19-102](#).

4731 (5) Funds collected for directing and administering the C-PACE district created in
4732 Section [11-42a-106](#).

4733 (6) Money received by the Utah Inland Port Authority, as provided in Section
4734 [11-58-105](#).

4735 (7) The "Latino Community Support Restricted Account" created in Section [13-1-16](#).

4736 (8) The Clean Air Support Restricted Account created in Section [19-1-109](#).

4737 (9) The "Support for State-Owned Shooting Ranges Restricted Account" created in
4738 Section [23-14-13.5](#).

4739 (10) Award money under the State Asset Forfeiture Grant Program, as provided under
4740 Section [24-4-117](#).

4741 (11) Funds collected from the program fund for local health department expenses
4742 incurred in responding to a local health emergency under Section [26-1-38](#).

4743 (12) The Children with Cancer Support Restricted Account created in Section
4744 [26-21a-304](#).

- 4745 (13) State funds for matching federal funds in the Children's Health Insurance Program
4746 as provided in Section 26-40-108.
- 4747 (14) The Children with Heart Disease Support Restricted Account created in Section
4748 26-58-102.
- 4749 (15) The Nurse Home Visiting Restricted Account created in Section 26-63-601.
- 4750 (16) The Technology Development Restricted Account created in Section 31A-3-104.
- 4751 (17) The Criminal Background Check Restricted Account created in Section
4752 31A-3-105.
- 4753 (18) The Captive Insurance Restricted Account created in Section 31A-3-304, except
4754 to the extent that Section 31A-3-304 makes the money received under that section free revenue.
- 4755 (19) The Title Licensee Enforcement Restricted Account created in Section
4756 31A-23a-415.
- 4757 (20) The Health Insurance Actuarial Review Restricted Account created in Section
4758 31A-30-115.
- 4759 (21) The Insurance Fraud Investigation Restricted Account created in Section
4760 31A-31-108.
- 4761 (22) The Underage Drinking Prevention Media and Education Campaign Restricted
4762 Account created in Section 32B-2-306.
- 4763 (23) The School Readiness Restricted Account created in Section 35A-15-203.
- 4764 (24) Money received by the Utah State Office of Rehabilitation for the sale of certain
4765 products or services, as provided in Section 35A-13-202.
- 4766 (25) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 4767 (26) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 4768 (27) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to
4769 the Motor Vehicle Division.
- 4770 (28) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
4771 created by Section 41-3-110 to the State Tax Commission.
- 4772 (29) The Utah Law Enforcement Memorial Support Restricted Account created in

4773 Section 53-1-120.

4774 (30) The State Disaster Recovery Restricted Account to the Division of Emergency
4775 Management, as provided in Section 53-2a-603.

4776 (31) The Department of Public Safety Restricted Account to the Department of Public
4777 Safety, as provided in Section 53-3-106.

4778 (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
4779 53-8-303.

4780 (33) The DNA Specimen Restricted Account created in Section 53-10-407.

4781 (34) The Canine Body Armor Restricted Account created in Section 53-16-201.

4782 (35) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

4783 (36) The Higher Education Capital Projects Fund created in Section 53B-22-202.

4784 (37) A certain portion of money collected for administrative costs under the School
4785 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

4786 (38) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5,
4787 subject to Subsection 54-5-1.5(4)(d).

4788 (39) Funds collected from a surcharge fee to provide certain licensees with access to an
4789 electronic reference library, as provided in Section 58-3a-105.

4790 (40) Certain fines collected by the Division of Occupational and Professional Licensing
4791 for violation of unlawful or unprofessional conduct that are used for education and enforcement
4792 purposes, as provided in Section 58-17b-505.

4793 (41) Funds collected from a surcharge fee to provide certain licensees with access to an
4794 electronic reference library, as provided in Section 58-22-104.

4795 (42) Funds collected from a surcharge fee to provide certain licensees with access to an
4796 electronic reference library, as provided in Section 58-55-106.

4797 (43) Funds collected from a surcharge fee to provide certain licensees with access to an
4798 electronic reference library, as provided in Section 58-56-3.5.

4799 (44) Certain fines collected by the Division of Occupational and Professional Licensing
4800 for use in education and enforcement of the Security Personnel Licensing Act, as provided in

- 4801 Section [58-63-103](#).
- 4802 (45) The Relative Value Study Restricted Account created in Section [59-9-105](#).
- 4803 (46) The Cigarette Tax Restricted Account created in Section [59-14-204](#).
- 4804 (47) Funds paid to the Division of Real Estate for the cost of a criminal background
- 4805 check for a mortgage loan license, as provided in Section [61-2c-202](#).
- 4806 (48) Funds paid to the Division of Real Estate for the cost of a criminal background
- 4807 check for principal broker, associate broker, and sales agent licenses, as provided in Section
- 4808 [61-2f-204](#).
- 4809 (49) Certain funds donated to the Department of Human Services, as provided in
- 4810 Section [62A-1-111](#).
- 4811 (50) The National Professional Men's Basketball Team Support of Women and
- 4812 Children Issues Restricted Account created in Section [62A-1-202](#).
- 4813 (51) Certain funds donated to the Division of Child and Family Services, as provided
- 4814 in Section [62A-4a-110](#).
- 4815 (52) The Choose Life Adoption Support Restricted Account created in Section
- 4816 [62A-4a-608](#).
- 4817 (53) Funds collected by the Office of Administrative Rules for publishing, as provided
- 4818 in Section [63G-3-402](#).
- 4819 (54) The Immigration Act Restricted Account created in Section [63G-12-103](#).
- 4820 (55) Money received by the military installation development authority, as provided in
- 4821 Section [63H-1-504](#).
- 4822 (56) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).
- 4823 (57) The Unified Statewide 911 Emergency Service Account created in Section
- 4824 [63H-7a-304](#).
- 4825 (58) The Utah Statewide Radio System Restricted Account created in Section
- 4826 [63H-7a-403](#).
- 4827 (59) The Employability to Careers Program Restricted Account created in Section
- 4828 [63J-4-703](#).

- 4829 (60) The Motion Picture Incentive Account created in Section 63N-8-103.
- 4830 (61) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
4831 as provided under Section 63N-10-301.
- 4832 (62) Funds collected by the housing of state probationary inmates or state parole
4833 inmates, as provided in Subsection 64-13e-104(2).
- 4834 (63) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
4835 and State Lands, as provided in Section 65A-8-103.
- 4836 (64) The Transportation of Veterans to Memorials Support Restricted Account created
4837 in Section 71-14-102.
- 4838 (65) The Amusement Ride Safety Restricted Account, as provided in Section
4839 72-16-204.
- 4840 (66) Certain funds received by the Office of the State Engineer for well drilling fines or
4841 bonds, as provided in Section 73-3-25.
- 4842 (67) The Water Resources Conservation and Development Fund, as provided in
4843 Section 73-23-2.
- 4844 (68) Funds donated or paid to a juvenile court by private sources, as provided in
4845 Subsection 78A-6-203(1)(c).
- 4846 (69) Fees for certificate of admission created under Section 78A-9-102.
- 4847 (70) Funds collected for adoption document access as provided in Sections 78B-6-141,
4848 78B-6-144, and 78B-6-144.5.
- 4849 (71) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,
4850 Utah Indigent Defense Commission.
- 4851 (72) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
4852 Park, [~~Jordan River State Park~~], and Green River State Park, as provided under Section
4853 79-4-403.
- 4854 (73) Certain funds received by the Division of State Parks [~~and Recreation~~] from the
4855 sale or disposal of buffalo, as provided under Section 79-4-1001.
- 4856 (74) The Drinking While Pregnant Prevention Media and Education Campaign

4857 Restricted Account created in Section [32B-2-308](#).

4858 Section 56. Section **63J-4-502** is amended to read:

4859 **63J-4-502. Membership -- Terms -- Chair -- Expenses.**

4860 (1) The Resource Development Coordinating Committee shall consist of the following
4861 ~~[24]~~ 25 members:

4862 (a) the state science advisor;

4863 (b) a representative from the Department of Agriculture and Food appointed by the
4864 executive director;

4865 (c) a representative from the Department of Heritage and Arts appointed by the
4866 executive director;

4867 (d) a representative from the Department of Environmental Quality appointed by the
4868 executive director;

4869 (e) a representative from the Department of Natural Resources appointed by the
4870 executive director;

4871 (f) a representative from the Department of Transportation appointed by the executive
4872 director;

4873 (g) a representative from the Governor's Office of Economic Development appointed
4874 by the director;

4875 (h) a representative from the Housing and Community Development Division
4876 appointed by the director;

4877 (i) a representative from the Division of State History appointed by the director;

4878 (j) a representative from the Division of Air Quality appointed by the director;

4879 (k) a representative from the Division of Drinking Water appointed by the director;

4880 (l) a representative from the Division of Environmental Response and Remediation
4881 appointed by the director;

4882 (m) a representative from the Division of Waste Management and Radiation Control
4883 appointed by the director;

4884 (n) a representative from the Division of Water Quality appointed by the director;

4885 (o) a representative from the Division of Oil, Gas, and Mining appointed by the
4886 director;

4887 (p) a representative from the Division of State Parks ~~[and Recreation]~~ appointed by the
4888 director;

4889 (q) a representative from the Division of Recreation appointed by the director;

4890 ~~[(q)]~~ (r) a representative from the Division of Forestry, Fire, and State Lands appointed
4891 by the director;

4892 ~~[(r)]~~ (s) a representative from the Utah Geological Survey appointed by the director;

4893 ~~[(s)]~~ (t) a representative from the Division of Water Resources appointed by the
4894 director;

4895 ~~[(t)]~~ (u) a representative from the Division of Water Rights appointed by the director;

4896 ~~[(u)]~~ (v) a representative from the Division of Wildlife Resources appointed by the
4897 director;

4898 ~~[(v)]~~ (w) a representative from the School and Institutional Trust Lands Administration
4899 appointed by the director;

4900 ~~[(w)]~~ (x) a representative from the Division of Facilities Construction and Management
4901 appointed by the director; and

4902 ~~[(x)]~~ (y) a representative from the Division of Emergency Management appointed by
4903 the director.

4904 (2) (a) As particular issues require, the committee may, by majority vote of the
4905 members present, and with the concurrence of the state planning coordinator, appoint
4906 additional temporary members to serve as ex officio voting members.

4907 (b) Those ex officio members may discuss and vote on the issue or issues for which
4908 they were appointed.

4909 (3) A chair shall be selected by a majority vote of committee members with the
4910 concurrence of the state planning coordinator.

4911 (4) A member may not receive compensation or benefits for the member's service, but
4912 may receive per diem and travel expenses in accordance with:

- 4913 (a) Section 63A-3-106;
4914 (b) Section 63A-3-107; and
4915 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4916 63A-3-107.
- 4917 Section 57. Section 63J-4-608 is amended to read:
4918 **63J-4-608. Facilitating the acquisition of federal land -- Advisory committee.**
- 4919 (1) As used in this section:
4920 (a) "Advisory committee" means the committee established under Subsection (3).
4921 (b) "Federal land" means land that the secretary is authorized to dispose of under the
4922 federal land disposal law.
4923 (c) "Federal land disposal law" means the Recreation and Public Purposes Act, 43
4924 U.S.C. Sec. 869 et seq.
4925 (d) "Government entity" means any state or local government entity allowed to submit
4926 a land application under the federal land disposal law.
4927 (e) "Land application" means an application under the federal land disposal law
4928 requesting the secretary to sell or lease federal land.
4929 (f) "Land application process" means all actions involved in the process of submitting
4930 and obtaining a final decision on a land application.
4931 (g) "Secretary" means the Secretary of the Interior of the United States.
- 4932 (2) The coordinator and the office shall:
4933 (a) develop expertise:
4934 (i) in the land application process; and
4935 (ii) concerning the factors that tend to increase the chances that a land application will
4936 result in the secretary selling or leasing federal land as requested in the land application;
4937 (b) work to educate government entities concerning:
4938 (i) the availability of federal land pursuant to the federal land disposal law; and
4939 (ii) the land application process;
4940 (c) advise and consult with a government entity that requests assistance from the

4941 coordinator or the office to formulate and submit a land application and to pursue a decision on
4942 the land application;

4943 (d) advise and consult with a government entity that requests assistance from the
4944 coordinator or the office to identify and quantify the amount of any funds needed to provide the
4945 public use described in a land application;

4946 (e) with the advice and recommendations of the advisory committee:

4947 (i) adopt a list of factors to be considered in determining the degree to which a land
4948 application or potential land application is in the public interest; and

4949 (ii) recommend a prioritization of all land applications or potential land applications in
4950 the state according to the extent to which the land applications are in the public interest, based
4951 on the factors adopted under Subsection [~~(2)(f)(i)~~] (2)(e)(i);

4952 (f) prepare and submit a written report of land applications:

4953 (i) to the Natural Resources, Agriculture, and Environment Interim Committee and the
4954 Federalism Commission;

4955 (ii) (A) annually no later than August 31; and

4956 (B) at other times, if and as requested by the committee or commission; and

4957 (iii) (A) on the activities of the coordinator and the office under this section;

4958 (B) on the land applications and potential land applications in the state; and

4959 (C) on the decisions of the secretary on land applications submitted by government
4960 entities in the state and the quantity of land acquired under the land applications;

4961 (g) present a summary of information contained in the report described in Subsection
4962 (3)(f):

4963 (i) at a meeting of the Natural Resources, Agriculture, and Environment Interim
4964 Committee and at a meeting of the Federalism Commission;

4965 (ii) annually no later than August 31; and

4966 (iii) at other times, if and as requested by the committee or commission; and

4967 (h) report to the Executive Appropriations Committee of the Legislature, as frequently
4968 as the coordinator considers appropriate or as requested by the committee, on the need for

4969 legislative appropriations to provide funds for the public purposes described in land
4970 applications.

4971 (3) (a) There is created a committee comprised of:

4972 (i) an individual designated by the chairs of the Federalism Commission;

4973 (ii) an individual designated by the director of the Division of Facilities Construction
4974 and Management;

4975 (iii) a representative of the Antiquities Section, created in Section 9-8-304, designated
4976 by the director of the Division of State History;

4977 (iv) a representative of municipalities designated by the Utah League of Cities and
4978 Towns;

4979 (v) a representative of counties designated by the Utah Association of Counties;

4980 (vi) an individual designated by the Governor's Office of Economic Development; and

4981 (vii) an individual designated by the director of the Division of State Parks [~~and~~
4982 ~~Recreation~~], created in Section 79-4-201.

4983 (b) The seven members of the advisory committee under Subsection (3)(a) may, by
4984 majority vote, appoint up to four additional volunteer members of the advisory committee.

4985 (c) The advisory committee shall advise and provide recommendations to the
4986 coordinator and the office on:

4987 (i) factors the coordinator and office should consider in determining the degree to
4988 which a land application or potential land application is in the public interest; and

4989 (ii) the prioritization of land applications or potential land applications in the state
4990 according to the extent to which the land applications are in the public interest, based on the
4991 factors adopted under Subsection [~~(2)(f)(i)~~] (2)(e)(i).

4992 (d) A member of the advisory committee may not receive compensation, benefits, or
4993 expense reimbursement for the member's service on the advisory committee.

4994 (e) The advisory committee may:

4995 (i) select a chair from among the advisory committee members; and

4996 (ii) meet as often as necessary to perform the advisory committee's duties under this

4997 section.

4998 (f) The coordinator shall facilitate the convening of the first meeting of the advisory
4999 committee.

5000 Section 58. Section **63L-2-301** is amended to read:

5001 **63L-2-301. Promoting or lobbying for a federal designation within the state.**

5002 (1) As used in this section:

5003 (a) "Federal designation" means the designation of a:

5004 (i) national monument;

5005 (ii) national conservation area;

5006 (iii) wilderness area or wilderness study area;

5007 (iv) area of critical environmental concern;

5008 (v) research natural area; or

5009 (vi) national recreation area.

5010 (b) (i) "Governmental entity" means:

5011 (A) a state-funded institution of higher education or public education;

5012 (B) a political subdivision of the state;

5013 (C) an office, agency, board, bureau, committee, department, advisory board, or
5014 commission that the government funds or establishes to carry out the public's business,
5015 regardless of whether the office, agency board, bureau, committee, department, advisory board,
5016 or commission is composed entirely of public officials or employees;

5017 (D) an interlocal entity as defined in Section 11-13-103 or a joint or cooperative
5018 undertaking as defined in Section 11-13-103;

5019 (E) a governmental nonprofit corporation as defined in Section 11-13a-102; or

5020 (F) an association as defined in Section 53G-7-1101.

5021 (ii) "Governmental entity" does not mean:

5022 (A) the School and Institutional Trust Lands Administration created in Section
5023 53C-1-201;

5024 (B) the School and Institutional Trust Lands Board of Trustees created in Section

5025 [53C-1-202](#);
5026 (C) the Office of the Governor;
5027 (D) the Governor's Office of Management and Budget created in Section [63J-4-201](#);
5028 (E) the Public Lands Policy Coordinating Office created in Section [63J-4-602](#);
5029 (F) the Office of Energy Development created in Section [~~[63M-4-401](#)~~; or] [79-6-401](#); or
5030 (G) the Governor's Office of Economic Development created in Section [63N-1-201](#),
5031 including the Office of Tourism and the Utah Office of Outdoor Recreation created in Section
5032 [63N-9-104](#).

5033 (2) (a) A governmental entity, or a person a governmental entity employs and
5034 designates as a representative, may investigate the possibility of a federal designation within
5035 the state.

5036 (b) A governmental entity that intends to advocate for a federal designation within the
5037 state shall:

5038 (i) notify the chairs of the following committees before the introduction of federal
5039 legislation:

5040 (A) the Natural Resources, Agriculture, and Environment Interim Committee, if
5041 constituted, and the Federalism Commission; or

5042 (B) if the notice is given during a General Session, the House and Senate Natural
5043 Resources, Agriculture, and Environment Standing Committees; and

5044 (ii) upon request of the chairs, meet with the relevant committee to review the proposal.

5045 (3) This section does not apply to a political subdivision supporting a federal
5046 designation if the federal designation:

5047 (a) applies to 5,000 acres or less; and

5048 (b) has an economical or historical benefit to the political subdivision.

5049 Section 59. Section **63L-7-104** is amended to read:

5050 **63L-7-104. Identification of a potential wilderness area.**

5051 (1) (a) Subject to Subsection (1)(b), the director of PLPCO, within one year of the
5052 acquisition date, shall identify within a parcel of acquired land any conservation areas.

5053 (b) Before identifying a parcel of land as a conservation area, the director of PLPCO
5054 shall:

5055 (i) inform the School and Institutional Trust Lands Administration that a parcel is
5056 being considered for designation as a conservation area; and

5057 (ii) provide the School and Institutional Trust Lands Administration with the
5058 opportunity to trade out land owned by the School and Institutional Trust Lands Administration
5059 for the parcel in question subject to reaching an exchange agreement with the agency that
5060 manages the parcel.

5061 (2) The director of PLPCO shall:

5062 (a) file a map and legal description of each identified conservation area with the
5063 governor, the Senate, and the House of Representatives;

5064 (b) maintain, and make available to the public, records pertaining to identified
5065 conservation areas, including:

5066 (i) maps;

5067 (ii) legal descriptions;

5068 (iii) copies of proposed regulations governing the conservation area; and

5069 (iv) copies of public notices of, and reports submitted to the Legislature, regarding
5070 pending additions, eliminations, or modifications to a conservation area; and

5071 (c) within five years of the date of acquisition:

5072 (i) review each identified conservation area for its suitability to be classified as a
5073 protected wilderness area; and

5074 (ii) report the findings under Subsection (2)(c)(i) to the governor.

5075 (3) The records described in Subsection (2)(b) shall be available for inspection at:

5076 (a) the PLPCO office;

5077 (b) the main office of DNR;

5078 (c) a regional office of the Division of Forestry, Fire, and State Lands for any record
5079 that deals with an identified conservation area in that region; and

5080 (d) the Division of State Parks [~~and~~] or the Division of Recreation.

(4) A conservation area may be designated as a protected wilderness area as described in Section 63L-7-105.

(5) A conservation area identified under Subsection (1) shall be managed by DNR, in coordination with the county government having jurisdiction over the area, without the conservation area being designated as a protected wilderness area unless otherwise provided by the Legislature.

Section 60. Section 63N-9-102 is amended to read:

63N-9-102. Definitions.

As used in this chapter:

(1) "Accessible to the general public," in relation to the awarding of an infrastructure grant, means:

(a) the public may use the infrastructure in accordance with federal and state regulations; and

(b) no community or group retains exclusive rights to access the infrastructure.

~~[(2) "Children," in relation to the awarding of a UCORE grant, means individuals who are six years of age or older, and 18 years of age or younger.]~~

(2) "Advisory committee" means the Utah Outdoor Recreation Grant Advisory Committee created in Section 79-8-105.

(3) "Director" means the director of the ~~[outdoor recreation office]~~ Utah Office of Outdoor Recreation.

(4) "Executive director" means the executive director of GOED.

(5) "Infrastructure grant" means an outdoor recreational infrastructure grant described in Section 63N-9-202.

(6) "Outdoor recreation office" means the Utah Office of Outdoor Recreation created in Section 63N-9-104.

(7) (a) "Recreational infrastructure project" means an undertaking to build or improve the approved facilities and installations needed for the public to access and enjoy the state's outdoors.

5109 (b) "Recreational infrastructure project" may include the:
5110 (i) establishment, construction, or renovation of a trail, trail infrastructure, or trail
5111 facilities;
5112 (ii) construction of a project for water-related outdoor recreational activities;
5113 (iii) development of a project for wildlife watching opportunities, including bird
5114 watching;
5115 (iv) development of a project that provides winter recreation amenities;
5116 (v) construction or improvement of a community park that has amenities for outdoor
5117 recreation; and
5118 (vi) construction or improvement of a naturalistic and accessible playground.
5119 ~~[(8) "UCORE grant" means a children's outdoor recreation and education grant~~
5120 ~~described in Section 63N-9-402.]~~
5121 ~~[(9)]~~ (8) (a) "Underserved or underprivileged community" means a group of people,
5122 including a municipality, county, or American Indian tribe, that is economically disadvantaged.
5123 (b) "Underserved or underprivileged community" includes an economically
5124 disadvantaged community where~~[-(i)-]~~ in relation to awarding an infrastructure grant, the
5125 people of the community have limited access to or have demonstrated a low level of use of
5126 recreational infrastructure~~[-and]~~.
5127 ~~[(ii) in relation to awarding a UCORE grant, the children of the community, including~~
5128 ~~children with disabilities, have limited access to outdoor recreation or education programs.]~~
5129 Section 61. Section **63N-9-106** is amended to read:
5130 **63N-9-106. Annual report.**
5131 The executive director shall include in the annual written report described in Section
5132 **63N-1-301** a report from the director on the activities of the outdoor recreation office,
5133 including a description and the amount of any awarded infrastructure grants ~~[and any awarded~~
5134 ~~UCORE grants]~~.
5135 Section 62. Section **63N-9-202** is amended to read:
5136 **63N-9-202. Creation and purpose of infrastructure grant program.**

5137 (1) There is created the Outdoor Recreational Infrastructure Grant Program
5138 administered by the outdoor recreation office.

5139 (2) The outdoor recreation office may seek to accomplish the following objectives in
5140 administering the infrastructure grant program:

5141 (a) build, maintain, and promote recreational infrastructure to provide greater access to
5142 low-cost outdoor recreation for the state's citizens;

5143 (b) encourage residents and nonresidents of the state to take advantage of the beauty of
5144 Utah's outdoors;

5145 (c) encourage individuals and businesses to relocate to the state;

5146 (d) promote outdoor exercise; and

5147 (e) provide outdoor recreational opportunities to an underserved or underprivileged
5148 community in the state.

5149 (3) The advisory committee shall advise and make recommendations to the outdoor
5150 recreation office regarding infrastructure grants.

5151 Section 63. Section **65A-3-1** is amended to read:

5152 **65A-3-1. Trespassing on state lands -- Penalties.**

5153 (1) As used in this section:

5154 (a) "Anchored" means the same as that term is defined in Section 73-18-2.

5155 (b) "Beached" means the same as that term is defined in Section 73-18-2.

5156 (c) "Motorboat" means the same as that term is defined in Section 73-18-2.

5157 (d) "Vessel" means the same as that term is defined in Section 73-18-2.

