

Casey Snider proposes the following substitute bill:

Department of Natural Resources Funding Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- requires counties to remit to the state money calculated based on certain new transmission facilities for deposit into the Species Protection Account;
- expands resources to be deposited into the Species Protection Account;
- addresses the payment of a tax on gross receipts of a radioactive waste facility derived from the disposal of concentrated depleted uranium and containerized waste, including having certain revenue be deposited into the Species Protection Account;
- imposes a tax related to certain wind or solar electric generation facilities to be deposited into the Species Protection Account;
- imposes an assessment on renewable energy parent entities to be deposited into the Species Protection Account;
- requires counties to remit to the state a portion of centrally assessed new growth for deposit into the Species Protection Account;
- authorizes rulemaking; and
- makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

23A-3-214, as renumbered and amended by Laws of Utah 2024, Chapter 88
59-1-306, as last amended by Laws of Utah 2024, Chapter 35
59-1-401, as last amended by Laws of Utah 2024, Chapter 96
59-24-105, as last amended by Laws of Utah 2003, Chapter 295
63I-2-279, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

ENACTS:

17-56-101, Utah Code Annotated 1953
17-56-201, Utah Code Annotated 1953
17-56-202, Utah Code Annotated 1953
59-2-924.5, Utah Code Annotated 1953
59-32-101, Utah Code Annotated 1953
59-32-201, Utah Code Annotated 1953
59-32-301, Utah Code Annotated 1953
59-32-302, Utah Code Annotated 1953
79-6-1101, Utah Code Annotated 1953
79-6-1102, Utah Code Annotated 1953
79-6-1103, Utah Code Annotated 1953

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

Section 1. Section 17-56-101 is enacted to read:

CHAPTER 56. SPECIES PROTECTION FUNDING ACT

Part 1. General Provisions

17-56-101 . Definitions.

As used in this chapter:

- (1) "Commission" means the State Tax Commission.
- (2) "Contributing business" means a person who is centrally assessed and owns a qualifying transmission line.
- (3) "Qualifying transmission line" means an electrical transmission line that first transmits electrical current within the state on or after January 1, 2026, and operates at a nominal voltage of at least 340,000 volts, including structures, equipment, plant, or fixtures associated with the electrical transmission line.

Section 2. Section 17-56-201 is enacted to read:

Part 2. Payment Obligations

17-56-201 . Payments due -- Calculation of payment amount.

- (1)(a) On or before March 1 of each year, and included with the statement of taxpayer required under Section 59-2-202, the owner of a contributing business shall electronically file with the commission a statement containing the following information, in a manner prescribed by the commission:
- (i) the name, description, location, and number of miles of qualifying transmission line located within each county, by tax area, in which a qualifying transmission line is located as of January 1 of the year of the statement; and
 - (ii) any other reasonable and necessary information required by the commission.
- (b) The owner of the contributing business or the owner's designee shall sign and swear to the statement described in Subsection (1)(a).

- (2)(a) On or before November 30 of each year, the commission shall notify each county that contains a portion of the qualifying transmission line owned by a contributing business of the amount calculated in Subsection (2)(b).
- (b) The commission shall calculate an amount for each county by multiplying \$6,400 by the number of miles of qualifying transmission line owned by a contributing business that is located within the county.
- (3) On or before December 31 of each year, the county treasurer of a county notified under Subsection (2)(a) shall remit the amount calculated under Subsection (2)(b) to the Division of Finance from the revenue derived from the current year's property taxes.

Section 3. Section **17-56-202** is enacted to read:

17-56-202 . Deposit into Species Protection Account.

The Division of Finance shall deposit revenue remitted to the Division of Finance under this chapter into the Species Protection Account created in Section 23A-3-214.;

Section 4. Section **23A-3-214** is amended to read:

23A-3-214 . Species Protection Account.

- (1) There is created within the General Fund a restricted account known as the "Species Protection Account."
- (2) The ~~account~~ Species Protection Account shall consist of:
 - (a) revenue remitted by a county to the Division of Finance in accordance with Title 17, Chapter 56, Species Protection Funding Act, or Section 59-2-924.5;
 - (b) revenue generated by the brine shrimp tax provided for in Title 59, Chapter 23, Brine Shrimp Royalty Act; [and]
 - (c) tax revenue deposited into the Species Protection Account in accordance with

Section 59-24-105:

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

(e) revenue collected in accordance with Title 79, Chapter 6, Part 11, Energy Project Assessment; and

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

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

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

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

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

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

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

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

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

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

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

Section 5. Section **59-1-306** is amended to read:

59-1-306 . Definition -- State Tax Commission Administrative Charge Account -- Amount of administrative charge -- Deposit of revenue into the restricted account -- Interest deposited into General Fund -- Expenditure of money deposited into the restricted account.

