

NATURAL RESOURCES REVISIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel Ferry

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill modifies provisions related to the management, regulation, conservation, and use of natural resources.

Highlighted Provisions:

This bill:

- ▶ changes the name of the Division of Recreation to the Division of Outdoor Recreation;
- ▶ merges the Office of Outdoor Recreation into the Division of Outdoor Recreation, including addressing:
 - powers and duties;
 - administration of grants; and
 - a transition;
- ▶ addresses reporting requirements, including reporting by the Office of Energy Development and reporting by the Division of Outdoor Recreation;
- ▶ modifies provisions related to off-highway vehicles, including use of certain money;
- ▶ amends authority to appoint off-highway vehicle and boating advisory councils;
- ▶ addresses the Zion National Park Support Programs Restricted Account;
- ▶ modifies the Division of Outdoor Recreation's authority to create recreational trails and outdoor recreation advisory bodies;
- ▶ creates the Utah Outdoor Recreation Infrastructure Advisory Committee to replace other advisory committees and requires consultation with the Division of Outdoor Recreation;

- 30 ▶ addresses criteria related to certain recreational grants;
- 31 ▶ addresses the Bonneville Shoreline Trail Program;
- 32 ▶ modifies the makeup of the Outdoor Adventure Commission and changes
- 33 consultation requirements;
- 34 ▶ modifies the makeup of the Resource Development Coordinating Committee;
- 35 ▶ addresses the relationship with the Division of Wildlife Resources and the Wildlife
- 36 Board;
- 37 ▶ repeals the Utah Outdoor Recreation Grant Advisory Committee;
- 38 ▶ establishes policy related to conservation;
- 39 ▶ addresses coordination of state conservation efforts, including authorizing
- 40 agreements;
- 41 ▶ repeals the Quality Growth Commission and replaces the commission with the Land
- 42 Conservation Board, including moving the board within the Department of
- 43 Agriculture and Food, addressing the board's powers and duties, and moving
- 44 definitions related to housing;
- 45 ▶ modifies the LeRay McAllister Critical Land Conservation Program, including
- 46 addressing local action in some circumstances;
- 47 ▶ creates the Division of Conservation within the Department of Agriculture and
- 48 Food;
- 49 ▶ provides for coordination of conservation efforts;
- 50 ▶ addresses rulemaking authority, including requiring rulemaking related to
- 51 off-highway vehicles, clarifying rulemaking by the Division of Outdoor Recreation,
- 52 and rulemaking related to grants;
- 53 ▶ modifies sunset and repeal dates;
- 54 ▶ modifies definition provisions;
- 55 ▶ provides for transition; and
- 56 ▶ makes technical and conforming changes.

57 **Money Appropriated in this Bill:**

58 This bill appropriates in fiscal year 2023:

59 ▶ to the Department of Natural Resources -- Pass Through, as an ongoing
60 appropriation:

61 • from General Fund, \$130,000;

62 ▶ to the Department of Natural Resources -- Recreation Management, as an ongoing
63 appropriation:

64 • from General Fund, \$150,000;

65 ▶ to the Department of Agriculture and Food -- Conservation, as an ongoing
66 appropriation:

67 • from General Fund, \$120,000;

68 ▶ to the Governor's Office of Economic Opportunity, as an ongoing appropriation:

69 • from General Fund, (\$338,700); and

70 ▶ to the Department of Natural Resources -- Recreation Management, as an ongoing
71 appropriation:

72 • from General Fund, \$338,700.

73 **Other Special Clauses:**

74 This bill provides a special effective date.

75 This bill provides revisor instructions.

76 **Utah Code Sections Affected:**

77 AMENDS:

78 **4-2-103**, as last amended by Laws of Utah 2018, Chapter 200

79 **4-18-102**, as last amended by Laws of Utah 2021, Chapter 178

80 **4-18-105**, as last amended by Laws of Utah 2019, Chapter 178

81 **9-9-112**, as enacted by Laws of Utah 2021, Chapter 380 and last amended by
82 Coordination Clause, Laws of Utah 2021, Chapter 280

83 **23-14-14.2**, as enacted by Laws of Utah 2007, Chapter 189

84 **35A-8-2105**, as renumbered and amended by Laws of Utah 2018, Chapter 182

85 **41-1a-418**, as last amended by Laws of Utah 2021, Chapters 219, 280, and 378

- 86 **41-1a-422**, as last amended by Laws of Utah 2021, Chapters 219, 280, and 378
- 87 **41-6a-1509**, as last amended by Laws of Utah 2021, Chapter 280
- 88 **41-22-2**, as last amended by Laws of Utah 2021, Chapter 280
- 89 **41-22-5.1**, as last amended by Laws of Utah 2021, Chapter 280
- 90 **41-22-5.5**, as last amended by Laws of Utah 2021, Chapter 280
- 91 **41-22-8**, as last amended by Laws of Utah 2021, Chapter 280
- 92 **41-22-10**, as last amended by Laws of Utah 2021, Chapter 280
- 93 **41-22-10.7**, as last amended by Laws of Utah 2021, Chapter 280
- 94 **41-22-19**, as last amended by Laws of Utah 2012, Chapter 71
- 95 **41-22-31**, as last amended by Laws of Utah 2021, Chapter 280
- 96 **41-22-33**, as last amended by Laws of Utah 2021, Chapter 280
- 97 **41-22-35**, as last amended by Laws of Utah 2021, Chapter 280
- 98 **53-2a-1102**, as last amended by Laws of Utah 2021, Chapter 395
- 99 **57-14-204**, as last amended by Laws of Utah 2021, Chapter 280
- 100 **59-13-201**, as last amended by Laws of Utah 2021, Chapter 280
- 101 **59-21-2**, as last amended by Laws of Utah 2021, Chapter 280
- 102 **59-28-103**, as last amended by Laws of Utah 2021, Chapter 280
- 103 **63C-21-201**, as last amended by Laws of Utah 2021, Chapter 280
- 104 **63C-21-202**, as last amended by Laws of Utah 2021, Chapter 280
- 105 **63I-1-241**, as last amended by Laws of Utah 2020, Chapters 84 and 154
- 106 **63I-1-263**, as last amended by Laws of Utah 2021, Chapters 70, 72, 84, 90, 171, 196,
107 260, 280, 282, 345, 382, 401, 421 and last amended by Coordination Clause, Laws
108 of Utah 2021, Chapter 382
- 109 **63I-1-273**, as last amended by Laws of Utah 2021, Chapter 229
- 110 **63I-1-279**, as last amended by Laws of Utah 2021, Chapter 280
- 111 **63I-2-204**, as last amended by Laws of Utah 2018, Chapter 51
- 112 **63I-2-279**, as enacted by Laws of Utah 2021, Chapter 280
- 113 **63J-1-601**, as last amended by Laws of Utah 2021, Chapter 280

114 **63J-1-602.2**, as last amended by Laws of Utah 2021, Chapters 179, 344, 412, 421, and
115 424
116 **63L-7-104**, as last amended by Laws of Utah 2021, Chapter 280
117 **63L-11-402**, as last amended by Laws of Utah 2021, Chapters 184, 280 and
118 renumbered and amended by Laws of Utah 2021, Chapter 382 and last amended by
119 Coordination Clause, Laws of Utah 2021, Chapter 382
120 **63N-3-602**, as enacted by Laws of Utah 2021, Chapter 411
121 **65A-3-1**, as last amended by Laws of Utah 2021, Chapter 280
122 **65A-10-2**, as last amended by Laws of Utah 2021, Chapter 280
123 **72-11-204**, as last amended by Laws of Utah 2021, Chapter 280
124 **73-3-31**, as last amended by Laws of Utah 2021, Chapter 280
125 **73-18-2**, as last amended by Laws of Utah 2021, Chapter 280
126 **73-18-3.5**, as last amended by Laws of Utah 2021, Chapter 280
127 **73-18-4**, as last amended by Laws of Utah 2021, Chapter 280
128 **73-18-7**, as last amended by Laws of Utah 2021, Chapters 135 and 280
129 **73-18-8**, as last amended by Laws of Utah 2021, Chapter 280
130 **73-18-11**, as last amended by Laws of Utah 2021, Chapter 280
131 **73-18-13**, as last amended by Laws of Utah 2021, Chapter 280
132 **73-18-13.5**, as last amended by Laws of Utah 2021, Chapter 280
133 **73-18-15**, as last amended by Laws of Utah 2021, Chapter 280
134 **73-18-16**, as last amended by Laws of Utah 2021, Chapter 280
135 **73-18a-1**, as last amended by Laws of Utah 2021, Chapter 280
136 **73-18a-4**, as last amended by Laws of Utah 2021, Chapter 280
137 **73-18a-5**, as last amended by Laws of Utah 2021, Chapter 280
138 **73-18a-12**, as last amended by Laws of Utah 2021, Chapter 280
139 **73-18b-1**, as last amended by Laws of Utah 2021, Chapter 280
140 **73-18c-102**, as last amended by Laws of Utah 2021, Chapter 280
141 **73-18c-201**, as last amended by Laws of Utah 2021, Chapter 280

- 142 [77-2-4.3](#), as last amended by Laws of Utah 2021, Chapter 280
- 143 [78A-5-110](#), as last amended by Laws of Utah 2021, Chapter 280
- 144 [78A-7-120](#), as last amended by Laws of Utah 2021, Chapter 280
- 145 [79-2-201](#), as last amended by Laws of Utah 2021, Chapters 280 and 382
- 146 [79-2-202](#), as last amended by Laws of Utah 2020, Chapter 352
- 147 [79-2-206](#), as enacted by Laws of Utah 2021, Chapter 280 and further amended by
- 148 Revisor Instructions, Laws of Utah 2021, Chapter 280
- 149 [79-4-203](#), as last amended by Laws of Utah 2021, Chapter 280
- 150 [79-4-1103](#), as last amended by Laws of Utah 2021, Chapter 282
- 151 [79-5-102](#), as last amended by Laws of Utah 2021, Chapter 280
- 152 [79-5-501](#), as last amended by Laws of Utah 2021, Chapter 280
- 153 [79-5-503](#), as last amended by Laws of Utah 2011, Chapter 342
- 154 [79-6-302](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 155 [79-6-505](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 156 [79-6-605](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 157 [79-7-102](#), as enacted by Laws of Utah 2021, Chapter 280
- 158 [79-7-201](#), as enacted by Laws of Utah 2021, Chapter 280
- 159 [79-7-203](#), as enacted by Laws of Utah 2021, Chapter 280
- 160 [79-8-102](#), as enacted by Laws of Utah 2021, Chapter 280
- 161 [79-8-103](#), as enacted by Laws of Utah 2021, Chapter 280
- 162 [79-8-106](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 163 [79-8-201](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 164 [79-8-202](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 165 [79-8-302](#), as renumbered and amended by Laws of Utah 2021, Chapter 280
- 166 [79-8-303](#), as last amended by Laws of Utah 2021, Chapter 282 and renumbered and
- 167 amended by Laws of Utah 2021, Chapter 280 and last amended by Coordination
- 168 Clause, Laws of Utah 2021, Chapter 280
- 169 [79-8-304](#), as renumbered and amended by Laws of Utah 2021, Chapter 280

170 ENACTS:

171 **4-46-101**, Utah Code Annotated 1953

172 **4-46-103**, Utah Code Annotated 1953

173 **4-46-104**, Utah Code Annotated 1953

174 **4-46-201**, Utah Code Annotated 1953

175 **4-46-401**, Utah Code Annotated 1953

176 **4-46-402**, Utah Code Annotated 1953

177 **4-46-403**, Utah Code Annotated 1953

178 **79-1-104**, Utah Code Annotated 1953

179 **79-7-206**, Utah Code Annotated 1953

180 RENUMBERS AND AMENDS:

181 **4-46-102**, (Renumbered from 11-38-102, as last amended by Laws of Utah 2021,
182 Chapters 181 and 344)

183 **4-46-202**, (Renumbered from 11-38-202, as last amended by Laws of Utah 2021,
184 Chapter 181)

185 **4-46-301**, (Renumbered from 11-38-301, as last amended by Laws of Utah 2009,
186 Chapter 368)

187 **4-46-302**, (Renumbered from 11-38-302, as last amended by Laws of Utah 2021,
188 Chapter 181)

189 **4-46-303**, (Renumbered from 11-38-304, as last amended by Laws of Utah 2017,
190 Chapter 51)

191 **79-7-103**, (Renumbered from 63N-9-103, as renumbered and amended by Laws of Utah
192 2015, Chapter 283)

193 **79-7-303**, (Renumbered from 79-4-404, as renumbered and amended by Laws of Utah
194 2009, Chapter 344)

195 **79-8-401**, (Renumbered from 63N-9-202, as last amended by Laws of Utah 2021,
196 Chapter 280)

197 **79-8-402**, (Renumbered from 63N-9-203, as last amended by Laws of Utah 2021,

198 Chapter 282)

199 REPEALS:

200 **11-38-101**, as enacted by Laws of Utah 1999, Chapter 24

201 **11-38-201**, as last amended by Laws of Utah 2021, Chapter 382

202 **11-38-203**, as last amended by Laws of Utah 2021, Chapter 382

203 **63N-9-101**, as renumbered and amended by Laws of Utah 2015, Chapter 283

204 **63N-9-102**, as last amended by Laws of Utah 2021, Chapter 280

205 **63N-9-104**, as last amended by Laws of Utah 2021, Chapters 282 and 382

206 **63N-9-105**, as last amended by Laws of Utah 2016, Chapter 88

207 **63N-9-106**, as last amended by Laws of Utah 2021, Chapters 280 and 282

208 **63N-9-201**, as enacted by Laws of Utah 2016, Chapter 88

209 **79-5-201**, as last amended by Laws of Utah 2021, Chapter 280

210 **79-5-202**, as last amended by Laws of Utah 2010, Chapters 256 and 286

211 **79-7-101**, as enacted by Laws of Utah 2021, Chapter 280

212 **79-8-104**, as enacted by Laws of Utah 2021, Chapter 280

213 **79-8-105**, as renumbered and amended by Laws of Utah 2021, Chapter 280

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

215 **4-46-104**, Utah Code Annotated 1953

216 **79-2-206**, as enacted by Laws of Utah 2021, Chapter 280 and further amended by

217 Revisor Instructions, Laws of Utah 2021, Chapter 280



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

220 Section 1. Section **4-2-103** is amended to read:

221 **4-2-103. Functions, powers, and duties of department -- Fees for services --**

222 **Marketing orders -- Procedure -- Purchasing and auditing.**

223 (1) The department shall:

224 (a) inquire into and promote the interests and products of agriculture and allied

225 industries;

226 (b) promote methods for increasing the production and facilitating the distribution of
227 the agricultural products of the state;

228 (c) (i) inquire into the cause of contagious, infectious, and communicable diseases
229 among livestock and the means for their prevention and cure; and

230 (ii) initiate, implement, and administer plans and programs to prevent the spread of
231 diseases among livestock;

232 (d) encourage experiments designed to determine the best means and methods for the
233 control of diseases among domestic and wild animals;

234 (e) issue marketing orders for any designated agricultural product to:

235 (i) promote orderly market conditions for any product;

236 (ii) give the producer a fair return on the producer's investment at the marketplace; and

237 (iii) only promote and not restrict or restrain the marketing of Utah agricultural
238 commodities;

239 (f) administer and enforce all laws assigned to the department by the Legislature;

240 (g) establish standards and grades for agricultural products and fix and collect
241 reasonable fees for services performed by the department in conjunction with the grading of
242 agricultural products;

243 (h) establish operational standards for any establishment that manufactures, processes,
244 produces, distributes, stores, sells, or offers for sale any agricultural product;

245 (i) adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
246 rules necessary for the effective administration of the agricultural laws of the state;

247 (j) when necessary, make investigations, subpoena witnesses and records, conduct
248 hearings, issue orders, and make recommendations concerning [aH] matters related to
249 agriculture;

250 (k) (i) inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse, or any
251 private or public place that may become infested or infected with harmful insects, plant
252 diseases, noxious or poisonous weeds, or other agricultural pests;

253 (ii) establish and enforce quarantines;

254 (iii) issue and enforce orders and rules for the control and eradication of pests,
255 wherever they may exist within the state; and

256 (iv) perform other duties relating to plants and plant products considered advisable and
257 not contrary to law;

258 (l) inspect apiaries for diseases inimical to bees and beekeeping;

259 (m) take charge of any agricultural exhibit within the state, if considered necessary by
260 the department, and award premiums at that exhibit;

261 (n) [assist] provide for the coordination of state conservation efforts, including by:

262 (i) assisting the Conservation Commission in the administration of [~~Title 4,~~] Chapter
263 18, Conservation Commission Act[~~, and administer and disburse any funds~~];

264 (ii) implementing Chapter 46, Conservation Coordination Act, including entering into
265 agreements with other state agencies; and

266 (iii) administering and disbursing money available to assist conservation districts in the
267 state in the conservation of the state's soil and water resources;

268 (o) participate in the United States Department of Agriculture certified agricultural
269 mediation program, in accordance with 7 U.S.C. Sec. 5101 and 7 C.F.R. Part 785;

270 (p) promote and support the multiple use of public lands;

271 (q) ensure that any training or certification required of a public official or public
272 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
273 22, State Training and Certification Requirements, if the training or certification is required:

274 (i) under this title;

275 (ii) by the department; or

276 (iii) by an [~~agency or division~~] entity within the department; and

277 (r) perform any additional functions, powers, and duties provided by law.

278 (2) The department, by following the procedures and requirements of Section
279 [63J-1-504](#), may adopt a schedule of fees assessed for services provided by the department.

280 (3) (a) [~~No~~] A marketing order issued under Subsection (1)(e) [~~shall~~] may not take
281 effect until:

282 (i) the department gives notice of the proposed order to the producers and handlers of
283 the affected product;

284 (ii) the commissioner conducts a hearing on the proposed order; and

285 (iii) at least 50% of the registered producers and handlers of the affected products vote
286 in favor of the proposed order.

287 (b) (i) The department may establish boards of control to administer marketing orders
288 and the proceeds derived from any order.

289 (ii) A board of control shall:

290 (A) ensure that [aH] proceeds are placed in an account in the board of control's name in
291 a depository institution; and

292 (B) ensure that the account is annually audited by an accountant approved by the
293 commissioner.

294 (4) [~~Funds~~] Money collected by grain grading, as provided by Subsection (1)(g), shall
295 be deposited into the General Fund as dedicated credits for the grain grading program.

296 (5) In fulfilling [~~its~~] the department's duties in this chapter, the department may:

297 (a) purchase, as authorized or required by law, services that the department is
298 responsible to provide for legally eligible persons;

299 (b) take necessary steps, including legal action, to recover money or the monetary value
300 of services provided to a recipient who is not eligible;

301 (c) examine and audit the expenditures of any public funds provided to a local
302 authority, agency, or organization that contracts with or receives funds from those authorities or
303 agencies; and

304 (d) accept and administer grants from the federal government and from other sources,
305 public or private.

306 Section 2. Section **4-18-102** is amended to read:

307 **4-18-102. Findings and declarations -- Duties.**

308 (1) [~~The~~] In addition to the policy provided in Section [4-46-101](#), the Legislature finds
309 and declares that:

310 (a) the soil and water resources of this state constitute one of the state's basic assets;
311 and

312 (b) the preservation of soil and water resources requires planning and programs to
313 ensure:

314 (i) the development and [~~utilization~~] use of soil and water resources; and

315 (ii) soil and water resources' protection from the adverse effects of wind and water
316 erosion, sediment, and sediment related pollutants.

317 (2) The Legislature finds that local production of food is essential for:

318 (a) the security of the state's food supply; and

319 (b) the self-sufficiency of the state's citizens.

320 (3) The Legislature finds that sustainable agriculture is critical to:

321 (a) the success of rural communities;

322 (b) the historical culture of the state;

323 (c) maintaining healthy farmland;

324 (d) maintaining high water quality;

325 (e) maintaining abundant wildlife;

326 (f) high-quality recreation for citizens of the state; and

327 (g) helping to stabilize the state economy.

328 (4) The Legislature finds that livestock grazing on public lands is important for the
329 proper management, maintenance, and health of public lands in the state.

330 (5) The Legislature encourages each agricultural producer in the state to operate in a
331 reasonable and responsible manner to maintain the integrity of soil, water, and air.

332 (6) The department shall administer the Utah Agriculture Certificate of Environmental
333 Stewardship Program, created in Section [4-18-107](#), to encourage each agricultural producer in
334 this state to operate in a reasonable and responsible manner to maintain the integrity of the
335 state's resources.

336 (7) The Legislature finds that soil health is essential to protecting the state's soil and
337 water resources, bolstering the state's food supply, and sustaining the state's agricultural

338 industry.

339 Section 3. Section **4-18-105** is amended to read:

340 **4-18-105. Conservation Commission -- Functions and duties.**

341 (1) The commission shall:

342 (a) facilitate the development and implementation of the strategies and programs
343 necessary to:

344 (i) protect, conserve, use, and develop the soil, water, and air resources of the state; and

345 (ii) promote the protection, integrity, and restoration of land for agricultural and other
346 beneficial purposes;

347 (b) disseminate information regarding districts' activities and programs;

348 (c) supervise the formation, reorganization, or dissolution of districts according to the
349 requirements of Title 17D, Chapter 3, Conservation District Act;

350 (d) prescribe uniform accounting and recordkeeping procedures for districts and
351 require each district to submit annually the information required in Section **17D-3-103**;

352 (e) approve and make loans for agricultural purposes, through the loan advisory
353 [~~subcommittee~~] board described in Section **4-18-106**, from the Agriculture Resource
354 Development Fund;

355 (f) seek to obtain and administer federal or state money in accordance with applicable
356 federal or state guidelines and make loans or grants from that money to an eligible entity, as
357 defined by the department by rule made in accordance with Title 63G, Chapter 3, Utah
358 Administrative Rulemaking Act, for the preservation of soil, water, and air resources, or for a
359 reason set forth in Section **4-18-108**;

360 (g) seek to coordinate soil and water protection, conservation, and development
361 activities and programs of state agencies, local governmental units, other states, special interest
362 groups, and federal agencies; [~~and~~]

363 (h) when assigned by the governor, when required by contract with the Department of
364 Environmental Quality, or when required by contract with the United States Environmental
365 Protection Agency:

- 366 (i) develop programs for the prevention, control, or abatement of new or existing
367 pollution to the soil, water, or air of the state;
- 368 (ii) advise, consult, and cooperate with affected parties to further the purpose of this
369 chapter;
- 370 (iii) conduct studies, investigations, research, and demonstrations relating to
371 agricultural pollution issues;
- 372 (iv) give reasonable consideration in the exercise of its powers and duties to the
373 economic impact on sustainable agriculture;
- 374 (v) meet the requirements of federal law related to water and air pollution in the
375 exercise of the commission's powers and duties; and
- 376 (vi) establish administrative penalties relating to agricultural discharges as defined in
377 Section [4-18-103](#) that are proportional to the seriousness of the resulting environmental
378 harm[-]; and
- 379 (i) coordinate with the Division of Conservation created in Section [4-46-401](#).
- 380 (2) The commission may:
- 381 (a) employ, with the approval of the department, an administrator and necessary
382 technical experts and employees;
- 383 (b) execute contracts or other instruments necessary to exercise the commission's
384 powers;
- 385 (c) take necessary action to promote and enforce the purpose and findings of Section
386 [4-18-102](#);
- 387 (d) sue and be sued; and
- 388 (e) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative
389 Rulemaking Act, necessary to carry out the powers and duties described in Subsection (1) and
390 Subsections (2)(b) and (c).

391 Section 4. Section **4-46-101** is enacted to read:

392 **CHAPTER 46. CONSERVATION COORDINATION ACT**

393 **Part 1. General Provisions**

394 4-46-101. Policy.

395 It is the policy of this state that land conservation should be promoted to protect the
396 state's agricultural industry and natural resources.

397 Section 5. Section **4-46-102**, which is renumbered from Section 11-38-102 is
398 renumbered and amended to read:

399 ~~[11-38-102].~~ 4-46-102. Definitions.

400 As used in this chapter:

401 ~~[(1) "Affordable housing" means housing occupied or reserved for occupancy by~~
402 ~~households with a gross household income equal to or less than 80% of the median gross~~
403 ~~income of the applicable municipal or county statistical area for households of the same size.]~~

404 ~~[(2)]~~ (1) "Agricultural land" has the same meaning as "land in agricultural use" under
405 Section 59-2-502.

406 ~~[(3) "Brownfield sites" means abandoned, idled, or underused commercial or industrial~~
407 ~~land where expansion or redevelopment is complicated by real or perceived environmental~~
408 ~~contamination.]~~

409 ~~[(4)]~~ (2) ~~["Commission" means the Quality Growth Commission]~~ "Board" means the
410 Land Conservation Board established in Section ~~[11-38-201]~~ 4-46-201.

411 ~~[(5) "Infill development" means residential, commercial, or industrial development on~~
412 ~~unused or underused land, excluding open land and agricultural land, within existing, otherwise~~
413 ~~developed urban areas:]~~

414 (3) "Conservation commission" means the Conservation Commission created in
415 Section 4-18-104.

416 (4) "Conservation district" means a limited purpose local government entity created
417 under Title 17D, Chapter 3, Conservation District Act.

418 (5) "Director" means the director of the Division of Conservation.

419 (6) "Division" means the Division of Conservation created in Section 4-46-401.

420 (7) "Land use authority" means:

421 (a) a land use authority, as defined in Section 10-9a-103, of a municipality; or

422 (b) a land use authority, as defined in Section 17-27a-103, of a county.

423 [(6)] (8) "Local entity" means a county, city, or town.

424 [(7)] (9) (a) "Open land" means land that is:

425 (i) preserved in or restored to a predominantly natural, open, and undeveloped
426 condition; and

427 (ii) used for:

428 (A) wildlife habitat;

429 (B) cultural or recreational use;

430 (C) watershed protection; or

431 (D) another use consistent with the preservation of the land in or restoration of the land
432 to a predominantly natural, open, and undeveloped condition.

433 (b) (i) "Open land" does not include land whose predominant use is as a developed
434 facility for active recreational activities, including baseball, tennis, soccer, golf, or other
435 sporting or similar activity.

436 (ii) The condition of land does not change from a natural, open, and undeveloped
437 condition because of the development or presence on the land of facilities, including trails,
438 waterways, and grassy areas, that:

439 (A) enhance the natural, scenic, or aesthetic qualities of the land; or

440 (B) facilitate the public's access to or use of the land for the enjoyment of ~~[its]~~ the
441 land's natural, scenic, or aesthetic qualities and for compatible recreational activities.

442 [(8)] (10) "Program" means the LeRay McAllister Critical Land Conservation Program
443 established in Section ~~[11-38-301]~~ 4-46-301.

444 [(9)] "~~Surplus land~~" means ~~real property owned by the Department of Government~~
445 ~~Operations, the Department of Agriculture and Food, the Department of Natural Resources, or~~
446 ~~the Department of Transportation that the individual department determines not to be necessary~~
447 ~~for carrying out the mission of the department.]~~

448 (11) (a) "State conservation efforts" includes:

449 (i) efforts to optimize and preserve the uses of land for the benefit of the state's

450 agricultural industry and natural resources; and

451 (ii) conservation of working landscapes that if conserved, preserves the state's
452 agricultural industry and natural resources, such as working agricultural land.

453 (b) "State conservation efforts" does not include the purpose of opening private
454 property to public access without the consent of the owner of the private property.