5158 (2) A person is guilty of a class B misdemeanor and liable for the civil damages
5159 prescribed in Subsection (4) if, without written authorization from the division, the person:

5160 (a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand,
5161 soil, vegetation, or improvement on state lands;

5162 (b) grazes livestock on state lands;

5163 (c) uses, occupies, or constructs improvements or structures on state lands;

5164 (d) uses or occupies state lands for more than 30 days after the cancellation or

5165 expiration of written authorization;

5166 (e) knowingly and willfully uses state lands for commercial gain;

5167 (f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological,

5168 or paleontological resource on state lands;

5169 (g) starts or maintains a fire on state lands except in a posted and designated area;

5170 (h) camps on state lands, except in posted or designated areas;

5171 (i) camps on state lands for longer than 15 consecutive days at the same location or

5172 within one mile of the same location;

5173 (j) camps on state lands for 15 consecutive days, and then returns to camp at the same

5174 location before 15 consecutive days have elapsed after the day on which the person left that

5175 location;

5176 (k) leaves an anchored or beached vessel unattended for longer than 48 hours on state

5177 lands;

5178 (l) anchors or beaches a vessel on state lands at the same location for longer than 72

5179 hours or within two miles of the same location for longer than 72 hours;

5180 (m) anchors or beaches a vessel on state lands at the same location for 72 hours, and

5181 then returns to anchor or beach the vessel at the same location or within two miles of the same

5182 location before 72 hours have elapsed after the day on which the person left that location;

5183 (n) posts a sign claiming state land as private property;

5184 (o) prohibits, prevents, or obstructs public entry to state land where public entry is

5185 authorized by the division; or

5186 (p) parks or operates a motor vehicle on the bed of a navigable lake or river except in

5187 those areas:

5188 (i) supervised by the Division of State Parks [~~and Recreation~~], the Division of

5189 Recreation, or another state or local enforcement entity; and

5190 (ii) which are posted as open to vehicle use.

5191 (3) A person is guilty of a class C misdemeanor and liable for civil damages described

5192 in Subsection (4) if, on state lands surrounding Bear Lake and without written authorization of

5193 the division, the person:

5194 (a) parks or operates a motor vehicle in an area on the exposed lake bed that is
5195 specifically posted by the division as closed for usage;

5196 (b) camps, except in an area that is posted and designated as open to camping;

5197 (c) exceeds a speed limit of 10 miles per hour while operating a motor vehicle;

5198 (d) drives recklessly while operating a motor vehicle;

5199 (e) parks or operates a motor vehicle within an area between the water's edge and 100
5200 feet of the water's edge except as necessary to:

5201 (i) launch or retrieve a motorboat, if the person is permitted to launch or retrieve a
5202 motorboat;

5203 (ii) transport an individual with limited mobility; or

5204 (iii) deposit or retrieve equipment to a beach site;

5205 (f) travels in a motor vehicle parallel to the water's edge:

5206 (i) in areas designated by the division as closed;

5207 (ii) a distance greater than 500 yards; or

5208 (iii) for purposes other than travel to or from a beach site;

5209 (g) parks or operates a motor vehicle between the hours of 10 p.m. and 7 a.m.; or

5210 (h) starts a campfire or uses fireworks.

5211 (4) A person who commits any act described in Subsection (2) or (3) is liable for
5212 damages in the amount of:

5213 (a) three times the value of the mineral or other resource removed, destroyed, or
5214 extracted;

5215 (b) three times the value of damage committed; or

5216 (c) three times the consideration which would have been charged by the division for
5217 use of the land during the period of trespass.

5218 (5) In addition to the damages described in Subsection (4), a person found guilty of a
5219 misdemeanor under Subsection (2) or (3) is subject to the penalties provided in Section
5220 76-3-204.

(6) Money collected under this section shall be deposited in the fund in which similar revenues from that land would be deposited.

Section 64. Section **65A-10-2** is amended to read:

65A-10-2. Recreational use of sovereign lands.

(1) The division, with the approval of the executive director of the Department of Natural Resources and the governor, may set aside for public or recreational use any part of the lands claimed by the state as the beds of lakes or streams.

(2) Management of those lands may be delegated to the Division of State Parks ~~[and]~~, the Division of Recreation, the Division of Wildlife Resources, or any other state agency.

Section 65. Section **72-1-216** is amended to read:

72-1-216. Statewide electric vehicle charging network plan -- Report.

(1) (a) The department, in consultation with relevant entities in the private sector, shall develop a statewide electric vehicle charging network plan.

(b) To develop the statewide electric vehicle charging network plan, the department shall consult with political subdivisions and other relevant state agencies, divisions, and entities, including:

(i) the Department of Environmental Quality created in Section 19-1-104;

(ii) the Division of Facilities Construction and Management created in Section 63A-5b-301;

(iii) the Office of Energy Development created in Section ~~[63M-4-401; and]~~ 79-6-401; and

(iv) the Department of Natural Resources created in Section 79-2-201.

(2) The statewide electric vehicle charging network plan shall provide implementation strategies to ensure that electric vehicle charging stations are available:

(a) at strategic locations as determined by the department by June 30, 2021;

(b) at incremental distances no greater than every 50 miles along the state's interstate highway system by December 31, 2025; and

(c) along other major highways within the state as the department finds appropriate.

5249 (3) The department shall provide a report before November 30, 2020, to the
5250 Transportation Interim Committee to outline the statewide electric vehicle charging network
5251 plan.

5252 Section 66. Section **72-4-302** is amended to read:

5253 **72-4-302. Utah State Scenic Byway Committee -- Creation -- Membership --**
5254 **Meetings -- Expenses.**

5255 (1) There is created the Utah State Scenic Byway Committee.

5256 (2) (a) The committee shall consist of the following 13 members:

5257 (i) a representative from each of the following entities appointed by the governor:

5258 (A) the Governor's Office of Economic Development;

5259 (B) the Utah Department of Transportation;

5260 (C) the Department of Heritage and Arts;

5261 (D) the Division of State Parks [~~and Recreation~~];

5262 (E) the Federal Highway Administration;

5263 (F) the National Park Service;

5264 (G) the National Forest Service; and

5265 (H) the Bureau of Land Management;

5266 (ii) one local government tourism representative appointed by the governor;

5267 (iii) a representative from the private business sector appointed by the governor; and

5268 (iv) three local elected officials from a county, city, or town within the state appointed
5269 by the governor.

5270 (b) Except as provided in Subsection (2)(c), the members appointed in this Subsection

5271 (2) shall be appointed for a four-year term of office.

5272 (c) The governor shall, at the time of appointment or reappointment for appointments
5273 made under Subsection (2)(a)(i), (ii), (iii), or (iv) adjust the length of terms to ensure that the
5274 terms of committee members are staggered so that approximately half of the committee is
5275 appointed every two years.

5276 (3) (a) The representative from the Governor's Office of Economic Development shall

5277 chair the committee.

5278 (b) The members appointed under Subsections (2)(a)(i)(E) through (H) serve as
5279 nonvoting, ex officio members of the committee.

5280 (4) The Governor's Office of Economic Development and the department shall provide
5281 staff support to the committee.

5282 (5) (a) The chair may call a meeting of the committee only with the concurrence of the
5283 department.

5284 (b) A majority of the voting members of the committee constitute a quorum.

5285 (c) Action by a majority vote of a quorum of the committee constitutes action by the
5286 committee.

5287 (6) A member may not receive compensation or benefits for the member's service, but
5288 may receive per diem and travel expenses as allowed in:

5289 (a) Section 63A-3-106;

5290 (b) Section 63A-3-107; and

5291 (c) rules made by the Division of Finance according to Sections 63A-3-106 and
5292 63A-3-107.

5293 Section 67. Section 72-11-204 is amended to read:

5294 **72-11-204. Vacancies -- Expenses -- Reimbursement -- Use of facilities of**
5295 **Department of Transportation -- Functions, powers, duties, rights, and responsibilities.**

5296 (1) When a vacancy occurs in the membership for any reason, the replacement shall be
5297 appointed for the unexpired term.

5298 (2) A member may not receive compensation or benefits for the member's service, but
5299 may receive per diem and travel expenses in accordance with:

5300 (a) Section 63A-3-106;

5301 (b) Section 63A-3-107; and

5302 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5303 63A-3-107.

5304 (3) Reimbursement shall be made from fees collected by the committee for services

5305 rendered by it.

5306 (4) The Department of Transportation shall supply the committee with office
5307 accommodation, space, equipment, and secretarial assistance the executive director considers
5308 adequate for the committee.

5309 (5) In addition to the functions, powers, duties, rights, and responsibilities granted to it
5310 under this chapter, the committee shall assume and have all of the functions, powers, duties,
5311 rights, and responsibilities of the [~~Board of Parks and~~] Division of Recreation [~~created in~~
5312 ~~Section 79-4-301~~] in relation to passenger ropeway systems pursuant to that chapter.

5313 Section 68. Section **73-3-30** is amended to read:

5314 **73-3-30. Change application for an instream flow.**

5315 (1) As used in this section:

5316 (a) "Division" means the Division of Wildlife Resources, created in Section 23-14-1,
5317 or the Division of State Parks [~~and Recreation~~], created in Section 79-4-201.

5318 (b) "Fishing group" means an organization that:

5319 (i) is exempt from taxation under Section 501(c)(3), Internal Revenue Code; and

5320 (ii) promotes fishing opportunities in the state.

5321 (2) (a) A division may file a change application, as provided by Section 73-3-3, for the
5322 purpose of providing water for an instream flow, within a specified section of a natural or
5323 altered stream channel, necessary within the state for:

5324 (i) the propagation of fish;

5325 (ii) public recreation; or

5326 (iii) the reasonable preservation or enhancement of the natural stream environment.

5327 (b) A division may file a change application on:

5328 (i) a perfected water right:

5329 (A) presently owned by the division;

5330 (B) purchased by the division for the purpose of providing water for an instream flow,
5331 through funding provided for that purpose by legislative appropriation; or

5332 (C) acquired by lease, agreement, gift, exchange, or contribution; or

(ii) an appurtenant water right acquired with the acquisition of real property by the division.

(c) A division may:

(i) purchase a water right for the purposes provided in Subsection (2)(a) only with funds specifically appropriated by the Legislature for water rights purchases; or

(ii) accept a donated water right without legislative approval.

(d) A division may not acquire water rights by eminent domain for an instream flow or for any other purpose.

(3) (a) A fishing group may file a fixed time change application on a perfected, consumptive water right for the purpose of providing water for an instream flow, within a specified section of a natural or altered stream channel, to protect or restore habitat for three native trout:

(i) the Bonneville cutthroat;

(ii) the Colorado River cutthroat; or

(iii) the Yellowstone cutthroat.

(b) Before filing an application authorized by Subsection (3)(a) to change a shareholder's proportionate share of water, the water company shall submit the decision to approve or deny the change request required by Subsection 73-3-3.5(3) to a vote of the shareholders:

(i) in a manner outlined in the water company's articles of incorporation or bylaws;

(ii) at an annual or regular meeting described in Section 16-6a-701; or

(iii) at a special meeting convened under Section 16-6a-702.

(c) The specified section of the natural or altered stream channel for the instream flow may not be further upstream than the water right's original point of diversion nor extend further downstream than the next physical point of diversion made by another person.

(d) The fishing group shall receive the Division of Wildlife Resources' director's approval of the proposed change before filing the fixed time change application with the state engineer.

(e) The director of the Division of Wildlife Resources may approve a proposed change if:

(i) the specified section of the stream channel is historic or current habitat for a species listed in Subsections (3)(a)(i) through (iii);

(ii) the proposed purpose of use is consistent with an existing state management or recovery plan for that species; and

(iii) the fishing group has:

(A) entered into a programmatic Candidate Conservation Agreement with Assurances with the United States Fish and Wildlife Service, as authorized by 16 U.S.C. Secs. 1531(a)(5) and 1536(a)(1), that gives the water right holder the option to receive an enhancement of survival permit, as authorized by 16 U.S.C. Sec. 1539(a)(1)(A), or a certificate of inclusion, for a fixed time change application that benefits a candidate species of trout; or

(B) until a programmatic Candidate Conservation Agreement with Assurances described in Subsection (3)(e)(iii)(A) becomes valid and enforceable, entered into a contract with the water right holder agreeing to defend and indemnify the water right holder for liability under Section 1538(a) of the Endangered Species Act, 16 U.S.C. Secs. 1531 through 1544, for an action taken by the water right holder under the terms of the water right holder's agreement with the fishing group for a fixed time change application.

(f) The director may deny a proposed change if the proposed change would not be in the public's interest.

(g) (i) In considering a fixed time change application, the state engineer shall follow the same procedures as provided in this title for an application to appropriate water.

(ii) The rights and the duties of a fixed time change applicant are the same as provided in this title for an applicant to appropriate water.

(h) A fishing group may refile a fixed time change application by filing a written request with the state engineer no later than 60 days before the application expires.

(i) (i) The water right for which the state engineer has approved a fixed time change application will automatically revert to the point of diversion and place and purpose of use that

existed before the approved fixed time change application when the fixed time change application expires or is terminated.

(ii) The applicant shall give written notice to the state engineer and the lessor, if applicable, if the applicant wishes to terminate a fixed time change application before the fixed time change application expires.

(4) In addition to the requirements of Section 73-3-3, an application authorized by this section shall:

(a) set forth the legal description of the points on the stream channel between which the instream flow will be provided by the change application; and

(b) include appropriate studies, reports, or other information required by the state engineer demonstrating the necessity for the instream flow in the specified section of the stream and the projected benefits to the public resulting from the change.

(5) (a) For a permanent change application or a fixed time change application filed according to this section, 60 days before the date on which proof of change for an instream flow is due, the state engineer shall notify the applicant by mail or by any form of communication through which receipt is verifiable of the date when proof of change is due.

(b) Before the date when proof of change is due, the applicant must either:

(i) file a verified statement with the state engineer that the instream flow uses have been perfected, setting forth:

(A) the legal description of the points on the stream channel between which the instream flow is provided;

(B) detailed measurements of the flow of water in second-feet changed;

(C) the period of use; and

(D) any additional information required by the state engineer; or

(ii) apply for a further extension of time as provided for in Section 73-3-12.

(c) (i) Upon acceptance of the verified statement required under Subsection (5)(b)(i), the state engineer shall issue a certificate of change for instream flow use in accordance with Section 73-3-17.

5417 (ii) The certificate expires at the same time the fixed time change application expires.

5418 (6) A person may not appropriate unappropriated water under Section 73-3-2 for the
5419 purpose of providing an instream flow.

5420 (7) Water used in accordance with this section is considered to be beneficially used, as
5421 required by Section 73-3-1.

5422 (8) A physical structure or physical diversion from the stream is not required to
5423 implement a change for instream flow use.

5424 (9) This section does not allow enlargement of the water right that the applicant seeks
5425 to change.

5426 (10) A change application authorized by this section may not impair a vested water
5427 right, including a water right used to generate hydroelectric power.

5428 (11) The state engineer or the water commissioner shall distribute water under an
5429 approved or a certificated instream flow change application according to the change
5430 application's priority date relative to the other water rights located within the stream section
5431 specified in the change application for instream flow.

5432 (12) An approved fixed time change application does not create a right of access across
5433 private property or allow any infringement of a private property right.

5434 Section 69. Section 73-3-31 is amended to read:

5435 **73-3-31. Water right for watering livestock on public land.**

5436 (1) As used in this section:

5437 (a) "Acquire" means to gain the right to use water through obtaining:

5438 (i) an approved application to appropriate water; or

5439 (ii) a perfected water right.

5440 (b) "Allotment" means a designated area of public land available for livestock grazing.

5441 (c) "Animal unit month (AUM)" is the amount of forage needed to sustain one cow and
5442 her calf, one horse, or five sheep and goats for one month.

5443 (d) (i) "Beneficial user" means the person that has the right to use the grazing permit.

5444 (ii) "Beneficial user" does not mean the public land agency issuing the grazing permit.

- 5445 (e) "Grazing permit" means a document authorizing livestock to graze on an allotment.
- 5446 (f) "Livestock" means a domestic animal raised or kept for profit or personal use.
- 5447 (g) "Livestock watering right" means a right for:
- 5448 (i) livestock to consume water:
- 5449 (A) directly from the water source located on public land; or
- 5450 (B) from an impoundment located on public land into which the water is diverted; and
- 5451 (ii) associated uses of water related to the raising and care of livestock on public land.
- 5452 (h) (i) "Public land" means land owned or managed by the United States or the state.
- 5453 (ii) "Public land" does not mean land owned by:
- 5454 (A) the Division of Wildlife Resources;
- 5455 (B) the School and Institutional Trust Lands Administration; or
- 5456 (C) the Division of State Parks [~~and Recreation~~] or the Division of Recreation.
- 5457 (i) "Public land agency" means the agency that owns or manages the public land.
- 5458 (2) A public land agency may not:
- 5459 (a) condition the issuance, renewal, amendment, or extension of any permit, approval,
- 5460 license, allotment, easement, right-of-way, or other land use occupancy agreement regarding
- 5461 livestock on the transfer of any water right directly to the public land agency;
- 5462 (b) require any water user to apply for, or acquire a water right in the name of, the
- 5463 public land agency as a condition for the issuance, renewal, amendment, or extension of any
- 5464 permit, approval, license, allotment, easement, right-of-way, or other land use occupancy
- 5465 agreement regarding livestock; or
- 5466 (c) acquire a livestock watering right if the public land agency is not a beneficial user.
- 5467 (3) The state engineer may not approve a change application under Section 73-3-3 for a
- 5468 livestock watering right without the consent of the beneficial user.
- 5469 (4) A beneficial user may file a nonuse application under Section 73-1-4 on a livestock
- 5470 watering right or a portion of a livestock watering right that the beneficial user puts to
- 5471 beneficial use.
- 5472 (5) A livestock watering right is appurtenant to the allotment on which the livestock is

5473 watered.

5474 (6) (a) (i) A beneficial user or a public land agency may file a request with the state
5475 engineer for a livestock water use certificate.

5476 (ii) The state engineer shall:

5477 (A) provide the livestock water use certificate application form on the Internet; and

5478 (B) allow electronic submission of the livestock water use certificate application.

5479 (b) The state engineer shall grant a livestock water use certificate to a beneficial user if
5480 the beneficial user:

5481 (i) demonstrates that the beneficial user has a right to use a grazing permit for the
5482 allotment to which the livestock watering right is appurtenant; and

5483 (ii) pays the fee set in accordance with Section 73-2-14.

5484 (c) A livestock water use certificate is valid as long as the livestock watering right is:

5485 (i) held by a beneficial user who has the right to use the grazing permit and graze
5486 livestock on the allotment;

5487 (ii) put to beneficial use within a seven-year time period; or

5488 (iii) subject to a nonuse application approved under Section 73-1-4.

5489 (7) A beneficial user may access or improve an allotment as necessary for the
5490 beneficial user to beneficially use, develop, and maintain the beneficial user's water right
5491 appurtenant to the allotment.

5492 (8) If a federal land management agency reduces livestock grazing AUMs on federal
5493 grazing allotments, and the reduction results in the partial forfeiture of an appropriated water
5494 right, the amount of water in question for nonuse as a livestock water right shall be held in trust
5495 by the state engineer until such water may be appropriated for livestock watering, consistent
5496 with this act and state law.

5497 (9) Nothing in this section affects a livestock watering right or a livestock water use
5498 certificate held by a public land agency on May 13, 2014.

5499 Section 70. Section 73-10e-1 is amended to read:

5500 **73-10e-1. Creation of Water Development and Flood Mitigation Reserve Account**

5501 -- Appropriation.

5502 (1) There is created within the General Fund a restricted account known as the "Water
5503 Development and Flood Mitigation Reserve Account."

5504 (2) There is appropriated for fiscal year 1984-85 \$55,000,000 from the General Fund
5505 and \$6,000,000 from certificates of participation to the Water Development and Flood
5506 Mitigation Reserve Account. This appropriation may not lapse and shall carry over to fiscal
5507 year 1985-86.

5508 (3) There is appropriated for fiscal year 1985-86 \$35,000,000 from the General Fund to
5509 the Water Development and Flood Mitigation Reserve Account.

5510 (4) There is appropriated for fiscal year 1984-85 \$4,050,000 from the Water
5511 Development and Flood Mitigation Reserve Account to the Division of Water Resources to use
5512 for all of the following:

5513 (a) \$2,000,000 for final engineering studies for west desert pumping;

5514 (b) \$500,000 for implementation of the State Water Plan, including, but not limited to,
5515 engineering studies on Bear River upstream diversion and storage projects and Hatch Town
5516 Reservoir;

5517 (c) (i) \$750,000 to prepare final design reports and cost estimates for the following:

5518 (A) Option A - No. Davis WWTP, West Kaysville, Centerville, Bard, West Bountiful,
5519 So. Davis No. WWTP, Phillips, Woods Cross, Jordan River WWTP, and the Salt Lake
5520 International Airport; and

5521 (B) Option B - Antelope Island roadway dikes.

5522 (ii) It is the intent of the Legislature to choose between Options A and B after the final
5523 design reports are completed. The final design reports for Option B shall be completed by
5524 consultants other than those who prepared the original report. The reports for both Options A
5525 and B shall clearly indicate the following for each alternative:

5526 (A) estimated construction costs;

5527 (B) estimated costs of operation and maintenance;

5528 (C) estimated time necessary for completion;

5529 (D) benefits with respect to flood control, tourism, recreation, long-term second use,
5530 and new access to Antelope Island and marsh lands; and

5531 (E) impact on roads and esthetic land features during construction.

5532 (d) \$250,000 to prepare final design reports for the following projects:

5533 Corrine-WWTP, Plain City-WWTP, Perry-WWTP, and Little Mtn.-WWTP;

5534 (e) \$500,000 to construct the South Shore project; and

5535 (f) \$50,000 to reevaluate inter-island diking between South Shore, Antelope Island,
5536 Fremont Island, and Promontory Point.

5537 (5) There is appropriated for fiscal year 1984-85 \$16,300,000 from the Water
5538 Development and Flood Mitigation Reserve Account to the Community Development/Disaster
5539 Relief Board for the following:

5540 (a) \$4,000,000 to use as a match on diking projects built by the Army Corps of
5541 Engineers; and

5542 (b) (i) \$12,300,000 to provide grants to appropriate governmental entities to increase
5543 the carrying capacity of the Jordan River. The grants shall be made without requiring matching
5544 funds from any other governmental entity and shall only be made if an agreement is entered
5545 into by the affected governmental entities resolving disputed issues of responsibility. It is the
5546 intent of the Legislature to consider the distribution of the 1/8% sales and use tax increase as
5547 the contribution from the affected governmental entities.

5548 (ii) Any portion of the \$12,300,000 appropriated under Subsection (5)(b)(i) which is
5549 not used for the purposes described in that subsection shall be transferred to the Division of
5550 State Parks [~~and Recreation~~] for the purposes described in Section 79-4-802. After this money
5551 is transferred to the Division of State Parks [~~and Recreation~~], the money is nonlapsing. The
5552 money may not be used for any project specified by the Division of State Parks [~~and~~
5553 ~~Recreation~~] until the political subdivision having jurisdiction over the appropriate area
5554 contributes 50% of the costs of the project to the state. This contribution may be in the form of
5555 money, property, or services, or any combination of these, which can be used for the specified
5556 project.

5557 (6) Interest accrued on the money appropriated into the Water Development and Flood
5558 Mitigation Reserve Account shall be deposited into the Water Resources Conservation and
5559 Development Fund as the interest accrues.

5560 (7) All money not appropriated from the Water Development and Flood Mitigation
5561 Reserve Account by September 1, 1985, shall be deposited into the Water Resources
5562 Conservation and Development Fund.

5563 Section 71. Section **73-18-2** is amended to read:

5564 **73-18-2. Definitions.**

5565 As used in this chapter:

5566 (1) "Anchored" means a vessel that is temporarily attached to the bed or shoreline of a
5567 waterbody by any method and the hull of the vessel is not touching the bed or shoreline.

5568 (2) "Beached" means that a vessel's hull is resting on the bed or shoreline of a
5569 waterbody.

5570 [~~(3)~~] ~~"Board" means the Board of Parks and Recreation.~~

5571 [~~(4)~~] (3) "Boat livery" means a person that holds a vessel for renting or leasing.

5572 [~~(5)~~] (4) "Carrying passengers for hire" means to transport persons on vessels or to lead
5573 persons on vessels for consideration.

5574 (5) "Commission" means the Outdoor Adventure Commission.

5575 (6) "Consideration" means something of value given or done in exchange for
5576 something given or done by another.

5577 (7) "Dealer" means any person who is licensed by the appropriate authority to engage
5578 in and who is engaged in the business of buying and selling vessels or of manufacturing them
5579 for sale.

5580 (8) "Derelict vessel":

5581 (a) means a vessel that is left, stored, or abandoned upon the waters of this state in a
5582 wrecked, junked, or substantially dismantled condition; and

5583 (b) includes:

5584 (i) a vessel left at a Utah port or marina without consent of the agency or other entity

5585 administering the port or marine area; and

5586 (ii) a vessel left docked or grounded upon a property without the property owner's
5587 consent.