(1) As used in this section, "qualifying tax, fee, or charge" means a tax, fee, or charge the commission administers under:

(a) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

- (b) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;
- (c) Section 19-6-714;
- (d) Section 19-6-805;
- (e) Chapter 12, Sales and Use Tax Act, other than a tax under Chapter 12, Part 1, Tax Collection, or Chapter 12, Part 18, Additional State Sales and Use Tax Act;
- (f) Section 59-27-105;
- (g) Chapter 31, Cannabinoid Licensing and Tax Act;
- (h) Chapter 32, Wind or Solar Electric Generation Facility Capacity Tax;
- [~~h~~] (i) Section 63H-1-205; [~~or~~]
- [~~h~~] (j) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges[~~;~~] ; or
- (k) Title 79, Chapter 6, Part 11, Energy Project Assessment.

- (2) There is created a restricted account within the General Fund known as the "State Tax Commission Administrative Charge Account."
- (3) Subject to the other provisions of this section, the restricted account shall consist of administrative charges the commission retains and deposits in accordance with this section.
- (4) For purposes of this section, the administrative charge is a percentage of revenue the commission collects from each qualifying tax, fee, or charge of not to exceed the lesser of:
 - (a) 1.5%; or
 - (b) an equal percentage of revenue the commission collects from each qualifying tax, fee, or charge sufficient to cover the cost to the commission of administering the qualifying taxes, fees, or charges.
- (5) The commission shall deposit an administrative charge into the restricted account.
- (6) Interest earned on the restricted account shall be deposited into the General Fund.
- (7) The commission shall expend money appropriated by the Legislature to the commission from the restricted account to administer qualifying taxes, fees, or charges.

Section 6. Section **59-1-401** is amended to read:

59-1-401 . Definitions -- Offenses and penalties -- Rulemaking authority -- Statute of limitations -- Commission authority to waive, reduce, or compromise penalty or interest.

- (1) As used in this section:

- (a) "Tax, fee, or charge" means:

- (i) a tax, fee, or charge the commission administers under:
- (A) this title;
 - (B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
 - (C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;
 - (D) Section 19-6-410.5;
 - (E) Section 19-6-714;
 - (F) Section 19-6-805;
 - (G) Section 34A-2-202;
 - (H) Section 40-6-14; [or]
 - (I) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges; or
 - (J) Title 79, Chapter 6, Part 11, Energy Project Assessment; or

(ii) another amount that by statute is subject to a penalty imposed under this section.

(b) "Tax, fee, or charge" does not include a tax, fee, or charge imposed under:

- (i) Title 41, Chapter 1a, Motor Vehicle Act, except for Section 41-1a-301;
- (ii) Title 41, Chapter 3, Motor Vehicle Business Regulation Act;
- (iii) Chapter 2, Property Tax Act, except for Section 59-2-1309;
- (iv) Chapter 3, Tax Equivalent Property Act; or
- (v) Chapter 4, Privilege Tax.

(2)(a) The due date for filing a return is:

- (i) if the person filing the return is not allowed by law an extension of time for filing the return, the day on which the return is due as provided by law; or
- (ii) if the person filing the return is allowed by law an extension of time for filing the return, the earlier of:
 - (A) the date the person files the return; or
 - (B) the last day of that extension of time as allowed by law.

(b) A penalty in the amount described in Subsection (2)(c) is imposed if a person files a return after the due date described in Subsection (2)(a).

(c) For purposes of Subsection (2)(b), the penalty is an amount equal to the greater of:

- (i) \$20; or
- (ii)(A) 2% of the unpaid tax, fee, or charge due on the return if the return is filed no later than five days after the due date described in Subsection (2)(a);
- (B) 5% of the unpaid tax, fee, or charge due on the return if the return is filed more than five days after the due date but no later than 15 days after the due

- 198 date described in Subsection (2)(a); or
- 199 (C) 10% of the unpaid tax, fee, or charge due on the return if the return is filed
- 200 more than 15 days after the due date described in Subsection (2)(a).
- 201 (d) This Subsection (2) does not apply to:
- 202 (i) an amended return; or
- 203 (ii) a return with no tax due.
- 204 (3)(a) Except as provided in Subsection (15), a person is subject to a penalty for failure
- 205 to pay a tax, fee, or charge if:
- 206 (i) the person files a return on or before the due date for filing a return described in
- 207 Subsection (2)(a), but fails to pay the tax, fee, or charge due on the return on or
- 208 before that due date;
- 209 (ii) the person:
- 210 (A) is subject to a penalty under Subsection (2)(b); and
- 211 (B) fails to pay the tax, fee, or charge due on a return within a 90-day period after
- 212 the due date for filing a return described in Subsection (2)(a);
- 213 (iii)(A) the person is subject to a penalty under Subsection (2)(b); and
- 214 (B) the commission estimates an amount of tax due for that person in accordance
- 215 with Subsection 59-1-1406(2);
- 216 (iv) the person:
- 217 (A) is mailed a notice of deficiency; and
- 218 (B) within a 30-day period after the day on which the notice of deficiency
- 219 described in Subsection (3)(a)(iv)(A) is mailed:
- 220 (I) does not file a petition for redetermination or a request for agency action;
- 221 and
- 222 (II) fails to pay the tax, fee, or charge due on a return;
- 223 (v)(A) the commission:
- 224 (I) issues an order constituting final agency action resulting from a timely filed
- 225 petition for redetermination or a timely filed request for agency action; or
- 226 (II) is considered to have denied a request for reconsideration under Subsection
- 227 63G-4-302(3)(b) resulting from a timely filed petition for redetermination
- 228 or a timely filed request for agency action; and
- 229 (B) the person fails to pay the tax, fee, or charge due on a return within a 30-day
- 230 period after the date the commission:
- 231 (I) issues the order constituting final agency action described in Subsection