455 ~~[(10)]~~ (12) (a) "Working agricultural land" means agricultural land for which an owner
456 or producer engages in the activity of producing for commercial purposes crops, orchards,
457 livestock, poultry, aquaculture, livestock products, or poultry products and the facilities,
458 equipment, and property used to facilitate the activity.

459 (b) "Working agricultural land" includes an agricultural protection area established
460 under Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials
461 Protection Areas.

462 Section 6. Section **4-46-103** is enacted to read:

463 **4-46-103. Application of chapter to wildlife issues.**

464 This chapter may not be construed or applied to supersede or interfere with the powers
465 and duties of the Division of Wildlife Resources or the Wildlife Board under Title 23, Wildlife
466 Resources Code of Utah, over:

467 (1) conservation and management of protected wildlife within the state;

468 (2) a program or initiative to restore and conserve habitat for fish and wildlife; or

469 (3) acquisition, ownership, management, and control of real property or a real property
470 interest, including a leasehold estate, an easement, a right-of-way, or a conservation easement.

471 Section 7. Section **4-46-104** is enacted to read:

472 **4-46-104. Transition.**

473 (1) A grant that is entered into or issued by the Quality Growth Commission on or
474 before July 1, 2022, remains in effect, except that:

475 (a) the agency administrating the grant shall be transferred to the board in the same
476 manner as the statutory responsibility is transferred under this bill; and

477 (b) the grant is subject to the terms of the grant and may be terminated under the terms

478 of the grant.

479 (2) In accordance with this bill, the department assumes the policymaking functions,
480 regulatory, and enforcement powers, rights, and duties of the Quality Growth Commission
481 existing on June 30, 2022.

482 Section 8. Section **4-46-201** is enacted to read:

483 **Part 2. Land Conservation Board**

484 **4-46-201. Land Conservation Board.**

485 (1) There is created a Land Conservation Board consisting of:

486 (a) the director of the Division of Conservation or the director's designee;

487 (b) the commissioner of the Department of Agriculture and Food or the commissioner's
488 designee;

489 (c) the executive director of the Governor's Office of Planning and Budget, or the
490 executive director's designee;

491 (d) four elected officials at the local government level, two of whom may not be
492 residents of a county of the first or second class; and

493 (e) seven persons from the profit and nonprofit private sector:

494 (i) two of whom may not be residents of a county of the first or second class;

495 (ii) one of whom shall be from the residential construction industry, nominated by an
496 association representing Utah home builders;

497 (iii) one of whom shall be from the real estate industry, nominated by an association
498 representing Utah realtors;

499 (iv) one representative of an association representing farmers, selected from a list of
500 nominees submitted by at least one association representing farmers;

501 (v) one representative of an association representing cattlemen, selected from a list of
502 nominees submitted by at least one association representing cattlemen;

503 (vi) one representative of an association representing wool growers, selected from a list
504 of nominees submitted by at least one association representing wool growers;

505 (vii) one representative of land trusts; and

506 (viii) one representative of an association representing conservation districts created
507 under Title 17D, Chapter 3, Conservation District Act, selected from a list of nominees
508 submitted by at least one association representing conservation districts.

509 (2) (a) The governor shall appoint a board member under Subsection (1)(d) or (e) with
510 the advice and consent of the Senate.

511 (b) The governor shall select:

512 (i) two of the four members under Subsection (1)(d) from a list of names provided by
513 the Utah League of Cities and Towns; and

514 (ii) two of the four members under Subsection (1)(d) from a list of names provided by
515 the Utah Association of Counties.

516 (3) (a) The term of office of a member appointed under Subsection (1)(d) or (e) is four
517 years.

518 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
519 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
520 board members are staggered so that approximately half of the board is appointed every two
521 years.

522 (c) A member of the board appointed under Subsection (1)(d) or (e) may not serve
523 more than two consecutive four-year terms.

524 (4) A mid-term vacancy shall be filled for the unexpired term in the same manner as an
525 appointment under Subsection (2).

526 (5) (a) Subject to Subsection (5)(b), board members shall elect a chair from their
527 number and establish rules for the organization and operation of the board.

528 (b) The board member who is chair may not vote during the board member's tenure as
529 chair, except the chair may vote if there is a tie vote of board members.

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

532 (a) Section [63A-3-106](#);

533 (b) Section [63A-3-107](#); and

534 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 535 63A-3-107.

536 (7) A member is not required to give bond for the performance of official duties.

537 (8) Staff services to the board shall be provided by the Division of Conservation.

538 Section 9. Section ~~4-46-202~~, which is renumbered from Section 11-38-202 is
 539 renumbered and amended to read:

540 ~~[11-38-202].~~ 4-46-202. Board duties and powers -- No regulatory
 541 authority -- Criteria.

542 (1) The ~~[commission]~~ board shall:

543 ~~[(a) make recommendations to the Legislature on how to define more specifically~~
 544 ~~quality growth areas within the general guidelines provided to the commission by the~~
 545 ~~Legislature;]~~

546 ~~[(b) advise the Legislature on growth management issues;]~~

547 ~~[(c) make recommendations to the Legislature on refinements to this chapter;]~~

548 ~~[(d) conduct a review in 2002 and each year thereafter to determine progress statewide~~
 549 ~~on accomplishing the purposes of this chapter, and give a report of each review to the Political~~
 550 ~~Subdivisions Interim Committee of the Legislature by November 30 of the year of the review;]~~

551 ~~[(e)]~~ (a) administer the program as provided in this chapter; and

552 ~~[(f) assist as many local entities as possible, at their request, to identify principles of~~
 553 ~~growth that the local entity may consider implementing to help achieve the highest possible~~
 554 ~~quality of growth for that entity;]~~

555 ~~[(g)]~~ (b) fulfill other responsibilities imposed on the ~~[commission]~~ board by the
 556 Legislature~~;~~ and.

557 ~~[(h) fulfill all other duties imposed on the commission by this chapter.]~~

558 ~~[(2) The commission may sell, lease, or otherwise dispose of equipment or personal~~
 559 ~~property belonging to the program, the proceeds from which shall return to the fund.]~~

560 ~~[(3)]~~ (2) The ~~[commission]~~ board may not exercise any regulatory authority.

561 ~~[(4)]~~ (3) In carrying out the ~~[commission's]~~ board's powers and duties under this

562 chapter, the [~~commission~~] board shall adopt ranking criteria that is substantially similar to the
563 ranking criteria used by the Agriculture Conservation Easement Program and Agriculture Land
564 Easement as determined by the Natural Resources Conservation Service under the United
565 States Department of Agriculture.

566 Section 10. Section ~~4-46-301~~, which is renumbered from Section 11-38-301 is
567 renumbered and amended to read:

568 **Part 3. LeRay McAllister Critical Land Conservation Program**

569 [~~11-38-301~~]. **4-46-301. LeRay McAllister Critical Land Conservation**
570 **Program.**

571 (1) There is created a program entitled the "LeRay McAllister Critical Land
572 Conservation Program."

573 (2) Funding for the program shall be a line item in the budget of the [~~Quality Growth~~
574 ~~Commission~~] board. The line item shall be nonlapsing.

575 Section 11. Section ~~4-46-302~~, which is renumbered from Section 11-38-302 is
576 renumbered and amended to read:

577 [~~11-38-302~~]. **4-46-302. Use of money in program -- Criteria --**
578 **Administration.**

579 (1) Subject to Subsection (2), the [~~commission~~] board may authorize the use of money
580 in the program, by grant, to:

581 (a) a local entity;

582 (b) the Department of Natural Resources created under Section [79-2-201](#);

583 (c) [~~the Department of Agriculture and Food created under Section [4-2-102](#)~~] an entity
584 within the department; or

585 (d) a charitable organization that qualifies as being tax exempt under Section 501(c)(3),
586 Internal Revenue Code.

587 (2) (a) The money in the program shall be used for preserving or restoring open land
588 and agricultural land.

589 (b) (i) Except as provided in Subsection (2)(b)(ii), money from the program may not be

590 used to purchase a fee interest in real property [~~in order~~] to preserve open land or agricultural
591 land, but may be used to establish a conservation easement under Title 57, Chapter 18, Land
592 Conservation Easement Act, or to fund similar methods to preserve open land or agricultural
593 land.

594 (ii) Notwithstanding Subsection (2)(b)(i), money from the [~~fund~~] program may be used
595 to purchase a fee interest in real property to preserve open land or agricultural land if:

596 (A) the parcel to be purchased is no more than 20 acres in size; and

597 (B) with respect to a parcel purchased in a county in which over 50% of the land area is
598 publicly owned, real property roughly equivalent in size and located within that county is
599 contemporaneously transferred to private ownership from the governmental entity that
600 purchased the fee interest in real property.

601 (iii) Eminent domain may not be used or threatened in connection with any purchase
602 using money from the program.

603 (iv) A parcel of land larger than 20 acres in size may not be divided into separate
604 parcels smaller than 20 acres each to meet the requirement of Subsection (2)(b)(ii).

605 (c) A local entity, department, or organization under Subsection (1) may not receive
606 money from the program unless the local entity, department, or organization provides matching
607 funds equal to or greater than the amount of money received from the program.

608 (d) In granting money from the program, the [~~commission~~] board may impose
609 conditions on the recipient as to how the money is to be spent.

610 (e) The [~~commission~~] board shall give priority to:

611 (i) working agricultural land; and

612 (ii) after giving priority to working agricultural land under Subsection (2)(e)(i),
613 requests from the Department of Natural Resources for up to 20% of each annual increase in
614 the amount of money in the program if the money is used for the protection of wildlife or
615 watershed.

616 (f) (i) The [~~commission~~] board may not make a grant from the program that exceeds
617 \$1,000,000 until after making a report to the Legislative Management Committee about the

618 grant.

619 (ii) The Legislative Management Committee may make a recommendation to the
620 [~~commission~~] board concerning the intended grant, but the recommendation is not binding on
621 the [~~commission~~] board.

622 (3) In determining the amount and type of financial assistance to provide [~~an~~] a local
623 entity, department, or organization under Subsection (1) and subject to Subsection (2)(f), the
624 [~~commission~~] board shall consider:

625 (a) the nature and amount of open land and agricultural land proposed to be preserved
626 or restored;

627 (b) the qualities of the open land and agricultural land proposed to be preserved or
628 restored;

629 (c) the cost effectiveness of the project to preserve or restore open land or agricultural
630 land;

631 (d) the funds available;

632 (e) the number of actual and potential applications for financial assistance and the
633 amount of money sought by those applications;

634 (f) the open land preservation plan of the local entity where the project is located and
635 the priority placed on the project by that local entity;

636 (g) the effects on housing affordability and diversity; and

637 (h) whether the project protects against the loss of private property ownership.

638 (4) If a local entity, department, or organization under Subsection (1) seeks money
639 from the program for a project whose purpose is to protect critical watershed, the [~~commission~~]
640 board shall require that the needs and quality of that project be verified by the state engineer.

641 (5) An interest in real property purchased with money from the program shall be held
642 and administered by the state or a local entity.

643 (6) (a) The board may not authorize the use of money under this section for a project
644 unless the land use authority for the land in which the project is located consents to the project.

645 (b) To obtain consent to a project, the person who is seeking money from the program

646 shall submit a request for consent to a project with the applicable land use authority. The land
647 use authority may grant or deny consent. If the land use authority does not take action within 60
648 days from the day on which the request for consent is filed with the land use authority under
649 this Subsection (6), the board shall treat the project as having the consent of the land use
650 authority.

651 (c) An action of a land use authority under this Subsection (6) is not a land use decision
652 subject to:

653 (i) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or

654 (ii) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

655 Section 12. Section **4-46-303**, which is renumbered from Section 11-38-304 is
656 renumbered and amended to read:

657 ~~[11-38-304].~~ **4-46-303. Board to report annually.**

658 The [commission] board shall submit an annual report to the Infrastructure and General
659 Government and Natural Resources, Agriculture, and Environmental Quality Appropriations
660 Subcommittees:

661 (1) specifying the amount of each disbursement from the program;

662 (2) identifying the recipient of each disbursement and describing the project for which
663 money was disbursed; and

664 (3) detailing the conditions, if any, placed by the [commission] board on disbursements
665 from the program.

666 Section 13. Section **4-46-401** is enacted to read:

667 **Part 4. Division of Conservation**

668 **4-46-401. Division of Conservation created -- Director.**

669 (1) Within the department there is created the Division of Conservation.

670 (2) (a) The director is the executive and administrative head of the division.

671 (b) The director shall administer this part subject to the administration and general
672 supervision of the commissioner.

673 (3) The division shall coordinate state conservation efforts by:

- 674 (a) staffing the board created in Section 4-46-201;
- 675 (b) coordinating with a conservation district in accordance with Section 4-46-402;
- 676 (c) coordinating with an agency or division within the department, the Department of
- 677 Natural Resources, other state agencies, counties, cities, towns, local land trust entities, and
- 678 federal agencies;
- 679 (d) facilitating obtaining federal funds in addition to state funds used for state
- 680 conservation efforts;
- 681 (e) monitoring and providing for the management of conservation easements on state
- 682 lands, including coordination with the Division of Wildlife Resources in the Division of
- 683 Wildlife Resources' administration of Section 23-14-14.2; and
- 684 (f) implementing rules made by the department in accordance with Title 63G, Chapter
- 685 3, Utah Administrative Rulemaking Act, and Section 4-46-403.

686 (4) The division may cooperate with, or enter into agreements with, other agencies of

687 this state and federal agencies in the administration and enforcement of this chapter.

688 Section 14. Section 4-46-402 is enacted to read:

689 **4-46-402. Training -- Coordination with conservation districts.**

690 (1) The division shall provide training to the conservation commission concerning:

691 (a) funding state conservation efforts; and

692 (b) coordinating state conservation efforts.

693 (2) The division shall work with the conservation commission in coordinating with a

694 conservation district.

695 Section 15. Section 4-46-403 is enacted to read:

696 **4-46-403. Conservation rules.**

697 The department may make rules, in accordance with Title 63G, Chapter 3, Utah

698 Administrative Rulemaking Act, to:

699 (1) establish requirements for the training described in Section 4-46-402; and

700 (2) establish the procedures the division shall follow in coordinating state conservation

701 efforts.

702 Section 16. Section **9-9-112** is amended to read:

703 **9-9-112. Bears Ears Visitor Center Advisory Committee.**

704 (1) Utah extends an invitation to the Navajo Nation, the Ute Mountain Ute Tribe, the
705 Hopi Nation, the Zuni Tribe, and the Ute Indian Tribe of the Uintah Ouray to form an advisory
706 committee for the purpose of exploring the feasibility, location, functions, and other important
707 matters surrounding the creation of a visitor center at Bears Ears.

708 (2) As used in this section:

709 (a) "Advisory committee" means the Bears Ears Visitor Center Advisory Committee
710 created by this section.

711 (b) "Bears Ears" means the Bears Ears National Monument.

712 (3) (a) Subject to Subsection (3)(b), there is created the Bears Ears Visitor Center
713 Advisory Committee consisting of the following eight members:

714 (i) five voting members as follows:

715 (A) a representative of the Navajo Nation, appointed by the Navajo Nation;

716 (B) a representative of the Ute Mountain Ute Tribe, appointed by the Ute Mountain
717 Ute Tribe;

718 (C) a representative of the Hopi Nation, appointed by the Hopi Nation;

719 (D) a representative of the Zuni Tribe, appointed by the Zuni Tribe; and

720 (E) a representative of the Ute Indian Tribe of the Uintah Ouray, appointed by the Ute
721 Indian Tribe of the Uintah Ouray; and

722 (ii) subject to Subsection (4), three nonvoting members as follows:

723 (A) one member of the Senate, appointed by the president of the Senate; and

724 (B) two members of the House of Representatives, appointed by the speaker of the
725 House of Representatives.

726 (b) The advisory committee is formed when all of the tribes described in Subsection (1)
727 have communicated to the other tribes and to the Division of Indian Affairs that the tribe has
728 appointed a member to the advisory committee.

729 (4) At least one of the three legislative members appointed under Subsection (3)(a)(ii)

730 shall be from a minority party.

731 (5) The advisory committee may select from the advisory committee members the chair
732 or other officers of the advisory committee.

733 (6) (a) If a vacancy occurs in the membership of the advisory committee appointed
734 under Subsection (3), the member shall be replaced in the same manner in which the original
735 appointment was made.

736 (b) A member appointed under Subsection (3) serves until the member's successor is
737 appointed and qualified.

738 (7) (a) A majority of the voting members of the advisory committee constitutes a
739 quorum.

740 (b) The action of a majority of a quorum constitutes an action of the advisory
741 committee.

742 (8) (a) The salary and expenses of an advisory committee member who is a legislator
743 shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative
744 Compensation and Expenses.

745 (b) An advisory committee member who is not a legislator may not receive
746 compensation or benefits for the member's service on the advisory committee, but may receive
747 per diem and reimbursement for travel expenses incurred as an advisory committee member at
748 the rates established by the Division of Finance under:

749 (i) Sections 63A-3-106 and 63A-3-107; and

750 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
751 63A-3-107.

752 (9) The advisory committee may invite the United States Forest Service, the Bureau of
753 Land Management, the Division of State Parks, the Division of Outdoor Recreation, and the
754 Utah Office of Tourism within the Governor's Office of Economic Opportunity, to serve as
755 technical advisors to the advisory committee.

756 (10) The Division of Indian Affairs shall staff the advisory committee.

757 (11) The advisory committee shall study and make recommendations concerning:

- 758 (a) the need for a visitor center associated with Bears Ears;
- 759 (b) the feasibility of a visitor center associated with Bears Ears, including investigating:
- 760 (i) potential locations for the visitor center;
- 761 (ii) purposes for the visitor center; and
- 762 (iii) sources of funding to build and maintain the visitor center;
- 763 (c) whether a visitor center will increase visitorship to Bears Ears; and
- 764 (d) whether a visitor center at Bears Ears could function as a repository of traditional
- 765 knowledge and practices.

766 (12) The advisory committee may contract with one or more consultants to conduct
 767 work related to the issues raised in Subsection (11) if the Legislature appropriates money
 768 expressly for the purpose of the advisory committee contracting with a consultant.

769 (13) The advisory committee shall hold at least one public hearing to obtain public
 770 comment on the creation of a Bears Ears visitor center.

771 (14) The advisory committee shall report the advisory committee's recommendations to
 772 one or more of the following:

- 773 (a) the Economic Development and Workforce Services Interim Committee;
- 774 (b) the House Economic Development and Workforce Services Committee; or
- 775 (c) the Senate Economic Development and Workforce Services Committee.

776 Section 17. Section ~~23-14-14.2~~ is amended to read:

777 **23-14-14.2. Wildlife Resources Conservation Easement Restricted Account.**

778 (1) There is created within the General Fund a restricted account known as the
 779 "Wildlife Resources Conservation Easement Account."

780 (2) The Wildlife Resources Conservation Easement Account consists of:

- 781 (a) grants from private foundations;
- 782 (b) grants from local governments, the state, or the federal government;
- 783 (c) grants from the [~~Quality Growth Commission~~] Land Conservation Board created
- 784 under Section [~~11-38-201~~] 4-46-201;

785 (d) donations from landowners for monitoring and managing conservation easements;

786 (e) donations from any other person; and

787 (f) interest on account money.

788 (3) Upon appropriation by the Legislature, the Division of Wildlife Resources shall use
789 money from the account to monitor and manage conservation easements held by the division.

790 (4) The division may not receive or expend donations from the account to acquire
791 conservation easements.

792 Section 18. Section **35A-8-2105** is amended to read:

793 **35A-8-2105. Allocation of volume cap.**

794 (1) (a) Subject to Subsection (1)(b), the volume cap for each year shall be distributed
795 by the board of review to the allotment accounts as described in Section [35A-8-2106](#).

796 (b) The board of review may distribute up to 50% of each increase in the volume cap
797 for use in development that occurs in quality growth areas, depending upon the board's analysis
798 of the relative need for additional volume cap between development in quality growth areas
799 and the allotment accounts under Section [35A-8-2106](#).

800 (2) To obtain an allocation of the volume cap, issuing authorities shall submit to the
801 board of review an application containing information required by the procedures and
802 processes of the board of review.

803 (3) (a) The board of review shall establish criteria for making allocations of volume
804 cap that are consistent with the purposes of the code and this part.

805 (b) In making an allocation of volume cap the board of review shall consider the
806 following:

807 (i) the principal amount of the bonds proposed to be issued;

808 (ii) the nature and the location of the project or the type of program;

809 (iii) the likelihood that the bonds will be sold and the timeframe of bond issuance;

810 (iv) whether the project or program could obtain adequate financing without an
811 allocation of volume cap;

812 (v) the degree to which an allocation of volume cap is required for the project or
813 program to proceed or continue;

814 (vi) the social, health, economic, and educational effects of the project or program on
815 the local community and state as a whole;

816 (vii) the anticipated economic development created or retained within the local
817 community and the state as a whole;

818 (viii) the anticipated number of jobs, both temporary and permanent, created or
819 retained within the local community and the state as a whole; and

820 (ix) if the project is a residential rental project, the degree to which the residential
821 rental project:

822 (A) targets lower income populations; and

823 (B) is accessible housing[~~;~~and].

824 [~~(x) whether the project meets the principles of quality growth recommended by the~~
825 ~~Quality Growth Commission created in Section 11-38-201.~~]

826 (4) The board of review shall provide evidence of an allocation of volume cap by
827 issuing a certificate in accordance with Section 35A-8-2107.

828 (5) (a) From January 1 to June 30 of each year, the board of review shall set aside at
829 least 50% of the Small Issue Bond Account that may only be allocated to manufacturing
830 projects.

831 (b) From July 1 to August 15 of each year, the board of review shall set aside at least
832 50% of the Pool Account that may only be allocated to manufacturing projects.

833 Section 19. Section 41-1a-418 is amended to read:

834 **41-1a-418. Authorized special group license plates.**

835 (1) The division shall only issue special group license plates in accordance with this
836 section through Section 41-1a-422 to a person who is specified under this section within the
837 categories listed as follows:

838 (a) disability special group license plates issued in accordance with Section 41-1a-420;

839 (b) honor special group license plates, as in a war hero, which plates are issued for a:

840 (i) survivor of the Japanese attack on Pearl Harbor;

841 (ii) former prisoner of war;

- 842 (iii) recipient of a Purple Heart;
- 843 (iv) disabled veteran;
- 844 (v) recipient of a gold star award issued by the United States Secretary of Defense; or
- 845 (vi) recipient of a campaign or combat theater award determined by the Department of
- 846 Veterans and Military Affairs;
- 847 (c) unique vehicle type special group license plates, as for historical, collectors value,
- 848 or other unique vehicle type, which plates are issued for:
 - 849 (i) a special interest vehicle;
 - 850 (ii) a vintage vehicle;
 - 851 (iii) a farm truck; or
 - 852 (iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as
 - 853 defined in Section 59-13-102; or
 - 854 (B) beginning on the effective date of rules made by the Department of Transportation
 - 855 authorized under Subsection 41-6a-702(5)(b) and until Subsection (4) applies, a vehicle
 - 856 powered by clean fuel that meets the standards established by the Department of Transportation
 - 857 in rules authorized under Subsection 41-6a-702(5)(b);
 - 858 (d) recognition special group license plates, which plates are issued for:
 - 859 (i) a current member of the Legislature;
 - 860 (ii) a current member of the United States Congress;
 - 861 (iii) a current member of the National Guard;
 - 862 (iv) a licensed amateur radio operator;
 - 863 (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;
 - 864 (vi) an emergency medical technician;
 - 865 (vii) a current member of a search and rescue team;
 - 866 (viii) a current honorary consulate designated by the United States Department of
 - 867 State;
 - 868 (ix) an individual supporting commemoration and recognition of women's suffrage;
 - 869 (x) an individual supporting a fraternal, initiatic order for those sharing moral and

870 metaphysical ideals, and designed to teach ethical and philosophical matters of brotherly love,
871 relief, and truth;

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

873 (xii) an individual supporting the recognition and continuation of the work and life of
874 Dr. Martin Luther King, Jr.; or

875 (e) support special group license plates, as for a contributor to an institution or cause,
876 which plates are issued for a contributor to:

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

878 (ii) the Division of Wildlife Resources;

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

880 (iv) [~~the Division of State Parks or~~] the Division of Outdoor Recreation;

881 (v) the Department of Agriculture and Food;

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

883 (vii) the Boy Scouts of America;

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

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

886 (x) Utah public education;

887 (xi) programs that provide support to organizations that create affordable housing for
888 those in severe need through the Division of Real Estate;

889 (xii) the Department of Public Safety;

890 (xiii) programs that support Zion National Park;

891 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
892 organizations;

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

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

895 (xvii) programs that create or support autism awareness;

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

- 898 (xix) until September 30, 2017, programs that conduct or support prostate cancer
899 awareness, screening, detection, or prevention;
- 900 (xx) programs that support and promote adoptions;
- 901 (xxi) programs that support issues affecting women and children through an
902 organization affiliated with a national professional men's basketball organization;
- 903 (xxii) programs that strengthen youth soccer, build communities, and promote
904 environmental sustainability through an organization affiliated with a professional men's soccer
905 organization;
- 906 (xxiii) programs that support children with heart disease;
- 907 (xxiv) programs that support the operation and maintenance of the Utah Law
908 Enforcement Memorial;
- 909 (xxv) programs that provide assistance to children with cancer;
- 910 (xxvi) programs that promote leadership and career development through agricultural
911 education;
- 912 (xxvii) the Utah State Historical Society;
- 913 (xxviii) programs to transport veterans to visit memorials honoring the service and
914 sacrifices of veterans;
- 915 (xxix) programs that promote motorcycle safety awareness;
- 916 (xxx) organizations that promote clean air through partnership, education, and
917 awareness;
- 918 (xxxi) programs dedicated to strengthening the state's Latino community through
919 education, mentoring, and leadership opportunities;
- 920 (xxxii) organizations dedicated to facilitating, connecting, registering, and advocating
921 for organ donors and donor families; or
- 922 (xxxiii) public education on behalf of the Kiwanis International clubs.
- 923 (2) (a) The division may not issue a new type of special group license plate or decal
924 unless the division receives:
- 925 (i) (A) a private donation for the start-up fee established under Section [63J-1-504](#) for

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

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

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

934 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and
935 hold applications for support special group license plates or decals authorized in Section
936 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications.

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

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

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

947 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
948 registration of a motor vehicle that has been issued a firefighter recognition special group
949 license plate unless the applicant is a contributor as defined in Subsection
950 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

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

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

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

958 (3) Beginning on July 1, 2011, if a support special group license plate or decal type
959 authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500
960 license plates issued each year for a three consecutive year time period that begins on July 1,
961 the division may not issue that type of support special group license plate or decal to a new
962 applicant beginning on January 1 of the following calendar year after the three consecutive year
963 time period for which that type of support special group license plate or decal has fewer than
964 500 license plates issued each year.