5588 (9) "Division" means the Division of [~~Parks and~~] Recreation.

5589 (10) "Moored" means long term, on the water vessel storage in an area designated and
5590 properly marked by the division or other applicable managing agency.

5591 (11) "Motorboat" means any vessel propelled by machinery, whether or not the
5592 machinery is the principal source of propulsion.

5593 (12) "Operate" means to navigate, control, or otherwise use a vessel.

5594 (13) "Operator" means the person who is in control of a vessel while it is in use.

5595 (14) "Outfitting company" means any person who, for consideration:

5596 (a) provides equipment to transport persons on all waters of this state; and

5597 (b) supervises a person who:

5598 (i) operates a vessel to transport passengers; or

5599 (ii) leads a person on a vessel.

5600 (15) (a) "Owner" means a person, other than a lien holder, holding a proprietary
5601 interest in or the title to a vessel.

5602 (b) "Owner" includes a person entitled to the use or possession of a vessel subject to an
5603 interest by another person, reserved or created by agreement and securing payment or
5604 performance of an obligation.

5605 (c) "Owner" does not include a lessee under a lease not intended as security.

5606 (16) "Personal watercraft" means a motorboat that is:

5607 (a) less than 16 feet in length;

5608 (b) propelled by a water jet pump; and

5609 (c) designed to be operated by a person sitting, standing, or kneeling on the vessel,
5610 rather than sitting or standing inside the vessel.

5611 (17) "Racing shell" means a long, narrow watercraft:

5612 (a) outfitted with long oars and sliding seats; and

5613 (b) specifically designed for racing or exercise.

5614 (18) "Sailboat" means any vessel having one or more sails and propelled by wind.

5615 (19) "Vessel" means every type of watercraft, other than a seaplane on the water, used
5616 or capable of being used as a means of transportation on water.

5617 (20) "Wakeless speed" means an operating speed at which the vessel does not create or
5618 make a wake or white water trailing the vessel. This speed is not in excess of five miles per
5619 hour.

5620 (21) "Waters of this state" means any waters within the territorial limits of this state.

5621 Section 72. Section **73-18-3.5** is amended to read:

5622 **73-18-3.5. Advisory council.**

5623 The [~~board~~] division, after consultation with the commission, may appoint an advisory
5624 council representing various boating interests to seek recommendations on state boating
5625 policies.

5626 Section 73. Section **73-18-4** is amended to read:

5627 **73-18-4. Division may promulgate rules and set fees.**

5628 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5629 [~~board~~] division, after consultation with the commission, shall promulgate rules:

5630 (a) creating a uniform waterway marking system which shall be obeyed by all vessel
5631 operators;

5632 (b) regulating the placement of waterway markers and other permanent or anchored
5633 objects on the waters of this state;

5634 (c) zoning certain waters of this state for the purpose of prohibiting the operation of
5635 vessels or motors for safety and health purposes only;

5636 (d) regulating vessel operators who carry passengers for hire, boat liveries, and
5637 outfitting companies; and

5638 (e) regulating anchored, beached, moored, or abandoned vessels to minimize health,
5639 safety, and environmental concerns.

5640 (2) (a) The [~~board~~] division, after consultation with the commission, may set fees in

5641 accordance with Section 63J-1-504 for:

5642 (i) licensing vessel operators who carry passengers for hire; and

5643 (ii) registering:

5644 (A) outfitting companies; and

5645 (B) boat liveries.

5646 (b) The license and registration fees imposed pursuant to Subsection (2)(a) shall be
5647 deposited into the Boating Account created in Section 73-18-22.

5648 Section 74. Section 73-18-7 is amended to read:

5649 **73-18-7. Registration requirements -- Exemptions -- Fee -- Agents -- Records --**

5650 **Period of registration and renewal -- Expiration -- Notice of transfer of interest or change**

5651 **of address -- Duplicate registration card -- Invalid registration -- Powers of division.**

5652 (1) (a) Except as provided by Section 73-18-9, the owner of each motorboat and
5653 sailboat on the waters of this state shall register it with the division as provided in this chapter.

5654 (b) A person may not place, give permission for the placement of, operate, or give
5655 permission for the operation of a motorboat or sailboat on the waters of this state, unless the
5656 motorboat or sailboat is registered as provided in this chapter.

5657 (2) (a) The owner of a motorboat or sailboat required to be registered shall file an
5658 application for registration with the division on forms approved by the division.

5659 (b) The owner of the motorboat or sailboat shall sign the application and pay the fee set
5660 by the ~~[board]~~ division, after consultation with the commission, in accordance with Section
5661 63J-1-504.

5662 (c) Before receiving a registration card and registration decals, the applicant shall
5663 provide the division with a certificate from the county assessor of the county in which the
5664 motorboat or sailboat has situs for taxation, stating that:

5665 (i) the property tax on the motorboat or sailboat for the current year has been paid;

5666 (ii) in the county assessor's opinion, the property tax is a lien on real property sufficient
5667 to secure the payment of the property tax; or

5668 (iii) the motorboat or sailboat is exempt by law from payment of property tax for the

5669 current year.

5670 (d) If the ~~[board]~~ division modifies the fee under Subsection (2)(b), the modification
5671 shall take effect on the first day of the calendar quarter after 90 days from the day on which the
5672 ~~[board]~~ division provides the State Tax Commission:

5673 (i) notice from the ~~[board]~~ division stating that the ~~[board]~~ division will modify the fee;
5674 and

5675 (ii) a copy of the fee modification.

5676 (3) (a) Upon receipt of the application in the approved form, the division shall record
5677 the receipt and issue to the applicant registration decals and a registration card that state the
5678 number assigned to the motorboat or sailboat and the name and address of the owner.

5679 (b) The registration card shall be available for inspection on the motorboat or sailboat
5680 for which it was issued, whenever that motorboat or sailboat is in operation.

5681 (4) The assigned number shall:

5682 (a) be painted or permanently attached to each side of the forward half of the motorboat
5683 or sailboat;

5684 (b) consist of plain vertical block characters not less than three inches in height;

5685 (c) contrast with the color of the background and be distinctly visible and legible;

5686 (d) have spaces or hyphens equal to the width of a letter between the letter and numeral
5687 groupings; and

5688 (e) read from left to right.

5689 (5) A motorboat or sailboat with a valid marine document issued by the United States
5690 Coast Guard is exempt from the number display requirements of Subsection (4).

5691 (6) The nonresident owner of any motorboat or sailboat already covered by a valid
5692 number that has been assigned to it according to federal law or a federally approved numbering
5693 system of the owner's resident state is exempt from registration while operating the motorboat
5694 or sailboat on the waters of this state unless the owner is operating in excess of the reciprocity
5695 period provided for in Subsection 73-18-9(1).

5696 (7) (a) If the ownership of a motorboat or sailboat changes, the new owner shall file a

5697 new application form and fee with the division, and the division shall issue a new registration
5698 card and registration decals in the same manner as provided for in Subsections (2) and (3).

5699 (b) The division shall reassign the current number assigned to the motorboat or sailboat
5700 to the new owner to display on the motorboat or sailboat.

5701 (8) If the United States Coast Guard has in force an overall system of identification
5702 numbering for motorboats or sailboats within the United States, the numbering system
5703 employed under this chapter by the ~~[board]~~ division shall conform with that system.

5704 (9) (a) The division may authorize any person to act as its agent for the registration of
5705 motorboats and sailboats.

5706 (b) A number assigned, a registration card, and registration decals issued by an agent of
5707 the division in conformity with this chapter and rules of the ~~[board]~~ division are valid.

5708 (10) (a) The Motor Vehicle Division shall classify all records of the division made or
5709 kept according to this section in the same manner that motor vehicle records are classified
5710 under Section 41-1a-116.

5711 (b) Division records are available for inspection in the same manner as motor vehicle
5712 records pursuant to Section 41-1a-116.

5713 (11) (a) (i) Each registration, registration card, and decal issued under this chapter shall
5714 continue in effect for 12 months, beginning with the first day of the calendar month of
5715 registration.

5716 (ii) A registration may be renewed by the owner in the same manner provided for in the
5717 initial application.

5718 (iii) The division shall reassign the current number assigned to the motorboat or
5719 sailboat when the registration is renewed.

5720 (b) Each registration, registration card, and registration decal expires the last day of the
5721 month in the year following the calendar month of registration.

5722 (c) If the last day of the registration period falls on a day in which the appropriate state
5723 or county offices are not open for business, the registration of the motorboat or sailboat is
5724 extended to 12 midnight of the next business day.

5725 (d) The division may receive applications for registration renewal and issue new
5726 registration cards at any time before the expiration of the registration, subject to the availability
5727 of renewal materials.

5728 (e) The new registration shall retain the same expiration month as recorded on the
5729 original registration even if the registration has expired.

5730 (f) The year of registration shall be changed to reflect the renewed registration period.

5731 (g) If the registration renewal application is an application generated by the division
5732 through its automated system, the owner is not required to surrender the last registration card or
5733 duplicate.

5734 (12) (a) An owner shall notify the division of:

5735 (i) the transfer of all or any part of the owner's interest, other than creation of a security
5736 interest, in a motorboat or sailboat registered in this state under Subsections (2) and (3); and

5737 (ii) the destruction or abandonment of the owner's motorboat or sailboat.

5738 (b) Notification must take place within 15 days of the transfer, destruction, or
5739 abandonment.

5740 (c) (i) The transfer, destruction, or abandonment of a motorboat or sailboat terminates
5741 its registration.

5742 (ii) Notwithstanding Subsection (12)(c)(i), a transfer of a part interest that does not
5743 affect the owner's right to operate a motorboat or sailboat does not terminate the registration.

5744 (13) (a) A registered owner shall notify the division within 15 days if the owner's
5745 address changes from the address appearing on the registration card and shall, as a part of this
5746 notification, furnish the division with the owner's new address.

5747 (b) The ~~[board]~~ division may provide in ~~[its]~~ the division's rules for:

5748 (i) the surrender of the registration card bearing the former address; and

5749 (ii) (A) the replacement of the card with a new registration card bearing the new
5750 address; or

5751 (B) the alteration of an existing registration card to show the owner's new address.

5752 (14) (a) If a registration card is lost or stolen, the division may collect a fee of \$4 for

5753 the issuance of a duplicate card.

5754 (b) If a registration decal is lost or stolen, the division may collect a fee of \$3 for the
5755 issuance of a duplicate decal.

5756 (15) A number other than the number assigned to a motorboat or sailboat or a number
5757 for a motorboat or sailboat granted reciprocity under this chapter may not be painted, attached,
5758 or otherwise displayed on either side of the bow of a motorboat or sailboat.

5759 (16) A motorboat or sailboat registration and number are invalid if obtained by
5760 knowingly falsifying an application for registration.

5761 (17) The [~~board~~] division may designate the suffix to assigned numbers, and by
5762 following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative
5763 Rulemaking Act, make rules for:

5764 (a) the display of registration decals;

5765 (b) the issuance and display of dealer numbers and registrations; and

5766 (c) the issuance and display of temporary registrations.

5767 (18) A violation of this section is an infraction.

5768 Section 75. Section **73-18-8** is amended to read:

5769 **73-18-8. Safety equipment required to be on board vessels -- Penalties.**

5770 (1) (a) Except as provided in Subsection (1)(c), each vessel shall have, for each person
5771 on board, one wearable personal flotation device that is approved for the type of use by the
5772 commandant of the United States Coast Guard.

5773 (b) Each personal flotation device shall be:

5774 (i) in serviceable condition;

5775 (ii) legally marked with the United States Coast Guard approval number; and

5776 (iii) of an appropriate size for the person for whom it is intended.

5777 (c) (i) Sailboards and racing shells are exempt from the provisions of Subsections

5778 (1)(a) and (e).

5779 (ii) The [~~board~~] division, after consultation with the commission, may exempt certain
5780 types of vessels from the provisions of Subsection (1)(a) under certain conditions or upon

5781 certain waters.

5782 (d) The [~~board~~] division may require by rule, after consultation with the commission,
5783 for personal flotation devices to be worn:

5784 (i) while a person is on board a certain type of vessel;

5785 (ii) by a person under a certain age; or

5786 (iii) on certain waters of the state.

5787 (e) For vessels 16 feet or more in length, there shall also be on board one throwable
5788 personal flotation device which is approved for this use by the commandant of the United
5789 States Coast Guard.

5790 (2) The operator of a vessel operated between sunset and sunrise shall display lighted
5791 navigation lights approved by the division.

5792 (3) If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in
5793 any enclosure for any purpose, the vessel shall be equipped with an efficient natural or
5794 mechanical ventilation system that is capable of removing resulting gases before and during the
5795 time the vessel is occupied by any person.

5796 (4) Each vessel shall have fire extinguishing equipment on board.

5797 (5) Any inboard gasoline engine shall be equipped with a carburetor backfire flame
5798 control device.

5799 (6) The [~~board~~] division may:

5800 (a) require additional safety equipment by rule made in consultation with the
5801 commission; and

5802 (b) adopt rules conforming with the requirements of this section which govern
5803 specifications for and the use of safety equipment.

5804 (7) A person may not operate or give permission for the operation of a vessel that is not
5805 equipped as required by this section or rules promulgated under this section.

5806 (8) A violation of this section is an infraction.

5807 Section 76. Section **73-18-9** is amended to read:

5808 **73-18-9. Exemptions from registration.**

5809 Registration under this chapter is not required for any of the following:

5810 (1) a motorboat or sailboat that:

5811 (a) is already covered by a valid registration issued by its nonresident owner's resident
5812 state; and

5813 (b) has not been within this state in excess of 60 days for the calendar year;

5814 (2) a motorboat or sailboat from a country other than the United States temporarily
5815 using the waters of this state;

5816 (3) a motorboat or sailboat whose owner is the United States, a state or subdivision
5817 thereof;

5818 (4) a ship's lifeboat; or

5819 (5) a motorboat or sailboat belonging to a class of vessels which is exempted from
5820 registration by the [board] division after the [board] division finds:

5821 (a) that the registration of motorboats or sailboats of this class will not materially aid in
5822 their identification; and

5823 (b) that the United States Coast Guard has a numbering system applicable to the class
5824 of motorboats or sailboats to which the motorboat or sailboat in question belongs, and the
5825 motorboat or sailboat would also be exempt from numbering if it were subject to federal law.

5826 Section 77. Section **73-18-11** is amended to read:

5827 **73-18-11. Regulation of muffling devices.**

5828 The [board] division, after consultation with the commission, shall adopt rules for the
5829 regulating of muffling devices on all vessels.

5830 Section 78. Section **73-18-13** is amended to read:

5831 **73-18-13. Duties of operator involved in accident -- Notification and reporting**
5832 **procedures -- Use of accident reports -- Giving false information as misdemeanor.**

5833 (1) As used in this section, "agent" has the same meaning as provided in Section
5834 **41-6a-404.**

5835 (2) (a) It is the duty of the operator of a vessel involved in an accident, if the operator
5836 can do so without seriously endangering the operator's own vessel, crew, or passengers, to

5837 render aid to those affected by the accident as may be practicable.

5838 (b) The operator shall also give the operator's name, address, and identification of the
5839 operator's vessel in writing to:

5840 (i) any person injured; or

5841 (ii) the owner of any property damaged in the accident.

5842 (c) A violation of this Subsection (2) is a class B misdemeanor.

5843 (3) (a) The ~~[board]~~ division, after consultation with the commission, shall adopt rules
5844 governing the notification and reporting procedure for vessels involved in accidents.

5845 (b) The rules shall be consistent with federal requirements.

5846 (4) (a) Except as provided in Subsection (4)(b), all accident reports:

5847 (i) are protected and shall be for the confidential use of the division or other state,
5848 local, or federal agencies having use for the records for official governmental statistical,
5849 investigative, and accident prevention purposes; and

5850 (ii) may be disclosed only in a statistical form that protects the privacy of any person
5851 involved in the accident.

5852 (b) The division shall disclose a written accident report and its accompanying data to:

5853 (i) a person involved in the accident, excluding a witness to the accident;

5854 (ii) a person suffering loss or injury in the accident;

5855 (iii) an agent, parent, or legal guardian of a person described in Subsections (4)(b)(i)
5856 and (ii);

5857 (iv) a member of the press or broadcast news media;

5858 (v) a state, local, or federal agency that uses the records for official governmental,
5859 investigative, or accident prevention purposes;

5860 (vi) law enforcement personnel when acting in their official governmental capacity;

5861 and

5862 (vii) a licensed private investigator.

5863 (c) Information provided to a member of the press or broadcast news media under
5864 Subsection (4)(b)(iv) may only include:

5865 (i) the name, age, sex, and city of residence of each person involved in the accident;
5866 (ii) the make and model year of each vehicle involved in the accident;
5867 (iii) whether or not each person involved in the accident was covered by a vehicle
5868 insurance policy;

5869 (iv) the location of the accident; and

5870 (v) a description of the accident that excludes personal identifying information not
5871 listed in Subsection (4)(c)(i).

5872 (5) (a) Except as provided in Subsection (5)(c), an accident report may not be used as
5873 evidence in any civil or criminal trial, arising out of an accident.

5874 (b) Upon demand of any person who has, or claims to have, made the report, or upon
5875 demand of any court, the division shall furnish a certificate showing that a specified accident
5876 report has or has not been made to the division solely to prove a compliance or a failure to
5877 comply with the requirement that a report be made to the division.

5878 (c) Accident reports may be used as evidence when necessary to prosecute charges
5879 filed in connection with a violation of Subsection (6).

5880 (6) Any person who gives false information, knowingly or having reason to believe it is
5881 false, in an oral or written report as required in this chapter, is guilty of a class B misdemeanor.

5882 Section 79. Section **73-18-13.5** is amended to read:

5883 **73-18-13.5. Motorboat accidents -- Investigation and report of operator security**
5884 **-- Agency action if no security -- Surrender of registration materials.**

5885 (1) Upon request of a peace officer investigating an accident involving a motorboat as
5886 defined in Section **73-18c-102**, the operator of the motorboat shall provide evidence of the
5887 owner's or operator's security required under Section **73-18c-301**.

5888 (2) The peace officer shall record on a form approved by the division:

5889 (a) the information provided by the operator;

5890 (b) whether the operator provided insufficient or no information; and

5891 (c) whether the peace officer finds reasonable cause to believe that any information
5892 given is not correct.

(3) The peace officer shall deposit all completed forms with the peace officer's agency, which shall forward the forms to the division no later than 10 days after receipt.

(4) (a) The division shall revoke the registration of a motorboat as defined in Section 73-18c-102 involved in an accident unless the owner or operator can demonstrate to the division compliance with the owner's or operator's security requirement of Section 73-18c-301 at the time of the accident.

(b) Any registration revoked shall be renewed in accordance with Section 73-18-7.

(5) A person may appeal a revocation issued under Subsection (4) in accordance with procedures established by the [board] division, after consultation with the commission, by rule that are consistent with Title 63G, Chapter 4, Administrative Procedures Act.

(6) (a) Any person whose registration is revoked under Subsection (4) shall return the registration card and decals for the motorboat to the division.

(b) If the person fails to return the registration materials as required, they shall be confiscated under Section 73-18-13.6.

(7) The [board] division may, after consultation with the commission, make rules for the enforcement of this section.

(8) In this section, "evidence of owner's or operator's security" includes any one of the following:

(a) the operator's:

(i) insurance policy;

(ii) binder notice;

(iii) renewal notice; or

(iv) card issued by an insurance company as evidence of insurance;

(b) a copy of a surety bond, certified by the surety, which conforms to Section 73-18c-102;

(c) a certificate of the state treasurer issued under Section 73-18c-305; or

(d) a certificate of self-funded coverage issued under Section 73-18c-306.

Section 80. Section 73-18-15 is amended to read:

73-18-15. Division to adopt rules concerning water skiing and aquaplane riding and use of other devices towed behind a vessel.

The ~~[board]~~ division, after consultation with the commission, shall adopt rules for the regulation and safety of water skiing and aquaplane riding, and the use of other devices that are towed behind a vessel pursuant to this section and in accordance with Section 73-18-16.

Section 81. Section 73-18-15.2 is amended to read:

73-18-15.2. Minimum age of operators -- Boating safety course for youth to operate personal watercraft.

(1) (a) A person under 16 years of age may not operate a motorboat on the waters of this state unless the person is under the on-board and direct supervision of a person who is at least 18 years of age.

(b) A person under 16 years of age may operate a sailboat, if the person is under the direct supervision of a person who is at least 18 years of age.

(2) A person who is at least 12 years of age or older but under 16 years of age may operate a personal watercraft provided he:

(a) is under the direct supervision of a person who is at least 18 years of age;

(b) completes a boating safety course approved by the division; and

(c) has in his possession a boating safety certificate issued by the boating safety course provider.

(3) A person who is at least 16 years of age but under 18 years of age may operate a personal watercraft, if the person:

(a) completes a boating safety course approved by the division; and

(b) has in his possession a boating safety certificate issued by the boating safety course provider.

(4) A person required to attend a boating safety course under Subsection (3)(a) need not be accompanied by a parent or legal guardian while completing a boating safety course.

(5) A person may not give permission to another person to operate a vessel in violation of this section.

(6) As used in this section, "direct supervision" means oversight at a distance within which visual contact is maintained.

(7) (a) The division may collect fees set by the ~~[board]~~ division in accordance with Section ~~63J-1-504~~ from each person who takes the division's boating safety course to help defray the cost of the boating safety course.

(b) Money collected from the fees collected under Subsection (7)(a) shall be deposited in the Boating Account.

(8) A violation of this section is an infraction.

Section 82. Section **73-18-16** is amended to read:

73-18-16. Regattas, races, exhibitions -- Rules.

(1) The division may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments, or exhibitions on any waters of this state.

(2) The ~~[board]~~ division, after consultation with the commission, may adopt rules concerning the safety of vessels and persons, either as observers or participants, that do not conflict with the provisions of Subsections (3) and (4).

(3) A person may elect, at the person's own risk, to wear a non-Coast Guard approved personal floatation device if the person is on an American Water Ski Association regulation tournament slalom course and is:

(a) engaged in barefoot water skiing;

(b) water skiing in an American Water Ski Association regulation competition;

(c) a performer participating in a professional exhibition or other tournament; or

(d) practicing for an event described in Subsection (3)(b) or (c).

(4) If a person is water skiing in an American Water Ski Association regulation tournament slalom course, an observer and flag are not required if the vessel is:

(a) equipped with a wide angle mirror with a viewing surface of at least 48 square inches; and

(b) operated by a person who is at least 18 years of age.

(5) A violation of this section is an infraction.

5977 Section 83. Section **73-18-17** is amended to read:

5978 **73-18-17. Scope of application of chapter -- Identical local ordinances authorized**
5979 **-- Application for special local rules.**

5980 (1) This chapter, and other applicable laws of this state govern the operation,
5981 equipment, and numbering of vessels whenever any vessel is operated on the waters of this
5982 state, or when any activity regulated by this chapter takes place on the waters of this state.
5983 Nothing in this chapter prevents the adoption of any ordinance or local law relating to
5984 operation and equipment of vessels, the provisions of which are identical to the provisions of
5985 this chapter, amendments to this chapter, and rules promulgated under this chapter. Ordinances
5986 or local laws shall be operative only so long as and to the extent that they continue to be
5987 identical to provisions of this chapter, amendments to this chapter, and rules promulgated
5988 under this chapter.

5989 (2) Any political subdivision of this state may, at any time, but only after public notice,
5990 formally apply to the [~~board~~] division for special rules concerning the operation of vessels on
5991 any waters within its territorial limits. The political subdivision shall set forth in the
5992 application the reasons which make special rules necessary or appropriate.

5993 Section 84. Section **73-18-20** is amended to read:

5994 **73-18-20. Enforcement of chapter -- Authority to stop and board vessels --**
5995 **Disregarding law enforcement signal to stop as misdemeanor -- Procedure for arrest.**

5996 (1) A law enforcement officer authorized under Title 53, Chapter 13, Peace Officer
5997 Classifications, may enforce this chapter, the rules made under this chapter, and the
5998 maintenance inspection program for vessels carrying passengers for hire implemented under
5999 this chapter.

6000 (2) A law enforcement officer authorized under Title 53, Chapter 13, Peace Officer
6001 Classifications, has the authority to stop and board a vessel subject to this chapter, whether the
6002 vessel is on water or land. If that law enforcement officer determines the vessel is overloaded,
6003 unseaworthy, or the safety equipment required by this chapter or rules of the [~~board~~] division is
6004 not on the vessel, that law enforcement officer may prohibit the launching of the vessel or stop

6005 the vessel from operating.