- (3)(a)(v)(A)(I); or
- (II) is considered to have denied the request for reconsideration described in Subsection (3)(a)(v)(A)(II); or
- (vi) the person fails to pay the tax, fee, or charge within a 30-day period after the date of a final judicial decision resulting from a timely filed petition for judicial review.
- (b) For purposes of Subsection (3)(a), the penalty is an amount equal to the greater of:
- (i) \$20; or
- (ii)(A) 2% of the unpaid tax, fee, or charge due on the return if the activated tax, fee, or charge due on the return is paid no later than five days after the due date for filing a return described in Subsection (2)(a);
- (B) 5% of the unpaid tax, fee, or charge due on the return if the activated tax, fee, or charge due on the return is paid more than five days after the due date for filing a return described in Subsection (2)(a) but no later than 15 days after that due date; or
- (C) 10% of the unpaid tax, fee, or charge due on the return if the activated tax, fee, or charge due on the return is paid more than 15 days after the due date for filing a return described in Subsection (2)(a).
- (4)(a) In the case of any underpayment of estimated tax or quarterly installments required by Sections 59-5-107, 59-5-207, 59-7-504, and 59-9-104, there shall be added a penalty in an amount determined by applying the interest rate provided under Section 59-1-402 plus four percentage points to the amount of the underpayment for the period of the underpayment.
- (b)(i) For purposes of Subsection (4)(a), the amount of the underpayment shall be the excess of the required installment over the amount, if any, of the installment paid on or before the due date for the installment.
- (ii) The period of the underpayment shall run from the due date for the installment to whichever of the following dates is the earlier:
- (A) the original due date of the tax return, without extensions, for the taxable year; or
- (B) with respect to any portion of the underpayment, the date on which that portion is paid.
- (iii) For purposes of this Subsection (4), a payment of estimated tax shall be credited against unpaid required installments in the order in which the installments are required to be paid.

- (5)(a) Notwithstanding Subsection (2) and except as provided in Subsection (6), a person allowed by law an extension of time for filing a corporate franchise or income tax return under Chapter 7, Corporate Franchise and Income Taxes, or an individual income tax return under Chapter 10, Individual Income Tax Act, is subject to a penalty in the amount described in Subsection (5)(b) if, on or before the day on which the return is due as provided by law, not including the extension of time, the person fails to pay:
- (i) for a person filing a corporate franchise or income tax return under Chapter 7, Corporate Franchise and Income Taxes, the payment required by Subsection 59-7-507(1)(b); or
 - (ii) for a person filing an individual income tax return under Chapter 10, Individual Income Tax Act, the payment required by Subsection 59-10-516(2).
- (b) For purposes of Subsection (5)(a), the penalty per month during the period of the extension of time for filing the return is an amount equal to 2% of the tax due on the return, unpaid as of the day on which the return is due as provided by law.
- (6) If a person does not file a return within an extension of time allowed by Section 59-7-505 or 59-10-516, the person:
- (a) is not subject to a penalty in the amount described in Subsection (5)(b); and
 - (b) is subject to a penalty in an amount equal to the sum of:
 - (i) a late file penalty in an amount equal to the greater of:
 - (A) \$20; or
 - (B) 10% of the tax due on the return, unpaid as of the day on which the return is due as provided by law, not including the extension of time; and
 - (ii) a late pay penalty in an amount equal to the greater of:
 - (A) \$20; or
 - (B) 10% of the unpaid tax due on the return, unpaid as of the day on which the return is due as provided by law, not including the extension of time.
- (7)(a) Additional penalties for an underpayment of a tax, fee, or charge are as provided in this Subsection (7)(a).
- (i) Except as provided in Subsection (7)(c), if any portion of an underpayment of a tax, fee, or charge is due to negligence, the penalty is 10% of the portion of the underpayment that is due to negligence.
 - (ii) Except as provided in Subsection (7)(d), if any portion of an underpayment of a tax, fee, or charge is due to intentional disregard of law or rule, the penalty is 15%