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

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

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

972 Section 20. Section 41-1a-422 is amended to read:

973 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
974 **contribution collection procedures.**

975 (1) As used in this section:

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

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

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

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

982 access, and management of wildlife habitat;

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

984 (E) the Division of Outdoor Recreation for the benefit of snowmobile programs;

985 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
986 the donation evenly divided between the two;

987 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America
988 council as specified by the contributor;

989 (H) No More Homeless Pets in Utah for distribution to organizations or individuals
990 that provide spay and neuter programs that subsidize the sterilization of domestic animals;

991 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
992 development programs;

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

994 (K) the Utah Housing Opportunity Restricted Account created in Section [61-2-204](#) to
995 assist people who have severe housing needs;

996 (L) the Public Safety Honoring Heroes Restricted Account created in Section [53-1-118](#)
997 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
998 Safety employees;

999 (M) the Division of [~~State Parks~~] Outdoor Recreation for distribution to organizations
1000 that provide support for Zion National Park;

1001 (N) the Firefighter Support Restricted Account created in Section [53-7-109](#) to support
1002 firefighter organizations;

1003 (O) the Share the Road Bicycle Support Restricted Account created in Section
1004 [72-2-127](#) to support bicycle operation and safety awareness programs;

1005 (P) the Cancer Research Restricted Account created in Section [26-21a-302](#) to support
1006 cancer research programs;

1007 (Q) Autism Awareness Restricted Account created in Section [53F-9-401](#) to support
1008 autism awareness programs;

1009 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account

1010 created in Section 9-17-102 to support humanitarian service and educational and cultural
1011 programs;

1012 (S) Upon renewal of a prostate cancer support special group license plate, to the Cancer
1013 Research Restricted Account created in Section 26-21a-302 to support cancer research
1014 programs;

1015 (T) the Choose Life Adoption Support Restricted Account created in Section
1016 62A-4a-608 to support programs that promote adoption;

1017 (U) the National Professional Men's Basketball Team Support of Women and Children
1018 Issues Restricted Account created in Section 62A-1-202;

1019 (V) the Utah Law Enforcement Memorial Support Restricted Account created in
1020 Section 53-1-120;

1021 (W) the Children with Cancer Support Restricted Account created in Section
1022 26-21a-304 for programs that provide assistance to children with cancer;

1023 (X) the National Professional Men's Soccer Team Support of Building Communities
1024 Restricted Account created in Section 9-19-102;

1025 (Y) the Children with Heart Disease Support Restricted Account created in Section
1026 26-58-102;

1027 (Z) the Utah Intracurricular Student Organization Support for Agricultural Education
1028 and Leadership Restricted Account created in Section 4-42-102;

1029 (AA) the Division of Wildlife Resources for the Support for State-Owned Shooting
1030 Ranges Restricted Account created in Section 23-14-13.5, for the creation of new, and
1031 operation and maintenance of existing, state-owned firearm shooting ranges;

1032 (BB) the Utah State Historical Society to further the mission and purpose of the Utah
1033 State Historical Society;

1034 (CC) the Motorcycle Safety Awareness Support Restricted Account created in Section
1035 72-2-130;

1036 (DD) the Transportation of Veterans to Memorials Support Restricted Account created
1037 in Section 71-14-102;

1038 (EE) clean air support causes, with half of the donation deposited into the Clean Air
1039 Support Restricted Account created in Section 19-1-109, and half of the donation deposited
1040 into the Clean Air Fund created in Section 59-10-1319;

1041 (FF) the Latino Community Support Restricted Account created in Section 13-1-16;

1042 (GG) the Allyson Gamble Organ Donation Contribution Fund created in Section
1043 26-18b-101; or

1044 (HH) public education on behalf of the Kiwanis International clubs, with the amount of
1045 the donation required to cover the costs of issuing, ordering, or reordering Kiwanis support
1046 special group plates, as determined by the State Tax Commission, deposited into the Kiwanis
1047 Education Support Fund created in Section 53F-9-403, and all remaining donation amounts
1048 deposited into the Education Fund.

1049 (ii) (A) For a veterans special group license plate described in Subsection (4) or
1050 41-1a-421(1)(a)(v) [~~or 41-1a-422(4)~~], "contributor" means a person who has donated or in
1051 whose name at least a \$25 donation at the time of application and \$10 annual donation
1052 thereafter has been made.

1053 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a
1054 person who:

1055 (I) has donated or in whose name at least \$30 has been donated at the time of
1056 application and annually after the time of application; and

1057 (II) is a member of a trade organization for real estate licensees that has more than
1058 15,000 Utah members.

1059 (C) For an Honoring Heroes special group license plate, "contributor" means a person
1060 who has donated or in whose name at least \$35 has been donated at the time of application and
1061 annually thereafter.

1062 (D) For a firefighter support special group license plate, "contributor" means a person
1063 who:

1064 (I) has donated or in whose name at least \$15 has been donated at the time of
1065 application and annually after the time of application; and

1066 (II) is a currently employed, volunteer, or retired firefighter.

1067 (E) For a cancer research special group license plate, "contributor" means a person who
1068 has donated or in whose name at least \$35 has been donated at the time of application and
1069 annually after the time of application.

1070 (F) For a Utah Law Enforcement Memorial Support special group license plate,
1071 "contributor" means a person who has donated or in whose name at least \$35 has been donated
1072 at the time of application and annually thereafter.

1073 (b) "Institution" means a state institution of higher education as defined under Section
1074 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or
1075 national accrediting agency recognized by the United States Department of Education.

1076 (2) (a) An applicant for original or renewal collegiate special group license plates under
1077 Subsection (1)(a)(i) must be a contributor to the institution named in the application and
1078 present the original contribution verification form under Subsection (2)(b) or make a
1079 contribution to the division at the time of application under Subsection (3).

1080 (b) An institution with a support special group license plate shall issue to a contributor
1081 a verification form designed by the commission containing:

1082 (i) the name of the contributor;

1083 (ii) the institution to which a donation was made;

1084 (iii) the date of the donation; and

1085 (iv) an attestation that the donation was for a scholastic scholarship.

1086 (c) The state auditor may audit each institution to verify that the money collected by the
1087 institutions from contributors is used for scholastic scholarships.

1088 (d) After an applicant has been issued collegiate license plates or renewal decals, the
1089 commission shall charge the institution whose plate was issued, a fee determined in accordance
1090 with Section [63J-1-504](#) for management and administrative expenses incurred in issuing and
1091 renewing the collegiate license plates.

1092 (e) If the contribution is made at the time of application, the contribution shall be
1093 collected, treated, and deposited as provided under Subsection (3).

1094 (3) (a) An applicant for original or renewal support special group license plates under
1095 this section must be a contributor to the sponsoring organization associated with the license
1096 plate.

1097 (b) This contribution shall be:

1098 (i) unless collected by the named institution under Subsection (2), collected by the
1099 division;

1100 (ii) considered a voluntary contribution for the funding of the activities specified under
1101 this section and not a motor vehicle registration fee;

1102 (iii) deposited into the appropriate account less actual administrative costs associated
1103 with issuing the license plates; and

1104 (iv) for a firefighter special group license plate, deposited into the appropriate account
1105 less:

1106 (A) the costs of reordering firefighter special group license plate decals; and

1107 (B) the costs of replacing recognition special group license plates with new license
1108 plates under Subsection 41-1a-1211(13).

1109 (c) The donation described in Subsection (1)(a) must be made in the 12 months [~~prior~~
1110 ~~to~~] before registration or renewal of registration.

1111 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to
1112 the division when issuing original:

1113 (i) snowmobile license plates; or

1114 (ii) conservation license plates.

1115 (4) Veterans license plates shall display one of the symbols representing the Army,
1116 Navy, Air Force, Marines, Coast Guard, or American Legion.

1117 Section 21. Section **41-6a-1509** is amended to read:

1118 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**

1119 **Registration and licensing requirements -- Equipment requirements.**

1120 (1) (a) Except as provided in Subsection (1)(b), an individual may operate an all-terrain
1121 type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that meets the

1122 requirements of this section as a street-legal ATV on a street or highway.

1123 (b) An individual may not operate an all-terrain type I vehicle, all-terrain type II
1124 vehicle, or all-terrain type III vehicle as a street-legal ATV on a highway if:

1125 (i) the highway is an interstate system as defined in Section 72-1-102; or

1126 (ii) the highway is in a county of the first class and both of the following criterion is
1127 met:

1128 (A) the highway is near a grade separated portion of the highway; and

1129 (B) the highway has a posted speed limit higher than 50 miles per hour.

1130 (c) Nothing in this section authorizes the operation of a street-legal ATV in an area that
1131 is not open to motor vehicle use.

1132 (2) A street-legal ATV shall comply with Section 59-2-405.2, Subsection
1133 41-1a-205(1), Subsection 53-8-205(1)(b), and the same requirements as:

1134 (a) a motorcycle for:

1135 (i) traffic rules under [~~Title 41, Chapter 6a, Traffic Code~~] this chapter;

1136 (ii) titling, odometer statement, vehicle identification, license plates, and registration,
1137 excluding registration fees, under [~~Title 41,~~] Chapter 1a, Motor Vehicle Act; and

1138 (iii) the county motor vehicle emissions inspection and maintenance programs under
1139 Section 41-6a-1642;

1140 (b) a motor vehicle for:

1141 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and

1142 (ii) motor vehicle insurance under [~~Title 41,~~] Chapter 12a, Financial Responsibility of
1143 Motor Vehicle Owners and Operators Act; and

1144 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under
1145 [~~Title 41, Chapter 22, Off-Highway Vehicles, and Title 41,~~] Chapter 22, Off-highway Vehicles,
1146 and Chapter 3, Motor Vehicle Business Regulation Act, unless otherwise specified in this
1147 section.

1148 (3) (a) The owner of an all-terrain type I vehicle being operated as a street-legal ATV
1149 shall ensure that the vehicle is equipped with:

- 1150 (i) one or more headlamps that meet the requirements of Section 41-6a-1603;
- 1151 (ii) one or more tail lamps;
- 1152 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
1153 with a white light;
- 1154 (iv) one or more red reflectors on the rear;
- 1155 (v) one or more stop lamps on the rear;
- 1156 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 1157 (vii) a braking system, other than a parking brake, that meets the requirements of
1158 Section 41-6a-1623;
- 1159 (viii) a horn or other warning device that meets the requirements of Section
1160 41-6a-1625;
- 1161 (ix) a muffler and emission control system that meets the requirements of Section
1162 41-6a-1626;
- 1163 (x) rearview mirrors on the right and left side of the driver in accordance with Section
1164 41-6a-1627;
- 1165 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 1166 (xii) a speedometer, illuminated for nighttime operation;
- 1167 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
1168 seat designed for passengers; and
- 1169 (xiv) tires that:
- 1170 (A) are not larger than the tires that the all-terrain vehicle manufacturer made available
1171 for the all-terrain vehicle model; and
- 1172 (B) have at least 2/32 inches or greater tire tread.
- 1173 (b) The owner of an all-terrain type II vehicle or all-terrain type III vehicle being
1174 operated as a street-legal all-terrain vehicle shall ensure that the vehicle is equipped with:
- 1175 (i) two headlamps that meet the requirements of Section 41-6a-1603;
- 1176 (ii) two tail lamps;
- 1177 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate

- 1178 with a white light;
- 1179 (iv) one or more red reflectors on the rear;
- 1180 (v) two stop lamps on the rear;
- 1181 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 1182 (vii) a braking system, other than a parking brake, that meets the requirements of
- 1183 Section 41-6a-1623;
- 1184 (viii) a horn or other warning device that meets the requirements of Section
- 1185 41-6a-1625;
- 1186 (ix) a muffler and emission control system that meets the requirements of Section
- 1187 41-6a-1626;
- 1188 (x) rearview mirrors on the right and left side of the driver in accordance with Section
- 1189 41-6a-1627;
- 1190 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 1191 (xii) a speedometer, illuminated for nighttime operation;
- 1192 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
- 1193 seat designed for passengers;
- 1194 (xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle
- 1195 occupant;
- 1196 (xv) a seat with a height between 20 and 40 inches when measured at the forward edge
- 1197 of the seat bottom; and
- 1198 (xvi) tires that:
- 1199 (A) do not exceed 44 inches in height; and
- 1200 (B) have at least 2/32 inches or greater tire tread.
- 1201 (c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle
- 1202 with wheel covers, mudguards, flaps, or splash aprons.
- 1203 (4) (a) Subject to the requirements of Subsection (4)(b), an operator of a street-legal
- 1204 all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not
- 1205 exceed the lesser of:

1206 (i) the posted speed limit; or

1207 (ii) 50 miles per hour.

1208 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal
1209 all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:

1210 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the
1211 roadway; and

1212 (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the
1213 front and back of both sides of the vehicle.

1214 (5) (a) A nonresident operator of an off-highway vehicle that is authorized to be
1215 operated on the highways of another state has the same rights and privileges as a street-legal
1216 ATV that is granted operating privileges on the highways of this state, subject to the
1217 restrictions under this section and rules made by the Division of Outdoor Recreation, after
1218 [~~consulting~~] notifying the Outdoor Adventure Commission, if the other state offers reciprocal
1219 operating privileges to Utah residents.

1220 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1221 Division of Outdoor Recreation, after [~~consultation with~~] notifying the Outdoor Adventure
1222 Commission, shall establish eligibility requirements for reciprocal operating privileges for
1223 nonresident users granted under Subsection (5)(a).

1224 (6) Nothing in this chapter restricts the owner of an off-highway vehicle from operating
1225 the off-highway vehicle in accordance with Section [41-22-10.5](#).

1226 (7) A violation of this section is an infraction.

1227 Section 22. Section **41-22-2** is amended to read:

1228 **41-22-2. Definitions.**

1229 As used in this chapter:

1230 (1) "Advisory council" means [~~the Off-highway Vehicle Advisory Council~~] an advisory
1231 council appointed by the Division of Outdoor Recreation that has within the advisory council's
1232 duties advising on policies related to the use of off-highway vehicles.

1233 (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width,

1234 having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure
1235 tires, having a seat designed to be straddled by the operator, and designed for or capable of
1236 travel over unimproved terrain.

1237 (3) (a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width,
1238 traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a
1239 rollover protection system, and designed for or capable of travel over unimproved terrain, and
1240 is:

1241 (i) an electric-powered vehicle; or

1242 (ii) a vehicle powered by an internal combustion engine and has an unladen dry weight
1243 of 2,500 pounds or less.

1244 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to
1245 carry a person with a disability, any vehicle not specifically designed for recreational use, or
1246 farm tractors as defined under Section [41-1a-102](#).

1247 (4) (a) "All-terrain type III vehicle" means any other motor vehicle, not defined in
1248 Subsection (2), (3), (12), or (22), designed for or capable of travel over unimproved terrain.

1249 (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to
1250 carry a person with a disability, any vehicle not specifically designed for recreational use, or
1251 farm tractors as defined under Section [41-1a-102](#).

1252 (5) "Commission" means the Outdoor Adventure Commission.

1253 (6) "Cross-country" means across natural terrain and off an existing highway, road,
1254 route, or trail.

1255 (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at
1256 wholesale or retail.

1257 (8) "Division" means the Division of Outdoor Recreation.

1258 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed
1259 for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of
1260 10 pounds per square inch or less as recommended by the vehicle manufacturer.

1261 (10) "Manufacturer" means a person engaged in the business of manufacturing

1262 off-highway vehicles.

1263 (11) (a) "Motor vehicle" means every vehicle which is self-propelled.

1264 (b) "Motor vehicle" includes an off-highway vehicle.

1265 (12) "Motorcycle" means every motor vehicle having a saddle for the use of the
1266 operator and designed to travel on not more than two tires.

1267 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,
1268 all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is used by
1269 the owner or the owner's agent for agricultural operations.

1270 (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,
1271 all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle.

1272 (15) "Operate" means to control the movement of or otherwise use an off-highway
1273 vehicle.

1274 (16) "Operator" means the person who is in actual physical control of an off-highway
1275 vehicle.

1276 (17) "Organized user group" means an off-highway vehicle organization incorporated
1277 as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit
1278 Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.

1279 (18) "Owner" means a person, other than a person with a security interest, having a
1280 property interest or title to an off-highway vehicle and entitled to the use and possession of that
1281 vehicle.

1282 (19) "Public land" means land owned or administered by any federal or state agency or
1283 any political subdivision of the state.

1284 (20) "Register" means the act of assigning a registration number to an off-highway
1285 vehicle.

1286 (21) "Roadway" is used as defined in Section [41-6a-102](#).

1287 (22) "Snowmobile" means any motor vehicle designed for travel on snow or ice and
1288 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

1289 (23) "Street or highway" means the entire width between boundary lines of every way

1290 or place of whatever nature, when any part of it is open to the use of the public for vehicular
1291 travel.

1292 (24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as
1293 defined in Section [41-6a-102](#).

1294 Section 23. Section **41-22-5.1** is amended to read:

1295 **41-22-5.1. Rules of division relating to display of registration stickers.**

1296 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1297 division, after [~~consultation with~~] notifying the commission, shall make rules for the display of
1298 a registration sticker on an off-highway vehicle in accordance with Section [41-22-3](#).

1299 Section 24. Section **41-22-5.5** is amended to read:

1300 **41-22-5.5. Off-highway husbandry vehicles.**

1301 (1) (a) (i) The owner of an all-terrain type I vehicle, motorcycle, all-terrain type II
1302 vehicle, all-terrain type III vehicle, or snowmobile used for agricultural purposes may apply to
1303 the Motor Vehicle Division for an off-highway implement of husbandry sticker.

1304 (ii) Each application under Subsection (1)(a)(i) shall be accompanied by:

1305 (A) evidence of ownership;

1306 (B) a title or a manufacturer's certificate of origin; and

1307 (C) a signed statement certifying that the off-highway vehicle is used for agricultural
1308 purposes.

1309 (iii) The owner shall receive an off-highway implement of husbandry sticker upon
1310 production of:

1311 (A) the documents required under this Subsection (1); and

1312 (B) payment of an off-highway implement of husbandry sticker fee established by the
1313 division, after [~~consultation with~~] notifying the commission, not to exceed \$10.

1314 (b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or
1315 highways, it shall also be registered under Section [41-22-3](#).

1316 (c) The off-highway implement of husbandry sticker shall be displayed in a manner
1317 prescribed by the division and shall identify the all-terrain type I vehicle, motorcycle, all-terrain

1318 type II vehicle, all-terrain type III vehicle, or snowmobile as an off-highway implement of
1319 husbandry.

1320 (2) The off-highway implement of husbandry sticker is valid only for the life of the
1321 ownership of the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type
1322 III vehicle, or snowmobile and is not transferable.

1323 (3) The off-highway implement of husbandry sticker is valid for an all-terrain type I
1324 vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile that is
1325 being operated adjacent to a roadway:

1326 (a) when the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain
1327 type III vehicle, or snowmobile is only being used to travel from one parcel of land owned,
1328 operated, permitted, or leased for agricultural purposes by the owner of the vehicle to another
1329 parcel of land owned, operated, permitted, or leased for agricultural purposes by the owner; and

1330 (b) when this operation is necessary for the furtherance of agricultural purposes.

1331 (4) If the operation of an off-highway implement of husbandry adjacent to a roadway is
1332 impractical, it may be operated on the roadway if the operator exercises due care towards
1333 conventional motor vehicle traffic.

1334 (5) It is unlawful to operate an off-highway implement of husbandry along, across, or
1335 within the boundaries of an interstate freeway.

1336 (6) A violation of this section is an infraction.

1337 Section 25. Section **41-22-8** is amended to read:

1338 **41-22-8. Registration fees.**

1339 (1) The division, after [~~consultation with~~] notifying the commission, shall establish the
1340 fees [~~which~~] that shall be paid in accordance with this chapter, subject to the following:

1341 (a) (i) Except as provided in Subsection (1)(a)(ii) or (iii), the fee for each off-highway
1342 vehicle registration may not exceed \$35.

1343 (ii) The fee for each snowmobile registration may not exceed \$26.

1344 (iii) The fee for each street-legal all-terrain vehicle may not exceed \$72.

1345 (b) The fee for each duplicate registration card may not exceed \$3.

1346 (c) The fee for each duplicate registration sticker may not exceed \$5.

1347 (2) A fee may not be charged for an off-highway vehicle that is owned and operated by
1348 the United States Government, this state, or its political subdivisions.

1349 (3) (a) In addition to the fees under this section, Section 41-22-33, and Section
1350 41-22-34, the Motor Vehicle Division shall require a person to pay one dollar to register an
1351 off-highway vehicle under Section 41-22-3.

1352 (b) The Motor Vehicle Division shall deposit the fees the Motor Vehicle Division
1353 collects under Subsection (3)(a) into the Spinal Cord and Brain Injury Rehabilitation Fund
1354 described in Section 26-54-102.

1355 Section 26. Section 41-22-10 is amended to read:

1356 **41-22-10. Powers of division relating to off-highway vehicles.**

1357 [(†)] The division may:

1358 [(a)] (1) appoint and seek recommendations from the [~~Off-highway Vehicle Advisory~~
1359 ~~Council~~] advisory council representing the various off-highway vehicle, conservation, and
1360 other appropriate interests; and

1361 [(b)] (2) adopt a uniform marker and sign system for use by agents of appropriate
1362 federal, state, county, and city agencies in areas of off-highway vehicle use.

1363 [~~(2) The division shall receive and distribute voluntary contributions collected under~~
1364 ~~Section 41-1a-230.6 in accordance with Section 41-22-19.5.]~~

1365 Section 27. Section 41-22-10.7 is amended to read:

1366 **41-22-10.7. Vehicle equipment requirements -- Rulemaking -- Exceptions.**

1367 (1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped
1368 with:

1369 (a) brakes adequate to control the movement of and to stop and hold the vehicle under
1370 normal operating conditions;

1371 (b) headlights and taillights when operated between sunset and sunrise;

1372 (c) a noise control device and except for a snowmobile, a spark arrestor device; and

1373 (d) when operated on sand dunes designated by the division, a safety flag that is:

- 1374 (i) red or orange in color;
 - 1375 (ii) a minimum of six by 12 inches; and
 - 1376 (iii) attached to:
 - 1377 (A) the off-highway vehicle so that the safety flag is at least eight feet above the
 - 1378 surface of level ground; or
 - 1379 (B) the protective headgear of a person operating a motorcycle so that the safety flag is
 - 1380 at least 18 inches above the top of the person's head.
 - 1381 (2) A violation of Subsection (1) is an infraction.
 - 1382 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 - 1383 division may make rules, after ~~[consultation with]~~ notifying the commission, which set
 - 1384 standards for the equipment and which designate sand dunes where safety flags are required
 - 1385 under Subsection (1).
 - 1386 (4) An off-highway implement of husbandry used only in agricultural operations and
 - 1387 not operated on a highway, is exempt from the provisions of this section.
- 1388 Section 28. Section **41-22-19** is amended to read:
- 1389 **41-22-19. Deposit of fees and related money in Off-highway Vehicle Account --**
- 1390 **Use for facilities, costs and expenses of division, and education -- Request for matching**
- 1391 **funds.**
- 1392 (1) Except as provided under Subsections (3) and (4) and Sections [41-22-34](#) and
 - 1393 [41-22-36](#), ~~[all]~~ registration fees and related money collected by the Motor Vehicle Division or
 - 1394 any agencies designated to act for the Motor Vehicle Division under this chapter shall be
 - 1395 deposited as restricted revenue in the Off-highway Vehicle Account in the General Fund less
 - 1396 the costs of collecting off-highway vehicle registration fees by the Motor Vehicle Division.
 - 1397 The balance of the money may be used by the division ~~[as follows]~~:
 - 1398 (a) for the construction, improvement, operation, acquisition, or maintenance of
 - 1399 publicly owned or administered off-highway vehicle facilities, including public access
 - 1400 facilities;
 - 1401 (b) for the mitigation of impacts associated with off-highway vehicle use;

1402 ~~[(e) as grants or as matching funds with any federal agency, state agency, political~~
1403 ~~subdivision of the state, or organized user group for the construction, improvement, operation,~~
1404 ~~acquisition, or maintenance of publicly owned or administered off-highway vehicle facilities~~
1405 ~~including public access facilities;]~~

1406 ~~[(d) for the administration and enforcement of the provisions of this chapter; and]~~

1407 ~~[(e)]~~ (c) for the education of off-highway vehicle users[-];

1408 (d) for off-highway vehicle access protection;

1409 (e) to support off-highway vehicle search and rescue activities and programs;

1410 (f) to promote and encourage off-highway vehicle tourism;

1411 (g) for other uses that further the policy set forth in Section [41-22-1](#);

1412 (h) as grants or matching funds with a federal agency, state agency, political
1413 subdivision of the state, or organized user group for any of the uses described in Subsections
1414 (1)(a) through (g); and

1415 (i) for the administration and enforcement of this chapter.

1416 (2) ~~[All agencies or political subdivisions]~~ An agency or political subdivision
1417 requesting matching funds shall submit plans for proposed off-highway vehicle facilities to the
1418 division for review and approval.

1419 (3) (a) One dollar and 50 cents of each annual registration fee collected under
1420 Subsection [41-22-8](#)(1) and each off-highway vehicle user fee collected under Subsection
1421 [41-22-35](#)(2) shall be deposited in the Land Grant Management Fund created under Section
1422 [53C-3-101](#).

1423 (b) The Utah School and Institutional Trust Lands Administration shall use the money
1424 deposited under Subsection (3)(a) for costs associated with off-highway vehicle use of legally
1425 accessible lands within its jurisdiction as follows:

1426 (i) to improve recreational opportunities on trust lands by constructing, improving,
1427 maintaining, or perfecting access for off-highway vehicle trails; and

1428 (ii) to mitigate impacts associated with off-highway vehicle use.

1429 (c) ~~[Any]~~ An unused balance of the money deposited under Subsection (3)(a)

1430 exceeding \$350,000 at the end of each fiscal year shall be deposited in the Off-highway
1431 Vehicle Account under Subsection (1).

1432 (4) One dollar of each off-highway vehicle registration fee collected under Subsection
1433 [41-22-8](#)(1) shall be deposited in the Utah Highway Patrol Aero Bureau Restricted Account
1434 created in Section [53-8-303](#).

1435 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1436 division, after notifying the commission, shall make rules as necessary to implement this
1437 section.

1438 Section 29. Section **41-22-31** is amended to read:

1439 **41-22-31. Division to set standards for safety program -- Safety certificates issued**
1440 **-- Cooperation with public and private entities -- State immunity from suit.**

1441 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1442 the division shall make rules, after [~~consultation with~~] notifying the commission, that establish
1443 curriculum standards for a comprehensive off-highway vehicle safety education and training
1444 program and shall implement this program.

1445 (b) The program shall be designed to develop and instill the knowledge, attitudes,
1446 habits, and skills necessary for the safe operation of an off-highway vehicle.

1447 (c) Components of the program shall include the preparation and dissemination of
1448 off-highway vehicle information and safety advice to the public and the training of off-highway
1449 vehicle operators.

1450 (d) Off-highway vehicle safety certificates shall be issued to those who successfully
1451 complete training or pass the knowledge and skills test established under the program.

1452 (2) The division shall cooperate with appropriate private organizations and
1453 associations, private and public corporations, and local government units to implement the
1454 program established under this section.

1455 (3) In addition to the governmental immunity granted in Title 63G, Chapter 7,
1456 Governmental Immunity Act of Utah, the state is immune from suit for any act, or failure to
1457 act, in any capacity relating to the off-highway vehicle safety education and training program.

1458 The state is also not responsible for any insufficiency or inadequacy in the quality of training
1459 provided by this program.

1460 Section 30. Section **41-22-33** is amended to read:

1461 **41-22-33. Fees for safety and education program -- Penalty -- Unlawful acts.**

1462 (1) A fee set by the division, after [~~consultation with~~] notifying the commission, in
1463 accordance with Section **63J-1-504** shall be added to the registration fee required to register an
1464 off-highway vehicle under Section **41-22-8** to help fund the off-highway vehicle safety and
1465 education program.