6006 (3) An operator who, having received a visual or audible signal from a law
6007 enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to
6008 bring the operator's vessel to a stop, operates the vessel in willful or wanton disregard of the
6009 signal so as to interfere with or endanger the operation of a vessel or endanger an individual, or
6010 who attempts to flee or elude the law enforcement officer whether by vessel or otherwise is
6011 guilty of a class A misdemeanor.

6012 (4) Whenever an individual is arrested for a violation of this chapter or a rule made
6013 under this chapter, the procedure for arrest is the same as described in Sections 77-7-23 and
6014 77-7-24.

6015 Section 85. Section **73-18a-1** is amended to read:

6016 **73-18a-1. Definitions.**

6017 As used in this chapter:

6018 ~~[(1) "Board" means the Board of Parks and Recreation.]~~

6019 (1) "Commission" means the Outdoor Adventure Commission.

6020 (2) "Division" means the Division of ~~[Parks and]~~ Recreation.

6021 (3) "Human body waste" means excrement, feces, or other waste material discharged
6022 from the human body.

6023 (4) "Litter" means any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage,
6024 rubbish, or similar refuse discarded as no longer useful.

6025 (5) "Marine toilet" means any toilet or other receptacle permanently installed on or
6026 within any vessel for the purpose of receiving human body waste. This term does not include
6027 portable toilets which may be removed from a vessel in order to empty its contents.

6028 (6) "Operate" means to navigate, control, or otherwise use a vessel.

6029 (7) "Operator" means the person who is in control of a vessel while it is in use.

6030 (8) "Owner" means a person, other than a lien holder, holding a proprietary interest in
6031 or the title to a vessel. The term does not include a lessee under a lease not intended as
6032 security.

6033 (9) "Vessel" means every type of watercraft, other than a seaplane on the water, used or
6034 capable of being used as a means of transportation on water.

6035 (10) "Waters of this state" means all waters within the territorial limits of this state
6036 except those used exclusively for private purposes.

6037 Section 86. Section **73-18a-4** is amended to read:

6038 **73-18a-4. Marine toilets -- Pollution control devices required -- Rules established**
6039 **by division.**

6040 (1) Every marine toilet on a vessel used or operated upon the waters of this state shall
6041 be equipped with an approved pollution control device in operative condition.

6042 (2) The [board] division, after consultation with the commission, shall make rules in
6043 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as provided in
6044 this chapter, establishing criteria or standards for definition and approval of acceptable
6045 pollution control devices for vessels.

6046 Section 87. Section **73-18a-5** is amended to read:

6047 **73-18a-5. Chemical treatment of marine toilet contents -- Rules established by**
6048 **division and Department of Environmental Quality.**

6049 The [board] division, after consultation with the commission, shall establish by rule, in
6050 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, with approval by
6051 the Department of Environmental Quality, as provided in this chapter, standards relating to
6052 chemical treatment of marine toilet contents.

6053 Section 88. Section **73-18a-12** is amended to read:

6054 **73-18a-12. Rules promulgated -- Subject to approval by Department of**
6055 **Environmental Quality.**

6056 The [board] division, after consultation with the commission, may promulgate rules
6057 under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which are necessary for the
6058 carrying out of duties, obligations, and powers conferred on the division by this chapter. These
6059 rules shall be subject to review and approval by the Department of Environmental Quality.
6060 This approval shall be recorded as part of the rules.

Section 89. Section **73-18b-1** is amended to read:

73-18b-1. Water safety rules and regulations -- Adoption.

(1) The ~~[Board of Parks and]~~ Division of Recreation, after consulting with the Outdoor Adventure Commission, may make rules necessary to promote safety in swimming, scuba diving, and related activities on any waters where public boating is permitted.

(2) The ~~[Board of Parks and]~~ Division of Recreation may consider recommendations of and cooperate with other state agencies and the owners or operators of those waters.

Section 90. Section **73-18b-4** is amended to read:

73-18b-4. Enforcement of regulations.

~~[(1) The Board of Parks and Recreation shall designate officers to enforce board]~~ A law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, may enforce this chapter and rules made under the authority of this chapter.

~~[(2) Those officers have the same authority in making arrests and responsibility in arrest procedures as they have in their other enforcement activities.]~~

Section 91. Section **73-18c-102** is amended to read:

73-18c-102. Definitions.

As used in this chapter:

(1) "Airboat" means a vessel propelled by air pressure caused by an airplane type propeller mounted above the stern and driven by an internal combustion engine.

~~[(2) "Board" means the Board of Parks and Recreation.]~~

(2) "Commission" means the Outdoor Adventure Commission.

(3) "Division" means the Division of ~~[Parks and]~~ Recreation.

(4) "Judgment" means any judgment that is final by:

(a) expiration without appeal of the time within which an appeal might have been perfected; or

(b) final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action for damages:

(i) arising out of the ownership, maintenance, or use of any personal watercraft,

6089 including damages for care and loss of services because of bodily injury to or death of any
6090 person, or because of injury to or destruction of property including the loss of use of the
6091 property; or
6092 (ii) on a settlement agreement.

6093 (5) (a) "Motorboat" has the same meaning as defined in Section 73-18-2.
6094 (b) "Motorboat" includes personal watercraft regardless of the manufacturer listed
6095 horsepower.

6096 (c) "Motorboat" does not include:
6097 (i) a boat with a manufacturer listed horsepower of 50 horsepower or less; or
6098 (ii) an airboat.

6099 (6) "Nonresident" means any person who is not a resident of Utah.
6100 (7) "Operator" means the person who is in control of a motorboat while it is in use.

6101 (8) (a) "Owner" means a person, other than a lien holder, holding a proprietary interest
6102 in or the title to a motorboat.

6103 (b) "Owner" includes a person entitled to the use or possession of a motorboat subject
6104 to an interest by another person, reserved or created by agreement and securing payment or
6105 performance of an obligation.

6106 (c) "Owner" does not include a lessee under a lease not intended as security.

6107 (9) "Owner's or operator's security," "owner's security," or "operator's security" means
6108 any of the following:

6109 (a) an insurance policy or combination of policies conforming to Sections
6110 31A-22-1502 and 31A-22-1503, which is issued by an insurer authorized to do business in
6111 Utah;

6112 (b) a surety bond issued by an insurer authorized to do a surety business in Utah in
6113 which the surety is subject to the minimum coverage limits and other requirements of policies
6114 conforming to Sections 31A-22-1502 and 31A-22-1503, which names the division as a creditor
6115 under the bond for the use of persons entitled to the proceeds of the bond;

6116 (c) a deposit with the state treasurer of cash or securities complying with Section

6117 73-18c-305;

6118 (d) a certificate of self-funded coverage issued under Section 73-18c-306; or

6119 (e) a policy conforming to Sections 31A-22-1502 and 31A-22-1503 issued by the Risk
6120 Management Fund created in Section 63A-4-201.

6121 (10) "Personal watercraft" has the same meaning as provided in Section 73-18-2.

6122 (11) "Registration" means the issuance of the registration cards and decals issued under
6123 the laws of Utah pertaining to the registration of motorboats.

6124 (12) "Registration materials" means the evidences of motorboat registration, including
6125 all registration cards and decals.

6126 (13) "Self-insurance" has the same meaning as provided in Section 31A-1-301.

6127 (14) "Waters of the state" means any waters within the territorial limits of this state.
6128 Section 92. Section 73-18c-201 is amended to read:

6129 **73-18c-201. Division to administer and enforce chapter -- Division may adopt**
6130 **rules.**

6131 (1) (a) The division shall administer [~~and enforce the provisions of~~] this chapter.

6132 (b) A law enforcement officer authorized under Title 53, Chapter 13, Peace Officer
6133 Classifications, may enforce this chapter in the rules made under this chapter.

6134 (2) The [~~board~~] division, after consultation with the commission, may adopt rules as
6135 necessary for the administration of this chapter in accordance with Title 63G, Chapter 3, Utah
6136 Administrative Rulemaking Act.

6137 Section 93. Section 76-6-206.2 is amended to read:

6138 **76-6-206.2. Criminal trespass on state park lands -- Penalties.**

6139 (1) For purposes of this section:

6140 (a) "Authorization" means specific written permission by, or contractual agreement
6141 with, the Division of State Parks [~~and Recreation~~].

6142 (b) "Criminal trespass" means the elements of the crime of criminal trespass, as set
6143 forth in Section 76-6-206.

6144 (c) "Division" means the Division of State Parks [~~and Recreation~~], created in Section

6145 79-4-201.

6146 (d) "State park lands" means all lands administered by the division.

6147 (2) A person is guilty of criminal trespass on state park lands and is liable for the civil
6148 damages prescribed in Subsection (5) if, under circumstances not amounting to a greater
6149 offense, and without authorization, the person:

6150 (a) constructs improvements or structures on state park lands;

6151 (b) uses or occupies state park lands for more than 30 days after the cancellation or
6152 expiration of authorization;

6153 (c) knowingly or intentionally uses state park lands for commercial gain;

6154 (d) intentionally or knowingly grazes livestock on state park lands, except as provided
6155 in Section 72-3-112; or

6156 (e) remains, after being ordered to leave by someone with actual authority to act for the
6157 division, or by a law enforcement officer.

6158 (3) A person is not guilty of criminal trespass if that person enters onto state park
6159 lands:

6160 (a) without first paying the required fee; and

6161 (b) for the sole purpose of pursuing recreational activity.

6162 (4) A violation of Subsection (2) is a class B misdemeanor.

6163 (5) In addition to restitution, as provided in Section 76-3-201, a person who commits
6164 any act described in Subsection (2) may also be liable for civil damages in the amount of three
6165 times the value of:

6166 (a) damages resulting from a violation of Subsection (2);

6167 (b) the water, mineral, vegetation, improvement, or structure on state park lands that is
6168 removed, destroyed, used, or consumed without authorization;

6169 (c) the historical, prehistorical, archaeological, or paleontological resource on state
6170 park lands that is removed, destroyed, used, or consumed without authorization; or

6171 (d) the consideration which would have been charged by the division for unauthorized
6172 use of the land and resources during the period of trespass.

(6) Civil damages under Subsection (5) may be collected in a separate action by the division, and shall be deposited in the State Parks Fees Restricted Account as established in Section 79-4-402.

Section 94. Section 77-2-4.3 is amended to read:

77-2-4.3. Compromise of boating violations -- Limitations.

(1) As used in this section:

(a) "Compromise" means referral of a person charged with a boating violation to a boating safety course approved by the Division of ~~Parks and~~ Recreation.

(b) "Boating violation" means any charge for which bail may be forfeited in lieu of appearance, by citation or information, of a violation of Title 73, Chapter 18, State Boating Act, amounting to:

- (i) a class B misdemeanor;
- (ii) a class C misdemeanor; or
- (iii) an infraction.

(2) Any compromise of a boating violation shall be done pursuant to a plea in abeyance agreement as provided in Title 77, Chapter 2a, Pleas in Abeyance, except:

- (a) when the criminal prosecution is dismissed pursuant to Section 77-2-4; or
- (b) when there is a plea by the defendant to and entry of a judgment by a court for the offense originally charged or for an amended charge.

(3) In all cases which are compromised pursuant to the provisions of Subsection (2):

(a) the court, taking into consideration the offense charged, shall collect a plea in abeyance fee which shall:

- (i) be subject to the same surcharge as if imposed on a criminal fine;
- (ii) be allocated subject to the surcharge as if paid as a criminal fine under Section 78A-5-110 and a surcharge under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation; and

(iii) be not more than \$25 greater than the bail designated in the Uniform Bail Schedule; or

6201 (b) if no plea in abeyance fee is collected, a surcharge on the fee charged for the
6202 boating safety course shall be collected, which surcharge shall:

6203 (i) be computed, assessed, collected, and remitted in the same manner as if the boating
6204 safety course fee and surcharge had been imposed as a criminal fine and surcharge; and

6205 (ii) be subject to the financial requirements contained in Title 51, Chapter 9, Part 4,
6206 Criminal Conviction Surcharge Allocation.

6207 (4) If a written plea in abeyance agreement is provided, or the defendant requests a
6208 written accounting, an itemized statement of all amounts assessed by the court shall be
6209 provided, including:

6210 (a) the Uniform Bail Schedule amount;

6211 (b) the amount of any surcharges being assessed; and

6212 (c) the amount of the plea in abeyance fee.

6213 Section 95. Section **78A-5-110** is amended to read:

6214 **78A-5-110. Allocation of district court fees and forfeitures.**

6215 (1) Except as provided in this section, district court fines and forfeitures collected for
6216 violation of state statutes shall be paid to the state treasurer.

6217 (2) Fines and forfeitures collected by the court for violation of a state statute or county
6218 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the
6219 state treasurer and 1/2 to the treasurer of the state or local governmental entity which
6220 prosecutes or which would prosecute the violation.

6221 (3) (a) Fines and forfeitures collected for violations of Title 23, Wildlife Resources
6222 Code of Utah, Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State
6223 Boating Act, shall be paid to the state treasurer.

6224 (b) For violations of Title 23, Wildlife Resources Code of Utah, the state treasurer shall
6225 allocate 85% to the Division of Wildlife Resources and 15% to the General Fund.

6226 (c) For violations of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
6227 18, State Boating Act, the state treasurer shall allocate 85% to the Division of ~~[Parks and]~~
6228 Recreation and 15% to the General Fund.

6229 (4) (a) The state treasurer shall allocate fines and forfeitures collected for a violation of
6230 Section 72-7-404 or 72-7-406, less fees established by the Judicial Council, to the Department
6231 of Transportation for use on class B and class C roads.

6232 (b) Fees established by the Judicial Council shall be deposited in the state General
6233 Fund.

6234 (c) Money allocated for class B and class C roads is supplemental to the money
6235 appropriated under Section 72-2-107 but shall be expended in the same manner as other class B
6236 and class C road funds.

6237 (5) (a) Fines and forfeitures collected by the court for a second or subsequent violation
6238 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

6239 (i) 60% to the state treasurer to be deposited in the Transportation Fund; and

6240 (ii) 40% in accordance with Subsection (2).

6241 (b) Fines and forfeitures collected by the court for a second or subsequent violation
6242 under Subsection 72-7-409(6)(d) shall be remitted:

6243 (i) 50% to the state treasurer to be deposited in the Transportation Fund; and

6244 (ii) 50% in accordance with Subsection (2).

6245 (6) For fines and forfeitures collected by the court for a violation of Section
6246 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic
6247 enforcement safety device as described in Section 41-6a-1310, the court shall allocate 20% to
6248 the school district or private school that owns or contracts for the use of the bus, and the state
6249 treasurer shall allocate 40% to the treasurer of the state or local governmental entity that
6250 prosecutes or that would prosecute the violation, and 40% to the General Fund.

6251 (7) Fines and forfeitures collected for any violations not specified in this chapter or
6252 otherwise provided for by law shall be paid to the state treasurer.

6253 (8) Fees collected in connection with civil actions filed in the district court shall be
6254 paid to the state treasurer.

6255 (9) The court shall remit money collected in accordance with Title 51, Chapter 7, State
6256 Money Management Act.

6257 Section 96. Section **78A-7-120** is amended to read:

6258 **78A-7-120. Disposition of fines.**

6259 (1) Except as otherwise specified by this section, fines and forfeitures collected by a
6260 justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the
6261 court and 1/2 to the treasurer of the local government which prosecutes or which would
6262 prosecute the violation. An interlocal agreement created pursuant to Title 11, Chapter 13,
6263 Interlocal Cooperation Act, related to justice courts may alter the ratio provided in this section
6264 if the parties agree.

6265 (2) (a) For violation of Title 23, Wildlife Resources Code of Utah, the court shall
6266 allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the city or
6267 county government responsible for the justice court.

6268 (b) For violation of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
6269 18, State Boating Act, the court shall allocate 85% to the Division of ~~[Parks and]~~ Recreation
6270 and 15% to the general fund of the city or county government responsible for the justice court.

6271 (c) Fines and forfeitures collected by the court for a violation of Section **41-6a-1302** in
6272 instances where evidence of the violation was obtained by an automated traffic enforcement
6273 safety device as described in Section **41-6a-1310** shall be remitted:

6274 (i) 20% to the school district or private school that owns or contracts for the use of the
6275 school bus; and

6276 (ii) 80% in accordance with Subsection (1).

6277 (3) The surcharge established by Section **51-9-401** shall be paid to the state treasurer
6278 and deposited into the General Fund.

6279 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice
6280 court for a violation of Section **72-7-404** or **72-7-406** regarding maximum weight limitations
6281 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial
6282 Council, shall be paid to the state treasurer and allocated to the Department of Transportation
6283 for class B and class C roads.

6284 (5) Revenue allocated for class B and class C roads pursuant to Subsection (4) is

6285 supplemental to the money appropriated under Section 72-2-107 but shall be expended in the
6286 same manner as other class B and class C road funds.

6287 (6) (a) Fines and forfeitures collected by the court for a second or subsequent violation
6288 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

6289 (i) 60% to the state treasurer to be deposited in the Transportation Fund; and

6290 (ii) 40% in accordance with Subsection (1).

6291 (b) Fines and forfeitures collected by the court for a second or subsequent violation
6292 under Subsection 72-7-409(6)(d) shall be remitted:

6293 (i) 50% to the state treasurer to be deposited in the Transportation Fund; and

6294 (ii) 50% in accordance with Subsection (1).

6295 Section 97. Section 79-1-103 is enacted to read:

6296 **79-1-103. Coordination council.**

6297 (1) There is created a coordination council that consists of:

6298 (a) the executive director of the department;

6299 (b) the executive director of the Department of Environmental Quality;

6300 (c) the commissioner of the Department of Agriculture and Food;

6301 (d) the director of the Public Lands Policy Coordinating Office; and

6302 (e) the director of the Office of Energy Development.

6303 (2) The coordination council shall:

6304 (a) rotate the position of chair among the members; and

6305 (b) meet at least monthly.

6306 (3) The coordination council shall discuss methods to enhance the coordination of
6307 regulation and services of the five entities.

6308 Section 98. Section 79-2-201 is amended to read:

6309 **79-2-201. Department of Natural Resources created.**

6310 (1) There is created the Department of Natural Resources.

6311 (2) The department comprises the following:

6312 (a) Board of Water Resources, created in Section 73-10-1.5;

- 6313 (b) Board of Oil, Gas, and Mining, created in Section [40-6-4](#);
- 6314 (c) Board of State Parks [~~and Recreation~~], created in Section [79-4-301](#);
- 6315 (d) Office of Energy Development, created in Section [79-6-401](#).
- 6316 [~~(d)~~] (e) Wildlife Board, created in Section [23-14-2](#);
- 6317 [~~(e)~~] (f) Board of the Utah Geological Survey, created in Section [79-3-301](#);
- 6318 [~~(f)~~] (g) Water Development Coordinating Council, created in Section [73-10c-3](#);
- 6319 (h) Utah Outdoor Recreation Grant Advisory Committee, created in Section [79-8-105](#);
- 6320 (i) Home Energy Information Advisory Committee, created in Section [79-6-805](#);
- 6321 [~~(g)~~] (j) Division of Water Rights, created in Section [73-2-1.1](#);
- 6322 [~~(h)~~] (k) Division of Water Resources, created in Section [73-10-18](#);
- 6323 [~~(i)~~] (l) Division of Forestry, Fire, and State Lands, created in Section [65A-1-4](#);
- 6324 [~~(j)~~] (m) Division of Oil, Gas, and Mining, created in Section [40-6-15](#);
- 6325 [~~(k)~~] (n) Division of State Parks [~~and Recreation~~], created in Section [79-4-201](#);
- 6326 (o) Division of Recreation, created in Section [79-7-201](#);
- 6327 [~~(l)~~] (p) Division of Wildlife Resources, created in Section [23-14-1](#);
- 6328 [~~(m)~~] (q) Utah Geological Survey, created in Section [79-3-201](#);
- 6329 [~~(n)~~] (r) Heritage Trees Advisory Committee, created in Section [65A-8-306](#);
- 6330 [~~(o)~~] (s) Recreational Trails Advisory Council, authorized by Section [79-5-201](#);
- 6331 [~~(p)~~] (t) Boating Advisory Council, authorized by Section [73-18-3.5](#);
- 6332 [~~(q)~~] (u) Wildlife Board Nominating Committee, created in Section [23-14-2.5](#);
- 6333 [~~(r)~~] (v) Wildlife Regional Advisory Councils, created in Section [23-14-2.6](#);
- 6334 [~~(s)~~] (w) Utah Watersheds Council, created in Section [73-10g-304](#); and
- 6335 [~~(t)~~] (x) Utah Natural Resources Legacy Fund Board, created in Section [23-31-202](#).
- 6336 Section 99. Section **79-2-206** is enacted to read:
- 6337 **79-2-206. Transition -- Study.**
- 6338 (1) In accordance with this bill, the Department of Natural Resources assumes the
- 6339 policymaking functions, regulatory, and enforcement powers, rights, and duties of the Office of
- 6340 Energy Development existing on June 30, 2021.

6341 (2) (a) Rules issued by the Office of Energy Development that are in effect on June 30,
6342 2021, are not modified by this bill and remain in effect until modified by the Department of
6343 Natural Resources, except that the agency administrating the rule shall be transferred to the
6344 Department of Natural Resources in the same manner as the statutory responsibility is
6345 transferred under this bill.

6346 (b) Rules issued by the Board of Parks and Recreation that are in effect on June 30,
6347 2021, are not modified by this bill and remain in effect until modified by the appropriate entity
6348 within the Department of Natural Resources, except that the agency administrating the rule
6349 shall be transferred to the appropriate entity within the Department of Natural Resources in the
6350 same manner as the statutory responsibility is transferred under this bill.

6351 (3) A grant, contract, or agreement in effect on June 30, 2021, that is entered into by or
6352 issued by the Office of Energy Development remains in effect, except that:

6353 (a) the agency administrating the grant, contract, or agreement shall be transferred to
6354 the Department of Natural Resources in the same manner as the statutory responsibility is
6355 transferred under this bill; and

6356 (b) the grant, contract, or agreement may be terminated under the terms of the grant,
6357 contract, or agreement.

6358 (4) A grant that is entered into or issued by the Utah Office of Outdoor Recreation
6359 remains in effect, except that:

6360 (a) except for an outdoor recreational infrastructure grant, the agency administrating
6361 the grant shall be transferred to the Division of Recreation in the same manner as the statutory
6362 responsibility is transferred under this bill; and

6363 (b) the grant may be terminated under the terms of the grant.

6364 (5) (a) The Governor's Office of Management and Budget shall submit
6365 recommendations to the Natural Resources, Agriculture, and Environment Interim Committee
6366 by no later than the November 2021 interim meeting of the committee regarding possible
6367 restructuring to improve coordination between the Department of Natural Resources and the
6368 following:

6369 (i) the Department of Environmental Quality;
6370 (ii) the Division of Public Utilities;
6371 (iii) the Office of Consumer Services; and
6372 (iv) the Office of Rural Development.
6373 (b) In conducting the study under this Subsection (5), the Governor's Office of
6374 Management and Budget shall incorporate public feedback into forming the recommendations,
6375 including:
6376 (i) holding at least two public meetings and listening sessions; and
6377 (ii) publishing draft recommendations a minimum of 30 days before the November
6378 2021 interim meeting to provide a comment period on the draft recommendations with
6379 adequate time for considering feedback and revisions to the recommendations.

6380 Section 100. Section **79-4-101** is amended to read:

6381 CHAPTER 4. STATE PARKS

6382 **Part 1. General Provisions**

6383 **79-4-101. Title.**

6384 This chapter is known as "State Parks ~~and Recreation~~."

6385 Section 101. Section **79-4-102** is amended to read:

6386 **79-4-102. Definitions.**

6387 (1) "Board" means the Board of State Parks ~~and Recreation~~.

6388 (2) "Division" means the Division of State Parks ~~and Recreation~~.

6389 Section 102. Section **79-4-201** is amended to read:

6390 **79-4-201. Division of State Parks -- Creation -- Powers and authority.**

6391 (1) There is created within the department the Division of State Parks ~~and Recreation~~.

6392 (2) The division is under:

6393 (a) the administration and general supervision of the executive director; and

6394 (b) the policy direction of the board.

6395 (3) The division is the state parks ~~and recreation~~ authority for the state.

6396 Section 103. Section **79-4-202** is amended to read:

6397 **79-4-202. Director -- Qualifications -- Duties.**

6398 (1) The director is the executive and administrative head of the division.

6399 (2) The director shall demonstrate:

6400 (a) executive ability; and

6401 (b) actual experience and training in the conduct of park [~~and recreational~~] systems
6402 involving both physical development and program.

6403 (3) The director shall:

6404 (a) enforce the policies and rules of the board; and

6405 (b) perform the duties necessary to:

6406 (i) properly care for and maintain any property under the jurisdiction of the division;

6407 and

6408 (ii) carry out this chapter.