- 300 of the entire underpayment.
- 301 (iii) If any portion of an underpayment is due to an intent to evade a tax, fee, or
- 302 charge, the penalty is the greater of \$500 per period or 50% of the entire
- 303 underpayment.
- 304 (iv) If any portion of an underpayment is due to fraud with intent to evade a tax, fee,
- 305 or charge, the penalty is the greater of \$500 per period or 100% of the entire
- 306 underpayment.
- 307 (b) If the commission determines that a person is liable for a penalty imposed under
- 308 Subsection (7)(a)(ii), (iii), or (iv), the commission shall notify the person of the
- 309 proposed penalty.
- 310 (i) The notice of proposed penalty shall:
- 311 (A) set forth the basis of the assessment; and
- 312 (B) be mailed by certified mail, postage prepaid, to the person's last-known
- 313 address.
- 314 (ii) Upon receipt of the notice of proposed penalty, the person against whom the
- 315 penalty is proposed may:
- 316 (A) pay the amount of the proposed penalty at the place and time stated in the
- 317 notice; or
- 318 (B) proceed in accordance with the review procedures of Subsection (7)(b)(iii).
- 319 (iii) A person against whom a penalty is proposed in accordance with this Subsection
- 320 (7) may contest the proposed penalty by filing a petition for an adjudicative
- 321 proceeding with the commission.
- 322 (iv)(A) If the commission determines that a person is liable for a penalty under
- 323 this Subsection (7), the commission shall assess the penalty and give notice and
- 324 demand for payment.
- 325 (B) The commission shall mail the notice and demand for payment described in
- 326 Subsection (7)(b)(iv)(A):
- 327 (I) to the person's last-known address; and
- 328 (II) in accordance with Section 59-1-1404.
- 329 (c) A seller that voluntarily collects a tax under Subsection 59-12-107(2)(d) is not
- 330 subject to the penalty under Subsection (7)(a)(i) if on or after July 1, 2001:
- 331 (i) a court of competent jurisdiction issues a final unappealable judgment or order
- 332 determining that:
- 333 (A) the seller meets one or more of the criteria described in Subsection 59-12-107

- 334 (2)(a) or is a seller required to pay or collect and remit sales and use taxes
335 under Subsection 59-12-107(2)(b) or (2)(c); and
- 336 (B) the commission or a county, city, or town may require the seller to collect a
337 tax under Subsections 59-12-103(2)(a) through (e); or
- 338 (ii) the commission issues a final unappealable administrative order determining that:
- 339 (A) the seller meets one or more of the criteria described in Subsection 59-12-107
340 (2)(a) or is a seller required to pay or collect and remit sales and use taxes
341 under Subsection 59-12-107(2)(b) or (2)(c); and
- 342 (B) the commission or a county, city, or town may require the seller to collect a
343 tax under Subsections 59-12-103(2)(a) through (e).
- 344 (d) A seller that voluntarily collects a tax under Subsection 59-12-107(2)(d) is not
345 subject to the penalty under Subsection (7)(a)(ii) if:
- 346 (i)(A) a court of competent jurisdiction issues a final unappealable judgment or
347 order determining that:
- 348 (I) the seller meets one or more of the criteria described in Subsection
349 59-12-107(2)(a) or is a seller required to pay or collect and remit sales and
350 use taxes under Subsection 59-12-107(2)(b) or (2)(c); and
- 351 (II) the commission or a county, city, or town may require the seller to collect a
352 tax under Subsections 59-12-103(2)(a) through (e); or
- 353 (B) the commission issues a final unappealable administrative order determining
354 that:
- 355 (I) the seller meets one or more of the criteria described in Subsection
356 59-12-107(2)(a) or is a seller required to pay or collect and remit sales and
357 use taxes under Subsection 59-12-107(2)(b) or (2)(c); and
- 358 (II) the commission or a county, city, or town may require the seller to collect a
359 tax under Subsections 59-12-103(2)(a) through (e); and
- 360 (ii) the seller's intentional disregard of law or rule is warranted by existing law or by
361 a nonfrivolous argument for the extension, modification, or reversal of existing
362 law or the establishment of new law.
- 363 (8)(a) Subject to Subsections (8)(b) and (c), the penalty for failure to file an information
364 return, information report, or a complete supporting schedule is \$50 for each
365 information return, information report, or supporting schedule up to a maximum of
366 \$1,000.
- 367 (b) If an employer is subject to a penalty under Subsection (13), the employer may not

be subject to a penalty under Subsection (8)(a).

(c) If an employer is subject to a penalty under this Subsection (8) for failure to file a return in accordance with Subsection 59-10-406(3) on or before the due date described in Subsection 59-10-406(3)(b)(ii), the commission may not impose a penalty under this Subsection (8) unless the return is filed more than 14 days after the due date described in Subsection 59-10-406(3)(b)(ii).