1466 (2) If the division modifies the fee under Subsection (1), the modification shall take
1467 effect on the first day of the calendar quarter after 90 days from the day on which the division
1468 provides the State Tax Commission:

1469 (a) notice from the division stating that the division will modify the fee; and

1470 (b) a copy of the fee modification.

1471 Section 31. Section **41-22-35** is amended to read:

1472 **41-22-35. Off-highway vehicle user fee -- Decal -- Agents -- Penalty for fraudulent**
1473 **issuance of decal -- Deposit and use of fee revenue.**

1474 (1) (a) Except as provided in Subsection (1)(b), any person owning or operating a
1475 nonresident off-highway vehicle who operates or gives another person permission to operate
1476 the nonresident off-highway vehicle on any public land, trail, street, or highway in this state
1477 shall:

1478 (i) apply for an off-highway vehicle decal issued exclusively for an off-highway
1479 vehicle owned by a nonresident of the state;

1480 (ii) pay an annual off-highway vehicle user fee; and

1481 (iii) provide evidence that the owner is a nonresident.

1482 (b) The provisions of Subsection (1)(a) do not apply to an off-highway vehicle if the
1483 off-highway vehicle is:

1484 (i) used exclusively as an off-highway implement of husbandry;

1485 (ii) used exclusively for the purposes of a scheduled competitive event sponsored by a

1486 public or private entity or another event sponsored by a governmental entity under rules made
1487 by the division, after [~~consultation with~~] notifying the commission;

1488 (iii) owned and operated by a state government agency and the operation of the
1489 off-highway vehicle within the boundaries of the state is within the course and scope of the
1490 duties of the agency; or

1491 (iv) used exclusively for the purpose of an off-highway vehicle manufacturer
1492 sponsored event within the state under rules made by the division.

1493 (2) The off-highway vehicle user fee is \$30.

1494 (3) Upon compliance with the provisions of Subsection (1)(a), the nonresident shall:

1495 (a) receive a nonresident off-highway vehicle user decal indicating compliance with the
1496 provisions of Subsection (1)(a); and

1497 (b) display the decal on the off-highway vehicle in accordance with rules made by the
1498 division.

1499 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1500 division, after [~~consultation with~~] notifying the commission, shall make rules establishing:

1501 (a) procedures for:

1502 (i) the payment of off-highway vehicle user fees; and

1503 (ii) the display of a decal on an off-highway vehicle as required under Subsection

1504 (3)(b);

1505 (b) acceptable evidence indicating compliance with Subsection (1);

1506 (c) eligibility for scheduled competitive events or other events under Subsection

1507 (1)(b)(ii); and

1508 (d) eligibility for an off-highway vehicle manufacturer sponsored event under
1509 Subsection (1)(b)(iv).

1510 (5) (a) An off-highway vehicle user decal may be issued and the off-highway vehicle
1511 user fee may be collected by the division or agents of the division.

1512 (b) An agent shall retain 10% of all off-highway vehicle user fees collected.

1513 (c) The division may require agents to obtain a bond in a reasonable amount.

- 1514 (d) On or before the tenth day of each month, each agent shall:
- 1515 (i) report all sales to the division; and
- 1516 (ii) submit all off-highway vehicle user fees collected less the remuneration provided in
- 1517 Subsection (5)(b).
- 1518 (e) (i) If an agent fails to pay the amount due, the division may assess a penalty of 20%
- 1519 of the amount due.
- 1520 (ii) Delinquent payments shall bear interest at the rate of 1% per month.
- 1521 (iii) If the amount due is not paid because of bad faith or fraud, the division shall assess
- 1522 a penalty of 100% of the total amount due together with interest.
- 1523 (f) All fees collected by an agent, except the remuneration provided in Subsection
- 1524 (5)(b), shall:
- 1525 (i) be kept separate and apart from the private funds of the agent; and
- 1526 (ii) belong to the state.
- 1527 (g) An agent may not issue an off-highway vehicle user decal to any person unless the
- 1528 person furnishes evidence of compliance with the provisions of Subsection (1)(a).
- 1529 (h) A violation of any provision of this Subsection (5) is a class B misdemeanor and
- 1530 may be cause for revocation of the agent authorization.
- 1531 (6) Revenue generated by off-highway vehicle user fees shall be deposited in the
- 1532 Off-highway Vehicle Account created in Section [41-22-19](#).
- 1533 Section 32. Section **53-2a-1102** is amended to read:
- 1534 **53-2a-1102. Search and Rescue Financial Assistance Program -- Uses --**
- 1535 **Rulemaking -- Distribution.**
- 1536 (1) As used in this section:
- 1537 (a) "Assistance card program" means the Utah Search and Rescue Assistance Card
- 1538 Program created within this section.
- 1539 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a
- 1540 participant.
- 1541 (c) "Participant" means an individual, family, or group who is registered pursuant to

1542 this section as having a valid card at the time search, rescue, or both are provided.

1543 (d) "Program" means the Search and Rescue Financial Assistance Program created
1544 within this section.

1545 (e) (i) "Reimbursable base expenses" means those reasonable expenses incidental to
1546 search and rescue activities.

1547 (ii) "Reimbursable base expenses" include:

1548 (A) rental for fixed wing aircraft, snowmobiles, boats, and generators;

1549 (B) replacement and upgrade of search and rescue equipment;

1550 (C) training of search and rescue volunteers;

1551 (D) costs of providing life insurance and workers' compensation benefits for volunteer
1552 search and rescue team members under Section 67-20-7.5; and

1553 (E) any other equipment or expenses necessary or appropriate for conducting search
1554 and rescue activities.

1555 (iii) "Reimbursable base expenses" do not include any salary or overtime paid to an
1556 individual on a regular or permanent payroll, including permanent part-time employees of any
1557 agency of the state.

1558 (f) "Rescue" means search services, rescue services, or both search and rescue services.

1559 (2) There is created the Search and Rescue Financial Assistance Program within the
1560 division.

1561 (3) (a) The financial program and the assistance card program shall be funded from the
1562 following revenue sources:

1563 (i) any voluntary contributions to the state received for search and rescue operations;

1564 (ii) money received by the state under Subsection (11) and under Sections 23-19-42,
1565 41-22-34, and 73-18-24;

1566 (iii) money deposited under Subsection 59-12-103(14);

1567 (iv) contributions deposited in accordance with Section 41-1a-230.7; and

1568 (v) appropriations made to the program by the Legislature.

1569 (b) [~~All money~~] Money received from the revenue sources in Subsections (3)(a)(i), (ii),

1570 and (iv), and 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the
1571 General Fund as a dedicated credit to be used solely for the program.

1572 (c) ~~[10%]~~ Ten percent of the money described in Subsection (3)(a)(iii) shall be
1573 deposited into the General Fund as a dedicated credit to be used solely to promote the
1574 assistance card program.

1575 (d) ~~[All funding]~~ Funding for the program is nonlapsing.

1576 (4) Subject to Subsections (3)(b) and (c), the director shall use the money described in
1577 this section to reimburse counties for all or a portion of each county's reimbursable base
1578 expenses for search and rescue operations, subject to:

1579 (a) the approval of the Search and Rescue Advisory Board as provided in Section
1580 [53-2a-1104](#);

1581 (b) money available in the program; and

1582 (c) rules made under Subsection (7).

1583 (5) Money described in Subsection (3) may not be used to reimburse for any paid
1584 personnel costs or paid man hours spent in emergency response and search and rescue related
1585 activities.

1586 (6) The Legislature finds that these funds are for a general and statewide public
1587 purpose.

1588 (7) The division, with the approval of the Search and Rescue Advisory Board, shall
1589 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
1590 consistent with this section:

1591 (a) specifying the costs that qualify as reimbursable base expenses;

1592 (b) defining the procedures of counties to submit expenses and be reimbursed;

1593 (c) defining a participant in the assistance card program, including:

1594 (i) individuals; and

1595 (ii) families and organized groups who qualify as participants;

1596 (d) defining the procedure for issuing a card to a participant;

1597 (e) defining excluded expenses that may not be reimbursed under the program,

1598 including medical expenses;

1599 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card
1600 Program;

1601 (g) establishing the frequency of review of the fee schedule;

1602 (h) providing for the administration of the program; and

1603 (i) providing a formula to govern the distribution of available money among the
1604 counties for uncompensated search and rescue expenses based on:

1605 (i) the total qualifying expenses submitted;

1606 (ii) the number of search and rescue incidents per county population;

1607 (iii) the number of victims that reside outside the county; and

1608 (iv) the number of volunteer hours spent in each county in emergency response and
1609 search and rescue related activities per county population.

1610 (8) (a) The division shall, in consultation with the [~~Outdoor Recreation Office~~]
1611 Division of Outdoor Recreation, establish the fee schedule of the Utah Search and Rescue
1612 Assistance Card Program under Subsection 63J-1-504(6).

1613 (b) The division shall provide a discount of not less than 10% of the card fee under
1614 Subsection (8)(a) to a person who has paid a fee under Section 23-19-42, 41-22-34, or
1615 73-18-24 during the same calendar year in which the person applies to be a participant in the
1616 assistance card program.

1617 (9) Counties may not bill reimbursable base expenses to an individual for costs
1618 incurred for the rescue of an individual, if the individual is a current participant in the Utah
1619 Search and Rescue Assistance Card Program at the time of rescue, unless:

1620 (a) the rescuing county finds that the participant acted recklessly in creating a situation
1621 resulting in the need for the county to provide rescue services; or

1622 (b) the rescuing county finds that the participant intentionally created a situation
1623 resulting in the need for the county to provide rescue services.

1624 (10) (a) There is created the Utah Search and Rescue Assistance Card Program. The
1625 program is located within the division.

1626 (b) The program may not be [~~utilized~~] used to cover any expenses, such as medically
1627 related expenses, that are not reimbursable base expenses related to the rescue.

1628 (11) (a) To participate in the program, a person shall purchase a search and rescue
1629 assistance card from the division by paying the fee as determined by the division in Subsection
1630 (8).

1631 (b) The money generated by the fees shall be deposited into the General Fund as a
1632 dedicated credit for the Search and Rescue Financial Assistance Program created in this
1633 section.

1634 (c) Participation and payment of fees by a person under Sections [23-19-42](#), [41-22-34](#),
1635 and [73-18-24](#) do not constitute purchase of a card under this section.

1636 (12) The division shall consult with the [~~Outdoor Recreation Office~~] Division of
1637 Outdoor Recreation regarding:

1638 (a) administration of the assistance card program; and

1639 (b) outreach and marketing strategies.

1640 (13) Pursuant to Subsection [31A-1-103\(7\)](#), the Utah Search and Rescue Assistance
1641 Card Program under this section is exempt from being considered insurance as that term is
1642 defined in Section [31A-1-301](#).

1643 Section 33. Section **57-14-204** is amended to read:

1644 **57-14-204. Liability not limited where willful or malicious conduct involved or**
1645 **admission fee charged.**

1646 (1) Nothing in this part limits any liability that otherwise exists for:

1647 (a) willful or malicious failure to guard or warn against a dangerous condition, use,
1648 structure, or activity;

1649 (b) deliberate, willful, or malicious injury to persons or property; or

1650 (c) an injury suffered where the owner of land charges a person to enter or go on the
1651 land or use the land for any recreational purpose.

1652 (2) For purposes of Subsection (1)(c), if the land is leased to the state or a subdivision
1653 of the state, any consideration received by the owner for the lease is not a charge within the

1654 meaning of this section.

1655 (3) Any person who hunts upon a cooperative wildlife management unit, as authorized
1656 by Title 23, Chapter 23, Cooperative Wildlife Management Units, is not considered to have
1657 paid a fee within the meaning of this section.

1658 (4) Owners of a dam or reservoir who allow recreational use of the dam or reservoir
1659 and its surrounding area and do not themselves charge a fee for that use, are considered not to
1660 have charged for that use within the meaning of Subsection (1)(c), even if the user pays a fee to
1661 the Division of State Parks or the Division of Outdoor Recreation for the use of the services
1662 and facilities at that dam or reservoir.

1663 (5) The state or a subdivision of the state that owns property purchased for a railway
1664 corridor is considered not to have charged for use of the railway corridor within the meaning of
1665 Subsection (1)(c), even if the user pays a fee for travel on a privately owned rail car that crosses
1666 or travels over the railway corridor of the state or a subdivision of the state:

1667 (a) allows recreational use of the railway corridor and its surrounding area; and

1668 (b) does not charge a fee for that use.

1669 Section 34. Section **59-13-201** is amended to read:

1670 **59-13-201. Rate -- Tax basis -- Exemptions -- Revenue deposited into the**
1671 **Transportation Fund -- Restricted account for boating uses -- Refunds -- Reduction of tax**
1672 **in limited circumstances.**

1673 (1) (a) Subject to the provisions of this section and except as provided in Subsection
1674 (1)(e), a tax is imposed at the rate of 16.5% of the statewide average rack price of a gallon of
1675 motor fuel per gallon upon all motor fuel that is sold, used, or received for sale or used in this
1676 state.

1677 (b) (i) Until December 31, 2018, and subject to the requirements under Subsection
1678 (1)(c), the statewide average rack price of a gallon of motor fuel under Subsection (1)(a) shall
1679 be determined by calculating the previous fiscal year statewide average rack price of a gallon of
1680 regular unleaded motor fuel, excluding federal and state excise taxes, for the 12 months ending
1681 on the previous June 30 as published by an oil pricing service.

1682 (ii) Beginning on January 1, 2019, and subject to the requirements under Subsection
1683 (1)(c), the statewide average rack price of a gallon of motor fuel under Subsection (1)(a) shall
1684 be determined by calculating the previous three fiscal years statewide average rack price of a
1685 gallon of regular unleaded motor fuel, excluding federal and state excise taxes, for the 36
1686 months ending on the previous June 30 as published by an oil pricing service.

1687 (c) (i) Subject to the requirement in Subsection (1)(c)(ii), the statewide average rack
1688 price of a gallon of motor fuel determined under Subsection (1)(b) may not be less than \$1.78
1689 per gallon.

1690 (ii) Beginning on January 1, 2019, the commission shall, on January 1, annually adjust
1691 the minimum statewide average rack price of a gallon of motor fuel described in Subsection
1692 (1)(c)(i) by taking the minimum statewide average rack price of a gallon of motor fuel for the
1693 previous calendar year and adding an amount equal to the greater of:

1694 (A) an amount calculated by multiplying the minimum statewide average rack price of
1695 a gallon of motor fuel for the previous calendar year by the actual percent change during the
1696 previous fiscal year in the Consumer Price Index; and

1697 (B) 0.

1698 (iii) The statewide average rack price of a gallon of motor fuel determined by the
1699 commission under Subsection (1)(b) may not exceed \$2.43 per gallon.

1700 (iv) The minimum statewide average rack price of a gallon of motor fuel described and
1701 adjusted under Subsections (1)(c)(i) and (ii) may not exceed the maximum statewide average
1702 rack price of a gallon of motor fuel under Subsection (1)(c)(iii).

1703 (d) (i) The commission shall annually:

1704 (A) determine the statewide average rack price of a gallon of motor fuel in accordance
1705 with Subsections (1)(b) and (c);

1706 (B) adjust the fuel tax rate imposed under Subsection (1)(a), rounded to the nearest
1707 one-tenth of a cent, based on the determination under Subsection (1)(b);

1708 (C) publish the adjusted fuel tax as a cents per gallon rate; and

1709 (D) post or otherwise make public the adjusted fuel tax rate as determined in

1710 Subsection (1)(d)(i)(B) no later than 60 days [~~prior to~~] before the annual effective date under
1711 Subsection (1)(d)(ii).

1712 (ii) The tax rate imposed under this Subsection (1) and adjusted as required under
1713 Subsection (1)(d)(i) shall take effect on January 1 of each year.

1714 (e) In lieu of the tax imposed under Subsection (1)(a) and subject to the provisions of
1715 this section, a tax is imposed at the rate of 3/19 of the rate imposed under Subsection (1)(a),
1716 rounded up to the nearest penny, upon all motor fuels that meet the definition of clean fuel in
1717 Section 59-13-102 and are sold, used, or received for sale or use in this state.

1718 (2) Any increase or decrease in tax rate applies to motor fuel that is imported to the
1719 state or sold at refineries in the state on or after the effective date of the rate change.

1720 (3) (a) No motor fuel tax is imposed upon:

1721 (i) motor fuel that is brought into and sold in this state in original packages as purely
1722 interstate commerce sales;

1723 (ii) motor fuel that is exported from this state if proof of actual exportation on forms
1724 prescribed by the commission is made within 180 days after exportation;

1725 (iii) motor fuel or components of motor fuel that is sold and used in this state and
1726 distilled from coal, oil shale, rock asphalt, bituminous sand, or solid hydrocarbons located in
1727 this state; or

1728 (iv) motor fuel that is sold to the United States government, this state, or the political
1729 subdivisions of this state.

1730 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1731 commission shall make rules governing the procedures for administering the tax exemption
1732 provided under Subsection (3)(a)(iv).

1733 (4) The commission may either collect no tax on motor fuel exported from the state or,
1734 upon application, refund the tax paid.

1735 (5) (a) All revenue received by the commission under this part shall be deposited daily
1736 with the state treasurer and credited to the Transportation Fund.

1737 (b) An appropriation from the Transportation Fund shall be made to the commission to

1738 cover expenses incurred in the administration and enforcement of this part and the collection of
1739 the motor fuel tax.

1740 (6) (a) The commission shall determine what amount of motor fuel tax revenue is
1741 received from the sale or use of motor fuel used in motorboats registered under [~~the provisions~~
1742 ~~of the~~] Title 73, Chapter 18, State Boating Act, and this amount shall be deposited [~~in~~] into a
1743 restricted revenue account in the General Fund of the state.

1744 (b) The funds from this account shall be used for the construction, improvement,
1745 operation, and maintenance of state-owned boating facilities and for the payment of the costs
1746 and expenses of the Division of Outdoor Recreation in administering and enforcing [~~the~~] Title
1747 73, Chapter 18, State Boating Act.

1748 (7) (a) The United States government or any of its instrumentalities, this state, or a
1749 political subdivision of this state that has purchased motor fuel from a licensed distributor or
1750 from a retail dealer of motor fuel and has paid the tax on the motor fuel as provided in this
1751 section is entitled to a refund of the tax and may file with the commission for a quarterly
1752 refund.

1753 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1754 commission shall make rules governing the application and refund provided for in Subsection
1755 (7)(a).

1756 (8) (a) The commission shall refund annually into the [~~Off-Highway~~] Off-highway
1757 Vehicle Account in the General Fund an amount equal to .5% of the motor fuel tax revenues
1758 collected under this section.

1759 (b) This amount shall be used as provided in Section [41-22-19](#).

1760 (9) (a) Beginning on April 1, 2001, a tax imposed under this section on motor fuel that
1761 is sold, used, or received for sale or use in this state is reduced to the extent provided in
1762 Subsection (9)(b) if:

1763 (i) a tax imposed on the basis of the sale, use, or receipt for sale or use of the motor
1764 fuel is paid to the Navajo Nation;

1765 (ii) the tax described in Subsection (9)(a)(i) is imposed without regard to whether or

1766 not the person required to pay the tax is an enrolled member of the Navajo Nation; and

1767 (iii) the commission and the Navajo Nation execute and maintain an agreement as
1768 provided in this Subsection (9) for the administration of the reduction of tax.

1769 (b) (i) If but for Subsection (9)(a) the motor fuel is subject to a tax imposed by this
1770 section:

1771 (A) the state shall be paid the difference described in Subsection (9)(b)(ii) if that
1772 difference is greater than \$0; and

1773 (B) a person may not require the state to provide a refund, a credit, or similar tax relief
1774 if the difference described in Subsection (9)(b)(ii) is less than or equal to \$0.

1775 (ii) The difference described in Subsection (9)(b)(i) is equal to the difference between:

1776 (A) the amount of tax imposed on the motor fuel by this section; less

1777 (B) the tax imposed and collected by the Navajo Nation on the motor fuel.

1778 (c) For purposes of Subsections (9)(a) and (b), the tax paid to the Navajo Nation under
1779 a tax imposed by the Navajo Nation on the basis of the sale, use, or receipt for sale or use of
1780 motor fuel does not include any interest or penalties a taxpayer may be required to pay to the
1781 Navajo Nation.

1782 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1783 commission shall make rules governing the procedures for administering the reduction of tax
1784 provided under this Subsection (9).

1785 (e) The agreement required under Subsection (9)(a):

1786 (i) may not:

1787 (A) authorize the state to impose a tax in addition to a tax imposed under this chapter;

1788 (B) provide a reduction of taxes greater than or different from the reduction described
1789 in this Subsection (9); or

1790 (C) affect the power of the state to establish rates of taxation;

1791 (ii) shall:

1792 (A) be in writing;

1793 (B) be signed by:

- 1794 (I) the chair of the commission or the chair's designee; and
1795 (II) a person designated by the Navajo Nation that may bind the Navajo Nation;
1796 (C) be conditioned on obtaining any approval required by federal law;
1797 (D) state the effective date of the agreement; and
1798 (E) state any accommodation the Navajo Nation makes related to the construction and
1799 maintenance of state highways and other infrastructure within the Utah portion of the Navajo
1800 Nation; and
1801 (iii) may:
1802 (A) notwithstanding Section 59-1-403, authorize the commission to disclose to the
1803 Navajo Nation information that is:
1804 (I) contained in a document filed with the commission; and
1805 (II) related to the tax imposed under this section;
1806 (B) provide for maintaining records by the commission or the Navajo Nation; or
1807 (C) provide for inspections or audits of distributors, carriers, or retailers located or
1808 doing business within the Utah portion of the Navajo Nation.
1809 (f) (i) If, on or after April 1, 2001, the Navajo Nation changes the tax rate of a tax
1810 imposed on motor fuel, any change in the reduction of taxes under this Subsection (9) as a
1811 result of the change in the tax rate is not effective until the first day of the calendar quarter after
1812 a 60-day period beginning on the date the commission receives notice:
1813 (A) from the Navajo Nation; and
1814 (B) meeting the requirements of Subsection (9)(f)(ii).
1815 (ii) The notice described in Subsection (9)(f)(i) shall state:
1816 (A) that the Navajo Nation has changed or will change the tax rate of a tax imposed on
1817 motor fuel;
1818 (B) the effective date of the rate change of the tax described in Subsection (9)(f)(ii)(A);
1819 and
1820 (C) the new rate of the tax described in Subsection (9)(f)(ii)(A).
1821 (g) If the agreement required by Subsection (9)(a) terminates, a reduction of tax is not

1822 permitted under this Subsection (9) beginning on the first day of the calendar quarter after a
1823 30-day period beginning on the day the agreement terminates.

1824 (h) If there is a conflict between this Subsection (9) and the agreement required by
1825 Subsection (9)(a), this Subsection (9) governs.

1826 Section 35. Section **59-21-2** is amended to read:

1827 **59-21-2. Mineral Bonus Account created -- Contents -- Use of Mineral Bonus**
1828 **Account money -- Mineral Lease Account created -- Contents -- Appropriation of money**
1829 **from Mineral Lease Account.**

1830 (1) (a) There is created a restricted account within the General Fund known as the
1831 "Mineral Bonus Account."

1832 (b) The Mineral Bonus Account consists of federal mineral lease bonus payments
1833 deposited pursuant to Subsection [59-21-1\(3\)](#).

1834 (c) The Legislature shall make appropriations from the Mineral Bonus Account in
1835 accordance with Section 35 of the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 191.

1836 (d) The state treasurer shall:

1837 (i) invest the money in the Mineral Bonus Account by following the procedures and
1838 requirements of Title 51, Chapter 7, State Money Management Act; and

1839 (ii) deposit all interest or other earnings derived from the account into the Mineral
1840 Bonus Account.

1841 (e) The Division of Finance shall, beginning on July 1, 2017, annually deposit 30% of
1842 mineral lease bonus payments deposited under Subsection (1)(b) from the previous fiscal year
1843 into the Wildland Fire Suppression Fund created in Section [65A-8-204](#), up to \$2,000,000 but
1844 not to exceed 20% of the amount expended in the previous fiscal year from the Wildland Fire
1845 Suppression Fund.

1846 (2) (a) There is created a restricted account within the General Fund known as the
1847 "Mineral Lease Account."

1848 (b) The Mineral Lease Account consists of federal mineral lease money deposited
1849 pursuant to Subsection [59-21-1\(1\)](#).

1850 (c) The Legislature shall make appropriations from the Mineral Lease Account as
1851 provided in Subsection 59-21-1(1) and this Subsection (2).

1852 (d) (i) Except as provided in Subsections (2)(d)(ii) and (iii), the Legislature shall
1853 annually appropriate 32.5% of all deposits made to the Mineral Lease Account to the
1854 Permanent Community Impact Fund established by Section 35A-8-303.

1855 (ii) For fiscal year 2016-17 only and from the amount required to be deposited under
1856 Subsection (2)(d)(i), the Legislature shall appropriate \$26,000,000 of the deposits made to the
1857 Mineral Lease Account to the Impacted Communities Transportation Development Restricted
1858 Account established by Section 72-2-128.

1859 (iii) For fiscal year 2017-18 only and from the amount required to be deposited under
1860 Subsection (2)(d)(i), the Legislature shall appropriate \$27,000,000 of the deposits made to the
1861 Mineral Lease Account to the Impacted Communities Transportation Development Restricted
1862 Account established by Section 72-2-128.

1863 (e) The Legislature shall annually appropriate 2.25% of all deposits made to the
1864 Mineral Lease Account to the State Board of Education, to be used for education research and
1865 experimentation in the use of staff and facilities designed to improve the quality of education in
1866 Utah.

1867 (f) The Legislature shall annually appropriate 2.25% of all deposits made to the
1868 Mineral Lease Account to the Utah Geological Survey, to be used for activities carried on by
1869 the survey having as a purpose the development and exploitation of natural resources in the
1870 state.

1871 (g) The Legislature shall annually appropriate 2.25% of all deposits made to the
1872 Mineral Lease Account to the Water Research Laboratory at Utah State University, to be used
1873 for activities carried on by the laboratory having as a purpose the development and exploitation
1874 of water resources in the state.

1875 (h) (i) The Legislature shall annually appropriate to the Division of Finance 40% of all
1876 deposits made to the Mineral Lease Account to be distributed as provided in Subsection
1877 (2)(h)(ii) to:

- 1878 (A) counties;
- 1879 (B) special service districts established:
- 1880 (I) by counties;
- 1881 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 1882 (III) for the purpose of constructing, repairing, or maintaining roads; or
- 1883 (C) special service districts established:
- 1884 (I) by counties;
- 1885 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 1886 (III) for other purposes authorized by statute.
- 1887 (ii) The Division of Finance shall allocate the funds specified in Subsection (2)(h)(i):
- 1888 (A) in amounts proportionate to the amount of mineral lease money generated by each
- 1889 county; and
- 1890 (B) to a county or special service district established by a county under Title 17D,
- 1891 Chapter 1, Special Service District Act, as determined by the county legislative body.
- 1892 (i) (i) The Legislature shall annually appropriate 5% of all deposits made to the
- 1893 Mineral Lease Account to the Department of Workforce Services to be distributed to:
- 1894 (A) special service districts established:
- 1895 (I) by counties;
- 1896 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 1897 (III) for the purpose of constructing, repairing, or maintaining roads; or
- 1898 (B) special service districts established:
- 1899 (I) by counties;
- 1900 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 1901 (III) for other purposes authorized by statute.
- 1902 (ii) The Department of Workforce Services may distribute the amounts described in
- 1903 Subsection (2)(i)(i) only to special service districts established under Title 17D, Chapter 1,
- 1904 Special Service District Act, by counties:
- 1905 (A) of the third, fourth, fifth, or sixth class;

1906 (B) in which 4.5% or less of the mineral lease money within the state is generated; and
1907 (C) that are significantly socially or economically impacted as provided in Subsection
1908 (2)(i)(iii) by the development of minerals under the Mineral Lands Leasing Act, 30 U.S.C. Sec.
1909 181 et seq.