6409 (4) The director shall acquire, plan, protect, develop, operate, use, and maintain park
6410 area and facilities in accordance with the policies and rules of the board.6411 Section 104. Section **79-4-203** is amended to read:6412 **79-4-203. Powers and duties of division.**6413 (1) As used in this section, "real property" includes land under water, upland, and all
6414 other property commonly or legally defined as real property.6415 (2) The Division of Wildlife Resources shall retain the power and jurisdiction
6416 conferred upon ~~[it]~~ the Division of Wildlife Resources by law within state parks and on
6417 property controlled by the Division of State Parks [~~and Recreation~~] with reference to fish and
6418 game.6419 (3) The division shall permit multiple use of state parks and property controlled by ~~[it]~~
6420 the division for purposes such as grazing, fishing, hunting, camping, mining, and the
6421 development and utilization of water and other natural resources.6422 (4) (a) The division may acquire real and personal property in the name of the state by
6423 all legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange,
6424 or otherwise, subject to the approval of the executive director and the governor.

6425 (b) In acquiring any real or personal property, the credit of the state may not be pledged
6426 without the consent of the Legislature.

6427 (5) (a) Before acquiring any real property, the division shall notify the county
6428 legislative body of the county where the property is situated of its intention to acquire the
6429 property.

6430 (b) If the county legislative body requests a hearing within 10 days of receipt of the
6431 notice, the division shall hold a public hearing in the county concerning the matter.

6432 (6) Acceptance of gifts or devises of land or other property is at the discretion of the
6433 division, subject to the approval of the executive director and the governor.

6434 (7) The division shall acquire property by eminent domain in the manner authorized by
6435 Title 78B, Chapter 6, Part 5, Eminent Domain.

6436 (8) (a) The division may make charges for special services and use of facilities, the
6437 income from which is available for park [~~and recreation~~] purposes.

6438 (b) The division may conduct and operate those services necessary for the comfort and
6439 convenience of the public.

6440 (9) (a) The division may lease or rent concessions of all lawful kinds and nature in state
6441 parks and property to persons, partnerships, and corporations for a valuable consideration upon
6442 the recommendation of the board.

6443 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in
6444 selecting concessionaires.

6445 (10) The division shall proceed without delay to negotiate with the federal government
6446 concerning the Weber Basin and other recreation and reclamation projects.

6447 (11) The division shall receive and distribute voluntary contributions collected under
6448 Section ~~41-1a-422~~ in accordance with Section ~~79-4-404~~.

6449 Section 105. Section ~~79-4-204~~ is amended to read:

6450 **79-4-204. Division authorized to enter into contracts and agreements.**

6451 (1) The division, with the approval of the executive director and the governor, may
6452 enter into contracts and agreements with the United States, a United States agency, any other

6453 department or agency of the state, semipublic organizations, and with private individuals to:

6454 (a) improve and maintain state parks [~~and recreational grounds~~] and the areas
6455 administered by the division; and

6456 (b) secure labor, quarters, materials, services, or facilities according to procedures
6457 established by the Division of Finance.

6458 (2) All departments, agencies, officers, and employees of the state shall give to the
6459 division the consultation and assistance that the division may reasonably request.

6460 Section 106. Section **79-4-301** is amended to read:

6461 **79-4-301. Board of State Parks -- Creation -- Functions.**

6462 (1) There is created within the department a Board of State Parks [~~and Recreation~~].

6463 (2) The board is the policy-making body of the division.

6464 Section 107. Section **79-4-302** is amended to read:

6465 **79-4-302. Board appointment and terms of members -- Expenses.**

6466 (1) (a) The board is composed of nine members appointed in accordance with Title
6467 63G, Chapter 24, Part 2, Vacancies, by the governor, with the advice and consent of the Senate,
6468 to four-year terms.

6469 (b) In addition to the requirements of Section **79-2-203**, the governor shall:

6470 (i) appoint one member from each judicial district and one member from the public at
6471 large;

6472 (ii) ensure that not more than five members are from the same political party; and

6473 (iii) appoint persons who have an understanding of and demonstrated interest in parks
6474 [~~and recreation~~].

6475 (c) Notwithstanding the term requirements of Subsection (1)(a), the governor may
6476 adjust the length of terms to ensure that the terms of board members are staggered so that
6477 approximately half of the board is appointed every two years.

6478 (2) When vacancies occur because of death, resignation, or other cause, the governor,
6479 with the consent of the Senate, shall:

6480 (a) appoint a person to complete the unexpired term of the person whose office was

6481 vacated; and

6482 (b) if the person was appointed from a judicial district, appoint the replacement from
6483 the judicial district from which the person whose office has become vacant was appointed.

6484 (3) The board shall appoint its chair from its membership.

6485 (4) A member may not receive compensation or benefits for the member's service, but
6486 may receive per diem and travel expenses in accordance with:

6487 (a) Section 63A-3-106;

6488 (b) Section 63A-3-107; and

6489 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6490 63A-3-107.

6491 (5) A member shall comply with the conflict of interest provisions described in Title
6492 63G, Chapter 24, Part 3, Conflicts of Interest.

6493 Section 108. Section 79-4-401 is amended to read:

6494 **79-4-401. Funds to be appropriated -- Boating account expenses.**

6495 [(1)] The Legislature shall appropriate [~~such funds~~] the money as from time to time
6496 necessary to carry out the purposes of this chapter to the division to be used by the division in
6497 the administration of the powers and duties and in carrying out the objective and purposes
6498 prescribed by this chapter.

6499 [(2)] ~~It is the intent of the Legislature that all departmental operating and administrative~~
6500 ~~expenses for the administration of the boating account of the division shall be charged against~~
6501 ~~that account.]~~

6502 Section 109. Section 79-4-502 is amended to read:

6503 **79-4-502. Violations of rules.**

6504 Unless otherwise provided in this title, a violation of [~~any~~] a rule of the Board of State
6505 Parks [~~and Recreation~~] is an infraction.

6506 Section 110. Section 79-5-102 is amended to read:

6507 **79-5-102. Definitions.**

6508 As used in this chapter:

- 6509 ~~[(1) "Board" means the Board of Parks and Recreation.]~~
- 6510 (1) "Commission" means the Outdoor Adventure Commission.
- 6511 (2) "Council" means the Recreational Trails Advisory Council.
- 6512 (3) "Division" means the Division of ~~[Parks and]~~ Recreation.
- 6513 (4) "Recreational trail" or "trail" means a multi-use path used for:
- 6514 (a) muscle-powered activities, including:
- 6515 (i) bicycling;
- 6516 (ii) cross-country skiing;
- 6517 (iii) walking;
- 6518 (iv) jogging; and
- 6519 (v) horseback riding; and
- 6520 (b) uses compatible with the uses described in Subsection (4)(a), including the use of
- 6521 an electric assisted bicycle or motor assisted scooter, as defined in Section [41-6a-102](#).
- 6522 Section 111. Section **79-5-201** is amended to read:
- 6523 **79-5-201. Recreational Trails Advisory Council.**
- 6524 (1) The division shall establish a Recreational Trails Advisory Council.
- 6525 (2) The council shall advise and make recommendations to the ~~[board and]~~ division
- 6526 regarding:
- 6527 (a) trails to be established;
- 6528 (b) facilities to be constructed;
- 6529 (c) development costs;
- 6530 (d) modes of travel permitted;
- 6531 (e) law enforcement;
- 6532 (f) selection of rights-of-way;
- 6533 (g) interlocal agreements;
- 6534 (h) selection of signs and markers;
- 6535 (i) the general administration of trails;
- 6536 (j) distribution of matching funds pursuant to Section [79-5-501](#); and

6537 (k) future funding mechanisms for trail development.

6538 Section 112. Section **79-5-501** is amended to read:

6539 **79-5-501. Grants -- Matching funds requirements -- Rules.**

6540 (1) (a) The [board] division, after consultation with the commission, may give grants to
6541 federal government agencies, state agencies, or local governments for the planning, acquisition,
6542 and development of trails within the state's recreational trail system with funds appropriated by
6543 the Legislature for that purpose.

6544 (b) (i) Each grant recipient must provide matching funds having a value that is equal to
6545 or greater than the grant funds received.

6546 (ii) The [board] division may allow a grant recipient to provide property, material, or
6547 labor in lieu of money, provided the grant recipient's contribution has a value that is equal to or
6548 greater than the grant funds received.

6549 (2) The [board] division, after consultation with the commission, shall:

6550 (a) make rules setting forth procedures and criteria for the awarding of grants for
6551 recreational trails; and

6552 (b) determine to whom grant funds shall be awarded after considering the
6553 recommendations of and after consulting with the council and the division.

6554 (3) Rules for the awarding of grants for recreational trails shall provide that:

6555 (a) each grant applicant must solicit public comment on the proposed recreational trail
6556 and submit a summary of that comment to the division;

6557 (b) each trail project for which grant funds are awarded must conform to the criteria
6558 and guidelines specified in Sections [79-5-103](#), [79-5-301](#), and [79-5-302](#); and

6559 (c) trail proposals that include a plan to provide employment opportunities for youth,
6560 including at-risk youth, in the development of the trail is encouraged.

6561 (4) As used in this section, "at-risk youth" means youth who:

6562 (a) are subject to environmental forces, such as poverty or family dysfunction, that may
6563 make them vulnerable to family, school, or community problems;

6564 (b) perform poorly in school or have failed to complete high school;

(c) exhibit behaviors that have the potential to harm themselves or others in the community, such as truancy, use of alcohol or drugs, and associating with delinquent peers; or

(d) have already engaged in behaviors harmful to themselves or others in the community.

Section 113. Section **79-6-101**, which is renumbered from Section 63M-4-101 is renumbered and amended to read:

CHAPTER 6. UTAH ENERGY ACT

Part 1. General Provisions

~~[63M-4-101].~~ **79-6-101. Title.**

This chapter is known as the "Utah Energy Act."

Section 114. Section **79-6-102**, which is renumbered from Section 63M-4-102 is renumbered and amended to read:

~~[63M-4-102].~~ **79-6-102. Definitions.**

As used in this chapter:

(1) "Appointing authority" means:

(a) on and before June 30, 2029, the governor; and

(b) on and after July 1, 2029, the executive director.

~~[(1)]~~ (2) (a) ~~["Energy"]~~ On and before June 30, 2029, "energy advisor" means the governor's energy advisor appointed under Section ~~[63M-4-401]~~ 79-6-401.

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

~~[(2)]~~ (3) "Office" means the Office of Energy Development created in Section ~~[63M-4-401]~~ 79-6-401.

~~[(3)]~~ (4) "State agency" means an executive branch:

(a) department;

(b) agency;

(c) board;

(d) commission;

6593 (e) division; or
6594 (f) state educational institution.
6595 Section 115. Section **79-6-201**, which is renumbered from Section 63M-4-201 is
6596 renumbered and amended to read:

6597 **Part 2. Energy Advisor**

6598 ~~[63M-4-201].~~ **79-6-201. Advisor -- Duties.**

6599 (1) (a) (i) ~~[The]~~ On and before June 30, 2029, the governor shall appoint an energy
6600 advisor.

6601 (ii) On and after July 1, 2029, the executive director shall appoint an energy advisor.

6602 (b) (i) The ~~[governor's]~~ energy advisor appointed by the governor serves at the pleasure
6603 of the governor.

6604 (ii) On and after July 1, 2029, the energy advisor serves at the pleasure of the executive
6605 director.

6606 (2) The ~~[governor's]~~ energy advisor shall:

6607 (a) advise the ~~[governor]~~ appointing authority on energy-related matters;

6608 (b) annually review and propose updates to the state's energy policy, as contained in
6609 Section ~~[63M-4-301]~~ 79-6-301;

6610 (c) promote as the ~~[governor's energy advisor]~~ appointing authority considers
6611 necessary:

6612 (i) the development of cost-effective energy resources both renewable and
6613 nonrenewable; and

6614 (ii) educational programs, including programs supporting conservation and energy
6615 efficiency measures;

6616 (d) coordinate across state agencies to assure consistency with state energy policy,
6617 including:

6618 (i) working with the State Energy Program to promote access to federal assistance for
6619 energy-related projects for state agencies and members of the public;

6620 (ii) working with the Division of Emergency Management to assist the governor in

6621 carrying out the governor's energy emergency powers under Title 53, Chapter 2a, Part 10,
6622 Energy Emergency Powers of the Governor Act;

6623 (iii) participating in the annual review of the energy emergency plan and the
6624 maintenance of the energy emergency plan and a current list of contact persons required by
6625 Section 53-2a-902; and

6626 (iv) identifying and proposing measures necessary to facilitate low-income consumers'
6627 access to energy services;

6628 (e) coordinate with the Division of Emergency Management ongoing activities
6629 designed to test an energy emergency plan to ensure coordination and information sharing
6630 among state agencies and political subdivisions in the state, public utilities and other energy
6631 suppliers, and other relevant public sector persons as required by Sections 53-2a-902,
6632 53-2a-1004, 53-2a-1008, and 53-2a-1010;

6633 (f) coordinate with requisite state agencies to study:

6634 (i) the creation of a centralized state repository for energy-related information;

6635 (ii) methods for streamlining state review and approval processes for energy-related
6636 projects; and

6637 (iii) the development of multistate energy transmission and transportation
6638 infrastructure;

6639 (g) coordinate energy-related regulatory processes within the state;

6640 (h) compile, and make available to the public, information about federal, state, and
6641 local approval requirements for energy-related projects;

6642 (i) act as the state's advocate before federal and local authorities for energy-related
6643 infrastructure projects or coordinate with the appropriate state agency; and

6644 (j) help promote the Division of Facilities Construction and Management's measures to
6645 improve energy efficiency in state buildings.

6646 (3) The ~~governor's~~ energy advisor has standing to testify on behalf of the governor at
6647 the Public Service Commission created in Section 54-1-1.

6648 Section 116. Section 79-6-202, which is renumbered from Section 63M-4-202 is

6649 renumbered and amended to read:

6650 ~~[63M-4-202].~~ 79-6-202. Agency cooperation.

6651 A state agency shall provide the [state] energy [officer] advisor with any energy-related
6652 information requested by the [governor's] energy advisor if the [governor's] energy advisor's
6653 request is consistent with other law.

6654 Section 117. Section **79-6-203**, which is renumbered from Section 63M-4-203 is
6655 renumbered and amended to read:

6656 ~~[63M-4-203].~~ 79-6-203. Reports.

6657 (1) The [governor's] energy advisor shall report annually to:

6658 (a) the [governor] appointing authority; and

6659 (b) the Natural Resources, Agriculture, and Environment Interim Committee.

6660 (2) The report required in Subsection (1) shall:

6661 (a) summarize the status and development of the state's energy resources;

6662 (b) summarize the activities and accomplishments of the Office of Energy

6663 Development;

6664 (c) address the [governor's] energy advisor's activities under this part; and

6665 (d) recommend any energy-related executive or legislative action the [governor's]
6666 energy advisor considers beneficial to the state, including updates to the state energy policy
6667 under Section ~~[63M-4-301]~~ 79-6-301.

6668 Section 118. Section **79-6-301**, which is renumbered from Section 63M-4-301 is
6669 renumbered and amended to read:

6670 **Part 3. State Energy Policy**

6671 ~~[63M-4-301].~~ 79-6-301. State energy policy.

6672 (1) It is the policy of the state that:

6673 (a) Utah shall have adequate, reliable, affordable, sustainable, and clean energy
6674 resources;

6675 (b) Utah will promote the development of:

6676 (i) nonrenewable energy resources, including natural gas, coal, oil, oil shale, and oil

6677 sands;

6678 (ii) renewable energy resources, including geothermal, solar, wind, biomass, biofuel,

6679 and hydroelectric;

6680 (iii) nuclear power generation technologies certified for use by the United States

6681 Nuclear Regulatory Commission including molten salt reactors producing medical isotopes;

6682 (iv) alternative transportation fuels and technologies;

6683 (v) infrastructure to facilitate energy development, diversified modes of transportation,

6684 greater access to domestic and international markets for Utah's resources, and advanced

6685 transmission systems;

6686 (vi) energy storage and other advanced energy systems; and

6687 (vii) increased refinery capacity;

6688 (c) Utah will promote the development of resources and infrastructure sufficient to

6689 meet the state's growing demand, while contributing to the regional and national energy supply,

6690 thus reducing dependence on international energy sources;

6691 (d) Utah will allow market forces to drive prudent use of energy resources, although

6692 incentives and other methods may be used to ensure the state's optimal development and use of

6693 energy resources in the short- and long-term;

6694 (e) Utah will pursue energy conservation, energy efficiency, and environmental quality;

6695 (f) (i) state regulatory processes should be streamlined to balance economic costs with

6696 the level of review necessary to ensure protection of the state's various interests; and

6697 (ii) where federal action is required, Utah will encourage expedited federal action and

6698 will collaborate with federal agencies to expedite review;

6699 (g) Utah will maintain an environment that provides for stable consumer prices that are

6700 as low as possible while providing producers and suppliers a fair return on investment,

6701 recognizing that:

6702 (i) economic prosperity is linked to the availability, reliability, and affordability of

6703 consumer energy supplies; and

6704 (ii) investment will occur only when adequate financial returns can be realized; and

6705 (h) Utah will promote training and education programs focused on developing a
6706 comprehensive understanding of energy, including:

6707 (i) programs addressing:

6708 (A) energy conservation;

6709 (B) energy efficiency;

6710 (C) supply and demand; and

6711 (D) energy related workforce development; and

6712 (ii) energy education programs in grades K-12.

6713 (2) State agencies are encouraged to conduct agency activities consistent with
6714 Subsection (1).

6715 (3) A person may not file suit to challenge a state agency's action that is inconsistent
6716 with Subsection (1).

6717 Section 119. Section **79-6-302**, which is renumbered from Section 63M-4-302 is
6718 renumbered and amended to read:

6719 ~~[63M-4-302].~~ **79-6-302. Legislative committee review.**

6720 The Natural Resources, Agriculture, and Environment Interim Committee and the
6721 Public Utilities, Energy, and Technology Interim Committee shall review the state energy
6722 policy annually and propose any changes to the Legislature.

6723 Section 120. Section **79-6-401**, which is renumbered from Section 63M-4-401 is
6724 renumbered and amended to read:

6725 **Part 4. Office of Energy Development**

6726 ~~[63M-4-401].~~ **79-6-401. Office of Energy Development -- Creation --**

6727 **Director -- Purpose -- Rulemaking regarding confidential information -- Fees --**

6728 **Transition for employees.**

6729 (1) There is created an Office of Energy Development in the Department of Natural
6730 Resources.

6731 (2) (a) The ~~[governor's]~~ energy advisor shall serve as the director of the office or, on or
6732 before June 30, 2029, appoint a director of the office.

6733 (b) The director:

6734 (i) shall, if the ~~[governor's]~~ energy advisor appoints a director under Subsection (2)(a),

6735 report to the ~~[governor's]~~ energy advisor; and

6736 (ii) may appoint staff as funding within existing budgets allows.

6737 (c) The office may consolidate energy staff and functions existing in the state energy

6738 program.

6739 (3) The purposes of the office are to:

6740 (a) serve as the primary resource for advancing energy and mineral development in the

6741 state;

6742 (b) implement:

6743 (i) the state energy policy under Section ~~[63M-4-301]~~ 79-6-301; and

6744 (ii) the governor's energy and mineral development goals and objectives;

6745 (c) advance energy education, outreach, and research, including the creation of

6746 elementary, higher education, and technical college energy education programs;

6747 (d) promote energy and mineral development workforce initiatives; and

6748 (e) support collaborative research initiatives targeted at Utah-specific energy and

6749 mineral development.

6750 (4) By following the procedures and requirements of Title 63J, Chapter 5, Federal

6751 Funds Procedures Act, the office may:

6752 (a) seek federal grants or loans;

6753 (b) seek to participate in federal programs; and

6754 (c) in accordance with applicable federal program guidelines, administer federally

6755 funded state energy programs.

6756 (5) The office shall perform the duties required by Sections 11-42a-106, 59-5-102,

6757 59-7-614.7, 59-10-1029, Part 5, Alternative Energy Development Tax Credit Act, and Part 6,

6758 High Cost Infrastructure Development Tax Credit Act.

6759 (6) (a) For purposes of administering this section, the office may make rules, by

6760 following ~~[the procedures and requirements of]~~ Title 63G, Chapter 3, Utah Administrative

6761 Rulemaking Act, to maintain as confidential, and not as a public record, information that the
6762 office receives from any source.

6763 (b) The office shall maintain information the office receives from any source at the
6764 level of confidentiality assigned by the source.

6765 (7) The office may charge application, filing, and processing fees in amounts
6766 determined by the office in accordance with Section [63J-1-504](#) as dedicated credits for
6767 performing office duties described in this part.

6768 (8) (a) An employee of the office is an at-will employee.

6769 (b) For an employee of the office on July 1, 2021, the employee shall have the same
6770 salary and benefit options the employee had when the office was part of the office of the
6771 governor.

6772 Section 121. Section **79-6-402**, which is renumbered from Section 63M-4-402 is
6773 renumbered and amended to read:

6774 **[63M-4-402]. 79-6-402. In-state generator need -- Merchant electric**
6775 **transmission line.**

6776 (1) As used in this section:

6777 (a) "Capacity allocation process" means the process outlined by the Federal Energy
6778 Regulatory Commission in its final policy statement dated January 17, 2013, "Allocation of
6779 Capacity on New Merchant Transmission Projects and New Cost-Based, Participant-Funded
6780 Transmission Projects, Priority Rights to New Participant-Funded Transmission," 142 F.E.R.C.
6781 P61,038 (2013).

6782 (b) "Certificate of in-state need" means a certificate issued by the office in accordance
6783 with this section identifying an in-state generator that meets the requirements and qualifications
6784 of this section.

6785 (c) "Expression of need" means a document prepared and submitted to the office by an
6786 in-state merchant generator that describes or otherwise documents the transmission needs of
6787 the in-state merchant generator in conformance with the requirements of this section.

6788 (d) "In-state merchant generator" means an electric power provider that generates

6789 power in Utah and does not provide service to retail customers within the boundaries of Utah.

6790 (e) "Merchant electric transmission line" means a transmission line that does not
6791 provide electricity to retail customers within the boundaries of Utah.

6792 (f) "Office" means the Office of Energy Development established in Section
6793 ~~[63M-4-401]~~ [79-6-401](#).

6794 (g) "Open solicitation notice" means a document prepared and submitted to the office
6795 by a merchant electric transmission line regarding the commencement of the line's open
6796 solicitation in compliance with 142 F.E.R.C. P61,038 (2013).

6797 (2) As part of the capacity allocation process, a merchant electric transmission line
6798 shall file an open solicitation notice with the office containing a description of the merchant
6799 electric transmission line, including:

6800 (a) the proposed capacity;

6801 (b) the location of potential interconnection for in-state merchant generators;

6802 (c) the planned date for commencement of construction; and

6803 (d) the planned commercial operations date.

6804 (3) Upon receipt of the open solicitation notice, the office shall:

6805 (a) publish the notice on the Utah Public Notice Website created under Section
6806 [63F-1-701](#);

6807 (b) include in the notice contact information; and

6808 (c) provide the deadline date for submission of an expression of need.

6809 (4) (a) In response to the open solicitation notice published by the office, and no later
6810 than 30 days after publication of the notice, an in-state merchant generator may submit an
6811 expression of need to the office.

6812 (b) An expression of need submitted under Subsection (4)(a) shall include:

6813 (i) a description of the in-state merchant generator; and

6814 (ii) a schedule of transmission capacity requirement provided in megawatts, by point of
6815 receipt and point of delivery and by operating year.

6816 (5) No later than 60 days after notice is published under Subsection (3), the office shall

6817 prepare a certificate of in-state need identifying the in-state merchant generators.

6818 (6) Within five days of preparing the certificate of in-state need, the office shall:

6819 (a) publish the certificate on the Utah Public Notice Website created under Section

6820 63F-1-701; and

6821 (b) provide the certificate to the merchant electric transmission line for consideration in
6822 the capacity allocation process.

6823 (7) The merchant electric transmission line shall:

6824 (a) provide the Federal Energy Regulatory Commission with a copy of the certificate of
6825 in-state need; and

6826 (b) certify that the certificate is being provided to the Federal Energy Regulatory
6827 Commission in accordance with the requirements of this section, including a citation to this
6828 section.

6829 (8) At the conclusion of the capacity allocation process, and unless prohibited by a
6830 contractual obligation of confidentiality, the merchant electric transmission line shall report to
6831 the office whether a merchant in-state generator reflected on the certificate of in-state need has
6832 entered into a transmission service agreement with the merchant electric transmission line.