(9) If a person, in furtherance of a frivolous position, has a prima facie intent to delay or impede administration of a law relating to a tax, fee, or charge and files a purported return that fails to contain information from which the correctness of reported tax, fee, or charge liability can be determined or that clearly indicates that the tax, fee, or charge liability shown is substantially incorrect, the penalty is \$500.

(10)(a) A seller that fails to remit a tax, fee, or charge monthly as required by Subsection 59-12-108(1)(a):

(i) is subject to a penalty described in Subsection (2); and

(ii) may not retain the percentage of sales and use taxes that would otherwise be allowable under Subsection 59-12-108(2).

(b) A seller that fails to remit a tax, fee, or charge by electronic funds transfer as required by Subsection 59-12-108(1)(a)(ii)(B):

(i) is subject to a penalty described in Subsection (2); and

(ii) may not retain the percentage of sales and use taxes that would otherwise be allowable under Subsection 59-12-108(2).

(11)(a) A person is subject to the penalty provided in Subsection (11)(c) if that person:

(i) commits an act described in Subsection (11)(b) with respect to one or more of the following documents:

(A) a return;

(B) an affidavit;

(C) a claim; or

(D) a document similar to Subsections (11)(a)(i)(A) through (C);

(ii) knows or has reason to believe that the document described in Subsection (11)(a)(i) will be used in connection with any material matter administered by the commission; and

(iii) knows that the document described in Subsection (11)(a)(i), if used in connection with any material matter administered by the commission, would result in an understatement of another person's liability for a tax, fee, or charge.

(b) The following acts apply to Subsection (11)(a)(i):

- (i) preparing any portion of a document described in Subsection (11)(a)(i);
- (ii) presenting any portion of a document described in Subsection (11)(a)(i);
- (iii) procuring any portion of a document described in Subsection (11)(a)(i);
- (iv) advising in the preparation or presentation of any portion of a document described in Subsection (11)(a)(i);
- (v) aiding in the preparation or presentation of any portion of a document described in Subsection (11)(a)(i);
- (vi) assisting in the preparation or presentation of any portion of a document described in Subsection (11)(a)(i); or
- (vii) counseling in the preparation or presentation of any portion of a document described in Subsection (11)(a)(i).

(c) For purposes of Subsection (11)(a), the penalty:

- (i) shall be imposed by the commission;
- (ii) is \$500 for each document described in Subsection (11)(a)(i) with respect to which the person described in Subsection (11)(a) meets the requirements of Subsection (11)(a); and
- (iii) is in addition to any other penalty provided by law.

(d) The commission may seek a court order to enjoin a person from engaging in conduct that is subject to a penalty under this Subsection (11).

(e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules prescribing the documents that are similar to Subsections (11)(a)(i)(A) through (C).

(12)(a) Criminal offenses and penalties are provided in Subsections (12)(b) through (e).

(b)(i) A person who is required by this title or any laws the commission administers or regulates to register with or obtain a license or permit from the commission, who operates without having registered or secured a license or permit, or who operates when the registration, license, or permit is expired or not current, is guilty of a class B misdemeanor.

(ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(b)(i), the penalty may not:

- (A) be less than \$500; or
- (B) exceed \$1,000.

(c)(i) With respect to a tax, fee, or charge, a person who knowingly and intentionally,

and without a reasonable good faith basis, fails to make, render, sign, or verify a return within the time required by law or to supply information within the time required by law, or who makes, renders, signs, or verifies a false or fraudulent return or statement, or who supplies false or fraudulent information, is guilty of a third degree felony.

(ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(c)(i), the penalty may not:

(A) be less than \$1,000; or

(B) exceed \$5,000.

(d)(i) A person who intentionally or willfully attempts to evade or defeat a tax, fee, or charge or the payment of a tax, fee, or charge is, in addition to other penalties provided by law, guilty of a second degree felony.

(ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(d)(i), the penalty may not:

(A) be less than \$1,500; or

(B) exceed \$25,000.

(e)(i) A person is guilty of a second degree felony if that person commits an act:

(A) described in Subsection (12)(e)(ii) with respect to one or more of the following documents:

(I) a return;

(II) an affidavit;

(III) a claim; or

(IV) a document similar to Subsections (12)(e)(i)(A)(I) through (III); and

(B) subject to Subsection (12)(e)(iii), with knowledge that the document described in Subsection (12)(e)(i)(A):

(I) is false or fraudulent as to any material matter; and

(II) could be used in connection with any material matter administered by the commission.