1910 (iii) The significant social or economic impact required under Subsection (2)(i)(ii)(C)
1911 shall be as a result of:

1912 (A) the transportation within the county of hydrocarbons, including solid hydrocarbons
1913 as defined in Section 59-5-101;

1914 (B) the employment of persons residing within the county in hydrocarbon extraction,
1915 including the extraction of solid hydrocarbons as defined in Section 59-5-101; or

1916 (C) a combination of Subsections (2)(i)(iii)(A) and (B).

1917 (iv) For purposes of distributing the appropriations under this Subsection (2)(i) to
1918 special service districts established by counties under Title 17D, Chapter 1, Special Service
1919 District Act, the Department of Workforce Services shall:

1920 (A) (I) allocate 50% of the appropriations equally among the counties meeting the
1921 requirements of Subsections (2)(i)(ii) and (iii); and

1922 (II) allocate 50% of the appropriations based on the ratio that the population of each
1923 county meeting the requirements of Subsections (2)(i)(ii) and (iii) bears to the total population
1924 of all of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii); and

1925 (B) after making the allocations described in Subsection (2)(i)(iv)(A), distribute the
1926 allocated revenues to special service districts established by the counties under Title 17D,
1927 Chapter 1, Special Service District Act, as determined by the executive director of the
1928 Department of Workforce Services after consulting with the county legislative bodies of the
1929 counties meeting the requirements of Subsections (2)(i)(ii) and (iii).

1930 (v) The executive director of the Department of Workforce Services:

1931 (A) shall determine whether a county meets the requirements of Subsections (2)(i)(ii)
1932 and (iii);

1933 (B) shall distribute the appropriations under Subsection (2)(i)(i) to special service

1934 districts established by counties under Title 17D, Chapter 1, Special Service District Act, that
1935 meet the requirements of Subsections (2)(i)(ii) and (iii); and

1936 (C) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1937 may make rules:

1938 (I) providing a procedure for making the distributions under this Subsection (2)(i) to
1939 special service districts; and

1940 (II) defining the term "population" for purposes of Subsection (2)(i)(iv).

1941 (j) (i) The Legislature shall annually make the following appropriations from the
1942 Mineral Lease Account:

1943 (A) an amount equal to 52 cents multiplied by the number of acres of school or
1944 institutional trust lands, lands owned by the Division of State Parks or the Division of Outdoor
1945 Recreation, and lands owned by the Division of Wildlife Resources that are not under an in lieu
1946 of taxes contract, to each county in which those lands are located;

1947 (B) to each county in which school or institutional trust lands are transferred to the
1948 federal government after December 31, 1992, an amount equal to the number of transferred
1949 acres in the county multiplied by a payment per acre equal to the difference between 52 cents
1950 per acre and the per acre payment made to that county in the most recent payment under the
1951 federal payment in lieu of taxes program, 31 U.S.C. Sec. 6901 et seq., unless the federal
1952 payment was equal to or exceeded the 52 cents per acre, in which case a payment under this
1953 Subsection (2)(j)(i)(B) may not be made for the transferred lands;

1954 (C) to each county in which federal lands, which are entitlement lands under the federal
1955 in lieu of taxes program, are transferred to the school or institutional trust, an amount equal to
1956 the number of transferred acres in the county multiplied by a payment per acre equal to the
1957 difference between the most recent per acre payment made under the federal payment in lieu of
1958 taxes program and 52 cents per acre, unless the federal payment was equal to or less than 52
1959 cents per acre, in which case a payment under this Subsection (2)(j)(i)(C) may not be made for
1960 the transferred land; and

1961 (D) to a county of the fifth or sixth class, an amount equal to the product of:

1962 (I) \$1,000; and
1963 (II) the number of residences described in Subsection (2)(j)(iv) that are located within
1964 the county.
1965 (ii) A county receiving money under Subsection (2)(j)(i) may, as determined by the
1966 county legislative body, distribute the money or a portion of the money to:
1967 (A) special service districts established by the county under Title 17D, Chapter 1,
1968 Special Service District Act;
1969 (B) school districts; or
1970 (C) public institutions of higher education.
1971 (iii) (A) Beginning in fiscal year 1994-95 and in each year after fiscal year 1994-95, the
1972 Division of Finance shall increase or decrease the amounts per acre provided for in Subsections
1973 (2)(j)(i)(A) through (C) by the average annual change in the Consumer Price Index for all urban
1974 consumers published by the Department of Labor.
1975 (B) For fiscal years beginning on or after fiscal year 2001-02, the Division of Finance
1976 shall increase or decrease the amount described in Subsection (2)(j)(i)(D)(I) by the average
1977 annual change in the Consumer Price Index for all urban consumers published by the
1978 Department of Labor.
1979 (iv) Residences for purposes of Subsection (2)(j)(i)(D)(II) are residences that are:
1980 (A) owned by:
1981 (I) the Division of State Parks ~~[or]~~;
1982 (II) the Division of Outdoor Recreation; or
1983 ~~[(H)]~~ (III) the Division of Wildlife Resources;
1984 (B) located on lands that are owned by:
1985 (I) the Division of State Parks ~~[or]~~;
1986 (II) the Division of Outdoor Recreation; or
1987 ~~[(H)]~~ (III) the Division of Wildlife Resources; and
1988 (C) are not subject to taxation under:
1989 (I) Chapter 2, Property Tax Act; or

1990 (II) Chapter 4, Privilege Tax.

1991 (k) The Legislature shall annually appropriate to the Permanent Community Impact
1992 Fund all deposits remaining in the Mineral Lease Account after making the appropriations
1993 provided for in Subsections (2)(d) through (j).

1994 (3) (a) Each agency, board, institution of higher education, and political subdivision
1995 receiving money under this chapter shall provide the Legislature, through the Office of the
1996 Legislative Fiscal Analyst, with a complete accounting of the use of that money on an annual
1997 basis.

1998 (b) The accounting required under Subsection (3)(a) shall:

1999 (i) include actual expenditures for the prior fiscal year, budgeted expenditures for the
2000 current fiscal year, and planned expenditures for the following fiscal year; and

2001 (ii) be reviewed by the Business, Economic Development, and Labor Appropriations
2002 Subcommittee as part of its normal budgetary process under Title 63J, Chapter 1, Budgetary
2003 Procedures Act.

2004 Section 36. Section **59-28-103** is amended to read:

2005 **59-28-103. Imposition -- Rate -- Revenue distribution.**

2006 (1) Subject to the other provisions of this chapter, the state shall impose a tax on the
2007 transactions described in Subsection [59-12-103\(1\)\(i\)](#) at a rate of .32%.

2008 (2) The tax imposed under this chapter is in addition to any other taxes imposed on the
2009 transactions described in Subsection [59-12-103\(1\)\(i\)](#).

2010 (3) (a) (i) Subject to Subsection (3)(a)(ii), the commission shall deposit 6% of the
2011 revenue the state collects from the tax under this chapter into the Hospitality and Tourism
2012 Management Education Account created in Section [53F-9-501](#) to fund the Hospitality and
2013 Tourism Management Career and Technical Education Pilot Program created in Section
2014 [53E-3-515](#).

2015 (ii) The commission may not deposit more than \$300,000 into the Hospitality and
2016 Tourism Management Education Account under Subsection (3)(a)(i) in a fiscal year.

2017 (b) Except for the amount deposited into the Hospitality and Tourism Management

2018 Education Account under Subsection (3)(a) and the administrative charge retained under
 2019 Subsection ~~59-28-104~~(4), the commission shall deposit any revenue the state collects from the
 2020 tax under this chapter into the Outdoor Recreation Infrastructure Account created in Section
 2021 ~~79-8-106~~ to fund the Outdoor Recreational Infrastructure Grant Program created in Section
 2022 [~~63N-9-202~~] 79-8-401 and the Recreation Restoration Infrastructure Grant Program created in
 2023 Section ~~79-8-202~~.

2024 Section 37. Section **63C-21-201** is amended to read:

2025 **63C-21-201. Outdoor Adventure Commission created.**

2026 (1) There is created the Outdoor Adventure Commission consisting of the following
 2027 [~~+5~~] 14 members:

2028 (a) one member of the Senate, appointed by the president of the Senate;

2029 (b) one member of the House of Representatives, appointed by the speaker of the
 2030 House of Representatives;

2031 [~~(c) the director of the Utah Office of Outdoor Recreation, or the director's designee;~~]

2032 [~~(d)~~] (c) the managing director of the Utah Office of Tourism, or the managing
 2033 director's designee;

2034 [~~(e)~~] (d) the director of the Division of Outdoor Recreation, or the director's designee;

2035 [~~(f)~~] (e) the director of the School and Institutional Trust Lands Administration, or the
 2036 director's designee;

2037 [~~(g)~~] (f) the coordinator of the [~~Off-Highway Vehicle and Recreational Trails~~]
 2038 Off-highway Vehicle Program within the Division of Outdoor Recreation;

2039 [~~(h)~~] (g) a representative of the agriculture industry appointed jointly by the president
 2040 of the Senate and the speaker of the House of Representatives;

2041 [~~(i)~~] (h) a representative of the natural resources development industry appointed
 2042 jointly by the president of the Senate and the speaker of the House of Representatives;

2043 [~~(j)~~] (i) one representative of the Utah League of Cities and Towns appointed by the
 2044 Utah League of Cities and Towns;

2045 [~~(k)~~] (j) one representative of the Utah Association of Counties appointed by the Utah

2046 Association of Counties;

2047 ~~[(f)]~~ (k) one individual appointed jointly by the Utah League of Cities and Towns and
2048 the Utah Association of Counties;

2049 ~~[(m)]~~ (l) a representative of conservation interests appointed jointly by the president of
2050 the Senate and the speaker of the House of Representatives;

2051 ~~[(n)]~~ (m) a representative of the outdoor recreation industry appointed jointly by the
2052 president of the Senate and the speaker of the House of Representatives; and

2053 ~~[(o)]~~ (n) the coordinator of the boating program within the Division of Outdoor
2054 Recreation.

2055 (2) The commission shall annually select one of ~~[its]~~ the commission's members to be
2056 the chair of the commission.

2057 (3) (a) If a vacancy occurs in the membership of the commission appointed under
2058 Subsection (1)(a) or (b), or Subsections ~~[(1)(h) through (n)]~~ (1)(g) through (m), the member
2059 shall be replaced in the same manner in which the original appointment was made.

2060 (b) A member appointed under Subsections ~~[(1)(h) through (n)]~~ (1)(g) through (m)
2061 shall serve a term of four years and until the member's successor is appointed and qualified.

2062 (c) Notwithstanding the requirements of Subsection (3)(b), for members appointed
2063 under Subsections ~~[(1)(h) through (n)]~~ (1)(g) through (m), the division shall, at the time of
2064 appointment or reappointment, adjust the length of terms to ensure that the terms of
2065 commission members are staggered so that approximately half of the commission members
2066 appointed under Subsections ~~[(1)(h) through (n)]~~ (1)(g) through (m) are appointed every two
2067 years.

2068 (d) An individual may be appointed to more than one term.

2069 (4) (a) Eight commission members constitutes a quorum.

2070 (b) The action of a majority of a quorum constitutes an action of the commission.

2071 (5) (a) The salary and expenses of a commission member who is a legislator shall be
2072 paid in accordance with Section [36-2-2](#), Legislative Joint Rules, Title 5, Chapter 2, Lodging,
2073 Meal, and Transportation Expenses, and Legislative Joint Rules, Title 5, Chapter 3, Legislator

2074 Compensation.

2075 (b) A commission member who is not a legislator may not receive compensation or
2076 benefits for the member's service on the commission, but may receive per diem and
2077 reimbursement for travel expenses incurred as a commission member at the rates established by
2078 the Division of Finance under:

2079 (i) Sections 63A-3-106 and 63A-3-107; and

2080 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2081 63A-3-107.

2082 (6) The Department of Transportation shall serve as a technical advisor to the
2083 commission.

2084 (7) The Division of Outdoor Recreation, created in Section 79-7-201, shall provide
2085 staff support to the commission.

2086 Section 38. Section 63C-21-202 is amended to read:

2087 **63C-21-202. Strategic plan -- Commission powers and duties -- Consultant --**
2088 **Reports.**

2089 (1) (a) The commission shall gather information on recreation assets from state and
2090 local agencies and other sources and develop a strategic plan aimed at meeting the future needs
2091 of outdoor recreation within the state to enhance the quality of life of Utah residents. Asset lists
2092 received from state and local agencies shall include:

2093 (i) common data points, to be established by the [~~Office of Outdoor Recreation~~]
2094 Division of Outdoor Recreation that can be uniformly compared with other recreation assets
2095 within the state, such as asset type, size, unique characteristics, vegetation, land ownership, and
2096 similar items;

2097 (ii) any specific needs, challenges, or limitations on recreation use of the assets; and

2098 (iii) a ranking of potential enhancements to the assets related to recreation use.

2099 (b) The strategic plan shall address:

2100 (i) outdoor recreation as a major contributor to residents' quality of life;

2101 (ii) the needs and impacts of residents who engage in outdoor recreation;

2102 (iii) the impact on local communities related to outdoor recreation, including the costs
2103 associated with emergency services and infrastructure;

2104 (iv) outdoor recreation as a means to retain and attract an exceptional workforce to
2105 provide for a sustainable economy;

2106 (v) impacts to the environment, wildlife, and natural resources and measures to
2107 preserve the natural beauty of the state as more people engage in outdoor recreation;

2108 (vi) identify opportunities for sustainable revenue sources to provide for maintenance
2109 and future needs;

2110 (vii) the interface with public lands that are federally managed and private lands; and

2111 (viii) other items determined by the commission.

2112 (2) The commission shall:

2113 (a) engage one or more consultants to:

2114 (i) manage the strategic planning process in accordance with Subsection (3); and

2115 (ii) conduct analytical work in accordance with Subsection (3);

2116 (b) guide the analytical work of a consultant described in Subsection (2)(a) and review
2117 the results of the work;

2118 (c) coordinate with a consultant described in Subsection (2)(a) to engage in a process
2119 and create a strategic plan;

2120 (d) conduct regional meetings to gather stakeholder input during the strategic planning
2121 process;

2122 (e) seek input from federal entities including the United States Department of the
2123 Interior, the United States Department of Agriculture, and Utah's congressional delegation; and

2124 (f) produce a final report including a strategic plan and any recommendations.

2125 (3) The commission, by contract with a consultant engaged under Subsection (2)(a),
2126 shall direct the consultant to:

2127 (a) conduct an inventory of existing outdoor recreation resources, programs, and
2128 information;

2129 (b) conduct an analysis of what is needed to develop and implement an effective

2130 outdoor recreation strategy aimed at enhancing the quality of life of Utah residents;

2131 (c) collect and analyze data related to the future projected conditions of the outdoor
2132 recreation resources, programs, and information, including the affordability and financing of
2133 outdoor recreation;

2134 (d) develop alternatives to the projection described in Subsection (3)(c) by modeling
2135 potential changes to the outdoor recreation industry and economic growth;

2136 (e) in coordination with the commission, engage in extensive local stakeholder
2137 involvement to better understand the needs of, concerns of, and opportunities for different
2138 communities and outdoor recreation user types;

2139 (f) recommend accountability or performance measures to assess the effectiveness of
2140 the outdoor recreation system;

2141 (g) based on the data described in this Subsection (3), make comparisons between
2142 outdoor recreation in Utah and outdoor recreation in other states or countries;

2143 (h) in coordination with the commission, conduct the regional meetings described in
2144 Subsection (2)(d) to share information and seek input from a range of stakeholders;

2145 (i) recommend changes to the governance system for outdoor recreation that would
2146 facilitate implementation of the strategic plan;

2147 (j) engage in any other data collection or analysis requested by the commission; and

2148 (k) produce for the commission:

2149 (i) a draft report of findings, observations, and strategic priorities, including:

2150 (A) a statewide vision and strategy for outdoor recreation;

2151 (B) a strategy for how to meaningfully engage stakeholders throughout the state;

2152 (C) funding needs related to outdoor recreation; and

2153 (D) recommendations for the steps the state should take to implement a statewide
2154 vision and strategy for outdoor recreation; and

2155 (ii) a final report, incorporating feedback from the commission on the draft report
2156 described in Subsection (3)(k)(i), regarding the future of the outdoor recreation in the state.

2157 ~~[(4) The commission shall consult with the Division of Recreation as provided by~~

2158 statute.]

2159 Section 39. Section **63I-1-241** is amended to read:

2160 **63I-1-241. Repeal dates, Title 41.**

2161 (1) Subsection **41-1a-1201**(9), related to the Spinal Cord and Brain Injury

2162 Rehabilitation Fund, is repealed January 1, 2025.

2163 (2) Section **41-3-106**, which creates an advisory board related to motor vehicle

2164 business regulation, is repealed July 1, 2024.

2165 (3) The following subsections addressing lane filtering are repealed on July 1, 2022:

2166 (a) Subsection **41-6a-102**(30) that defines "lane filtering";

2167 (b) Subsection **41-6a-704**(5); and

2168 (c) Subsection **41-6a-710**(1)(c).

2169 (4) Subsection **41-6a-1406**(6)(b)(iii), related to the Spinal Cord and Brain Injury

2170 Rehabilitation Fund, is repealed January 1, 2025.

2171 (5) Subsections **41-22-2**(1) and **41-22-10**(1)(a), which [~~create the Off-highway Vehicle~~

2172 ~~Advisory Council]~~ authorize an advisory council that includes in the advisory council's duties

2173 addressing off-highway vehicle issues, are repealed July 1, 2027.

2174 (6) Subsection **41-22-8**(3), related to the Spinal Cord and Brain Injury Rehabilitation

2175 Fund, is repealed January 1, 2025.

2176 Section 40. Section **63I-1-263** is amended to read:

2177 **63I-1-263. Repeal dates, Titles 63A to 63N.**

2178 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

2179 (a) Section **63A-16-102** is repealed;

2180 (b) Section **63A-16-201** is repealed; and

2181 (c) Section **63A-16-202** is repealed.

2182 (2) Subsection **63A-5b-405**(5), relating to prioritizing and allocating capital

2183 improvement funding, is repealed July 1, 2024.

2184 (3) Section **63A-5b-1003**, State Facility Energy Efficiency Fund, is repealed July 1,

2185 2023.

- 2186 (4) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review
2187 Committee, are repealed July 1, 2023.
- 2188 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
2189 1, 2028.
- 2190 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
2191 2025.
- 2192 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
2193 2024.
- 2194 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
2195 repealed July 1, 2023.
- 2196 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
2197 July 1, 2023.
- 2198 (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
2199 repealed July 1, 2026.
- 2200 (11) Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed
2201 July 1, 2025.
- 2202 (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities
2203 Advisory Board, is repealed July 1, 2026.
- 2204 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
2205 2025.
- 2206 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
2207 2024.
- 2208 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 2209 (16) Subsection [63J-1-602.1](#)(17), Nurse Home Visiting Restricted Account is repealed
2210 July 1, 2026.
- 2211 (17) (a) Subsection [63J-1-602.1](#)(61), relating to the Utah Statewide Radio System
2212 Restricted Account, is repealed July 1, 2022.
- 2213 (b) When repealing Subsection [63J-1-602.1](#)(61), the Office of Legislative Research and

2214 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
2215 necessary changes to subsection numbering and cross references.

2216 (18) Subsection 63J-1-602.2[(5)](4), referring to dedicated credits to the Utah Marriage
2217 Commission, is repealed July 1, 2023.

2218 (19) Subsection 63J-1-602.2[(6)](5), referring to the Trip Reduction Program, is
2219 repealed July 1, 2022.

2220 (20) Subsection 63J-1-602.2[(24)](23), related to the Utah Seismic Safety
2221 Commission, is repealed January 1, 2025.

2222 (21) [~~Title 63J, Chapter 4, Part 5~~] Title 63L, Chapter 11, Part 4, Resource
2223 Development Coordinating Committee, is repealed July 1, 2027.

2224 (22) In relation to the advisory committee created in Subsection 63L-11-305(3), on July
2225 1, 2022:

2226 (a) Subsection 63L-11-305(1)(a), which defines "advisory committee," is repealed; and

2227 (b) Subsection 63L-11-305(3), which creates the advisory committee, is repealed.

2228 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on
2229 January 1, 2023:

2230 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
2231 repealed;

2232 (b) Section 63M-7-305, the language that states "council" is replaced with
2233 "commission";

2234 (c) Subsection 63M-7-305(1) is repealed and replaced with:

2235 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

2236 (d) Subsection 63M-7-305(2) is repealed and replaced with:

2237 "(2) The commission shall:

2238 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
2239 Drug-Related Offenses Reform Act; and

2240 (b) coordinate the implementation of Section 77-18-104 and related provisions in
2241 Subsections 77-18-103(2)(c) and (d)."

- 2242 (24) The Crime Victim Reparations and Assistance Board, created in Section
2243 [63M-7-504](#), is repealed July 1, 2027.
- 2244 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July
2245 1, 2022.
- 2246 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.
- 2247 (27) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating
2248 Council, is repealed July 1, 2024.
- 2249 (28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 2250 (29) Section [63N-2-512](#), related to the Hotel Impact Mitigation Fund, is repealed July
2251 1, 2028.
- 2252 (30) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
2253 January 1, 2021.
- 2254 (b) Section [59-9-107](#) regarding tax credits against premium taxes is repealed for
2255 calendar years beginning on or after January 1, 2021.
- 2256 (c) Notwithstanding Subsection (30)(b), an entity may carry forward a tax credit in
2257 accordance with Section [59-9-107](#) if:
- 2258 (i) the person is entitled to a tax credit under Section [59-9-107](#) on or before December
2259 31, 2020; and
- 2260 (ii) the qualified equity investment that is the basis of the tax credit is certified under
2261 Section [63N-2-603](#) on or before December 31, 2023.
- 2262 (31) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed
2263 July 1, 2023.
- 2264 (32) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,
2265 2025.
- 2266 ~~[(33) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,~~
2267 ~~is repealed January 1, 2028.]~~
- 2268 Section 41. Section **63I-1-273** is amended to read:
- 2269 **63I-1-273. Repeal dates, Title 73.**

- 2270 (1) Title 73, Chapter 27, Legislative Water Development Commission, is repealed
 2271 January 1, 2031.
- 2272 (2) Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, is repealed July 1,
 2273 2025.
- 2274 (3) Section ~~73-18-3.5~~, which [~~creates the Boating Advisory Council~~] authorizes the
 2275 Division of Outdoor Recreation to appoint an advisory council that includes in the advisory
 2276 council's duties advising on boating policies, is repealed July 1, 2024.
- 2277 (4) Title 73, Chapter 30, Great Salt Lake Advisory Council Act, is repealed July 1,
 2278 2027.
- 2279 (5) In relation to Title 73, Chapter 31, Water Banking Act, on December 31, 2030:
 2280 (a) Subsection ~~73-1-4(2)(e)(xi)~~ is repealed;
 2281 (b) Subsection ~~73-10-4(1)(h)~~ is repealed; and
 2282 (c) Title 73, Chapter 31, Water Banking Act, is repealed.
- 2283 Section 42. Section ~~63I-1-279~~ is amended to read:
 2284 **63I-1-279. Repeal dates, Title 79.**
- 2285 (1) Subsection ~~79-2-201(2)(p)~~, related to the Heritage Trees Advisory Committee,
 2286 is repealed July 1, 2026.
- 2287 (2) Subsection ~~79-2-201(2)(q)~~, related to the [~~Recreational Trails Advisory~~
 2288 ~~Council~~] Utah Outdoor Recreation Infrastructure Advisory Committee, is repealed July 1,
 2289 2027.
- 2290 (3) Subsection ~~79-2-201(2)(r)(i)~~, related to [~~the Boating Advisory Council~~] an
 2291 advisory council created by the Division of Outdoor Recreation to advise on boating policies, is
 2292 repealed July 1, 2024.
- 2293 (4) Subsection ~~79-2-201(2)(s)~~, related to the Wildlife Board Nominating
 2294 Committee, is repealed July 1, 2023.
- 2295 (5) Subsection ~~79-2-201(2)(t)~~, related to regional advisory councils for the
 2296 Wildlife Board, is repealed July 1, 2023.
- 2297 [~~6~~] ~~Title 79, Chapter 5, Part 2, Advisory Council, which creates the Recreational~~

2298 Trails Advisory Council, is repealed July 1, 2027.]

2299 (6) Section 79-7-206, creating the Utah Outdoor Recreation Infrastructure Advisory
2300 Committee, is repealed July 1, 2027.

2301 (7) Title 79, Chapter 8, Part 4, Outdoor Recreational Infrastructure Grant Program, is
2302 repealed January 1, 2028.

2303 Section 43. Section **63I-2-204** is amended to read:

2304 **63I-2-204. Repeal dates -- Title 4.**

2305 (1) Title 4, Chapter 2, Part 6, Local Food Advisory Council, is repealed November 30,
2306 2022.

2307 (2) Section 4-46-104, Transition, is repealed July 1, 2024.

2308 Section 44. Section **63I-2-279** is amended to read:

2309 **63I-2-279. Repeal dates, Title 79.**

2310 (1) Section 79-2-206, Transition, is repealed July 1, [~~2022~~] 2024.

2311 (2) Title 79, Chapter 6, Part 8, Voluntary Home Energy Information Pilot Program Act,
2312 is repealed January 1, 2022.

2313 Section 45. Section **63J-1-601** is amended to read:

2314 **63J-1-601. End of fiscal year -- Unexpended balances -- Funds not to be closed**
2315 **out -- Pending claims -- Transfer of amounts from item of appropriation -- Nonlapsing**
2316 **accounts and funds -- Institutions of higher education to report unexpended balances.**

2317 (1) As used in this section:

2318 (a) "Education grant subrecipient" means a nonfederal entity that:

2319 (i) receives a subaward from the State Board of Education to carry out at least part of a
2320 federal or state grant program; and

2321 (ii) does not include an individual who is a beneficiary of the federal or state grant
2322 program.

2323 (b) "Transaction control number" means the unique numerical identifier established by
2324 the Department of Health to track each medical claim and indicates the date on which the claim
2325 is entered.

2326 (2) On or before August 31 of each fiscal year, the director of the Division of Finance
2327 shall close out to the proper fund or account all remaining unexpended and unencumbered
2328 balances of appropriations made by the Legislature, except:

2329 (a) those funds classified under Title 51, Chapter 5, Funds Consolidation Act, as:

2330 (i) enterprise funds;

2331 (ii) internal service funds;

2332 (iii) trust and agency funds;

2333 (iv) capital projects funds;

2334 (v) discrete component unit funds;

2335 (vi) debt service funds; and

2336 (vii) permanent funds;

2337 (b) those appropriations from a fund or account or appropriations to a program that are
2338 designated as nonlapsing under Section [63J-1-602.1](#) or [63J-1-602.2](#);

2339 (c) expendable special revenue funds, unless specifically directed to close out the fund
2340 in the fund's enabling legislation;

2341 (d) acquisition and development funds appropriated to the Division of State Parks or
2342 the Division of Outdoor Recreation;

2343 (e) funds encumbered to pay purchase orders issued [~~prior to~~] before May 1 for capital
2344 equipment if delivery is expected before June 30; and

2345 (f) unexpended and unencumbered balances of appropriations that meet the
2346 requirements of Section [63J-1-603](#).