6833 (9) This section may not be interpreted to:

6834 (a) create an obligation of a merchant electric transmission line to pay for, or construct
6835 any portion of, the transmission line on behalf of an in-state merchant generator; or

6836 (b) preempt, supersede, or otherwise conflict with Federal Energy Regulatory
6837 Commission rules and regulations applicable to a commercial transmission agreement,
6838 including agreements, or terms of agreements, as to cost, terms, transmission capacity, or key
6839 rates.

6840 (10) Subsections (2) through (9) do not apply to a project entity as defined in Section
6841 11-13-103.

6842 Section 122. Section 79-6-501, which is renumbered from Section 63M-4-501 is
6843 renumbered and amended to read:

6844 **Part 5. Alternative Energy Development Tax Credit Act**

6845 ~~[63M-4-501].~~ 79-6-501. Title.

6846 This part is known as the "Alternative Energy Development Tax Credit Act."

6847 Section 123. Section **79-6-502**, which is renumbered from Section 63M-4-502 is
6848 renumbered and amended to read:

6849 ~~[63M-4-502].~~ 79-6-502. Definitions.

6850 As used in this part:

6851 (1) "Alternative energy" ~~[is as]~~ means the same as that term is defined in Section
6852 59-12-102.

6853 (2) (a) "Alternative energy entity" means a person that:

6854 (i) conducts business within the state; and

6855 (ii) enters into an agreement with the office that qualifies the person to receive a tax
6856 credit.

6857 (b) "Alternative energy entity" includes a pass-through entity taxpayer, as defined in
6858 Section 59-10-1402, of a person described in Subsection (2)(a).

6859 (3) "Alternative energy project" means a project produced by an alternative energy
6860 entity if that project involves:

6861 (a) a new or expanding operation in the state; and

6862 (b) (i) utility-scale alternative energy generation; or

6863 (ii) the extraction of alternative fuels.

6864 (4) "New incremental job within the state" means, with respect to an alternative energy
6865 entity, an employment position that:

6866 (a) did not exist within the state before:

6867 (i) the alternative energy entity entered into an agreement with the office in accordance
6868 with Section ~~[63M-4-503]~~ 79-6-503; and

6869 (ii) the alternative energy project began;

6870 (b) is not shifted from one location in the state to another location in the state; and

6871 (c) is established to the satisfaction of the office, including by amounts paid or

6872 withheld by the alternative energy entity under Title 59, Chapter 10, Individual Income Tax

6873 Act.

6874 (5) "New state revenues" means an increased amount of tax revenues generated as a
6875 result of an alternative energy project by an alternative energy entity or a new incremental job
6876 within the state under the following:

6877 (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

6878 (b) Title 59, Chapter 10, Individual Income Tax Act; and

6879 (c) Title 59, Chapter 12, Sales and Use Tax Act.

6880 (6) "Office" ~~[is as defined]~~ means the Office of Energy Development created in Section
6881 ~~[63M-4-401]~~ 79-6-401.

6882 (7) "Tax credit" means a tax credit under Section 59-7-614.7 or 59-10-1029.

6883 (8) "Tax credit applicant" means an alternative energy entity that applies to the office
6884 to receive a tax credit certificate under this part.

6885 (9) "Tax credit certificate" means a certificate issued by the office that:

6886 (a) lists the name of the tax credit certificate recipient;

6887 (b) lists the tax credit certificate recipient's taxpayer identification number;

6888 (c) lists the amount of the tax credit certificate recipient's tax credits authorized under
6889 this part for a taxable year; and

6890 (d) includes other information as determined by the office.

6891 (10) "Tax credit certificate recipient" means an alternative energy entity that receives a
6892 tax credit certificate for a tax credit in accordance with this part.

6893 Section 124. Section **79-6-503**, which is renumbered from Section 63M-4-503 is
6894 renumbered and amended to read:

6895 ~~**[63M-4-503].**~~ **79-6-503. Tax credits.**

6896 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
6897 the office shall make rules establishing standards an alternative energy entity shall meet to
6898 qualify for a tax credit.

6899 (b) Before the office enters into an agreement described in Subsection (2) with an
6900 alternative energy entity, the office, in consultation with other state agencies as necessary, shall

6901 certify:

6902 (i) that the alternative energy entity plans to produce in the state at least:

6903 (A) two megawatts of electricity;

6904 (B) 1,000 barrels per day if the alternative energy project is a crude oil equivalent
6905 production; or

6906 (C) 250 barrels per day if the alternative energy project is a biomass energy fuel
6907 production;

6908 (ii) that the alternative energy project will generate new state revenues;

6909 (iii) the economic life of the alternative energy project produced by the alternative
6910 energy entity;

6911 (iv) that the alternative energy entity meets the requirements of Section [~~63M-4-504~~]
6912 79-6-504; and

6913 (v) that the alternative energy entity has received a certificate of existence from the
6914 Division of Corporations and Commercial Code.

6915 (2) If an alternative energy entity meets the requirements of this part to receive a tax
6916 credit, the office shall enter into an agreement with the alternative energy entity to authorize the
6917 tax credit in accordance with Subsection (3).

6918 (3) (a) Subject to Subsection (3)(b), if the office expects that the time from the
6919 commencement of construction until the end of the economic life of the alternative energy
6920 project is 20 years or more:

6921 (i) the office shall grant a tax credit for the lesser of:

6922 (A) the economic life of the alternative energy project; or

6923 (B) 20 years; and

6924 (ii) the tax credit is equal to 75% of new state revenues generated by the alternative
6925 energy project.

6926 (b) For a taxable year, a tax credit under this section may not exceed the new state
6927 revenues generated by an alternative energy project during that taxable year.

6928 (4) An alternative energy entity that seeks to receive a tax credit or has entered into an

6929 agreement described in Subsection (2) with the office shall:

6930 (a) annually file a report with the office showing the new state revenues generated by
6931 the alternative energy project during the taxable year for which the alternative energy entity
6932 seeks to receive a tax credit under Section 59-7-614.7 or 59-10-1029;

6933 (b) subject to Subsection (5), annually file a report with the office prepared by an
6934 independent certified public accountant verifying the new state revenue described in
6935 Subsection (4)(a);

6936 (c) subject to Subsection (5), file a report with the office at least every four years
6937 prepared by an independent auditor auditing the new state revenue described in Subsection
6938 (4)(a);

6939 (d) provide the office with information required by the office to certify the economic
6940 life of the alternative energy project produced by the alternative energy entity, which may
6941 include a power purchase agreement, a lease, or a permit; and

6942 (e) retain records supporting a claim for a tax credit for at least four years after the
6943 alternative energy entity claims a tax credit under Section 59-7-614.7 or 59-10-1029.

6944 (5) An alternative energy entity for which a report is prepared under Subsection (4)(b)
6945 or (c) shall pay the costs of preparing the report.

6946 (6) The office shall annually certify the new state revenues generated by an alternative
6947 energy project for a taxable year for which an alternative energy entity seeks to receive a tax
6948 credit under Section 59-7-614.7 or 59-10-1029.

6949 Section 125. Section 79-6-504, which is renumbered from Section 63M-4-504 is
6950 renumbered and amended to read:

6951 ~~[63M-4-504].~~ **79-6-504. Qualifications for tax credit -- Procedure.**

6952 (1) The office shall certify an alternative energy entity's eligibility for a tax credit as
6953 provided in this section.

6954 (2) A tax credit applicant shall provide the office with:

6955 (a) an application for a tax credit certificate;

6956 (b) documentation that the tax credit applicant meets the standards and requirements

6957 described in Section [~~63M-4-503~~] 79-6-503 to the satisfaction of the office for the taxable year
6958 for which the tax credit applicant seeks to claim a tax credit; and

6959 (c) documentation that expressly directs and authorizes the State Tax Commission to
6960 disclose to the office the tax credit applicant's returns and other information concerning the tax
6961 credit applicant that would otherwise be subject to confidentiality under Section ~~59-1-403~~ or
6962 Section 6103, Internal Revenue Code.

6963 (3) (a) The office shall submit the documentation described in Subsection (2)(c) to the
6964 State Tax Commission.

6965 (b) Upon receipt of the documentation described in Subsection (2)(c), the State Tax
6966 Commission shall provide the office with the documentation described in Subsection (2)(c)
6967 requested by the office that the tax credit applicant directed and authorized the State Tax
6968 Commission to provide to the office.

6969 (4) If, after the office reviews the documentation described in Subsections (2) and (3),
6970 the office determines that the documentation supporting the tax credit applicant's claim for a
6971 tax credit is not substantially accurate, the office shall:

6972 (a) deny the tax credit; or

6973 (b) inform the tax credit applicant that the documentation supporting the tax credit
6974 applicant's claim for a tax credit was inadequate and ask the tax credit applicant to submit new
6975 documentation.

6976 (5) If, after the office reviews the documentation described in Subsections (2) and (3),
6977 the office determines that the documentation supporting the tax credit applicant's claim for a
6978 tax credit is substantially accurate, the office shall, on the basis of that documentation:

6979 (a) enter into the agreement described in Section [~~63M-4-503~~] 79-6-503;

6980 (b) issue a tax credit certificate to the tax credit applicant; and

6981 (c) provide a duplicate copy of the tax credit certificate described in Subsection (5)(b)
6982 to the State Tax Commission.

6983 (6) An alternative energy entity may not claim a tax credit under this part unless the
6984 alternative energy entity is a tax credit certificate recipient.

(7) A tax credit certificate recipient that claims a tax credit shall retain the tax credit certificate in accordance with Subsection [~~63M-4-503~~] 79-6-503(4).

Section 126. Section **79-6-505**, which is renumbered from Section 63M-4-505 is renumbered and amended to read:

~~[63M-4-505].~~ **79-6-505. Report to the Legislature.**

The office shall annually provide an electronic report to the Public Utilities, Energy, and Technology Interim Committee, the Natural Resources, Agriculture, and Environment Interim Committee, and the Revenue and Taxation Interim Committee describing:

(1) its success in attracting alternative energy projects to the state and the resulting increase in new state revenues under this part;

(2) the amount of tax credits the office has granted or will grant and the time period during which the tax credits have been or will be granted; and

(3) the economic impact on the state by comparing new state revenues to tax credits that have been or will be granted under this part.

Section 127. Section **79-6-601**, which is renumbered from Section 63M-4-601 is renumbered and amended to read:

Part 6. High Cost Infrastructure Development Tax Credit Act

~~[63M-4-601].~~ **79-6-601. Title.**

This part is known as the "High Cost Infrastructure Development Tax Credit Act."

Section 128. Section **79-6-602**, which is renumbered from Section 63M-4-602 is renumbered and amended to read:

~~[63M-4-602].~~ **79-6-602. Definitions.**

As used in this part:

(1) "Applicant" means a person that conducts business in the state and that applies for a tax credit under this part.

(2) "Fuel standard compliance project" means a project designed to retrofit a fuel refinery in order to make the refinery capable of producing fuel that complies with the United States Environmental Protection Agency's Tier 3 gasoline sulfur standard described in 40

7013 C.F.R. Sec. 79.54.

7014 (3) "High cost infrastructure project" means a project:

7015 (a) (i) that expands or creates new industrial, mining, manufacturing, or agriculture
7016 activity in the state, not including a retail business;

7017 (ii) that involves new investment of at least \$50,000,000 in an existing industrial,
7018 mining, manufacturing, or agriculture entity, by the entity; or

7019 (iii) for the construction of a plant or other facility, including a fueling station, for the
7020 storage, production, or distribution of hydrogen fuel used for transportation, electricity
7021 generation, or industrial use;

7022 (b) that requires or is directly facilitated by infrastructure construction; and

7023 (c) for which the cost of infrastructure construction to the entity creating the project is
7024 greater than:

7025 (i) 10% of the total cost of the project; or

7026 (ii) \$10,000,000.

7027 (4) "Infrastructure" means:

7028 (a) an energy delivery project as defined in Section [63H-2-102](#);

7029 (b) a railroad as defined in Section [54-2-1](#);

7030 (c) a fuel standard compliance project;

7031 (d) a road improvement project;

7032 (e) a water self-supply project;

7033 (f) a water removal system project;

7034 (g) a solution-mined subsurface salt cavern; or

7035 (h) a project that is designed to:

7036 (i) increase the capacity for water delivery to a water user in the state; or

7037 (ii) increase the capability of an existing water delivery system or related facility to
7038 deliver water to a water user in the state.

7039 (5) (a) "Infrastructure cost-burdened entity" means an applicant that enters into an
7040 agreement with the office that qualifies the applicant to receive a tax credit as provided in this

7041 part.

7042 (b) "Infrastructure cost-burdened entity" includes a pass-through entity taxpayer, as
7043 defined in Section [59-10-1402](#), of a person described in Subsection (5)(a).

7044 (6) "Infrastructure-related revenue" means an amount of tax revenue, for an entity
7045 creating a high cost infrastructure project, in a taxable year, that is directly attributable to a high
7046 cost infrastructure project, under:

7047 (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

7048 (b) Title 59, Chapter 10, Individual Income Tax Act; and

7049 (c) Title 59, Chapter 12, Sales and Use Tax Act.

7050 (7) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]
7051 [79-6-401](#).

7052 (8) "Tax credit" means a tax credit under Section [59-7-619](#) or [59-10-1034](#).

7053 (9) "Tax credit certificate" means a certificate issued by the office to an infrastructure
7054 cost-burdened entity that:

7055 (a) lists the name of the infrastructure cost-burdened entity;

7056 (b) lists the infrastructure cost-burdened entity's taxpayer identification number;

7057 (c) lists, for a taxable year, the amount of the tax credit authorized for the infrastructure
7058 cost-burdened entity under this part; and

7059 (d) includes other information as determined by the office.

7060 Section 129. Section **79-6-603**, which is renumbered from Section 63M-4-603 is
7061 renumbered and amended to read:

7062 ~~[63M-4-603]~~. **79-6-603. Tax credit -- Amount -- Eligibility -- Reporting.**

7063 (1) Before the office enters into an agreement described in Subsection (3) with an
7064 applicant regarding a project, the office, in consultation with the Utah Energy Infrastructure
7065 Authority Board created in Section [63H-2-202](#), and other state agencies as necessary, shall, in
7066 accordance with the procedures described in Section [~~63M-4-604~~] [79-6-604](#), certify:

7067 (a) that the project meets the definition of a high cost infrastructure project under this
7068 part;

7069 (b) that the high cost infrastructure project will generate infrastructure-related revenue;
7070 (c) the economic life of the high cost infrastructure project; and
7071 (d) that the applicant has received a certificate of existence from the Division of
7072 Corporations and Commercial Code.

7073 (2) (a) Before the office enters into an agreement described in Subsection (3) with an
7074 applicant regarding a project, the Utah Energy Infrastructure Authority Board shall evaluate the
7075 project's benefit to the state, based on whether the project:

7076 (i) is likely to increase the property tax revenue for the municipality or county where
7077 the project will be located;

7078 (ii) would provide new infrastructure for an area where the type of infrastructure the
7079 project would create is underdeveloped;

7080 (iii) would have a positive environmental impact on the state;

7081 (iv) would upgrade or improve an existing entity in order to ensure the entity's
7082 continued operation and economic viability; and

7083 (v) is less likely to be completed without a tax credit issued to the applicant under this
7084 part.

7085 (b) The Utah Energy Infrastructure Authority Board may recommend that the office
7086 deny an applicant a tax credit if the applicant's project does not, as determined by the Utah
7087 Energy Infrastructure Authority Board, sufficiently benefit the state based on the criteria
7088 described in Subsection (2)(a).

7089 (3) Subject to the procedures described in Section [~~63M-4-604~~] 79-6-604, if an
7090 applicant meets the requirements of Subsection (1) to receive a tax credit, and the applicant's
7091 project receives a favorable recommendation from the Utah Energy Infrastructure Authority
7092 Board under Subsection (2), the office shall enter into an agreement with the applicant to
7093 authorize the tax credit in accordance with this part.

7094 (4) The office shall grant a tax credit to an infrastructure cost-burdened entity, for a
7095 high cost infrastructure project, under an agreement described in Subsection (3):

7096 (a) for the lesser of:

7097 (i) the economic life of the high cost infrastructure project;
7098 (ii) 20 years; or
7099 (iii) a time period, the first taxable year of which is the taxable year when the
7100 construction of the high cost infrastructure project begins and the last taxable year of which is
7101 the taxable year in which the infrastructure cost-burdened entity has recovered, through the tax
7102 credit, an amount equal to:
7103 (A) 50% of the cost of the infrastructure construction associated with the high cost
7104 infrastructure project; or
7105 (B) if the high cost infrastructure project is a fuel standard compliance project, 30% of
7106 the cost of the infrastructure construction associated with the high cost infrastructure project.
7107 (b) except as provided in Subsections (4)(a) and (d), in a total amount equal to 30% of
7108 the high cost infrastructure project's total infrastructure-related revenue over the time period
7109 described in Subsection (4)(a);
7110 (c) for a taxable year, in an amount that does not exceed the high cost infrastructure
7111 project's infrastructure-related revenue during that taxable year; and
7112 (d) if the high cost infrastructure project is a fuel standard compliance project, in a total
7113 amount that is:
7114 (i) determined by the Utah Energy Infrastructure Authority Board, based on:
7115 (A) the applicant's likelihood of completing the high cost infrastructure project without
7116 a tax credit; and
7117 (B) how soon the applicant plans to complete the high cost infrastructure project; and
7118 (ii) equal to or less than 30% of the high cost infrastructure project's total
7119 infrastructure-related revenue over the time period described in Subsection (4)(a).
7120 (5) An infrastructure cost-burdened entity shall, for each taxable year:
7121 (a) file a report with the office showing the high cost infrastructure project's
7122 infrastructure-related revenue during the taxable year;
7123 (b) subject to Subsection (7), file a report with the office that is prepared by an
7124 independent certified public accountant that verifies the infrastructure-related revenue

7125 described in Subsection (5)(a); and

7126 (c) provide the office with information required by the office to certify the economic
7127 life of the high cost infrastructure project.

7128 (6) An infrastructure cost-burdened entity shall retain records supporting a claim for a
7129 tax credit for the same period of time during which a person is required to keep books and
7130 records under Section [59-1-1406](#).

7131 (7) An infrastructure cost-burdened entity for which a report is prepared under
7132 Subsection (5)(b) shall pay the costs of preparing the report.

7133 (8) The office shall certify, for each taxable year, the infrastructure-related revenue
7134 generated by an infrastructure cost-burdened entity.

7135 Section 130. Section **79-6-604**, which is renumbered from Section 63M-4-604 is
7136 renumbered and amended to read:

7137 ~~[63M-4-604]~~. **79-6-604. Tax credit -- Application procedure.**

7138 (1) An applicant shall provide the office with:

7139 (a) an application for a tax credit certificate;

7140 (b) documentation that the applicant meets the requirements described in Subsection
7141 ~~[63M-4-603]~~ [79-6-603](#)(1), to the satisfaction of the office, for the taxable year for which the
7142 applicant seeks to claim a tax credit; and

7143 (c) documentation that expressly directs and authorizes the State Tax Commission to
7144 disclose to the office the applicant's returns and other information concerning the applicant that
7145 would otherwise be subject to confidentiality under Section [59-1-403](#) or Section 6103, Internal
7146 Revenue Code.

7147 (2) (a) The office shall, for an applicant, submit the documentation described in
7148 Subsection (1)(c) to the State Tax Commission.

7149 (b) Upon receipt of the documentation described in Subsection (1)(c), the State Tax
7150 Commission shall provide the office with the documentation described in Subsection (1)(c).

7151 (3) If, after the office reviews the documentation from the State Tax Commission
7152 under Subsection (2)(b) and the information the applicant submits to the office under Section

7153 [~~63M-4-603~~] 79-6-603, the office, in consultation with the Utah Energy Infrastructure
7154 Authority Board created in Section 63H-2-202, determines that the applicant is not eligible for
7155 the tax credit under Section [~~63M-4-603~~] 79-6-603, or that the applicant's documentation is
7156 inadequate, the office shall:

7157 (a) deny the tax credit; or

7158 (b) inform the applicant that the documentation supporting the applicant's claim for a
7159 tax credit was inadequate and request that the applicant supplement the applicant's
7160 documentation.

7161 (4) Except as provided in Subsection (5), if, after the office reviews the documentation
7162 described in Subsection (2)(b) and the information described in Subsection [~~63M-4-603~~]
7163 79-6-603(6), the office, in consultation with the Utah Energy Infrastructure Authority Board
7164 created in Section 63H-2-202, determines that the documentation supporting an applicant's
7165 claim for a tax credit adequately demonstrates that the applicant is eligible for the tax credit
7166 under Section [~~63M-4-603~~] 79-6-603, the office shall, on the basis of the documentation:

7167 (a) enter, with the applicant, into the agreement described in Subsection [~~63M-4-603~~]
7168 79-6-603(3);

7169 (b) issue a tax credit certificate to the applicant; and

7170 (c) provide a duplicate copy of the tax credit certificate described in Subsection (4)(b)
7171 to the State Tax Commission.

7172 (5) The office may deny an applicant a tax credit based on the recommendation of the
7173 Utah Energy Infrastructure Authority Board, as provided in Subsection [~~63M-4-603~~]
7174 79-6-603(2).

7175 (6) An infrastructure cost-burdened entity may not claim a tax credit under Section
7176 59-7-619 or 59-10-1034 unless the infrastructure cost-burdened entity receives a tax credit
7177 certificate from the office.

7178 (7) An infrastructure cost-burdened entity that claims a tax credit shall retain the tax
7179 credit certificate in accordance with Subsection [~~63M-4-603~~] 79-6-603(7).

7180 (8) Except for the information that is necessary for the office to disclose in order to

7181 make the report described in Section [~~63M-4-605~~] 79-6-605, the office shall treat a document
7182 an applicant or infrastructure cost-burdened entity provides to the office as a protected record
7183 under Section 63G-2-305.

7184 Section 131. Section **79-6-605**, which is renumbered from Section 63M-4-605 is
7185 renumbered and amended to read:

7186 **[~~63M-4-605~~]. 79-6-605. Report to the Legislature.**

7187 The office shall report annually to the Public Utilities, Energy, and Technology Interim
7188 Committee, the Natural Resources, Agriculture, and Environment Interim Committee, and the
7189 Revenue and Taxation Interim Committee describing:

7190 (1) the office's success in attracting high cost infrastructure projects to the state and the
7191 resulting increase in infrastructure-related revenue under this part;

7192 (2) the amount of tax credits the office has granted or will grant and the time period
7193 during which the tax credits have been or will be granted; and

7194 (3) the economic impact on the state by comparing infrastructure-related revenue to tax
7195 credits that have been or will be granted under this part.

7196 Section 132. Section **79-6-606**, which is renumbered from Section 63M-4-606 is
7197 renumbered and amended to read:

7198 **[~~63M-4-606~~]. 79-6-606. Administrative rules.**

7199 The office may establish, by rule made in accordance with Title 63G, Chapter 3, Utah
7200 Administrative Rulemaking Act, requirements and procedures for the implementation of this
7201 part.

7202 Section 133. Section **79-6-701**, which is renumbered from Section 63M-4-701 is
7203 renumbered and amended to read:

7204 **Part 7. Refiner Gasoline Sulfur Standard Sales and Use Tax Exemption Reporting**

7205 **[~~63M-4-701~~]. 79-6-701. Definitions.**

7206 As used in this part:

7207 (1) "Blending stock," "blendstock," or "component" means any liquid compound that is
7208 blended with other liquid compounds to produce gasoline.

7209 (2) "Refiner" means any person who owns, leases, operates, controls, or supervises a
7210 refinery.

7211 (3) "Refiner tax exemption certification" means a certification issued by the office in
7212 accordance with Section [~~63M-4-702~~] 79-6-702.

7213 (4) "Refinery" means a facility where gasoline or diesel fuel is produced, including a
7214 facility at which blendstocks are combined to produce gasoline or diesel fuel, or at which
7215 blendstock is added to gasoline or diesel fuel.

7216 Section 134. Section **79-6-702**, which is renumbered from Section 63M-4-702 is
7217 renumbered and amended to read:

7218 ~~[63M-4-702]~~. **79-6-702. Refiner gasoline standard reporting -- Office of**
7219 **Energy Development certification of sales and use tax exemption eligibility.**

7220 (1) (a) A refiner that seeks to be eligible for a sales and use tax exemption under
7221 Subsection ~~59-12-104~~(86) on or after July 1, 2021, shall annually report to the office whether
7222 the refiner's facility that is located within the state:

7223 (i) had an average gasoline sulfur level of 10 parts per million (ppm) or less using the
7224 formulas prescribed in 40 C.F.R. Sec. 80.1603, excluding the offset for credit use and transfer
7225 as prescribed in 40 C.F.R. Sec. 80.1616, during the previous calendar year; or

7226 (ii) for an annual report covering a period before January 1, 2023, if a refiner's facility
7227 did not have an average gasoline sulfur level described in Subsection (1)(a)(i) during the
7228 previous calendar year, the progress the refiner made during the previous calendar year toward
7229 complying with the average gasoline sulfur level described in Subsection (1)(a)(i).