(ii) The following acts apply to Subsection (12)(e)(i):

(A) preparing any portion of a document described in Subsection (12)(e)(i)(A);

(B) presenting any portion of a document described in Subsection (12)(e)(i)(A);

(C) procuring any portion of a document described in Subsection (12)(e)(i)(A);

(D) advising in the preparation or presentation of any portion of a document described in Subsection (12)(e)(i)(A);

- 470 (E) aiding in the preparation or presentation of any portion of a document
471 described in Subsection (12)(e)(i)(A);
- 472 (F) assisting in the preparation or presentation of any portion of a document
473 described in Subsection (12)(e)(i)(A); or
- 474 (G) counseling in the preparation or presentation of any portion of a document
475 described in Subsection (12)(e)(i)(A).
- 476 (iii) This Subsection (12)(e) applies:
- 477 (A) regardless of whether the person for which the document described in
478 Subsection (12)(e)(i)(A) is prepared or presented:
- 479 (I) knew of the falsity of the document described in Subsection (12)(e)(i)(A); or
480 (II) consented to the falsity of the document described in Subsection
481 (12)(e)(i)(A); and
- 482 (B) in addition to any other penalty provided by law.
- 483 (iv) Notwithstanding Section 76-3-301, for purposes of this Subsection (12)(e), the
484 penalty may not:
- 485 (A) be less than \$1,500; or
486 (B) exceed \$25,000.
- 487 (v) The commission may seek a court order to enjoin a person from engaging in
488 conduct that is subject to a penalty under this Subsection (12)(e).
- 489 (vi) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
490 the commission may make rules prescribing the documents that are similar to
491 Subsections (12)(e)(i)(A)(I) through (III).
- 492 (f) The statute of limitations for prosecution for a violation of this Subsection (12) is the
493 later of six years:
- 494 (i) from the date the tax should have been remitted; or
495 (ii) after the day on which the person commits the criminal offense.
- 496 (13)(a) Subject to Subsection (13)(b), an employer that is required to file a form with the
497 commission in accordance with Subsection 59-10-406(8) or (9) is subject to a penalty
498 described in Subsection (13)(b) if the employer:
- 499 (i) fails to file the form with the commission in an electronic format approved by the
500 commission as required by Subsection 59-10-406(8) or (9);
- 501 (ii) fails to file the form on or before the due date provided in Subsection 59-10-406
502 (8) or (9);
- 503 (iii) fails to provide accurate information on the form; or

(iv) fails to provide all of the information required by the Internal Revenue Service to be contained on the form.

(b) For purposes of Subsection (13)(a), the penalty is:

(i) \$30 per form, not to exceed \$75,000 in a calendar year, if the employer files the form in accordance with Subsection 59-10-406(8) or (9), more than 14 days after the due date provided in Subsection 59-10-406(8) or (9) but no later than 30 days after the due date provided in Subsection 59-10-406(8) or (9);

(ii) \$60 per form, not to exceed \$200,000 in a calendar year, if the employer files the form in accordance with Subsection 59-10-406(8) or (9), more than 30 days after the due date provided in Subsection 59-10-406(8) or (9) but on or before June 1; or

(iii) \$100 per form, not to exceed \$500,000 in a calendar year, if the employer:

(A) files the form in accordance with Subsection 59-10-406(8) or (9) after June 1;

or

(B) fails to file the form.

(14) Upon making a record of the commission's actions, and upon reasonable cause shown, the commission may waive, reduce, or compromise any of the penalties or interest imposed under this part.

(15) Failure to pay a tax described in Subsection 59-10-1403.2(2) shall be subject to a penalty as described in Subsection (3) except that the penalty shall be:

(a) assessed only if the pass-through entity reports tax paid on a Utah Schedule K-1 but does not pay some or all of the tax reported; and

(b) calculated based on the difference between the amount of tax reported and the amount of tax paid.

Section 7. Section **59-2-924.5** is enacted to read:

59-2-924.5 . Diversion of centrally assessed new growth.

(1) As used in this section, "centrally assessed new growth" means the same as that term is defined in Section 59-2-924.

(2)(a) On or before December 31 of each year, the county treasurer shall remit the amount calculated under Subsection (2)(b) to the Division of Finance.

(b) The amount to be remitted to the Division of Finance under this Subsection (2) shall be calculated by multiplying centrally assessed new growth for the previous calendar year by .5%.

(c) Notwithstanding the remittance of money under this Subsection (2), for purposes of calculating a tax rate, a taxing entity shall recognize total centrally assessed new

growth in the following year's budgeted revenue.

(3) The Division of Finance shall track the payments remitted under Subsection (2) and by no later than May 1 of each year:

(a) determine whether the aggregate of the amounts remitted under Subsection (2) for the previous year exceeds \$10,000,000; and

(b) if the Division of Finance determines that the aggregate amount calculated under Subsection (3)(a) exceeds \$10,000,000:

(i) calculate each county's share of the amount above \$10,000,000 in proportion to what the county remitted to the Division of Finance under Subsection (2); and

(ii) refund the amount calculated under Subsection (3)(b)(i) to the relevant county.