2347 (3) (a) Liabilities and related expenses for goods and services received on or before
2348 June 30 shall be recognized as expenses due and payable from appropriations made [~~prior to~~]
2349 before June 30.

2350 (b) The liability and related expense shall be recognized within time periods
2351 established by the Division of Finance but shall be recognized not later than August 31.

2352 (c) Liabilities and expenses not so recognized may be paid from regular departmental
2353 appropriations for the subsequent fiscal year, if these claims do not exceed unexpended and

2354 unencumbered balances of appropriations for the years in which the obligation was incurred.

2355 (d) ~~[No amounts may]~~ Amounts may not be transferred from an item of appropriation
2356 of any department, institution, or agency into the Capital Projects Fund or any other fund
2357 without the prior express approval of the Legislature.

2358 (4) (a) For purposes of this chapter, a claim processed under the authority of Title 26,
2359 Chapter 18, Medical Assistance Act:

2360 (i) is not a liability or an expense to the state for budgetary purposes, unless the
2361 Division of Health Care Financing receives the claim within the time periods established by the
2362 Division of Finance under Subsection (3)(b); and

2363 (ii) is not subject to Subsection (3)(c).

2364 (b) The transaction control number that the Division of Health Care Financing records
2365 on each claim invoice is the date of receipt.

2366 (5) (a) For purposes of this chapter, a claim processed in accordance with Title 35A,
2367 Chapter 13, Utah State Office of Rehabilitation Act:

2368 (i) is not a liability or an expense to the state for budgetary purposes, unless the Utah
2369 State Office of Rehabilitation receives the claim within the time periods established by the
2370 Division of Finance under Subsection (3)(b); and

2371 (ii) is not subject to Subsection (3)(c).

2372 (b) (i) The Utah State Office of Rehabilitation shall mark each claim invoice with the
2373 date on which the Utah State Office of Rehabilitation receives the claim invoice.

2374 (ii) The date described in Subsection (5)(b)(i) is the date of receipt for purposes of this
2375 section.

2376 (6) (a) For purposes of this chapter, a reimbursement request received from an
2377 education grant subrecipient:

2378 (i) is not a liability or expense to the state for budgetary purposes, unless the State
2379 Board of Education receives the claim within the time periods described in Subsection (3)(b);
2380 and

2381 (ii) is not subject to Subsection (3)(c).

2382 (b) The transaction control number that the State Board of Education records on a
2383 claim invoice is the date of receipt.

2384 (7) Any balance from an appropriation to a state institution of higher education that
2385 remains unexpended at the end of the fiscal year shall be reported to the Division of Finance by
2386 the September 1 following the close of the fiscal year.

2387 Section 46. Section **63J-1-602.2** is amended to read:

2388 **63J-1-602.2. List of nonlapsing appropriations to programs.**

2389 Appropriations made to the following programs are nonlapsing:

2390 (1) The Legislature and the Legislature's committees.

2391 (2) The State Board of Education, including all appropriations to agencies, line items,
2392 and programs under the jurisdiction of the State Board of Education, in accordance with
2393 Section [53F-9-103](#).

2394 (3) The Percent-for-Art Program created in Section [9-6-404](#).

2395 (4) The LeRay McAllister Critical Land Conservation Program created in Section
2396 [~~11-38-301~~] [4-46-301](#).

2397 (5) Dedicated credits accrued to the Utah Marriage Commission as provided under
2398 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).

2399 (6) The Trip Reduction Program created in Section [19-2a-104](#).

2400 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under
2401 the Pelican Management Act, as provided in Section [23-21a-6](#).

2402 (8) The emergency medical services grant program in Section [26-8a-207](#).

2403 (9) The primary care grant program created in Section [26-10b-102](#).

2404 (10) Sanctions collected as dedicated credits from Medicaid provider under Subsection
2405 [26-18-3\(7\)](#).

2406 (11) The Utah Health Care Workforce Financial Assistance Program created in Section
2407 [26-46-102](#).

2408 (12) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).

2409 (13) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).

- 2410 (14) Funds that the Department of Alcoholic Beverage Control retains in accordance
2411 with Subsection [32B-2-301](#) (9)(a) or (b).
- 2412 (15) The General Assistance program administered by the Department of Workforce
2413 Services, as provided in Section [35A-3-401](#).
- 2414 (16) The Utah National Guard, created in Title 39, Militia and Armories.
- 2415 (17) The State Tax Commission under Section [41-1a-1201](#) for the:
- 2416 (a) purchase and distribution of license plates and decals; and
- 2417 (b) administration and enforcement of motor vehicle registration requirements.
- 2418 (18) The Search and Rescue Financial Assistance Program, as provided in Section
2419 [53-2a-1102](#).
- 2420 (19) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 2421 (20) The Utah Board of Higher Education for teacher preparation programs, as
2422 provided in Section [53B-6-104](#).
- 2423 (21) The Medical Education Program administered by the Medical Education Council,
2424 as provided in Section [53B-24-202](#).
- 2425 (22) The Division of Services for People with Disabilities, as provided in Section
2426 [62A-5-102](#).
- 2427 (23) The Division of Fleet Operations for the purpose of upgrading underground
2428 storage tanks under Section [63A-9-401](#).
- 2429 (24) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 2430 (25) Appropriations to the Division of Technology Services for technology innovation
2431 as provided under Section [63A-16-903](#).
- 2432 (26) The Office of Administrative Rules for publishing, as provided in Section
2433 [63G-3-402](#).
- 2434 (27) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
2435 Colorado River Authority of Utah Act.
- 2436 (28) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act,
2437 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

2438 (29) Appropriations to fund the Governor's Office of Economic Opportunity's Rural
2439 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
2440 Employment Expansion Program.

2441 (30) Appropriations to fund programs for the Jordan River Recreation Area as
2442 described in Section 65A-2-8.

2443 (31) The Division of Human Resource Management user training program, as provided
2444 in Section 63A-17-106.

2445 (32) A public safety answering point's emergency telecommunications service fund, as
2446 provided in Section 69-2-301.

2447 (33) The Traffic Noise Abatement Program created in Section 72-6-112.

2448 (34) The money appropriated from the Navajo Water Rights Negotiation Account to
2449 the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a
2450 settlement of federal reserved water right claims.

2451 (35) The Judicial Council for compensation for special prosecutors, as provided in
2452 Section 77-10a-19.

2453 (36) A state rehabilitative employment program, as provided in Section 78A-6-210.

2454 (37) The Utah Geological Survey, as provided in Section 79-3-401.

2455 (38) The Bonneville Shoreline Trail Program created under Section 79-5-503.

2456 (39) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
2457 78B-6-144.5.

2458 (40) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
2459 Defense Commission.

2460 (41) The program established by the Division of Facilities Construction and
2461 Management under Section 63A-5b-703 under which state agencies receive an appropriation
2462 and pay lease payments for the use and occupancy of buildings owned by the Division of
2463 Facilities Construction and Management.

2464 Section 47. Section 63L-7-104 is amended to read:

2465 **63L-7-104. Identification of a potential wilderness area.**

2466 (1) (a) Subject to Subsection (1)(b), the director of PLPCO, within one year of the
2467 acquisition date, shall identify within a parcel of acquired land any conservation areas.

2468 (b) Before identifying a parcel of land as a conservation area, the director of PLPCO
2469 shall:

2470 (i) inform the School and Institutional Trust Lands Administration that a parcel is
2471 being considered for designation as a conservation area; and

2472 (ii) provide the School and Institutional Trust Lands Administration with the
2473 opportunity to trade out land owned by the School and Institutional Trust Lands Administration
2474 for the parcel in question subject to reaching an exchange agreement with the agency that
2475 manages the parcel.

2476 (2) The director of PLPCO shall:

2477 (a) file a map and legal description of each identified conservation area with the
2478 governor, the Senate, and the House of Representatives;

2479 (b) maintain, and make available to the public, records pertaining to identified
2480 conservation areas, including:

2481 (i) maps;

2482 (ii) legal descriptions;

2483 (iii) copies of proposed regulations governing the conservation area; and

2484 (iv) copies of public notices of, and reports submitted to the Legislature, regarding
2485 pending additions, eliminations, or modifications to a conservation area; and

2486 (c) within five years of the date of acquisition:

2487 (i) review each identified conservation area for its suitability to be classified as a
2488 protected wilderness area; and

2489 (ii) report the findings under Subsection (2)(c)(i) to the governor.

2490 (3) The records described in Subsection (2)(b) shall be available for inspection at:

2491 (a) the PLPCO office;

2492 (b) the main office of DNR;

2493 (c) a regional office of the Division of Forestry, Fire, and State Lands for any record

2494 that deals with an identified conservation area in that region; and

2495 (d) the Division of State Parks or the Division of Outdoor Recreation.

2496 (4) A conservation area may be designated as a protected wilderness area as described
2497 in Section 63L-7-105.

2498 (5) A conservation area identified under Subsection (1) shall be managed by DNR, in
2499 coordination with the county government having jurisdiction over the area, without the
2500 conservation area being designated as a protected wilderness area unless otherwise provided by
2501 the Legislature.

2502 Section 48. Section **63L-11-402** is amended to read:

2503 **63L-11-402. Membership -- Terms -- Chair -- Expenses.**

2504 (1) The Resource Development Coordinating Committee consists of the following [25]
2505 26 members:

2506 (a) the state science advisor;

2507 (b) a representative from the Department of Agriculture and Food appointed by the
2508 [~~executive director~~] commissioner of the Department of Agriculture and Food;

2509 (c) a representative from the Department of Cultural and Community Engagement
2510 appointed by the executive director of the Department of Cultural and Community
2511 Engagement;

2512 (d) a representative from the Department of Environmental Quality appointed by the
2513 executive director of the Department of Environmental Quality;

2514 (e) a representative from the Department of Natural Resources appointed by the
2515 executive director of the Department of Natural Resources;

2516 (f) a representative from the Department of Transportation appointed by the executive
2517 director of the Department of Transportation;

2518 (g) a representative from the Governor's Office of Economic Opportunity appointed by
2519 the director of the Governor's Office of Economic Opportunity;

2520 (h) a representative from the Housing and Community Development Division
2521 appointed by the director of the Housing and Community Development Division;

2522 (i) a representative from the Division of State History appointed by the director of the
2523 Division of State History;

2524 (j) a representative from the Division of Air Quality appointed by the director of the
2525 Division of Air Quality;

2526 (k) a representative from the Division of Drinking Water appointed by the director of
2527 the Division of Drinking Water;

2528 (l) a representative from the Division of Environmental Response and Remediation
2529 appointed by the director of the Division of Environmental Response and Remediation;

2530 (m) a representative from the Division of Waste Management and Radiation Control
2531 appointed by the director of the Division of Waste Management and Radiation Control;

2532 (n) a representative from the Division of Water Quality appointed by the director of the
2533 Division of Water Quality;

2534 (o) a representative from the Division of Oil, Gas, and Mining appointed by the
2535 director of the Division of Oil, Gas, and Mining;

2536 (p) a representative from the Division of Parks appointed by the director of the
2537 Division of Parks;

2538 (q) a representative from the Division of Outdoor Recreation appointed by the director
2539 of the Division of Outdoor Recreation;

2540 (r) a representative from the Division of Forestry, Fire, and State Lands appointed by
2541 the director of the Division of Forestry, Fire, and State Lands;

2542 (s) a representative from the Utah Geological Survey appointed by the director of the
2543 Utah Geological Survey;

2544 (t) a representative from the Division of Water Resources appointed by the director of
2545 the Division of Water Resources;

2546 (u) a representative from the Division of Water Rights appointed by the director of the
2547 Division of Water Rights;

2548 (v) a representative from the Division of Wildlife Resources appointed by the director
2549 of the Division of Wildlife Resources;

2550 (w) a representative from the School and Institutional Trust Lands Administration
2551 appointed by the director of the School and Institutional Trust Lands Administration;

2552 (x) a representative from the Division of Facilities Construction and Management
2553 appointed by the director of the Division of Facilities Construction and Management; ~~[and]~~

2554 (y) a representative from the Division of Emergency Management appointed by the
2555 director of the Division of Emergency Management~~[;]~~; and

2556 (z) a representative from the Division of Conservation, created under Section 4-46-401,
2557 appointed by the director of the Division of Conservation.

2558 (2) (a) As particular issues require, the coordinating committee may, by majority vote
2559 of the members present, appoint additional temporary members to serve as ex officio voting
2560 members.

2561 (b) Those ex officio members may discuss and vote on the issue or issues for which
2562 they were appointed.

2563 (3) A chair shall be selected by a ~~[majority]~~ vote of 14 committee members with the
2564 concurrence of the executive director.

2565 (4) A member may not receive compensation or benefits for the member's service, but
2566 may receive per diem and travel expenses in accordance with:

2567 (a) Sections 63A-3-106 and 63A-3-107; and

2568 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2569 63A-3-107.

2570 Section 49. Section **63N-3-602** is amended to read:

2571 **63N-3-602. Definitions.**

2572 As used in this part:

2573 (1) "Affordable housing" means ~~[the same as that term is defined in Section~~
2574 11-38-102] housing occupied or reserved for occupancy by households with a gross household
2575 income equal to or less than 80% of the median gross income of the applicable municipal or
2576 county statistical area for households of the same size.

2577 (2) "Agency" means the same as that term is defined in Section 17C-1-102.

2578 (3) "Base taxable value" means a property's taxable value as shown upon the
2579 assessment roll last equalized during the base year.

2580 (4) "Base year" means, for a proposed housing and transit reinvestment zone area, a
2581 year determined by the last equalized tax roll before the adoption of the housing and transit
2582 reinvestment zone.

2583 (5) (a) "Commuter rail" means a heavy-rail passenger rail transit facility operated by a
2584 large public transit district.

2585 (b) "Commuter rail" does not include a light-rail passenger rail facility of a large public
2586 transit district.

2587 (6) "Commuter rail station" means a station, stop, or terminal along an existing
2588 commuter rail line, or along an extension to an existing commuter rail line or new commuter
2589 rail line that is included in a metropolitan planning organization's adopted long-range
2590 transportation plan.

2591 (7) "Dwelling unit" means one or more rooms arranged for the use of one or more
2592 individuals living together, as a single housekeeping unit normally having cooking, living,
2593 sanitary, and sleeping facilities.

2594 (8) "Enhanced development" means the construction of mixed uses including housing,
2595 commercial uses, and related facilities, at an average density of 50 dwelling units or more per
2596 acre on the developable acres.

2597 (9) "Enhanced development costs" means extra costs associated with structured
2598 parking costs, vertical construction costs, horizontal construction costs, life safety costs,
2599 structural costs, conveyor or elevator costs, and other costs incurred due to the increased height
2600 of buildings or enhanced development.

2601 (10) "Horizontal construction costs" means the additional costs associated with
2602 earthwork, over excavation, utility work, transportation infrastructure, and landscaping to
2603 achieve enhanced development in the housing and transit reinvestment zone.

2604 (11) "Housing and transit reinvestment zone" means a housing and transit reinvestment
2605 zone created pursuant to this part.

2606 (12) "Housing and transit reinvestment zone committee" means a housing and transit
2607 reinvestment zone committee created pursuant to Section [63N-3-605](#).

2608 (13) "Large public transit district" means the same as that term is defined in Section
2609 [17B-2a-802](#).

2610 (14) "Metropolitan planning organization" means the same as that term is defined in
2611 Section [72-1-208.5](#).

2612 (15) "Mixed use development" means development with a mix of multi-family
2613 residential use and at least one additional land use.

2614 (16) "Municipality" means the same as that term is defined in Section [10-1-104](#).

2615 (17) "Participant" means the same as that term is defined in Section [17C-1-102](#).

2616 (18) "Participation agreement" means the same as that term is defined in Section
2617 [17C-1-102](#).

2618 (19) "Public transit county" means a county that has created a small public transit
2619 district.

2620 (20) "Public transit hub" means a public transit depot or station where four or more
2621 routes serving separate parts of the county-created transit district stop to transfer riders between
2622 routes.

2623 (21) "Sales and use tax base year" means a sales and use tax year determined by the
2624 first year pertaining to the tax imposed in Section [59-12-103](#) after the sales and use tax
2625 boundary for a housing and transit reinvestment zone is established.

2626 (22) "Sales and use tax boundary" means a boundary created as described in Section
2627 [63N-3-604](#), based on state sales and use tax collection that corresponds as closely as reasonably
2628 practicable to the housing and transit reinvestment zone boundary.

2629 (23) "Sales and use tax increment" means the difference between:

2630 (a) the amount of state sales and use tax revenue generated each year following the
2631 sales and use tax base year by the sales and use tax from the area within a housing and transit
2632 reinvestment zone designated in the housing and transit reinvestment zone proposal as the area
2633 from which sales and use tax increment is to be collected; and

2634 (b) the amount of state sales and use tax revenue that was generated from that same
2635 area during the sales and use tax base year.

2636 (24) "Sales and use tax revenue" means revenue that is generated from the tax imposed
2637 under Section 59-12-103.

2638 (25) "Small public transit district" means the same as that term is defined in Section
2639 17B-2a-802.

2640 (26) "Tax commission" means the State Tax Commission created in Section 59-1-201.

2641 (27) "Tax increment" means the difference between:

2642 (a) the amount of property tax revenue generated each tax year by a taxing entity from
2643 the area within a housing and transit reinvestment zone designated in the housing and transit
2644 reinvestment zone proposal as the area from which tax increment is to be collected, using the
2645 current assessed value and each taxing entity's current certified tax rate as defined in Section
2646 59-2-924; and

2647 (b) the amount of property tax revenue that would be generated from that same area
2648 using the base taxable value and each taxing entity's current certified tax rate as defined in
2649 Section 59-2-924.

2650 (28) "Taxing entity" means the same as that term is defined in Section 17C-1-102.

2651 (29) "Vertical construction costs" means the additional costs associated with
2652 construction above four stories and structured parking to achieve enhanced development in the
2653 housing and transit reinvestment zone.

2654 Section 50. Section 65A-3-1 is amended to read:

2655 **65A-3-1. Trespassing on state lands -- Penalties.**

2656 (1) As used in this section:

2657 (a) "Anchored" means the same as that term is defined in Section 73-18-2.

2658 (b) "Beached" means the same as that term is defined in Section 73-18-2.

2659 (c) "Motorboat" means the same as that term is defined in Section 73-18-2.

2660 (d) "Vessel" means the same as that term is defined in Section 73-18-2.

2661 (2) A person is guilty of a class B misdemeanor and liable for the civil damages

- 2662 prescribed in Subsection (4) if, without written authorization from the division, the person:
- 2663 (a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand,
- 2664 soil, vegetation, or improvement on state lands;
- 2665 (b) grazes livestock on state lands;
- 2666 (c) uses, occupies, or constructs improvements or structures on state lands;
- 2667 (d) uses or occupies state lands for more than 30 days after the cancellation or
- 2668 expiration of written authorization;
- 2669 (e) knowingly and willfully uses state lands for commercial gain;
- 2670 (f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological,
- 2671 or paleontological resource on state lands;
- 2672 (g) starts or maintains a fire on state lands except in a posted and designated area;
- 2673 (h) camps on state lands, except in posted or designated areas;
- 2674 (i) camps on state lands for longer than 15 consecutive days at the same location or
- 2675 within one mile of the same location;
- 2676 (j) camps on state lands for 15 consecutive days, and then returns to camp at the same
- 2677 location before 15 consecutive days have elapsed after the day on which the person left that
- 2678 location;
- 2679 (k) leaves an anchored or beached vessel unattended for longer than 48 hours on state
- 2680 lands;
- 2681 (l) anchors or beaches a vessel on state lands at the same location for longer than 72
- 2682 hours or within two miles of the same location for longer than 72 hours;
- 2683 (m) anchors or beaches a vessel on state lands at the same location for 72 hours, and
- 2684 then returns to anchor or beach the vessel at the same location or within two miles of the same
- 2685 location before 72 hours have elapsed after the day on which the person left that location;
- 2686 (n) posts a sign claiming state land as private property;
- 2687 (o) prohibits, prevents, or obstructs public entry to state land where public entry is
- 2688 authorized by the division; or
- 2689 (p) parks or operates a motor vehicle on the bed of a navigable lake or river except in

2690 those areas:

2691 (i) supervised by the Division of State Parks, the Division of Outdoor Recreation, or
2692 another state or local enforcement entity; and

2693 (ii) which are posted as open to vehicle use.

2694 (3) A person is guilty of a class C misdemeanor and liable for civil damages described
2695 in Subsection (4) if, on state lands surrounding Bear Lake and without written authorization of
2696 the division, the person:

2697 (a) parks or operates a motor vehicle in an area on the exposed lake bed that is
2698 specifically posted by the division as closed for usage;

2699 (b) camps, except in an area that is posted and designated as open to camping;

2700 (c) exceeds a speed limit of 10 miles per hour while operating a motor vehicle;

2701 (d) drives recklessly while operating a motor vehicle;

2702 (e) parks or operates a motor vehicle within an area between the water's edge and 100
2703 feet of the water's edge except as necessary to:

2704 (i) launch or retrieve a motorboat, if the person is permitted to launch or retrieve a
2705 motorboat;

2706 (ii) transport an individual with limited mobility; or

2707 (iii) deposit or retrieve equipment to a beach site;

2708 (f) travels in a motor vehicle parallel to the water's edge:

2709 (i) in areas designated by the division as closed;

2710 (ii) a distance greater than 500 yards; or

2711 (iii) for purposes other than travel to or from a beach site;

2712 (g) parks or operates a motor vehicle between the hours of 10 p.m. and 7 a.m.; or

2713 (h) starts a campfire or uses fireworks.

2714 (4) A person who commits any act described in Subsection (2) or (3) is liable for
2715 damages in the amount of:

2716 (a) three times the value of the mineral or other resource removed, destroyed, or
2717 extracted;

2718 (b) three times the value of damage committed; or

2719 (c) three times the consideration which would have been charged by the division for
2720 use of the land during the period of trespass.

2721 (5) In addition to the damages described in Subsection (4), a person found guilty of a
2722 misdemeanor under Subsection (2) or (3) is subject to the penalties provided in Section
2723 76-3-204.

2724 (6) Money collected under this section shall be deposited in the fund in which similar
2725 revenues from that land would be deposited.

2726 Section 51. Section 65A-10-2 is amended to read:

2727 **65A-10-2. Recreational use of sovereign lands.**

2728 (1) The division, with the approval of the executive director of the Department of
2729 Natural Resources and the governor, may set aside for public or recreational use any part of the
2730 lands claimed by the state as the beds of lakes or streams.

2731 (2) Management of those lands may be delegated to the Division of State Parks, the
2732 Division of Outdoor Recreation, the Division of Wildlife Resources, or any other state agency.

2733 Section 52. Section 72-11-204 is amended to read:

2734 **72-11-204. Vacancies -- Expenses -- Reimbursement -- Use of facilities of**
2735 **Department of Transportation -- Functions, powers, duties, rights, and responsibilities.**

2736 (1) When a vacancy occurs in the membership for any reason, the replacement shall be
2737 appointed for the unexpired term.

2738 (2) A member may not receive compensation or benefits for the member's service, but
2739 may receive per diem and travel expenses in accordance with:

2740 (a) Section 63A-3-106;

2741 (b) Section 63A-3-107; and

2742 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
2743 63A-3-107.

2744 (3) Reimbursement shall be made from fees collected by the committee for services
2745 rendered by [†] the committee.

2746 (4) The Department of Transportation shall supply the committee with office
2747 accommodation, space, equipment, and secretarial assistance the executive director considers
2748 adequate for the committee.

2749 (5) In addition to the functions, powers, duties, rights, and responsibilities granted to
2750 [it] the committee under this chapter, the committee shall assume and have all of the functions,
2751 powers, duties, rights, and responsibilities of the Division of Outdoor Recreation in relation to
2752 passenger ropeway systems pursuant to that chapter.

2753 Section 53. Section **73-3-31** is amended to read:

2754 **73-3-31. Water right for watering livestock on public land.**

2755 (1) As used in this section:

2756 (a) "Acquire" means to gain the right to use water through obtaining:

2757 (i) an approved application to appropriate water; or

2758 (ii) a perfected water right.

2759 (b) "Allotment" means a designated area of public land available for livestock grazing.

2760 (c) "Animal unit month (AUM)" is the amount of forage needed to sustain one cow and
2761 her calf, one horse, or five sheep and goats for one month.

2762 (d) (i) "Beneficial user" means the person that has the right to use the grazing permit.

2763 (ii) "Beneficial user" does not mean the public land agency issuing the grazing permit.

2764 (e) "Grazing permit" means a document authorizing livestock to graze on an allotment.

2765 (f) "Livestock" means a domestic animal raised or kept for profit or personal use.

2766 (g) "Livestock watering right" means a right for:

2767 (i) livestock to consume water:

2768 (A) directly from the water source located on public land; or

2769 (B) from an impoundment located on public land into which the water is diverted; and

2770 (ii) associated uses of water related to the raising and care of livestock on public land.

2771 (h) (i) "Public land" means land owned or managed by the United States or the state.

2772 (ii) "Public land" does not mean land owned by:

2773 (A) the Division of Wildlife Resources;

- 2774 (B) the School and Institutional Trust Lands Administration; [~~or~~]
2775 (C) the Division of State Parks; or
2776 (D) the Division of Outdoor Recreation.
- 2777 (i) "Public land agency" means the agency that owns or manages the public land.
- 2778 (2) A public land agency may not:
- 2779 (a) condition the issuance, renewal, amendment, or extension of any permit, approval,
2780 license, allotment, easement, right-of-way, or other land use occupancy agreement regarding
2781 livestock on the transfer of any water right directly to the public land agency;
- 2782 (b) require any water user to apply for, or acquire a water right in the name of, the
2783 public land agency as a condition for the issuance, renewal, amendment, or extension of any
2784 permit, approval, license, allotment, easement, right-of-way, or other land use occupancy
2785 agreement regarding livestock; or
- 2786 (c) acquire a livestock watering right if the public land agency is not a beneficial user.
- 2787 (3) The state engineer may not approve a change application under Section 73-3-3 for a
2788 livestock watering right without the consent of the beneficial user.
- 2789 (4) A beneficial user may file a nonuse application under Section 73-1-4 on a livestock
2790 watering right or a portion of a livestock watering right that the beneficial user puts to
2791 beneficial use.
- 2792 (5) A livestock watering right is appurtenant to the allotment on which the livestock is
2793 watered.
- 2794 (6) (a) (i) A beneficial user or a public land agency may file a request with the state
2795 engineer for a livestock water use certificate.
- 2796 (ii) The state engineer shall:
- 2797 (A) provide the livestock water use certificate application form on the Internet; and
2798 (B) allow electronic submission of the livestock water use certificate application.
- 2799 (b) The state engineer shall grant a livestock water use certificate to a beneficial user if
2800 the beneficial user:
- 2801 (i) demonstrates that the beneficial user has a right to use a grazing permit for the

2802 allotment to which the livestock watering right is appurtenant; and

2803 (ii) pays the fee set in accordance with Section 73-2-14.

2804 (c) A livestock water use certificate is valid as long as the livestock watering right is:

2805 (i) held by a beneficial user who has the right to use the grazing permit and graze

2806 livestock on the allotment;

2807 (ii) put to beneficial use within a seven-year time period; or

2808 (iii) subject to a nonuse application approved under Section 73-1-4.