7230 (b) Fuels for which a final destination outside Utah can be demonstrated or that are not
7231 subject to the standards and requirements of 40 C.F.R. Sec. 80.1603 as specified in 40 C.F.R.
7232 Sec. 80.1601 are not subject to the reporting provisions under Subsection (1)(a).

7233 (2) The office shall issue a refiner tax exemption certification to a refiner on a form
7234 prescribed by the State Tax Commission:

7235 (a) beginning July 1, 2021, and ending December 31, 2022, if:

7236 (i) the refiner's refinery that is located within the state had an average gasoline sulfur

level described in Subsection (1)(a)(i) during the previous calendar year; or

(ii) (A) on or before July 1, 2021, the refiner certifies in writing to the office that the refiner's refinery that is located within the state will have an average gasoline sulfur level described in Subsection (1)(a)(i) after December 31, 2024; and

(B) the office determines that the refiner made satisfactory progress during the previous calendar year toward satisfying the refiner's certification described in Subsection (2)(a)(ii)(A); or

(b) after December 31, 2022, if the refiner's refinery that is located within the state had an average gasoline sulfur level described in Subsection (1)(a)(i) during the previous calendar year.

(3) (a) Within 30 days after the day on which the office receives a complete annual report described in Subsection (1)(a), the office shall:

(i) issue a refiner tax exemption certification to the refiner; or

(ii) notify the refiner in writing that the office has determined the refiner does not qualify for a refiner tax exemption certification and the basis for the office's determination.

(b) A refiner tax exemption certification is valid for one year after the day on which the office issues the refiner tax exemption certification.

(4) The office:

(a) shall accept a copy of a report submitted by a refiner to the Environmental Protection Agency under 40 C.F.R. Sec. 80.1652 as sufficient evidence of the refiner's average gasoline sulfur level; or

(b) may establish another reporting mechanism through rules made under Subsection (5).

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules to implement this section.

Section 135. Section **79-6-801**, which is renumbered from Section 63M-4-801 is renumbered and amended to read:

Part 8. Voluntary Home Energy Information Pilot Program Act

7265 ~~[63M-4-801].~~ 79-6-801. Title.

7266 This part is known as the "Voluntary Home Energy Information Pilot Program Act."

7267 Section 136. Section **79-6-802**, which is renumbered from Section 63M-4-802 is

7268 renumbered and amended to read:

7269 ~~[63M-4-802].~~ 79-6-802. Definitions.

7270 As used in this part:

7271 (1) "Advisory committee" means the committee created in Subsection [~~63M-4-805~~]

7272 79-6-805(1).

7273 (2) "Asset rating" means a representation of a residential building's energy efficiency or
7274 energy use generated by modeling under standardized weather and occupancy conditions.

7275 (3) "Home" means a single-family detached or single-family attached enclosed
7276 structure created for permanent use as a residence.

7277 (4) "Home energy assessment" means the evaluation or testing of components or
7278 systems in a residential building for the purpose of identifying options for increasing energy
7279 conservation and energy efficiency.

7280 (5) "Home energy assessor" means a qualified person who:

7281 (a) conducts home energy assessments on residential buildings;

7282 (b) assigns residential buildings a home energy performance score; and

7283 (c) prepares a home energy performance report for residential buildings.

7284 (6) "Home energy performance report" means a report prepared by a home energy
7285 assessor that identifies a residential building's home energy performance score, an explanation
7286 of the score, an estimate of the total energy used in the home, and other information required to
7287 be included in the report under Section [~~63M-4-804~~] 79-6-804.

7288 (7) "Home energy performance score" means a score assigned to a residential building
7289 using the home energy performance score system created by the office pursuant to Section
7290 [~~63M-4-804~~] 79-6-804.

7291 (8) "Home energy performance score system" means a technical and administrative
7292 framework for producing and reporting metrics that describe the energy consumption,

7293 generation, and efficiency of a building.

7294 (9) "Program" means the voluntary home energy information pilot program for which
7295 model rules are created in Section [~~63M-4-803~~] [79-6-803](#).

7296 (10) "Residential building" means a home.

7297 Section 137. Section **79-6-803**, which is renumbered from Section 63M-4-803 is
7298 renumbered and amended to read:

7299 [~~63M-4-803~~]. **79-6-803. Voluntary Home Energy Information Pilot**

7300 **Program.**

7301 (1) The office shall develop model rules for a voluntary home energy information pilot
7302 program.

7303 (2) The model rules shall be designed to:

7304 (a) provide widespread information to home buyers and sellers about a home's energy
7305 efficiency, cost savings, and air quality impacts; and

7306 (b) empower consumers to ask about the energy efficiency performance of homes and
7307 increase market demand for energy efficient homes and home energy efficiency upgrades.

7308 (3) The office may use appropriated funds to develop model rules for a home energy
7309 performance score system described in Section [~~63M-4-804~~] [79-6-804](#) for homes.

7310 (4) Model rules to implement the program may include:

7311 (a) proposed application procedures to receive a reimbursement from the program for a
7312 home energy assessment and home energy performance report;

7313 (b) the criteria used by the office to determine whether a reimbursement request is
7314 approved;

7315 (c) the administratively best method and form for making a reimbursement;

7316 (d) the criteria used by the office to determine the amount of a reimbursement;

7317 (e) the information that an applicant or applicant's designee will be required to report to
7318 the office to receive a reimbursement;

7319 (f) specifications for the procedures and requirements for conducting a home energy
7320 assessment;

7321 (g) the requirements for a home energy performance report; and

7322 (h) the qualifications for home energy assessors.

7323 (5) The office shall administer or contract for the administration of the advisory
7324 committee and the development of model rules.

7325 ~~[(6) The office shall provide a report to the Legislature's Business and Labor Interim~~
7326 ~~Committee and Public Utilities, Energy, and Technology Interim Committee no later than~~
7327 ~~November 30, 2020 on:]~~

7328 ~~[(a) the status of the model rules; and]~~

7329 ~~[(b) recommendations for implementing a pilot program based on the model rules.]~~

7330 Section 138. Section **79-6-804**, which is renumbered from Section 63M-4-804 is
7331 renumbered and amended to read:

7332 **~~[63M-4-804].~~ 79-6-804. Home energy performance score system.**

7333 (1) In consultation with the advisory committee, the office shall create a home energy
7334 performance score system that shall:

7335 (a) have the capability to generate a home energy performance score that meets the
7336 requirements of Subsection (2);

7337 (b) have the capability to generate a home energy performance report that meets the
7338 requirements of Subsection (3);

7339 (c) have the capability to incorporate building energy assessment software, the output
7340 of which is to be used to derive the information presented on the home energy performance
7341 report; and

7342 (d) specify training requirements for home energy assessors.

7343 (2) A home energy performance score under Subsection (1)(a) shall:

7344 (a) be an asset rating that is based on physical inspection of the home or design
7345 documents used for the home's construction; and

7346 (b) use one or a combination of the following approaches for home energy scoring:

7347 (i) the issuance of a home energy score by the United States Department of Energy; or

7348 (ii) the issuance of a home energy rating system by the Residential Energy Services

7349 Network.

7350 (3) A home energy performance report described in Subsection (1)(b) shall include:

7351 (a) the home energy performance score described in Subsection (1)(a) and an

7352 explanation of the score;

7353 (b) an estimate of the total energy used in the home in retail units of energy, by fuel

7354 type;

7355 (c) an estimate of the annual energy costs for operating the home;

7356 (d) an estimate of the annual emissions resulting from energy used in the home;

7357 (e) a list of recommended home improvements to reduce energy use in the home; and

7358 (f) other information the office, in consultation with the advisory committee,

7359 determines is appropriate to include in the model rules.

7360 Section 139. Section **79-6-805**, which is renumbered from Section 63M-4-805 is

7361 renumbered and amended to read:

7362 **~~[63M-4-805].~~ 79-6-805. Home energy information advisory committee.**

7363 (1) There is created a home energy information advisory committee.

7364 (2) The advisory committee shall be composed of the following 12 members:

7365 (a) an individual who is an expert in residential real estate, as recommended by the

7366 Utah Association of Realtors;

7367 (b) an individual who is an expert in residential construction as recommended by the

7368 Utah Home Builders Association;

7369 (c) an individual who is an expert in land development for residential communities but

7370 is not a home builder;

7371 (d) an individual who is a nonprofit energy efficiency or air quality advocate;

7372 (e) an individual who is an expert in residential home energy assessments;

7373 (f) an individual who is an expert in residential home inspections;

7374 (g) an individual who is an expert in public education and marketing;

7375 (h) an individual who is an expert in residential appraisals, as recommended by the

7376 Utah Association of Appraisers;

- 7377 (i) an individual who is an expert in electric utility energy efficiency programs;
- 7378 (j) an individual who is an expert in natural gas utility energy efficiency programs;
- 7379 (k) an individual who is an expert in residential architecture, as recommended by the
- 7380 Utah Chapter of the American Institute of Architects; and
- 7381 (l) the director of the [~~Governor's~~] Office of Energy Development or the director's
- 7382 designee.
- 7383 (3) The director of the office shall appoint the members of the advisory committee
- 7384 which shall assist the director in developing model rules for a home energy performance score
- 7385 system described in Section [~~63M-4-804~~] [79-6-804](#).
- 7386 (4) The director of the office, or the director's designee, shall act as chair of the
- 7387 advisory committee.
- 7388 (5) An advisory committee member may not receive compensation or benefits for the
- 7389 member's service on the advisory committee.

7390 Section 140. Section **79-7-101** is enacted to read:

7391 **CHAPTER 7. RECREATION ACT**

7392 **Part 1. General Provisions**

7393 **79-7-101. Title.**

7394 This chapter is known as "Recreation Act."

7395 Section 141. Section **79-7-102** is enacted to read:

7396 **79-7-102. Definitions.**

7397 As used in this chapter:

7398 (1) "Commission" means the Outdoor Adventure Commission created in Section

7399 [63C-21-201](#).

7400 (2) "Division" means the Division of Recreation.

7401 Section 142. Section **79-7-201** is enacted to read:

7402 **Part 2. Division Creation and Administration**

7403 **79-7-201. Division of Recreation -- Creation -- Powers and authority.**

7404 (1) (a) There is created within the department the Division of Recreation.

7405 **(b) The division has the purpose of providing, maintaining, and coordinating motorized**
7406 **and nonmotorized recreation within the state.**

7407 **(2) (a) The division is under the administration and general supervision of the**
7408 **executive director.**

7409 **(b) The division shall consult with the commission.**

7410 **(3) The division is the recreation authority for the state.**

7411 **(4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,**
7412 **the division may make rules, after consulting with the commission, when expressly authorized**
7413 **by this chapter.**

7414 **(b) The division shall make rules governing the collection of charges under Subsection**
7415 **79-7-203(8).**

7416 Section 143. Section **79-7-202** is enacted to read:

7417 **79-7-202. Director -- Qualifications -- Duties.**

7418 **(1) The director is the executive and administrative head of the division.**

7419 **(2) The director shall demonstrate:**

7420 **(a) executive ability; and**

7421 **(b) actual experience and training in the conduct of recreational systems involving both**
7422 **physical development and program.**

7423 **(3) The director shall:**

7424 **(a) enforce the policies and rules of the division; and**

7425 **(b) perform the duties necessary to:**

7426 **(i) properly care for and maintain any property under the jurisdiction of the division;**

7427 **and**

7428 **(ii) carry out this chapter.**

7429 Section 144. Section **79-7-203** is enacted to read:

7430 **79-7-203. Powers and duties of division.**

7431 **(1) As used in this section, "real property" includes land under water, upland, and all**
7432 **other property commonly or legally defined as real property.**

7433 (2) The Division of Wildlife Resources shall retain the power and jurisdiction
7434 conferred upon the Division of Wildlife Resources by law on property controlled by the
7435 division with reference to fish and game.

7436 (3) The division shall permit multiple use of property controlled by the division for
7437 purposes such as grazing, fishing, hunting, camping, mining, and the development and use of
7438 water and other natural resources.

7439 (4) (a) The division may acquire real and personal property in the name of the state by
7440 legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or
7441 otherwise, subject to the approval of the executive director and the governor.

7442 (b) In acquiring real or personal property, the credit of the state may not be pledged
7443 without the consent of the Legislature.

7444 (5) (a) Before acquiring any real property, the division shall notify the county
7445 legislative body of the county where the property is situated of the division's intention to
7446 acquire the property.

7447 (b) If the county legislative body requests a hearing within 10 days of receipt of the
7448 notice, the division shall hold a public hearing in the county concerning the matter.

7449 (6) Acceptance of gifts or devises of land or other property is at the discretion of the
7450 division, subject to the approval of the executive director and the governor.

7451 (7) The division shall acquire property by eminent domain in the manner authorized by
7452 Title 78B, Chapter 6, Part 5, Eminent Domain.

7453 (8) (a) The division may make charges for special services and use of facilities, the
7454 income from which is available for recreation purposes.

7455 (b) The division may conduct and operate those services necessary for the comfort and
7456 convenience of the public.

7457 (9) (a) The division may lease or rent concessions of lawful kinds and nature on
7458 property to persons, partnerships, and corporations for a valuable consideration after consulting
7459 with the commission.

7460 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in

7461 selecting concessionaires.

7462 (10) The division shall proceed without delay to negotiate with the federal government
7463 concerning the Weber Basin and other recreation and reclamation projects.

7464 (11) The division shall coordinate with and annually report to the following regarding
7465 land acquisition and development and grants administered under Chapter 8, Outdoor
7466 Recreation Grants:

7467 (a) the Utah Office of Outdoor Recreation;

7468 (b) the Division of State Parks; and

7469 (c) the Office of Rural Development.

7470 Section 145. Section **79-7-204** is enacted to read:

7471 **79-7-204. Division authorized to enter into contracts and agreements.**

7472 (1) The division, with the approval of the executive director and the governor, may
7473 enter into contracts and agreements with the United States, a United States agency, any other
7474 department or agency of the state, semipublic organizations, and with private individuals to:

7475 (a) improve and maintain recreational grounds and the areas administered by the
7476 division; and

7477 (b) secure labor, quarters, materials, services, or facilities according to procedures
7478 established by the Division of Finance.

7479 (2) A department, agency, officer, or employee of the state shall give to the division the
7480 consultation and assistance that the division may reasonably request.

7481 Section 146. Section **79-7-205** is enacted to read:

7482 **79-7-205. Support of a nonprofit corporation or foundation.**

7483 The division may provide administrative support to a nonprofit corporation or
7484 foundation that assists the division in attaining the objectives outlined in the strategic or
7485 operational plan.

7486 Section 147. Section **79-7-301** is enacted to read:

7487 **Part 3. Finances**

7488 **79-7-301. Money to be appropriated -- Boating account expenses.**

(1) The Legislature shall appropriate the money from time to time necessary to carry out the purposes of this chapter to the division to be used by the division in the administration of the powers and duties and in carrying out the objective and purposes prescribed by this chapter.

(2) Departmental operating and administrative expenses for the administration of the boating account of the division shall be charged against that account.

Section 148. Section **79-7-302**, which is renumbered from Section 79-2-402 is renumbered and amended to read:

~~[79-2-402].~~ 79-7-302. Outdoor recreation facilities -- Participation in federal programs -- Comprehensive plan.

(1) The executive director may, by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, seek a federal grant or loan or participation in a federal program to plan and develop an outdoor recreation resource, including:

- (a) acquiring land or water; or
- (b) acquiring an interest in land or water.

(2) (a) The executive director, in cooperation with the state planning coordinator and the state agency or political subdivision responsible for planning, acquisition, and development of outdoor recreation resources, may prepare, maintain, and update a comprehensive plan for the outdoor recreation resources of the state.

(b) The executive director shall submit the plan and any plan amendment to the governor for the governor's review and approval.

(3) By following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, the executive director may:

- (a) apply to a United States agency for participation in or the receipt of aid from a federal program regarding outdoor recreation;
- (b) in cooperation with other state agencies, enter into a contract or agreement with the United States or a United States agency;
- (c) keep financial and other records; and

(d) furnish necessary reports to the United States official or agency.

(4) In connection with obtaining the benefits of an outdoor recreation program, the executive director shall coordinate the department's activities with and represent the interests of all state agencies and political subdivisions having an interest in the planning, development, and maintenance of the outdoor recreation resource or facility.

(5) The department may act as the agent of the state or a political subdivision to receive and to disburse federal money in accordance with the comprehensive plan.

(6) The executive director may not make a commitment or enter into an agreement as authorized by this section and neither shall the governor approve a commitment or agreement unless sufficient funds are available to the department for meeting the state's share, if any, of project costs.

(7) To the extent necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to a program participated in by the state under this section, the areas and facilities shall be publicly maintained for outdoor recreation purposes.

(8) The executive director may enter into and administer an agreement with the United States or a United States agency with the governor's approval for planning, acquisition, and development projects involving participating federal-aid funds on behalf of a political subdivision, if the political subdivision gives necessary assurance to the executive director that:

(a) the political subdivision has available sufficient funds to meet the political subdivision's share, if any, of the cost of the project; and

(b) the political subdivision will operate and maintain an acquired or developed area at the expense of the political subdivision for public outdoor recreation use.

Section 149. Section **79-7-401** is enacted to read:

Part 4. Enforcement

79-7-401. Enforcement in general.

(1) The division may:

(a) protect recreation property under the division's jurisdiction from misuse or damage;
and

7545 (b) preserve the peace on property within the division's jurisdiction.

7546 (2) The division may coordinate with other government entities to accomplish
7547 Subsection (1).

7548 (3) An employee of the division who is a POST certified peace officer, and who is
7549 designated by the division director, are law enforcement officers under Section [53-13-103](#) and
7550 have all the powers of law enforcement officers in the state, with the exception of the power to
7551 serve civil process.

7552 (4) The division may deputize persons who are peace officers or special function
7553 officers to assist the division on a seasonal temporary basis.

7554 Section 150. Section **79-7-402** is enacted to read:

7555 **79-7-402. Violations of rules.**

7556 Unless otherwise provided in this title, a violation of a rule of the division is an
7557 infraction.

7558 Section 151. Section **79-8-101** is enacted to read:

7559 **CHAPTER 8. OUTDOOR RECREATION GRANTS**

7560 **Part 1. General Provisions**

7561 **79-8-101. Title.**

7562 This chapter is known as "Outdoor Recreation Grants."

7563 Section 152. Section **79-8-102** is enacted to read:

7564 **79-8-102. Definitions.**

7565 As used in this chapter:

7566 (1) "Children," in relation to the awarding of a UCORE grant, means individuals who
7567 are six years old or older and 18 years old or younger.

7568 (2) "Director" means the director of the Division of Recreation.

7569 (3) "Division" means the Division of Recreation.

7570 (4) "Executive director" means the executive director of the Department of Natural
7571 Resources.

7572 (5) "UCORE grant" means a children's outdoor recreation and education grant

described in Section 79-8-402.

(6) (a) "Underserved or underprivileged community" means a group of people, including a municipality, county, or American Indian tribe, that is economically disadvantaged.

(b) "Underserved or underprivileged community" includes an economically disadvantaged community where in relation to awarding a UCORE grant, the children of the community, including children with disabilities, have limited access to outdoor recreation or education programs.

Section 153. Section **79-8-103** is enacted to read:

79-8-103. Outdoor recreation grants.

To the extent money is available, the division shall administer outdoor recreation grants for the state, including grants that address:

(1) outdoor recreation in general;

(2) recreational trails;

(3) off-highway vehicle incentives;

(4) boat access and clean vessels; and

(5) land, water, and conservation.

Section 154. Section **79-8-104** is enacted to read:

79-8-104. Annual report.

The director shall prepare an annual written report on the activities of the division under this chapter, including a description and the amount of any awarded UCORE grants.

Section 155. Section **79-8-105**, which is renumbered from Section 63N-9-204 is renumbered and amended to read:

[63N-9-204]. 79-8-105. Utah Outdoor Recreation Grant Advisory Committee -- Membership -- Duties -- Expenses.

(1) As used in this section, "advisory committee" means the Utah Outdoor Recreation Grant Advisory Committee created in Subsection (2).

(2) There is created in the [~~outdoor recreation office~~] division the Utah Outdoor Recreation Grant Advisory Committee, composed of the following 14 members:

7601 (a) five members representing state or federal government as follows:
7602 (i) the director;
7603 (ii) the director of the Division of State Parks [~~and Recreation~~] created in Section
7604 ~~79-4-201~~ or the director's designee;
7605 [~~(iii) one member who is an employee of the outdoor recreation office engaged in the~~
7606 ~~duties described in Section 63N-7-201, appointed by the executive director;~~]
7607 (iii) the director of the Utah Office of Outdoor Recreation, or the director's designee;
7608 (iv) one member representing the Bureau of Land Management, appointed by the
7609 executive director; and
7610 (v) one member representing the National Park Service Rivers, Trails, and
7611 Conservation Assistance Program, appointed by the executive director;
7612 (b) nine members representing local government, the private sector, or the public that
7613 are knowledgeable about outdoor recreation activities or tourism-based economic development,
7614 appointed by the executive director as follows:
7615 (i) one member representing municipal government, recommended by the Utah League
7616 of Cities and Towns;
7617 (ii) one member representing county government, recommended by the Utah
7618 Association of Counties;
7619 (iii) two members representing the outdoor industry;
7620 (iv) one member representing the Utah Tourism Industry Association;
7621 (v) one member representing the [~~Utah Hotel and Lodging Association~~] hotel and
7622 lodging industry;
7623 (vi) one member representing the health care industry;
7624 (vii) one member representing multi-ability groups or programs; and
7625 (viii) one member representing a university outdoor recreation, parks, or tourism
7626 department; and
7627 (c) one of the members appointed under Subsection (2)(b)(i) or (ii) shall represent rural
7628 interests.

- 7629 (3) The advisory committee shall advise and make recommendations to:
- 7630 (a) the outdoor recreation office regarding [~~infrastructure grants and~~] the Outdoor
- 7631 Recreational Infrastructure Grant Program, created in Section [63N-9-202](#);
- 7632 (b) the division regarding grants issued under Part ~~[3]~~ 2, Restoration Recreation
- 7633 Infrastructure Grant Program[~~;~~]; and
- 7634 (c) the division regarding the administration of the fund created in Section [79-8-304](#).
- 7635 (4) (a) Except as required by Subsection (4)(b), as terms of appointed advisory
- 7636 committee members expire, the executive director shall appoint each new member or
- 7637 reappointed member to a four-year term.
- 7638 (b) Notwithstanding the requirements of Subsection (4)(a), the executive director shall,
- 7639 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
- 7640 of appointed advisory committee members are staggered so that approximately half of the
- 7641 appointed advisory committee members are appointed every two years.
- 7642 (5) The director shall serve as chair of the advisory committee.
- 7643 (6) The advisory committee shall elect annually a vice chair from the advisory
- 7644 committee's members.
- 7645 (7) When a vacancy occurs in the membership for any reason, the executive director
- 7646 shall appoint the replacement for the unexpired term.
- 7647 (8) A majority of the advisory committee constitutes a quorum for the purpose of
- 7648 conducting advisory committee business and the action of a majority of a quorum constitutes
- 7649 the action of the advisory committee.
- 7650 (9) The [~~outdoor recreation office~~] division shall provide administrative staff support
- 7651 for the advisory committee.
- 7652 (10) A member may not receive compensation or benefits for the member's service, but
- 7653 a member appointed under Subsection (2)(b) may receive per diem and travel expenses in
- 7654 accordance with:
- 7655 (a) Section [63A-3-106](#);
- 7656 (b) Section [63A-3-107](#); and

7657 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7658 63A-3-107.

7659 (11) The advisory committee, as a governmental entity, has all the rights, privileges,
7660 and immunities of a governmental entity of the state and the advisory committee meetings are
7661 subject to Title 52, Chapter 4, Open and Public Meetings Act.

7662 Section 156. Section 79-8-106, which is renumbered from Section 63N-9-205 is
7663 renumbered and amended to read:

7664 ~~[63N-9-205].~~ 79-8-106. Utah Outdoor Recreation Infrastructure Account
7665 -- Uses -- Costs.

7666 (1) There is created an expendable special revenue fund known as the "Outdoor
7667 Recreation Infrastructure Account," which;

7668 (a) the outdoor recreation office shall use to fund the Outdoor Recreational
7669 Infrastructure Grant Program created in Section 63N-9-202; and

7670 (b) the division shall use to fund the Recreation Restoration Infrastructure Grant
7671 Program created in Section ~~[63N-9-302]~~ 79-8-202.