(4) By no later than June 30 of each year, the Division of Finance shall deposit into the Species Protection Account created in Section 23A-3-214 the lesser of:

(a) \$10,000,000; or

(b) the amounts remitted to the Division of Finance under Subsection (2) after subtracting the administrative charge described in Subsection (5).

(5) Notwithstanding the other provisions of this section, the Division of Finance may retain an administrative charge for the costs associated with implementing this section from the amounts remitted to the Division of Finance under Subsection (2) before calculating whether the \$10,000,000 cap described Subsection (3) has been met.

Section 8. Section **59-24-105** is amended to read:

59-24-105 . Deposit of tax revenue.

(1) [The-] Except as provided in Subsection (2), the commission shall deposit the tax revenue collected under this chapter into the Uniform School Fund.

(2) The commission shall deposit the tax revenue collected in accordance with Subsection 59-24-103.7(2)(a) into the Species Protection Account in accordance with Section 23A-3-214.

Section 9. Section **59-32-101** is enacted to read:

CHAPTER 32. WIND OR SOLAR ELECTRIC GENERATION FACILITY

CAPACITY TAX

Part 1. General Provisions

59-32-101 . Definitions.

As used in this chapter:

- (1) "Commercially operational" means that a wind or solar electric generation facility generates commercial amounts of electricity.
- (2) "Nameplate capacity" means the sum of the maximum rated outputs of all electrical generating equipment within a facility under specific conditions designated by the manufacturer, as indicated on individual nameplates physically attached to the equipment.
- (3) "Pass-through entity" means the same as that term is defined in Section 59-10-1402.
- (4) "Renewable energy project entity" means a corporation or pass-through entity that directly owns a wind or solar electric generation facility in the state that has executed a power purchase agreement or other binding agreement to purchase the output of a wind or solar electric generation facility owned by the renewable energy project entity after January 1, 2026.
- (5)(a) "Wind or solar electric generation facility" means a commercially operational facility with the capacity to generate electricity from wind or solar that has not reached the end of the facility's operational life that uses:
- (i) wind equipment with a nameplate capacity of at least 20 megawatts of alternating current of electricity; or
 - (ii) solar equipment with a nameplate capacity of at least 20 megawatts of alternating current of electricity.
- (b) "Wind or solar electric generation facility" does not include a facility that generates wind or solar electricity primarily for onsite consumption by the owner or tenant of the property on which the facility is located.

Section 10. Section **59-32-201** is enacted to read:

Part 2. Imposition of Tax

59-32-201 . Imposition of tax on renewable energy project entities -- Deposit of revenue.

- (1)(a) Beginning January 1, 2026, there is annually levied a tax on a renewable energy project entity in the state for each calendar year following the calendar year in which a wind or solar electric generation facility owned by the renewable energy project entity becomes commercially operational.
- (b) Notwithstanding the other provisions of this chapter, a renewable energy project entity does not owe a tax under this chapter for a wind or solar electric generation facility project that before December 31, 2025, was:
- (i) operating;

(ii) under construction; or

(iii) subject to a power purchase agreement or other binding agreement to purchase output of the wind or solar electric generation facility.

(2) The tax levied under Subsection (1) is calculated by multiplying the megawatts, or portion of megawatts, of operational generating alternating current nameplate capacity of a wind or solar electric generation facility owned by the renewable energy project entity by \$1,050.

(3)(a) A renewable energy project entity in the state shall electronically file with the commission, on or before June 1 of each year, a statement containing the information required by Subsection (3)(b) in a manner prescribed by the commission.

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

(i) the name, description, and location of a wind or solar electric generation facility owned by the renewable energy project entity in the state;

(ii) the nameplate capacity described in Subsection (2); and

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

(c) A statement or report required to be filed with the commission shall be signed and sworn to by the chief executive officer of the renewable energy project entity or the chief executive officer's designee.

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

(4) The tax imposed by this chapter does not apply to a wind or solar electric generation facility that is owned or operated by:

(a) the United States;

(b) the state or a political subdivision of the state;

(c) an Indian or Indian tribe, as defined in Section 9-9-101; or

(d) a distribution electric cooperative or a wholesale electric cooperative, as defined in Section 54-2-1.

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

Section 11. Section **59-32-301** is enacted to read:

Part 3. Administration, Collection, and Enforcement of Tax

59-32-301 . Administration, collection, and enforcement of tax -- Rulemaking.

(1) The commission shall administer, collect, and enforce a tax under this chapter in

accordance with Chapter 1, General Taxation Policies.

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

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

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

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

Section 12. Section **59-32-302** is enacted to read:

59-32-302 . When taxes due -- Payment of tax -- Audit.

(1) Except as provided in Subsection (2), the tax imposed by this chapter is due and payable on or before June 1 of the year next succeeding the calendar year when the renewable energy project entity is subject to the tax imposed under Section 59-32-201.