2809 (7) A beneficial user may access or improve an allotment as necessary for the

2810 beneficial user to beneficially use, develop, and maintain the beneficial user's water right

2811 appurtenant to the allotment.

2812 (8) If a federal land management agency reduces livestock grazing AUMs on federal

2813 grazing allotments, and the reduction results in the partial forfeiture of an appropriated water

2814 right, the amount of water in question for nonuse as a livestock water right shall be held in trust

2815 by the state engineer until such water may be appropriated for livestock watering, consistent

2816 with this act and state law.

2817 (9) Nothing in this section affects a livestock watering right or a livestock water use

2818 certificate held by a public land agency on May 13, 2014.

2819 Section 54. Section 73-18-2 is amended to read:

2820 **73-18-2. Definitions.**

2821 As used in this chapter:

2822 (1) "Anchored" means a vessel that is temporarily attached to the bed or shoreline of a

2823 waterbody by any method and the hull of the vessel is not touching the bed or shoreline.

2824 (2) "Beached" means that a vessel's hull is resting on the bed or shoreline of a

2825 waterbody.

2826 (3) "Boat livery" means a person that holds a vessel for renting or leasing.

2827 (4) "Carrying passengers for hire" means to transport persons on vessels or to lead

2828 persons on vessels for consideration.

2829 (5) "Commission" means the Outdoor Adventure Commission.

- 2830 (6) "Consideration" means something of value given or done in exchange for
2831 something given or done by another.
- 2832 (7) "Dealer" means any person who is licensed by the appropriate authority to engage
2833 in and who is engaged in the business of buying and selling vessels or of manufacturing them
2834 for sale.
- 2835 (8) "Derelict vessel":
- 2836 (a) means a vessel that is left, stored, or abandoned upon the waters of this state in a
2837 wrecked, junked, or substantially dismantled condition; and
- 2838 (b) includes:
- 2839 (i) a vessel left at a Utah port or marina without consent of the agency or other entity
2840 administering the port or marine area; and
- 2841 (ii) a vessel left docked or grounded upon a property without the property owner's
2842 consent.
- 2843 (9) "Division" means the Division of Outdoor Recreation.
- 2844 (10) "Moored" means long term, on the water vessel storage in an area designated and
2845 properly marked by the division or other applicable managing agency.
- 2846 (11) "Motorboat" means any vessel propelled by machinery, whether or not the
2847 machinery is the principal source of propulsion.
- 2848 (12) "Operate" means to navigate, control, or otherwise use a vessel.
- 2849 (13) "Operator" means the person who is in control of a vessel while it is in use.
- 2850 (14) "Outfitting company" means any person who, for consideration:
- 2851 (a) provides equipment to transport persons on all waters of this state; and
- 2852 (b) supervises a person who:
- 2853 (i) operates a vessel to transport passengers; or
- 2854 (ii) leads a person on a vessel.
- 2855 (15) (a) "Owner" means a person, other than a lien holder, holding a proprietary
2856 interest in or the title to a vessel.
- 2857 (b) "Owner" includes a person entitled to the use or possession of a vessel subject to an

2858 interest by another person, reserved or created by agreement and securing payment or
2859 performance of an obligation.

2860 (c) "Owner" does not include a lessee under a lease not intended as security.

2861 (16) "Personal watercraft" means a motorboat that is:

2862 (a) less than 16 feet in length;

2863 (b) propelled by a water jet pump; and

2864 (c) designed to be operated by a person sitting, standing, or kneeling on the vessel,
2865 rather than sitting or standing inside the vessel.

2866 (17) "Racing shell" means a long, narrow watercraft:

2867 (a) outfitted with long oars and sliding seats; and

2868 (b) specifically designed for racing or exercise.

2869 (18) "Sailboat" means any vessel having one or more sails and propelled by wind.

2870 (19) "Vessel" means every type of watercraft, other than a seaplane on the water, used
2871 or capable of being used as a means of transportation on water.

2872 (20) "Wakeless speed" means an operating speed at which the vessel does not create or
2873 make a wake or white water trailing the vessel. This speed is not in excess of five miles per
2874 hour.

2875 (21) "Waters of this state" means any waters within the territorial limits of this state.

2876 Section 55. Section **73-18-3.5** is amended to read:

2877 **73-18-3.5. Advisory council.**

2878 The division, after [~~consultation with~~] notifying the commission, may appoint an
2879 advisory council [~~representing various~~] that includes:

2880 (1) representation of boating interests [to seek]; and

2881 (2) among the advisory council's duties, making recommendations on state boating
2882 policies.

2883 Section 56. Section **73-18-4** is amended to read:

2884 **73-18-4. Division may make rules and set fees.**

2885 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

2886 division, after [~~consultation with~~] notifying the commission, shall [~~promulgate~~] make rules:

2887 (a) creating a uniform waterway marking system which shall be obeyed by all vessel
2888 operators;

2889 (b) regulating the placement of waterway markers and other permanent or anchored
2890 objects on the waters of this state;

2891 (c) zoning certain waters of this state for the purpose of prohibiting the operation of
2892 vessels or motors for safety and health purposes only;

2893 (d) regulating vessel operators who carry passengers for hire, boat liveries, and
2894 outfitting companies; and

2895 (e) regulating anchored, beached, moored, or abandoned vessels to minimize health,
2896 safety, and environmental concerns.

2897 (2) (a) The division, after [~~consultation with~~] notifying the commission, may set fees in
2898 accordance with Section [63J-1-504](#) for:

2899 (i) licensing vessel operators who carry passengers for hire; and

2900 (ii) registering:

2901 (A) outfitting companies; and

2902 (B) boat liveries.

2903 (b) The license and registration fees imposed pursuant to Subsection (2)(a) shall be
2904 deposited into the Boating Account created in Section [73-18-22](#).

2905 Section 57. Section **73-18-7** is amended to read:

2906 **73-18-7. Registration requirements -- Exemptions -- Fee -- Agents -- Records --**

2907 **Period of registration and renewal -- Expiration -- Notice of transfer of interest or change**

2908 **of address -- Duplicate registration card -- Invalid registration -- Powers of division.**

2909 (1) (a) Except as provided by Section [73-18-9](#), the owner of each motorboat and
2910 sailboat on the waters of this state shall register it with the division as provided in this chapter.

2911 (b) A person may not place, give permission for the placement of, operate, or give
2912 permission for the operation of a motorboat or sailboat on the waters of this state, unless the
2913 motorboat or sailboat is registered as provided in this chapter.

2914 (2) (a) The owner of a motorboat or sailboat required to be registered shall file an
2915 application for registration with the division on forms approved by the division.

2916 (b) The owner of the motorboat or sailboat shall sign the application and pay the fee set
2917 by the division, after [~~consultation with~~] notifying the commission, in accordance with Section
2918 [63J-1-504](#).

2919 (c) Before receiving a registration card and registration decals, the applicant shall
2920 provide the division with a certificate from the county assessor of the county in which the
2921 motorboat or sailboat has situs for taxation, stating that:

2922 (i) the property tax on the motorboat or sailboat for the current year has been paid;

2923 (ii) in the county assessor's opinion, the property tax is a lien on real property sufficient
2924 to secure the payment of the property tax; or

2925 (iii) the motorboat or sailboat is exempt by law from payment of property tax for the
2926 current year.

2927 (d) If the division modifies the fee under Subsection (2)(b), the modification shall take
2928 effect on the first day of the calendar quarter after 90 days from the day on which the division
2929 provides the State Tax Commission:

2930 (i) notice from the division stating that the division will modify the fee; and

2931 (ii) a copy of the fee modification.

2932 (e) (i) The division may enter into an agreement with the Motor Vehicle Division
2933 created in Section [41-1a-106](#) to administer the registration requirements described in this
2934 chapter.

2935 (ii) An individual may request automatic registration renewal as described in Section
2936 [41-1a-216](#).

2937 (3) (a) Upon receipt of the application in the approved form, the division shall record
2938 the receipt and issue to the applicant registration decals and a registration card that state the
2939 number assigned to the motorboat or sailboat and the name and address of the owner.

2940 (b) The registration card shall be available for inspection on the motorboat or sailboat
2941 for which it was issued, whenever that motorboat or sailboat is in operation.

- 2942 (4) The assigned number shall:
- 2943 (a) be painted or permanently attached to each side of the forward half of the motorboat
- 2944 or sailboat;
- 2945 (b) consist of plain vertical block characters not less than three inches in height;
- 2946 (c) contrast with the color of the background and be distinctly visible and legible;
- 2947 (d) have spaces or hyphens equal to the width of a letter between the letter and numeral
- 2948 groupings; and
- 2949 (e) read from left to right.
- 2950 (5) A motorboat or sailboat with a valid marine document issued by the United States
- 2951 Coast Guard is exempt from the number display requirements of Subsection (4).
- 2952 (6) The nonresident owner of any motorboat or sailboat already covered by a valid
- 2953 number that has been assigned to it according to federal law or a federally approved numbering
- 2954 system of the owner's resident state is exempt from registration while operating the motorboat
- 2955 or sailboat on the waters of this state unless the owner is operating in excess of the reciprocity
- 2956 period provided for in Subsection 73-18-9(1).
- 2957 (7) (a) If the ownership of a motorboat or sailboat changes, the new owner shall file a
- 2958 new application form and fee with the division, and the division shall issue a new registration
- 2959 card and registration decals in the same manner as provided for in Subsections (2) and (3).
- 2960 (b) The division shall reassign the current number assigned to the motorboat or sailboat
- 2961 to the new owner to display on the motorboat or sailboat.
- 2962 (8) If the United States Coast Guard has in force an overall system of identification
- 2963 numbering for motorboats or sailboats within the United States, the numbering system
- 2964 employed under this chapter by the division shall conform with that system.
- 2965 (9) (a) The division may authorize any person to act as its agent for the registration of
- 2966 motorboats and sailboats.
- 2967 (b) A number assigned, a registration card, and registration decals issued by an agent of
- 2968 the division in conformity with this chapter and rules of the division are valid.
- 2969 (10) (a) The Motor Vehicle Division shall classify all records of the division made or

2970 kept according to this section in the same manner that motor vehicle records are classified
2971 under Section 41-1a-116.

2972 (b) Division records are available for inspection in the same manner as motor vehicle
2973 records pursuant to Section 41-1a-116.

2974 (11) (a) (i) Each registration, registration card, and decal issued under this chapter shall
2975 continue in effect for 12 months, beginning with the first day of the calendar month of
2976 registration.

2977 (ii) A registration may be renewed by the owner in the same manner provided for in the
2978 initial application.

2979 (iii) The division shall reassign the current number assigned to the motorboat or
2980 sailboat when the registration is renewed.

2981 (b) Each registration, registration card, and registration decal expires the last day of the
2982 month in the year following the calendar month of registration.

2983 (c) If the last day of the registration period falls on a day in which the appropriate state
2984 or county offices are not open for business, the registration of the motorboat or sailboat is
2985 extended to 12 midnight of the next business day.

2986 (d) The division may receive applications for registration renewal and issue new
2987 registration cards at any time before the expiration of the registration, subject to the availability
2988 of renewal materials.

2989 (e) The new registration shall retain the same expiration month as recorded on the
2990 original registration even if the registration has expired.

2991 (f) The year of registration shall be changed to reflect the renewed registration period.

2992 (g) If the registration renewal application is an application generated by the division
2993 through its automated system, the owner is not required to surrender the last registration card or
2994 duplicate.

2995 (12) (a) An owner shall notify the division of:

2996 (i) the transfer of all or any part of the owner's interest, other than creation of a security
2997 interest, in a motorboat or sailboat registered in this state under Subsections (2) and (3); and

- 2998 (ii) the destruction or abandonment of the owner's motorboat or sailboat.
- 2999 (b) Notification must take place within 15 days of the transfer, destruction, or
3000 abandonment.
- 3001 (c) (i) The transfer, destruction, or abandonment of a motorboat or sailboat terminates
3002 its registration.
- 3003 (ii) Notwithstanding Subsection (12)(c)(i), a transfer of a part interest that does not
3004 affect the owner's right to operate a motorboat or sailboat does not terminate the registration.
- 3005 (13) (a) A registered owner shall notify the division within 15 days if the owner's
3006 address changes from the address appearing on the registration card and shall, as a part of this
3007 notification, furnish the division with the owner's new address.
- 3008 (b) The division may provide in the division's rules for:
- 3009 (i) the surrender of the registration card bearing the former address; and
- 3010 (ii) (A) the replacement of the card with a new registration card bearing the new
3011 address; or
- 3012 (B) the alteration of an existing registration card to show the owner's new address.
- 3013 (14) (a) If a registration card is lost or stolen, the division may collect a fee of \$4 for
3014 the issuance of a duplicate card.
- 3015 (b) If a registration decal is lost or stolen, the division may collect a fee of \$3 for the
3016 issuance of a duplicate decal.
- 3017 (15) A number other than the number assigned to a motorboat or sailboat or a number
3018 for a motorboat or sailboat granted reciprocity under this chapter may not be painted, attached,
3019 or otherwise displayed on either side of the bow of a motorboat or sailboat.
- 3020 (16) A motorboat or sailboat registration and number are invalid if obtained by
3021 knowingly falsifying an application for registration.
- 3022 (17) The division may designate the suffix to assigned numbers, and by following the
3023 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3024 make rules for:
- 3025 (a) the display of registration decals;

3026 (b) the issuance and display of dealer numbers and registrations; and

3027 (c) the issuance and display of temporary registrations.

3028 (18) A violation of this section is an infraction.

3029 Section 58. Section **73-18-8** is amended to read:

3030 **73-18-8. Safety equipment required to be on board vessels -- Penalties.**

3031 (1) (a) Except as provided in Subsection (1)(c), each vessel shall have, for each person
3032 on board, one wearable personal flotation device that is approved for the type of use by the
3033 commandant of the United States Coast Guard.

3034 (b) Each personal flotation device shall be:

3035 (i) in serviceable condition;

3036 (ii) legally marked with the United States Coast Guard approval number; and

3037 (iii) of an appropriate size for the person for whom it is intended.

3038 (c) (i) Sailboards and racing shells are exempt from the provisions of Subsections
3039 (1)(a) and (e).

3040 (ii) The division, after [~~consultation with~~] notifying the commission, may exempt
3041 certain types of vessels from the provisions of Subsection (1)(a) under certain conditions or
3042 upon certain waters.

3043 (d) The division may require by rule, after [~~consultation with~~] notifying the
3044 commission, for personal flotation devices to be worn:

3045 (i) while a person is on board a certain type of vessel;

3046 (ii) by a person under a certain age; or

3047 (iii) on certain waters of the state.

3048 (e) For vessels 16 feet or more in length, there shall also be on board one throwable
3049 personal flotation device which is approved for this use by the commandant of the United
3050 States Coast Guard.

3051 (2) The operator of a vessel operated between sunset and sunrise shall display lighted
3052 navigation lights approved by the division.

3053 (3) If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in

3054 any enclosure for any purpose, the vessel shall be equipped with an efficient natural or
3055 mechanical ventilation system that is capable of removing resulting gases before and during the
3056 time the vessel is occupied by any person.

3057 (4) Each vessel shall have fire extinguishing equipment on board.

3058 (5) Any inboard gasoline engine shall be equipped with a carburetor backfire flame
3059 control device.

3060 (6) The division may, after notifying the commission:

3061 (a) require additional safety equipment by rule [~~made in consultation with the~~
3062 ~~commission~~]; and

3063 (b) adopt rules conforming with the requirements of this section which govern
3064 specifications for and the use of safety equipment.

3065 (7) A person may not operate or give permission for the operation of a vessel that is not
3066 equipped as required by this section or rules promulgated under this section.

3067 (8) A violation of this section is an infraction.

3068 Section 59. Section **73-18-11** is amended to read:

3069 **73-18-11. Regulation of muffling devices.**

3070 The division, after [~~consultation with~~] notifying the commission, shall adopt rules for
3071 the regulating of muffling devices on all vessels.

3072 Section 60. Section **73-18-13** is amended to read:

3073 **73-18-13. Duties of operator involved in accident -- Notification and reporting**
3074 **procedures -- Use of accident reports -- Giving false information as misdemeanor.**

3075 (1) As used in this section, "agent" has the same meaning as provided in Section
3076 [41-6a-404](#).

3077 (2) (a) It is the duty of the operator of a vessel involved in an accident, if the operator
3078 can do so without seriously endangering the operator's own vessel, crew, or passengers, to
3079 render aid to those affected by the accident as may be practicable.

3080 (b) The operator shall also give the operator's name, address, and identification of the
3081 operator's vessel in writing to:

- 3082 (i) any person injured; or
- 3083 (ii) the owner of any property damaged in the accident.
- 3084 (c) A violation of this Subsection (2) is a class B misdemeanor.
- 3085 (3) (a) The division, after [~~consultation with~~] notifying the commission, shall adopt
- 3086 rules governing the notification and reporting procedure for vessels involved in accidents.
- 3087 (b) The rules shall be consistent with federal requirements.
- 3088 (4) (a) Except as provided in Subsection (4)(b), all accident reports:
- 3089 (i) are protected and shall be for the confidential use of the division or other state,
- 3090 local, or federal agencies having use for the records for official governmental statistical,
- 3091 investigative, and accident prevention purposes; and
- 3092 (ii) may be disclosed only in a statistical form that protects the privacy of any person
- 3093 involved in the accident.
- 3094 (b) The division shall disclose a written accident report and its accompanying data to:
- 3095 (i) a person involved in the accident, excluding a witness to the accident;
- 3096 (ii) a person suffering loss or injury in the accident;
- 3097 (iii) an agent, parent, or legal guardian of a person described in Subsections (4)(b)(i)
- 3098 and (ii);
- 3099 (iv) a member of the press or broadcast news media;
- 3100 (v) a state, local, or federal agency that uses the records for official governmental,
- 3101 investigative, or accident prevention purposes;
- 3102 (vi) law enforcement personnel when acting in their official governmental capacity;
- 3103 and
- 3104 (vii) a licensed private investigator.
- 3105 (c) Information provided to a member of the press or broadcast news media under
- 3106 Subsection (4)(b)(iv) may only include:
- 3107 (i) the name, age, sex, and city of residence of each person involved in the accident;
- 3108 (ii) the make and model year of each vehicle involved in the accident;
- 3109 (iii) whether or not each person involved in the accident was covered by a vehicle

3110 insurance policy;

3111 (iv) the location of the accident; and

3112 (v) a description of the accident that excludes personal identifying information not
3113 listed in Subsection (4)(c)(i).

3114 (5) (a) Except as provided in Subsection (5)(c), an accident report may not be used as
3115 evidence in any civil or criminal trial, arising out of an accident.

3116 (b) Upon demand of any person who has, or claims to have, made the report, or upon
3117 demand of any court, the division shall furnish a certificate showing that a specified accident
3118 report has or has not been made to the division solely to prove a compliance or a failure to
3119 comply with the requirement that a report be made to the division.

3120 (c) Accident reports may be used as evidence when necessary to prosecute charges
3121 filed in connection with a violation of Subsection (6).

3122 (6) Any person who gives false information, knowingly or having reason to believe it is
3123 false, in an oral or written report as required in this chapter, is guilty of a class B misdemeanor.

3124 Section 61. Section **73-18-13.5** is amended to read:

3125 **73-18-13.5. Motorboat accidents -- Investigation and report of operator security**
3126 **-- Agency action if no security -- Surrender of registration materials.**

3127 (1) Upon request of a peace officer investigating an accident involving a motorboat as
3128 defined in Section [73-18c-102](#), the operator of the motorboat shall provide evidence of the
3129 owner's or operator's security required under Section [73-18c-301](#).

3130 (2) The peace officer shall record on a form approved by the division:

3131 (a) the information provided by the operator;

3132 (b) whether the operator provided insufficient or no information; and

3133 (c) whether the peace officer finds reasonable cause to believe that any information
3134 given is not correct.

3135 (3) The peace officer shall deposit all completed forms with the peace officer's agency,
3136 which shall forward the forms to the division no later than 10 days after receipt.

3137 (4) (a) The division shall revoke the registration of a motorboat as defined in Section

3138 73-18c-102 involved in an accident unless the owner or operator can demonstrate to the
3139 division compliance with the owner's or operator's security requirement of Section 73-18c-301
3140 at the time of the accident.

3141 (b) Any registration revoked shall be renewed in accordance with Section 73-18-7.

3142 (5) A person may appeal a revocation issued under Subsection (4) in accordance with
3143 procedures established by the division, after [~~consultation with~~] notifying the commission, by
3144 rule that are consistent with Title 63G, Chapter 4, Administrative Procedures Act.

3145 (6) (a) Any person whose registration is revoked under Subsection (4) shall return the
3146 registration card and decals for the motorboat to the division.

3147 (b) If the person fails to return the registration materials as required, they shall be
3148 confiscated under Section 73-18-13.6.

3149 (7) The division may, after [~~consultation with~~] notifying the commission, make rules
3150 for the enforcement of this section.

3151 (8) In this section, "evidence of owner's or operator's security" includes any one of the
3152 following:

3153 (a) the operator's:

3154 (i) insurance policy;

3155 (ii) binder notice;

3156 (iii) renewal notice; or

3157 (iv) card issued by an insurance company as evidence of insurance;

3158 (b) a copy of a surety bond, certified by the surety, which conforms to Section
3159 73-18c-102;

3160 (c) a certificate of the state treasurer issued under Section 73-18c-305; or

3161 (d) a certificate of self-funded coverage issued under Section 73-18c-306.

3162 Section 62. Section 73-18-15 is amended to read:

3163 **73-18-15. Division to adopt rules concerning water skiing and aquaplane riding**
3164 **and use of other devices towed behind a vessel.**

3165 The division, after [~~consultation with~~] notifying the commission, shall adopt rules for

3166 the regulation and safety of water skiing and aquaplane riding, and the use of other devices that
3167 are towed behind a vessel pursuant to this section and in accordance with Section 73-18-16.

3168 Section 63. Section 73-18-16 is amended to read:

3169 **73-18-16. Regattas, races, exhibitions -- Rules.**

3170 (1) The division may authorize the holding of regattas, motorboat or other boat races,
3171 marine parades, tournaments, or exhibitions on any waters of this state.

3172 (2) The division, after [~~consultation with~~] notifying the commission, may adopt rules
3173 concerning the safety of vessels and persons, either as observers or participants, that do not
3174 conflict with the provisions of Subsections (3) and (4).

3175 (3) A person may elect, at the person's own risk, to wear a non-Coast Guard approved
3176 personal floatation device if the person is on an American Water Ski Association regulation
3177 tournament slalom course and is:

- 3178 (a) engaged in barefoot water skiing;
- 3179 (b) water skiing in an American Water Ski Association regulation competition;
- 3180 (c) a performer participating in a professional exhibition or other tournament; or
- 3181 (d) practicing for an event described in Subsection (3)(b) or (c).

3182 (4) If a person is water skiing in an American Water Ski Association regulation
3183 tournament slalom course, an observer and flag are not required if the vessel is:

- 3184 (a) equipped with a wide angle mirror with a viewing surface of at least 48 square
3185 inches; and
- 3186 (b) operated by a person who is at least 18 years of age.

3187 (5) A violation of this section is an infraction.

3188 Section 64. Section 73-18a-1 is amended to read:

3189 **73-18a-1. Definitions.**

3190 As used in this chapter:

- 3191 (1) "Commission" means the Outdoor Adventure Commission.
- 3192 (2) "Division" means the Division of Outdoor Recreation.
- 3193 (3) "Human body waste" means excrement, feces, or other waste material discharged

3194 from the human body.

3195 (4) "Litter" means any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage,
3196 rubbish, or similar refuse discarded as no longer useful.

3197 (5) "Marine toilet" means any toilet or other receptacle permanently installed on or
3198 within any vessel for the purpose of receiving human body waste. This term does not include
3199 portable toilets which may be removed from a vessel in order to empty its contents.

3200 (6) "Operate" means to navigate, control, or otherwise use a vessel.

3201 (7) "Operator" means the person who is in control of a vessel while it is in use.

3202 (8) "Owner" means a person, other than a lien holder, holding a proprietary interest in
3203 or the title to a vessel. The term does not include a lessee under a lease not intended as
3204 security.

3205 (9) "Vessel" means every type of watercraft, other than a seaplane on the water, used or
3206 capable of being used as a means of transportation on water.

3207 (10) "Waters of this state" means all waters within the territorial limits of this state
3208 except those used exclusively for private purposes.

3209 Section 65. Section **73-18a-4** is amended to read:

3210 **73-18a-4. Marine toilets -- Pollution control devices required -- Rules established**
3211 **by division.**

3212 (1) Every marine toilet on a vessel used or operated upon the waters of this state shall
3213 be equipped with an approved pollution control device in operative condition.

3214 (2) The division, after [~~consultation with~~] notifying the commission, shall make rules
3215 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as provided in
3216 this chapter, establishing criteria or standards for definition and approval of acceptable
3217 pollution control devices for vessels.

3218 Section 66. Section **73-18a-5** is amended to read:

3219 **73-18a-5. Chemical treatment of marine toilet contents -- Rules established by**
3220 **division and Department of Environmental Quality.**

3221 The division, after [~~consultation with~~] notifying the commission, shall establish by rule,

3222 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, with approval
3223 by the Department of Environmental Quality, as provided in this chapter, standards relating to
3224 chemical treatment of marine toilet contents.

3225 Section 67. Section **73-18a-12** is amended to read:

3226 **73-18a-12. Rules made -- Subject to approval by Department of Environmental**
3227 **Quality.**

3228 The division, after [~~consultation with~~] notifying the commission, may [~~promulgate~~]
3229 make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which are
3230 necessary for the carrying out of duties, obligations, and powers conferred on the division by
3231 this chapter. These rules shall be subject to review and approval by the Department of
3232 Environmental Quality. This approval shall be recorded as part of the rules.

3233 Section 68. Section **73-18b-1** is amended to read:

3234 **73-18b-1. Water safety rules and regulations -- Adoption.**

3235 (1) The Division of Outdoor Recreation, after [~~consulting with~~] notifying the Outdoor
3236 Adventure Commission, may make rules necessary to promote safety in swimming, scuba
3237 diving, and related activities on any waters where public boating is permitted.

3238 (2) The Division of Outdoor Recreation may consider recommendations of and
3239 cooperate with other state agencies and the owners or operators of those waters.

3240 Section 69. Section **73-18c-102** is amended to read:

3241 **73-18c-102. Definitions.**

3242 As used in this chapter:

3243 (1) "Airboat" means a vessel propelled by air pressure caused by an airplane type
3244 propeller mounted above the stern and driven by an internal combustion engine.

3245 (2) "Commission" means the Outdoor Adventure Commission.

3246 (3) "Division" means the Division of Outdoor Recreation.