7672 (2) The account consists of:

7673 (a) distributions to the account under Section 59-28-103;

7674 (b) interest earned on the account;

7675 (c) appropriations made by the Legislature;

7676 (d) money from a cooperative agreement entered into with the United States
7677 Department of Agriculture or the United States Department of the Interior; and

7678 (e) private donations, grants, gifts, bequests, or money made available from any other
7679 source to implement this part.

7680 (3) The ~~[outdoor recreation office]~~ division shall, with the advice of the Utah Outdoor
7681 Recreation Grant Advisory Committee created in Section ~~[63N-9-204]~~ 79-8-105, administer
7682 the account.

7683 (4) (a) The cost of administering the account shall be paid from money in the account.

7684 (b) The cost of two full-time positions in the Utah Office of Outdoor Recreation in an

7685 amount agreed to by the division and the Utah Office of Outdoor Recreation shall be paid from
7686 money in the account.

7687 (5) Interest accrued from investment of money in the account shall remain in the
7688 account.

7689 Section 157. Section **79-8-201**, which is renumbered from Section 63N-9-301 is
7690 renumbered and amended to read:

7691 **Part 2. Recreation Restoration Infrastructure Grant Program**

7692 ~~[63N-9-301].~~ **79-8-201. Definitions.**

7693 As used in this part:

7694 (1) "Advisory committee" means the Utah Outdoor Recreation Grant Advisory
7695 Committee created in Section [~~63N-9-204~~] 79-8-105.

7696 (2) "Grant program" means the Recreation Restoration Infrastructure Grant Program
7697 created in Section [~~63N-9-302~~] 79-8-202.

7698 (3) "High demand outdoor recreation amenity" means infrastructure necessary for a
7699 campground, picnic area, or water recreation structure such as a dock, pier, or boat ramp that
7700 receives or has received heavy use by the public.

7701 (4) "High priority trail" means a motorized or nonmotorized recreation summer-use
7702 trail and related infrastructure that is prioritized by the advisory committee for restoration or
7703 rehabilitation to maintain usability and sustainability of trails that receive or have received high
7704 use by the public.

7705 (5) "Public lands" includes local, state, and federal lands.

7706 (6) "Rehabilitation or restoration" means returning an outdoor recreation structure or
7707 trail that has been degraded, damaged, or destroyed to its previously useful state by means of
7708 repair, modification, or alteration.

7709 Section 158. Section **79-8-202**, which is renumbered from Section 63N-9-302 is
7710 renumbered and amended to read:

7711 ~~[63N-9-302].~~ **79-8-202. Creation of grant program.**

7712 (1) (a) There is created [~~a supplemental grant program within the Outdoor Recreational~~

7713 Infrastructure Grant Program, created in Section ~~63N-9-202~~, known as] the "Recreation
7714 Restoration Infrastructure Grant Program" administered by the [~~outdoor recreation office~~]
7715 division.

7716 (b) Subject to Subsection (1)(c), 5% percent of the unencumbered amount in the Utah
7717 Outdoor Recreation Account, created in Section [~~63N-9-205~~] 79-8-106, at the beginning of
7718 each fiscal year may be used for the grant program.

7719 (c) The percentage outlined in Subsection (1)(b) may be increased or decreased at the
7720 beginning of a fiscal year if approved by the executive director after consultation with the
7721 director and the advisory committee.

7722 (2) The [~~outdoor recreation office~~] division may seek to accomplish the following
7723 objectives in administering the grant program:

7724 (a) rehabilitate or restore high priority trails for both motorized and nonmotorized uses;

7725 (b) rehabilitate or restore high demand recreation areas on public lands; and

7726 (c) encourage the public land entities to engage with volunteer groups to aid with
7727 portions of needed trail work.

7728 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
7729 [~~outdoor recreation office~~] division shall make rules, after consulting with the Outdoor
7730 Adventure Commission, establishing the eligibility and reporting criteria for an entity to
7731 receive a recreation restoration infrastructure grant, including:

7732 (a) the form and process of submitting annual project proposals to the [~~outdoor~~
7733 ~~recreation office~~] division for a recreation restoration infrastructure grant;

7734 (b) which entities are eligible to apply for a recreation restoration infrastructure grant;

7735 (c) specific categories of recreation restoration projects that are eligible for a recreation
7736 restoration infrastructure grant;

7737 (d) the method and formula for determining recreation restoration infrastructure grant
7738 amounts; and

7739 (e) the reporting requirements of a recipient of a recreation restoration infrastructure
7740 grant.

Section 159. Section **79-8-203**, which is renumbered from Section 63N-9-303 is renumbered and amended to read:

~~[63N-9-303].~~ **79-8-203. Award of recreation restoration infrastructure grants.**

(1) In determining the award of a recreation restoration infrastructure grant, the advisory committee shall prioritize projects that the advisory committee considers to be high demand outdoor recreation amenities or high priority trails.

(2) The ~~[outdoor recreation office]~~ division may give special consideration to projects from qualified applicants within rural counties to ensure geographic parity of the awarded money.

(3) (a) An applicant shall use a recreation restoration infrastructure grant to leverage private and other nonstate public money and the ~~[outdoor recreation office]~~ division may give priority to projects that exceed a 50% match from the applicant.

(b) Leverage includes cash, resources, goods, or services necessary to complete a project.

(c) The ~~[outdoor recreation office]~~ division shall apply money from a cooperative agreement entered into with the United States Department of Agriculture or the United States Department of the Interior as a portion of the applicant's match.

(4) A recreation restoration infrastructure grant may only be awarded by the executive director after consultation with the director and the advisory committee.

(5) A recreation restoration infrastructure grant is available for rehabilitation or restoration projects for high demand outdoor recreation amenities and high priority trails that relate directly to the visitor including:

(a) a trail, trail head infrastructure, signage, and crossing infrastructure, for both nonmotorized and motorized recreation;

(b) a campground or picnic area;

(c) water recreation infrastructure, including a pier, dock, or boat ramp; and

(d) recreation facilities that are accessible to visitors with disabilities.

- 7769 (6) The following are not eligible for a recreation restoration infrastructure grant:
- 7770 (a) general facility operations and administrative costs;
- 7771 (b) land acquisitions;
- 7772 (c) visitor facilities, as defined by the [~~outdoor recreation office~~] division by rule made
- 7773 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 7774 (d) water and utility systems; and
- 7775 (e) employee housing.
- 7776 (7) The [~~outdoor recreation office~~] division shall compile data and report to the
- 7777 Business, Economic Development, and Labor Appropriations Subcommittee on the:
- 7778 (a) effectiveness of the grant program in addressing the deferred maintenance and
- 7779 repair backlog of trails, campgrounds, and other recreation amenities on public lands;
- 7780 (b) estimated value of the rehabilitation or restoration projects;
- 7781 (c) number of miles of trails that are rehabilitated or restored; and
- 7782 (d) leverage of state money to federal and private money and in-kind services such as
- 7783 volunteer labor.

7784 Section 160. Section **79-8-301**, which is renumbered from Section 63N-9-401 is

7785 renumbered and amended to read:

7786 **Part 3. Utah Children's Outdoor Recreation and Education Grant Program**

7787 **[~~63N-9-401~~]. 79-8-301. Title.**

7788 This part is known as the "Utah Children's Outdoor Recreation and Education Grant

7789 Program."

7790 Section 161. Section **79-8-302**, which is renumbered from Section 63N-9-402 is

7791 renumbered and amended to read:

7792 **[~~63N-9-402~~]. 79-8-302. Creation and purpose of the UCORE grant**

7793 **program.**

- 7794 (1) There is created the Utah Children's Outdoor Recreation and Education Grant
- 7795 Program administered by the [~~outdoor recreation office~~] division.
- 7796 (2) The [~~outdoor recreation office~~] division may seek to accomplish the following

7797 objectives in administering the UCORE grant program:

7798 (a) promote the health and social benefits of outdoor recreation to the state's children;

7799 (b) encourage children to develop the skills and confidence to be physically active for

7800 life;

7801 (c) provide outdoor recreational opportunities to underserved or underprivileged

7802 communities in the state; and

7803 (d) encourage hands-on outdoor or nature-based learning and play to prepare children

7804 for achievement in science, technology, engineering, and math.

7805 Section 162. Section **79-8-303**, which is renumbered from Section 63N-9-403 is

7806 renumbered and amended to read:

7807 ~~[63N-9-403].~~ **79-8-303. Rulemaking and requirements for awarding a**

7808 **UCORE grant.**

7809 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

7810 ~~[outdoor recreation office]~~ division, after consulting with the Outdoor Adventure Commission,

7811 shall make rules establishing the eligibility and reporting criteria for an entity to receive a

7812 UCORE grant, including:

7813 (a) the form and process of submitting an application to the ~~[outdoor recreation office]~~

7814 division for a UCORE grant;

7815 (b) which entities are eligible to apply for a UCORE grant;

7816 (c) specific categories of children's programs that are eligible for a UCORE grant;

7817 (d) the method and formula for determining grant amounts; and

7818 (e) the reporting requirements of grant recipients.

7819 (2) In determining the award of a UCORE grant, the ~~[outdoor recreation office]~~

7820 division may prioritize a children's program that will serve an underprivileged or underserved

7821 community in the state.

7822 (3) A UCORE grant may only be awarded by the executive director after consultation

7823 with the director and the ~~[board]~~ Outdoor Adventure Commission.

7824 (4) The following entities may not receive a UCORE grant under this part:

- 7825 (a) a federal government entity;
- 7826 (b) a state agency, except for public schools and institutions of higher education; and
- 7827 (c) a for-profit entity.
- 7828 (5) In awarding UCORE grants, consideration shall be given to entities that implement
- 7829 programs that:
- 7830 (a) contribute to healthy and active lifestyles through outdoor recreation; and
- 7831 (b) include one or more of the following attributes in their programs or initiatives:
- 7832 (i) serve children with the greatest needs in rural, suburban, and urban areas of the
- 7833 state;
- 7834 (ii) provide students with opportunities to directly experience nature;
- 7835 (iii) maximize the number of children who can participate;
- 7836 (iv) commit matching and in-kind resources;
- 7837 (v) create partnerships with public and private entities;
- 7838 (vi) include ongoing program evaluation and assessment;
- 7839 (vii) utilize veterans in program implementation;
- 7840 (viii) include outdoor or nature-based programming that incorporates concept learning
- 7841 in science, technology, engineering, or math; or
- 7842 (ix) utilize educated volunteers in program implementation.

7843 Section 163. Section **79-8-304**, which is renumbered from Section 63N-9-404 is

7844 renumbered and amended to read:

7845 ~~[63N-9-404].~~ **79-8-304. Utah Children's Outdoor Recreation and**

7846 **Education Fund -- Uses -- Costs.**

7847 (1) There is created an expendable special revenue fund known as the "Utah Children's

7848 Outdoor Recreation and Education Fund," which the ~~[office]~~ division shall use to fund the Utah

7849 Children's Outdoor Recreation and Education Grant Program created in Section ~~[63N-9-402]~~

7850 79-8-302.

7851 (2) The fund consists of:

7852 (a) appropriations made by the Legislature;

7853 (b) interest earned on the account; and

7854 (c) private donations, grants, gifts, bequests, or money made available from any other
7855 source to implement this part.

7856 (3) The ~~[office]~~ division shall, with the advice of the Utah Outdoor Recreation Grant
7857 Advisory Committee created in Section ~~[63N-9-204]~~ 79-8-105, administer the ~~[account]~~ fund.

7858 (4) The cost of administering the ~~[account]~~ fund shall be paid from money in the
7859 ~~[account]~~ fund.

7860 (5) Interest accrued from investment of money in the ~~[account]~~ fund shall remain in the
7861 ~~[account]~~ fund.

7862 Section 164. **Appropriation.**

7863 The following sums of money are appropriated for the fiscal year beginning July 1,
7864 2021, and ending on June 30, 2022. These are additions to amounts previously appropriated for
7865 fiscal year 2022. Under the terms and conditions of Title 63J, Budgetary Procedures Act, the
7866 Legislature appropriates the following sums of money from the funds or accounts indicated for
7867 the use and support of the government of the state of Utah.

7868 ITEM 1

7869 To Department of Natural Resources - Parks and Recreation

7870	<u>From General Fund</u>	<u>(4,416,200)</u>
7871	<u>From General Fund, One-time</u>	<u>(7,100)</u>
7872	<u>From Federal Fund</u>	<u>(1,598,800)</u>
7873	<u>From Federal Funds, One-time</u>	<u>(4,600)</u>
7874	<u>From General Fund Restricted - Boating</u>	<u>(4,929,900)</u>
7875	<u>From General Fund Restricted - Boating, One-time</u>	<u>(11,700)</u>
7876	<u>From Dedicated Credits Revenue</u>	<u>(1,097,800)</u>
7877	<u>From Dedicated Credits Revenue, One-time</u>	<u>(2,800)</u>
7878	<u>From General Fund Restricted - Off-highway Access</u>	
7879	<u>and Education</u>	<u>(19,000)</u>
7880	<u>From General Fund Restricted - Off-highway Access</u>	

7881	<u>and Education, One-time</u>	<u>(100)</u>
7882	<u>From General Fund Restricted - Off-highway Vehicle</u>	<u>(6,487,100)</u>
7883	<u>From General Fund Restricted - Off-highway Vehicle,</u>	
7884	<u>One-time</u>	<u>(15,500)</u>
7885	<u>From General Fund Restricted - State Park Fees</u>	<u>(23,793,200)</u>
7886	<u>From General Fund Restricted - State Park Fees,</u>	
7887	<u>One-time</u>	<u>(54,900)</u>
7888	<u>From Revenue Transfers</u>	<u>(36,600)</u>
7889	<u>From General Fund Restricted - Zion National</u>	
7890	<u>Park Support Programs</u>	<u>(4,000)</u>
7891	<u>Schedule of Programs:</u>	
7892	<u>Executive Management</u>	<u>(894,100)</u>
7893	<u>Park Management Contracts</u>	<u>(1,036,800)</u>
7894	<u>Park Operation Management</u>	<u>(35,241,800)</u>
7895	<u>Planning and Design</u>	<u>(912,200)</u>
7896	<u>Recreation Services</u>	<u>(2,155,700)</u>
7897	<u>Support Services</u>	<u>(2,238,700)</u>
7898	<u>ITEM 2</u>	
7899	<u>To Department of Natural Resources - Parks and Recreation Capital Budget</u>	
7900	<u>From Federal Funds</u>	<u>(3,119,700)</u>
7901	<u>From General Fund Restricted - Boating</u>	<u>(575,000)</u>
7902	<u>From Dedicated Credits Revenue</u>	<u>(175,000)</u>
7903	<u>From General Fund Restricted - Off-highway Vehicle</u>	<u>(3,900,000)</u>
7904	<u>From General Fund Restricted - State Park Fees</u>	<u>(472,700)</u>
7905	<u>Schedule of Programs:</u>	
7906	<u>Boat Access Grants</u>	<u>(350,000)</u>
7907	<u>Donated Capital Projects</u>	<u>(175,000)</u>
7908	<u>Land and Water Conservation</u>	<u>(447,600)</u>

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7909	<u>Major Renovation</u>	<u>(458,500)</u>
7910	<u>Off-highway Vehicle Grants</u>	<u>(3,675,000)</u>
7911	<u>Region Renovation</u>	<u>(100,000)</u>
7912	<u>Renovation and Development</u>	<u>(546,700)</u>
7913	<u>Trails Program</u>	<u>(2,489,600)</u>
7914	<u>ITEM 3</u>	
7915	<u>To Department of Natural Resources - State Parks</u>	
7916	<u>From General Fund</u>	<u>4,411,400</u>
7917	<u>From General Fund, One-time</u>	<u>7,100</u>
7918	<u>From Federal Funds</u>	<u>85,600</u>
7919	<u>From Dedicated Credits Revenue</u>	<u>1,097,800</u>
7920	<u>From Dedicated Credits Revenue, One-time</u>	<u>2,800</u>
7921	<u>From General Fund Restricted - State Park Fees</u>	<u>23,793,200</u>
7922	<u>From General Fund Restricted - State Park Fees,</u>	
7923	<u>One-time</u>	<u>54,900</u>
7924	<u>From Transfers Revenues</u>	<u>36,600</u>
7925	<u>From General Fund Restricted - Zion National Park</u>	
7926	<u>Support Programs</u>	<u>4,000</u>
7927	<u>Schedule of Programs:</u>	
7928	<u>Executive Management</u>	<u>285,100</u>
7929	<u>Park Management Contracts</u>	<u>1,000,000</u>
7930	<u>Park Operation Management</u>	<u>26,418,800</u>
7931	<u>Planning and Design</u>	<u>699,000</u>
7932	<u>Support Services</u>	<u>1,090,500</u>
7933	<u>ITEM 4</u>	
7934	<u>To Department of Natural Resources - Parks Capital Budget</u>	
7935	<u>From Federal Funds</u>	<u>212,500</u>
7936	<u>From Dedicated Credits Revenue</u>	<u>175,000</u>

7937	<u>From General Fund Restricted - State Park Fees</u>	<u>472,700</u>
7938	<u>Schedule of Programs:</u>	
7939	<u>Donated Capital Projects</u>	<u>175,000</u>
7940	<u>Major Renovation</u>	<u>8,500</u>
7941	<u>Region Renovation</u>	<u>100,000</u>
7942	<u>Renovation and Development</u>	<u>576,700</u>
7943	<u>ITEM 5</u>	
7944	<u>To Department of Natural Resources - Recreation</u>	
7945	<u>From General Fund</u>	<u>4,800</u>
7946	<u>From Federal Funds</u>	<u>1,513,200</u>
7947	<u>From Federal Funds, One-time</u>	<u>4,600</u>
7948	<u>From General Fund Restricted - Boating</u>	<u>5,038,600</u>
7949	<u>From General Fund Restricted - Boating, One-time</u>	<u>11,700</u>
7950	<u>From General Fund Restricted - Off-highway Access</u>	
7951	<u>and Education</u>	<u>19,000</u>
7952	<u>From General Fund Restricted - Off-highway Access and</u>	
7953	<u>Education, One-time</u>	<u>100</u>
7954	<u>From General Fund Restricted - Off-highway Vehicle</u>	<u>6,595,800</u>
7955	<u>From General Fund Restricted - Off-highway Vehicle,</u>	
7956	<u>One-time</u>	<u>15,500</u>
7957	<u>Schedule of Programs:</u>	
7958	<u>Recreation Management</u>	<u>609,000</u>
7959	<u>Recreation Agreements</u>	<u>36,800</u>
7960	<u>Recreation Oversight</u>	<u>9,161,200</u>
7961	<u>Recreation Construction</u>	<u>213,200</u>
7962	<u>Recreation Services</u>	<u>2,116,500</u>
7963	<u>Recreation Administration</u>	<u>1,066,600</u>
7964	<u>ITEM 6</u>	

7965	<u>To Department of Natural Resources - Recreation Capital Budget</u>	
7966	<u>From Federal Funds</u>	<u>2,907,200</u>
7967	<u>From General Fund Restricted - Boating</u>	<u>575,000</u>
7968	<u>From General Fund Restricted - Off-highway Vehicle</u>	<u>3,900,000</u>
7969	<u>Schedule of Programs:</u>	
7970	<u>Boat Access Grants</u>	<u>350,000</u>
7971	<u>Land and Water Conservation</u>	<u>447,600</u>
7972	<u>Recreation Capital</u>	<u>420,000</u>
7973	<u>Off-highway Vehicle Grants</u>	<u>3,675,000</u>
7974	<u>Trails Program</u>	<u>2,489,600</u>
7975	<u>ITEM 7</u>	
7976	<u>To Governor's Office - Office of Energy Development</u>	
7977	<u>From General Fund</u>	<u>(1,626,600)</u>
7978	<u>From General Fund, One-time</u>	<u>(4,900)</u>
7979	<u>From Federal Funds</u>	<u>(842,200)</u>
7980	<u>From Federal Funds, One-time</u>	<u>(2,500)</u>
7981	<u>From Dedicated Credits Revenue</u>	<u>(51,600)</u>
7982	<u>From Dedicated Credits Revenue, One-time</u>	<u>(200)</u>
7983	<u>From Expendable Receipts</u>	<u>(180,300)</u>
7984	<u>From Expendable Receipts, One-time</u>	<u>(500)</u>
7985	<u>From Ut. S. Energy Program Rev. Loan Fund (ARRA)</u>	<u>(223,000)</u>
7986	<u>From Ut. S. Energy Program Rev. Loan Fund (ARRA),</u>	
7987	<u>One-time</u>	<u>(700)</u>
7988	<u>From Beginning Nonlapsing</u>	<u>(1,205,200)</u>
7989	<u>Schedule of Programs:</u>	
7990	<u>Office of Energy Development</u>	<u>(4,137,700)</u>
7991	<u>ITEM 8</u>	
7992	<u>To Department of Natural Resources - Office of Energy Development</u>	

7993	<u>From General Fund</u>	<u>1,626,600</u>
7994	<u>From General Fund, One-time</u>	<u>4,900</u>
7995	<u>From Federal Funds</u>	<u>842,200</u>
7996	<u>From Federal Funds, One-time</u>	<u>2,500</u>
7997	<u>From Dedicated Credits Revenue</u>	<u>51,600</u>
7998	<u>From Dedicated Credits Revenue, One-time</u>	<u>200</u>
7999	<u>From Expendable Receipts</u>	<u>180,300</u>
8000	<u>From Expendable Receipts, One-time</u>	<u>500</u>
8001	<u>From Ut. S. Energy Program Rev. Loan Fund (ARRA)</u>	<u>223,000</u>
8002	<u>From Ut. S. Energy Program Rev. Loan Fund (ARRA),</u>	
8003	<u>One-time</u>	<u>700</u>
8004	<u>From Beginning Nonlapsing</u>	<u>1,205,200</u>
8005	<u>Schedule of Programs:</u>	
8006	<u>Office of Energy Development</u>	<u>4,137,700</u>
8007	<u>Notwithstanding the effective date, the Legislature intends that the affected agencies</u>	
8008	<u>have until July 1, 2022, to update the financial and information systems necessary to come into</u>	
8009	<u>full compliance with the provisions of this bill.</u>	
8010	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
8011	<u>Finance reflect all closing nonlapsing appropriation balances from Parks and Recreation</u>	
8012	<u>Capital Budget line item as fiscal year 2022 beginning nonlapsing appropriation balances as</u>	
8013	<u>follows: \$15,205,000 in the new Parks Capital line item and \$9,374,000 in the new Recreation</u>	
8014	<u>Capital line item.</u>	
8015	<u>The Legislature intends that, in closing out the fiscal year 2021 budget, the Division of</u>	
8016	<u>Finance transfer all closing nonlapsing appropriation balances from Governor's Office - Office</u>	
8017	<u>of Energy Development line item as fiscal year 2022 beginning nonlapsing appropriation</u>	
8018	<u>balances in the Department of Natural Resources -- Office of Energy Development line item.</u>	
8019	Section 165. Effective date.	
8020	<u>This bill takes effect on July 1, 2021.</u>	

Section 166. **Coordinating H.B. 346 with H.B. 176 -- Technical amendment.**

If this H.B. 346 and H.B. 176, Revisor's Technical Corrections to Utah Code, both pass and become law, the Legislature intends that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by changing the reference in Subsection [59-10-1034](#)(5)(b)(i)(C) from Section [63M-4-505](#) to Section [79-6-605](#).

Section 167. **Coordinating H.B. 346 with H.B. 341 -- Substantive amendment.**

If this H.B. 346 and H.B. 341, Bears Ears Visitor Center Advisory Committee, both pass and become law, the Legislature intends that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by amending Subsection 9-9-112(9) enacted in H.B. 341 to read:

"(9) The advisory committee may invite the United States Forest Service, the Bureau of Land Management, the Division of State Parks, the Division of Recreation, and the Utah Office of Tourism within the Governor's Office of Economic Development, to serve as technical advisors to the advisory committee."

Section 168. **Coordinating H.B. 346 with H.B. 348 -- Substantive amendment.**

If this H.B. 346 and H.B. 348, Economic Development Amendments, both pass and become law, the Legislature intends that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by amending Subsection [79-8-303](#)(3) to read:

"(3) A UCORE grant may only be awarded by the executive director after consultation with the director and the ~~board~~ Outdoor Adventure Commission."

Section 169. **Revisor instructions.**

(1) The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, replace the references in Section [79-2-206](#) from "this bill" to the bill's designated chapter number in the Laws of Utah.

(2) The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, replace cross references to sections renumbered by this bill that are added to the Utah Code by legislation passed during

8049 the 2021 General Session that become law.