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

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

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

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

Section 13. Section **63I-2-279** is amended to read:

63I-2-279 . Repeal dates: Title 79.

(1) Section 79-2-206, Transition, is repealed July 1, 2024.

(2) Section 79-2-407, Study of funding for water infrastructure costs, is repealed July 1, 2025.

(3) Subsection 79-4-1002(2), regarding a pilot program for veteran free admission to state parks, is repealed July 1, 2025.

(4) Section 79-7-303, Zion National Park Support Programs Restricted Account, is repealed July 1, 2024.

(5) Title 79, Chapter 6, Part 11, Energy Project Assessment, is repealed January 1, 2028.

Section 14. Section **79-6-1101** is enacted to read:

Part 11. Energy Project Assessment

79-6-1101 . Definitions.

As used in this part:

(1) "Affiliated group" means one or more chains of corporations or pass-through entities that are connected through ownership by a common parent entity that directly or indirectly controls or owns more than 50% of the outstanding voting stock or ownership interests of each corporation or pass-through entity.

(2) "Commercially operational" means that a wind or solar electric generation facility generates commercial amounts of electricity.

(3) "Eligible facility" means a wind or solar electric generation facility that is:

(a) commercially operational on January 1, 2026;

(b) under construction on January 1, 2026; or

(c) subject to a power purchase agreement or other binding agreement to purchase the output of the wind or solar electric generation facility as of January 1, 2026.

(4) "Energy project assessment" means the assessment imposed in Section 79-6-1102.

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

(6) "Pass-through entity" means the same as that term is defined in Section 59-10-1402.

(7) "Renewable energy parent entity" means the parent entity of an affiliated group when an entity in the affiliated group controls, directly or indirectly, a wind or solar electric generation facility in the state.

(8) "Species Protection Account" means the account created in Section 23A-3-214.

(9) "Tax commission" means the State Tax Commission.

(10) "Wind or solar electric generation facility" means a commercially operational facility with the capacity to generate electricity from wind or solar that has not reached the end of the facility's operational life that uses:

(a) wind equipment with a nameplate capacity of at least 20 megawatts of alternating current of electricity; or

(b) solar equipment with a nameplate capacity of at least 20 megawatts of alternating current of electricity.

Section 15. Section **79-6-1102** is enacted to read:

79-6-1102 . Energy project assessment.

(1) Beginning January 1, 2026, each renewable energy parent entity with an eligible facility that is commercially operational in the state shall pay an annual energy project assessment to the tax commission before June 30 of each year.

(2) The amount of the energy project assessment is based on the total number of nameplate capacity megawatts of wind or solar electric generation facilities that are generating alternating current, commercially operational in the state at the beginning of the calendar year, and controlled by the renewable energy parent entity, as follows:

(a) for 500 or greater megawatts of operational generating alternating current nameplate capacity, the assessment is \$200,000;

(b) for megawatts of operational generating alternating current nameplate capacity equal to or greater than 200 megawatts, but less than 500 megawatts, the assessment is \$175,000;

(c) for megawatts of operational generating alternating current nameplate capacity equal to or greater than 100 megawatts, but less than 200 megawatts, the assessment is \$125,000;

(d) for megawatts of operational generating alternating current nameplate capacity equal to or greater than 50 megawatts, but less than 100 megawatts, the assessment is \$50,000; and

(e) for megawatts of operational generating alternating current nameplate capacity equal to or greater than 20 megawatts, but less than 50 megawatts, the assessment is \$25,000.

(3) The office shall annually determine the amount of energy project assessment each renewable energy parent entity owes under this section and report that amount to the tax commission to be collected in accordance with Section 79-6-1103.

(4) The office may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to create procedures for assessing and reporting the amounts to be collected under this section.

Section 16. Section **79-6-1103** is enacted to read:

79-6-1103 . Administration of the assessment -- Species Protection Account.

(1) The tax commission shall administer, collect, and enforce the energy project assessment

741 collected under this part in accordance with Title 59, Chapter 1, General Taxation
742 Policies.

743 (2)(a) A renewable energy parent entity shall electronically file with the tax commission,
744 on or before June 30 of each year, a statement containing the information required by
745 Subsection (2)(b) in a manner prescribed by the tax commission.

746 (b) The statement required in Subsection (2)(a) shall include:

747 (i) the name of the renewable energy parent entity;

748 (ii) the nameplate capacity in megawatts of wind or solar electric generation facilities
749 that are generating alternating current, commercially operational in the state at the
750 beginning of the calendar year, and controlled by the renewable energy parent
751 entity; and

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

753 (c) A statement required to be filed with the tax commission shall be signed and sworn
754 to by the chief executive officer of the renewable energy parent entity or the chief
755 executive officer's designee.

756 (3) The tax commission shall deposit revenue collected from the energy project assessment
757 into the Species Protection Account.

758 **Section 17. Effective Date.**

759 This bill takes effect on January 1, 2026.