3247 (4) "Judgment" means any judgment that is final by:

3248 (a) expiration without appeal of the time within which an appeal might have been
3249 perfected; or

- 3250 (b) final affirmation on appeal, rendered by a court of competent jurisdiction of any
3251 state or of the United States, upon a cause of action for damages:
- 3252 (i) arising out of the ownership, maintenance, or use of any personal watercraft,
3253 including damages for care and loss of services because of bodily injury to or death of any
3254 person, or because of injury to or destruction of property including the loss of use of the
3255 property; or
- 3256 (ii) on a settlement agreement.
- 3257 (5) (a) "Motorboat" has the same meaning as defined in Section [73-18-2](#).
- 3258 (b) "Motorboat" includes personal watercraft regardless of the manufacturer listed
3259 horsepower.
- 3260 (c) "Motorboat" does not include:
- 3261 (i) a boat with a manufacturer listed horsepower of 50 horsepower or less; or
3262 (ii) an airboat.
- 3263 (6) "Nonresident" means any person who is not a resident of Utah.
- 3264 (7) "Operator" means the person who is in control of a motorboat while it is in use.
- 3265 (8) (a) "Owner" means a person, other than a lien holder, holding a proprietary interest
3266 in or the title to a motorboat.
- 3267 (b) "Owner" includes a person entitled to the use or possession of a motorboat subject
3268 to an interest by another person, reserved or created by agreement and securing payment or
3269 performance of an obligation.
- 3270 (c) "Owner" does not include a lessee under a lease not intended as security.
- 3271 (9) "Owner's or operator's security," "owner's security," or "operator's security" means
3272 any of the following:
- 3273 (a) an insurance policy or combination of policies conforming to Sections
3274 [31A-22-1502](#) and [31A-22-1503](#), which is issued by an insurer authorized to do business in
3275 Utah;
- 3276 (b) a surety bond issued by an insurer authorized to do a surety business in Utah in
3277 which the surety is subject to the minimum coverage limits and other requirements of policies

3278 conforming to Sections 31A-22-1502 and 31A-22-1503, which names the division as a creditor
3279 under the bond for the use of persons entitled to the proceeds of the bond;

3280 (c) a deposit with the state treasurer of cash or securities complying with Section
3281 73-18c-305;

3282 (d) a certificate of self-funded coverage issued under Section 73-18c-306; or

3283 (e) a policy conforming to Sections 31A-22-1502 and 31A-22-1503 issued by the Risk
3284 Management Fund created in Section 63A-4-201.

3285 (10) "Personal watercraft" has the same meaning as provided in Section 73-18-2.

3286 (11) "Registration" means the issuance of the registration cards and decals issued under
3287 the laws of Utah pertaining to the registration of motorboats.

3288 (12) "Registration materials" means the evidences of motorboat registration, including
3289 all registration cards and decals.

3290 (13) "Self-insurance" has the same meaning as provided in Section 31A-1-301.

3291 (14) "Waters of the state" means any waters within the territorial limits of this state.

3292 Section 70. Section 73-18c-201 is amended to read:

3293 **73-18c-201. Division to administer and enforce chapter -- Division may adopt**
3294 **rules.**

3295 (1) (a) The division shall administer this chapter.

3296 (b) A law enforcement officer authorized under Title 53, Chapter 13, Peace Officer
3297 Classifications, may enforce this chapter in the rules made under this chapter.

3298 (2) The division, after [~~consultation with~~] notifying the commission, may adopt rules
3299 as necessary for the administration of this chapter in accordance with Title 63G, Chapter 3,
3300 Utah Administrative Rulemaking Act.

3301 Section 71. Section 77-2-4.3 is amended to read:

3302 **77-2-4.3. Compromise of boating violations -- Limitations.**

3303 (1) As used in this section:

3304 (a) "Compromise" means referral of a person charged with a boating violation to a
3305 boating safety course approved by the Division of Outdoor Recreation.

3306 (b) "Boating violation" means any charge for which bail may be forfeited in lieu of
3307 appearance, by citation or information, of a violation of Title 73, Chapter 18, State Boating
3308 Act, amounting to:

- 3309 (i) a class B misdemeanor;
- 3310 (ii) a class C misdemeanor; or
- 3311 (iii) an infraction.

3312 (2) Any compromise of a boating violation shall be done pursuant to a plea in abeyance
3313 agreement as provided in Title 77, Chapter 2a, Pleas in Abeyance, except:

- 3314 (a) when the criminal prosecution is dismissed pursuant to Section 77-2-4; or
- 3315 (b) when there is a plea by the defendant to and entry of a judgment by a court for the
3316 offense originally charged or for an amended charge.

3317 (3) In ~~[all cases which are]~~ a case that is compromised pursuant to ~~[the provisions of]~~
3318 Subsection (2):

3319 (a) the court, taking into consideration the offense charged, shall collect a plea in
3320 abeyance fee which shall:

- 3321 (i) be subject to the same surcharge as if imposed on a criminal fine;
- 3322 (ii) be allocated subject to the surcharge as if paid as a criminal fine under Section
3323 78A-5-110 and a surcharge under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge
3324 Allocation; and

3325 (iii) be not more than \$25 greater than the bail designated in the Uniform Bail
3326 Schedule; or

3327 (b) if no plea in abeyance fee is collected, a surcharge on the fee charged for the
3328 boating safety course shall be collected, which surcharge shall:

3329 (i) be computed, assessed, collected, and remitted in the same manner as if the boating
3330 safety course fee and surcharge had been imposed as a criminal fine and surcharge; and

3331 (ii) be subject to the financial requirements contained in Title 51, Chapter 9, Part 4,
3332 Criminal Conviction Surcharge Allocation.

3333 (4) If a written plea in abeyance agreement is provided, or the defendant requests a

3334 written accounting, an itemized statement of all amounts assessed by the court shall be
3335 provided, including:

- 3336 (a) the Uniform Bail Schedule amount;
- 3337 (b) the amount of any surcharges being assessed; and
- 3338 (c) the amount of the plea in abeyance fee.

3339 Section 72. Section **78A-5-110** is amended to read:

3340 **78A-5-110. Allocation of district court fees and forfeitures.**

3341 (1) Except as provided in this section, district court fines and forfeitures collected for
3342 violation of state statutes shall be paid to the state treasurer.

3343 (2) Fines and forfeitures collected by the court for violation of a state statute or county
3344 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the
3345 state treasurer and 1/2 to the treasurer of the state or local governmental entity which
3346 prosecutes or which would prosecute the violation.

3347 (3) (a) Fines and forfeitures collected for violations of Title 23, Wildlife Resources
3348 Code of Utah, Title 41, Chapter 22, [~~Off-Highway~~] Off-highway Vehicles, or Title 73, Chapter
3349 18, State Boating Act, shall be paid to the state treasurer.

3350 (b) For violations of Title 23, Wildlife Resources Code of Utah, the state treasurer shall
3351 allocate 85% to the Division of Wildlife Resources and 15% to the General Fund.

3352 (c) For violations of Title 41, Chapter 22, [~~Off-Highway~~] Off-highway Vehicles, or
3353 Title 73, Chapter 18, State Boating Act, the state treasurer shall allocate 85% to the Division of
3354 Outdoor Recreation and 15% to the General Fund.

3355 (4) (a) The state treasurer shall allocate fines and forfeitures collected for a violation of
3356 Section [72-7-404](#) or [72-7-406](#), less fees established by the Judicial Council, to the Department
3357 of Transportation for use on class B and class C roads.

3358 (b) Fees established by the Judicial Council shall be deposited in the state General
3359 Fund.

3360 (c) Money allocated for class B and class C roads is supplemental to the money
3361 appropriated under Section [72-2-107](#) but shall be expended in the same manner as other class B

3362 and class C road funds.

3363 (5) (a) Fines and forfeitures collected by the court for a second or subsequent violation
3364 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

3365 (i) 60% to the state treasurer to be deposited ~~in~~ into the Transportation Fund; and

3366 (ii) 40% in accordance with Subsection (2).

3367 (b) Fines and forfeitures collected by the court for a second or subsequent violation
3368 under Subsection 72-7-409(6)(d) shall be remitted:

3369 (i) 50% to the state treasurer to be deposited ~~in~~ into the Transportation Fund; and

3370 (ii) 50% in accordance with Subsection (2).

3371 (6) For fines and forfeitures collected by the court for a violation of Section
3372 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic
3373 enforcement safety device as described in Section 41-6a-1310, the court shall allocate 20% to
3374 the school district or private school that owns or contracts for the use of the bus, and the state
3375 treasurer shall allocate 40% to the treasurer of the state or local governmental entity that
3376 prosecutes or that would prosecute the violation, and 40% to the General Fund.

3377 (7) Fines and forfeitures collected for any violations not specified in this chapter or
3378 otherwise provided for by law shall be paid to the state treasurer.

3379 (8) Fees collected in connection with civil actions filed in the district court shall be
3380 paid to the state treasurer.

3381 (9) The court shall remit money collected in accordance with Title 51, Chapter 7, State
3382 Money Management Act.

3383 Section 73. Section 78A-7-120 is amended to read:

3384 **78A-7-120. Disposition of fines.**

3385 (1) Except as otherwise specified by this section, fines and forfeitures collected by a
3386 justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the
3387 court and 1/2 to the treasurer of the local government which prosecutes or which would
3388 prosecute the violation. An interlocal agreement created pursuant to Title 11, Chapter 13,
3389 Interlocal Cooperation Act, related to justice courts may alter the ratio provided in this section

3390 if the parties agree.

3391 (2) (a) For violation of Title 23, Wildlife Resources Code of Utah, the court shall
3392 allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the city or
3393 county government responsible for the justice court.

3394 (b) For violation of Title 41, Chapter 22, [~~Off-Highway~~] Off-highway Vehicles, or
3395 Title 73, Chapter 18, State Boating Act, the court shall allocate 85% to the Division of Outdoor
3396 Recreation and 15% to the general fund of the city or county government responsible for the
3397 justice court.

3398 (c) Fines and forfeitures collected by the court for a violation of Section [41-6a-1302](#) in
3399 instances where evidence of the violation was obtained by an automated traffic enforcement
3400 safety device as described in Section [41-6a-1310](#) shall be remitted:

3401 (i) 20% to the school district or private school that owns or contracts for the use of the
3402 school bus; and

3403 (ii) 80% in accordance with Subsection (1).

3404 (3) The surcharge established by Section [51-9-401](#) shall be paid to the state treasurer
3405 and deposited into the General Fund.

3406 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice
3407 court for a violation of Section [72-7-404](#) or [72-7-406](#) regarding maximum weight limitations
3408 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial
3409 Council, shall be paid to the state treasurer and allocated to the Department of Transportation
3410 for class B and class C roads.

3411 (5) Revenue allocated for class B and class C roads pursuant to Subsection (4) is
3412 supplemental to the money appropriated under Section [72-2-107](#) but shall be expended in the
3413 same manner as other class B and class C road funds.

3414 (6) (a) Fines and forfeitures collected by the court for a second or subsequent violation
3415 under Section [41-6a-1713](#) or Subsection [72-7-409](#)(6)(c) shall be remitted:

3416 (i) 60% to the state treasurer to be deposited [~~in~~] into the Transportation Fund; and

3417 (ii) 40% in accordance with Subsection (1).

3418 (b) Fines and forfeitures collected by the court for a second or subsequent violation
 3419 under Subsection 72-7-409(6)(d) shall be remitted:

- 3420 (i) 50% to the state treasurer to be deposited [in] into the Transportation Fund; and
- 3421 (ii) 50% in accordance with Subsection (1).

3422 Section 74. Section 79-1-104 is enacted to read:

3423 **79-1-104. Application of title to wildlife issues.**

3424 (1) The following may not be construed or applied to supersede or interfere with the
 3425 powers and duties of the Division of Wildlife Resources or the Wildlife Board under Title 23,
 3426 Wildlife Resources Code of Utah, over the activities described in Subsection (2):

- 3427 (a) Chapter 4, State Parks;
- 3428 (b) Chapter 5, Recreational Trails;
- 3429 (c) Chapter 7, Outdoor Recreation Act; and
- 3430 (d) Chapter 8, Outdoor Recreation Grants.

3431 (2) Subsection (1) applies to the powers and duties of the Division of Wildlife
 3432 Resources or the Wildlife Board over:

- 3433 (a) conservation and management of protected wildlife within the state;
- 3434 (b) a program or initiative to restore and conserve habitat for fish and wildlife; or
- 3435 (c) acquisition, ownership, management, and control of real property or a real property
 3436 interest, including a leasehold estate, an easement, a right-of-way, or a conservation easement.

3437 Section 75. Section 79-2-201 is amended to read:

3438 **79-2-201. Department of Natural Resources created.**

- 3439 (1) There is created the Department of Natural Resources.
- 3440 (2) The department comprises the following:
 - 3441 (a) Board of Water Resources, created in Section 73-10-1.5;
 - 3442 (b) Board of Oil, Gas, and Mining, created in Section 40-6-4;
 - 3443 (c) Board of State Parks, created in Section 79-4-301;
 - 3444 (d) Office of Energy Development, created in Section 79-6-401[-];
 - 3445 (e) Wildlife Board, created in Section 23-14-2;

3446 (f) Board of the Utah Geological Survey, created in Section [79-3-301](#);

3447 (g) Water Development Coordinating Council, created in Section [73-10c-3](#);

3448 ~~[(h) Utah Outdoor Recreation Grant Advisory Committee, created in Section~~

3449 ~~[79-8-105](#);~~

3450 ~~[(i) Home Energy Information Advisory Committee, created in Section [79-6-805](#)];~~

3451 ~~[(j)]~~ (h) Division of Water Rights, created in Section [73-2-1.1](#);

3452 ~~[(k)]~~ (i) Division of Water Resources, created in Section [73-10-18](#);

3453 ~~[(h)]~~ (j) Division of Forestry, Fire, and State Lands, created in Section [65A-1-4](#);

3454 ~~[(m)]~~ (k) Division of Oil, Gas, and Mining, created in Section [40-6-15](#);

3455 ~~[(n)]~~ (l) Division of State Parks, created in Section [79-4-201](#);

3456 ~~[(o)]~~ (m) Division of Outdoor Recreation, created in Section [79-7-201](#);

3457 ~~[(p)]~~ (n) Division of Wildlife Resources, created in Section [23-14-1](#);

3458 ~~[(q)]~~ (o) Utah Geological Survey, created in Section [79-3-201](#);

3459 ~~[(r)]~~ (p) Heritage Trees Advisory Committee, created in Section [65A-8-306](#);

3460 ~~[(s) Recreational Trails Advisory Council, authorized by Section [79-5-201](#)];~~

3461 (q) Utah Outdoor Recreation Infrastructure Advisory Committee, created in Section

3462 [79-7-206](#);

3463 ~~[(t)]~~ (r) (i) ~~[Boating Advisory Council]~~ an advisory council that includes in the

3464 advisory council's duties advising on state boating policy, authorized by Section [73-18-3.5](#); or

3465 (ii) an advisory council that includes in the advisory council's duties advising on

3466 off-highway vehicle use, authorized by Section [41-22-10](#);

3467 ~~[(u)]~~ (s) Wildlife Board Nominating Committee, created in Section [23-14-2.5](#);

3468 ~~[(v)]~~ (t) Wildlife Regional Advisory Councils, created in Section [23-14-2.6](#);

3469 ~~[(w)]~~ (u) Utah Watersheds Council, created in Section [73-10g-304](#);

3470 ~~[(x)]~~ (v) Utah Natural Resources Legacy Fund Board, created in Section [23-31-202](#);

3471 and

3472 ~~[(y)]~~ (w) Public Lands Policy Coordinating Office created in Section [63L-11-201](#).

3473 Section 76. Section **79-2-202** is amended to read:

3474 **79-2-202. Executive director -- Appointment -- Removal -- Compensation --**
3475 **Responsibilities.**

3476 (1) (a) The chief administrative officer of the department is an executive director
3477 appointed by the governor with the advice and consent of the Senate.

3478 (b) The executive director may be removed at the will of the governor.

3479 (c) The executive director shall receive a salary established by the governor within the
3480 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

3481 (2) The executive director shall:

3482 (a) administer and supervise the department and provide for coordination and
3483 cooperation among the boards, divisions, councils, and committees of the department;

3484 (b) approve the budget of each board and division;

3485 (c) participate in regulatory proceedings as appropriate for the functions and duties of
3486 the department;

3487 (d) report at the end of each fiscal year to the governor on department, board, and
3488 division activities;

3489 (e) ensure that any training or certification required of a public official or public
3490 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
3491 22, State Training and Certification Requirements, if the training or certification is required:

3492 (i) under this title;

3493 (ii) by the department; or

3494 (iii) by an agency or division within the department; and

3495 (f) perform other duties as provided by statute.

3496 (3) By following the procedures and requirements of Title 63J, Chapter 5, Federal
3497 Funds Procedures Act, the executive director, may accept an executive or legislative provision
3498 that is enacted by the federal government, whereby the state may participate in the distribution,
3499 disbursement, or administration of a fund or service from the federal government for purposes
3500 consistent with the powers and duties of the department.

3501 (4) (a) The executive director, in cooperation with the governmental entities having

3502 policymaking authority regarding natural resources, may engage in studies and comprehensive
3503 planning for the development and conservation of the state's natural resources.

3504 (b) The executive director shall submit any plan to the governor for review and
3505 approval.

3506 (5) The executive director may coordinate and enter agreements with other state
3507 agencies regarding state conservation efforts as defined in Section [4-46-102](#).

3508 Section 77. Section **79-2-206** is amended to read:

3509 **79-2-206. Transition.**

3510 (1) In accordance with Laws of Utah 2021 Chapter 280, the Department of Natural
3511 Resources assumes the policymaking functions, regulatory, and enforcement powers, rights,
3512 and duties of the Office of Energy Development existing on June 30, 2021.

3513 (2) (a) Rules issued by the Office of Energy Development that are in effect on June 30,
3514 2021, are not modified by Laws of Utah 2021 Chapter 280, and remain in effect until modified
3515 by the Department of Natural Resources, except that the agency administering the rule shall be
3516 transferred to the Department of Natural Resources in the same manner as the statutory
3517 responsibility is transferred under Laws of Utah 2021 Chapter 280.

3518 (b) Rules issued by the Board of Parks and Recreation that are in effect on June 30,
3519 2021, are not modified by Laws of Utah 2021 Chapter 280, and remain in effect until modified
3520 by the appropriate entity within the Department of Natural Resources, except that the agency
3521 administering the rule shall be transferred to the appropriate entity within the Department of
3522 Natural Resources in the same manner as the statutory responsibility is transferred under Laws
3523 of Utah 2021 Chapter 280.

3524 (c) Rules issued by the Office of Outdoor Recreation that are in effect on June 30,
3525 2022, are not modified by this bill, and remain in effect until modified by the Department of
3526 Natural Resources, except that the agency administering the rule shall be transferred to the
3527 Department of Natural Resources in the same manner as the statutory responsibility is
3528 transferred under this bill.

3529 (3) A grant, contract, or agreement in effect on June 30, 2021, that is entered into by or

3530 issued by the Office of Energy Development remains in effect, except that:

3531 (a) the agency administrating the grant, contract, or agreement shall be transferred to
3532 the Department of Natural Resources in the same manner as the statutory responsibility is
3533 transferred under Laws of Utah 2021 Chapter 280; and

3534 (b) the grant, contract, or agreement is subject to its terms and may be terminated under
3535 the terms of the grant, contract, or agreement.

3536 (4) (a) A grant that is entered into or issued by the Utah Office of Outdoor Recreation
3537 remains in effect, except that:

3538 ~~[(a)]~~ (i) ~~[except for an outdoor recreational infrastructure grant,]~~ the agency
3539 administrating the grant shall be transferred to the Division of Outdoor Recreation in the same
3540 manner as the statutory responsibility is transferred under Laws of Utah 2021 Chapter 280 and
3541 this bill; and

3542 ~~[(b)]~~ (ii) the grant is subject to the terms of the grant and may be terminated under the
3543 terms of the grant.

3544 (b) In accordance with this bill, the Department of Natural Resources assumes the
3545 policymaking functions, regulatory, and enforcement powers, rights, and duties of the Office of
3546 Outdoor Recreation existing on June 30, 2022.

3547 ~~[(5) (a) The Governor's Office of Planning and Budget shall submit recommendations~~
3548 ~~to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the~~
3549 ~~November 2021 interim meeting of the committee regarding possible restructuring to improve~~
3550 ~~coordination between the Department of Natural Resources and the following:]~~

3551 ~~[(i) the Department of Environmental Quality;]~~

3552 ~~[(ii) the Division of Public Utilities;]~~

3553 ~~[(iii) the Office of Consumer Services; and]~~

3554 ~~[(iv) the Office of Rural Development.]~~

3555 ~~[(b) In conducting the study under this Subsection (5), the Governor's Office of~~
3556 ~~Planning and Budget shall incorporate public feedback into forming the recommendations,~~
3557 ~~including:]~~

3558 [~~(i) holding at least two public meetings and listening sessions; and]~~
3559 [~~(ii) publishing draft recommendations a minimum of 30 days before the November~~
3560 2021 interim meeting to provide a comment period on the draft recommendations with
3561 adequate time for considering feedback and revisions to the recommendations.]

3562 Section 78. Section **79-4-203** is amended to read:

3563 **79-4-203. Powers and duties of division.**

3564 (1) As used in this section, "real property" includes land under water, upland, and all
3565 other property commonly or legally defined as real property.

3566 (2) The Division of Wildlife Resources shall retain the power and jurisdiction
3567 conferred upon the Division of Wildlife Resources by law within state parks and on property
3568 controlled by the Division of State Parks with reference to fish and game.

3569 (3) The division shall permit multiple use of state parks and property controlled by the
3570 division for purposes such as grazing, fishing, hunting, camping, mining, and the development
3571 and utilization of water and other natural resources.

3572 (4) (a) The division may acquire real and personal property in the name of the state by
3573 all legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange,
3574 or otherwise, subject to the approval of the executive director and the governor.

3575 (b) In acquiring any real or personal property, the credit of the state may not be pledged
3576 without the consent of the Legislature.

3577 (5) (a) Before acquiring any real property, the division shall notify the county
3578 legislative body of the county where the property is situated of ~~[its]~~ the division's intention to
3579 acquire the property.

3580 (b) If the county legislative body requests a hearing within 10 days of receipt of the
3581 notice, the division shall hold a public hearing in the county concerning the matter.

3582 (6) Acceptance of gifts or devises of land or other property is at the discretion of the
3583 division, subject to the approval of the executive director and the governor.

3584 (7) The division shall acquire property by eminent domain in the manner authorized by
3585 Title 78B, Chapter 6, Part 5, Eminent Domain.

3586 (8) (a) The division may make charges for special services and use of facilities, the
3587 income from which is available for park purposes.

3588 (b) The division may conduct and operate those services necessary for the comfort and
3589 convenience of the public.

3590 (9) (a) The division may lease or rent concessions of all lawful kinds and nature in state
3591 parks and property to persons, partnerships, and corporations for a valuable consideration upon
3592 the recommendation of the board.

3593 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in
3594 selecting concessionaires.

3595 (10) The division shall proceed without delay to negotiate with the federal government
3596 concerning the Weber Basin and other recreation and reclamation projects.

3597 ~~[(11) The division shall receive and distribute voluntary contributions collected under~~
3598 ~~Section 41-1a-422 in accordance with Section 79-4-404.]~~

3599 Section 79. Section **79-4-1103** is amended to read:

3600 **79-4-1103. Governor's duties -- Priority of federal property.**

3601 (1) During a fiscal emergency, the governor shall:

3602 (a) if financially practicable, work with the federal government to open and maintain
3603 the operation of one or more national parks, national monuments, national forests, and national
3604 recreation areas in the state, in the order established under this section; and

3605 (b) report to the speaker of the House and the president of the Senate on the need, if
3606 any, for additional appropriations to assist the division in opening and operating one or more
3607 national parks, national monuments, national forests, and national recreation areas in the state.

3608 (2) The director of the [~~Outdoor Recreation Office, created in Section 63N-9-104,~~
3609 Division of Outdoor Recreation], in consultation with the executive director of the Governor's
3610 Office of Economic Opportunity, shall determine, by rule, the priority of national parks,
3611 national monuments, national forests, and national recreation areas in the state.

3612 (3) In determining the priority described in Subsection (2), the director of the [~~Outdoor~~
3613 ~~Recreation Office~~] Division of Outdoor Recreation shall consider the:

3614 (a) economic impact of the national park, national monument, national forest, or
3615 national recreation area in the state; and

3616 (b) recreational value offered by the national park, national monument, national forest,
3617 or national recreation area.

3618 (4) The director of the [~~Outdoor Recreation Office shall:(a) report the priority~~
3619 ~~determined under Subsection (2) to the Natural Resources, Agriculture, and Environment~~
3620 ~~Interim Committee by November 30, 2014; and (b)] Division of Outdoor Recreation shall
3621 annually review the priority set under Subsection (2) to determine whether the priority list
3622 should be amended.~~

3623 Section 80. Section **79-5-102** is amended to read:

3624 **79-5-102. Definitions.**

3625 As used in this chapter:

3626 [~~(1) "Commission" means the Outdoor Adventure Commission.]~~

3627 [~~(2) "Council" means the Recreational Trails Advisory Council.]~~

3628 (1) "Committee" means the Utah Outdoor Recreation Infrastructure Advisory
3629 Committee created in Section [79-7-206](#).

3630 [~~(3)~~] (2) "Division" means the Division of Outdoor Recreation.

3631 [~~(4)~~] (3) "Recreational trail" or "trail" means a multi-use path used for:

3632 (a) muscle-powered activities, including:

3633 (i) bicycling;

3634 (ii) cross-country skiing;

3635 (iii) walking;

3636 (iv) jogging; and

3637 (v) horseback riding; and

3638 (b) uses compatible with the uses described in Subsection [~~(4)~~] (3)(a), including the use
3639 of an electric assisted bicycle or motor assisted scooter, as defined in Section [41-6a-102](#).

3640 Section 81. Section **79-5-501** is amended to read:

3641 **79-5-501. Grants -- Matching funds requirements -- Rules.**

3642 (1) (a) The division, after consultation with the [~~commission~~] committee, may give
3643 grants to federal government agencies, state agencies, or local governments for the planning,
3644 acquisition, and development of trails within the state's recreational trail system with funds
3645 appropriated by the Legislature for that purpose.

3646 (b) (i) Each grant recipient must provide matching funds [~~having a value that is equal~~
3647 ~~to or greater than the grant funds received~~] as established by the division by rule.

3648 (ii) The division may allow a grant recipient to provide property, material, or labor in
3649 lieu of money, provided the grant recipient's contribution has a value that is equal to or greater
3650 than the grant funds received.

3651 (2) The division, after consultation with the [~~commission~~] committee, shall:

3652 (a) make rules setting forth procedures and criteria for the awarding of grants for
3653 recreational trails; and

3654 (b) determine to whom grant funds shall be awarded after considering the
3655 recommendations of and after consulting with the [~~council~~] committee and the division.

3656 (3) Rules for the awarding of grants for recreational trails shall provide that:

3657 (a) each grant applicant must solicit public comment on the proposed recreational trail
3658 and submit a summary of that comment to the division;

3659 (b) each trail project for which grant funds are awarded must conform to the criteria
3660 and guidelines specified in Sections [79-5-103](#), [79-5-301](#), and [79-5-302](#); and

3661 (c) trail proposals that include a plan to provide employment opportunities for youth,
3662 including at-risk youth, in the development of the trail is encouraged.

3663 (4) As used in this section, "at-risk youth" means youth who:

3664 (a) are subject to environmental forces, such as poverty or family dysfunction, that may
3665 make them vulnerable to family, school, or community problems;

3666 (b) perform poorly in school or have failed to complete high school;

3667 (c) exhibit behaviors that have the potential to harm themselves or others in the
3668 community, such as truancy, use of alcohol or drugs, and associating with delinquent peers; or

3669 (d) have already engaged in behaviors harmful to themselves or others in the

3670 community.

3671 Section 82. Section **79-5-503** is amended to read:

3672 **79-5-503. Bonneville Shoreline Trail Program.**

3673 (1) There is created within the division the Bonneville Shoreline Trail Program.

3674 (2) The program shall be funded from the following sources:

3675 (a) appropriations made to the program by the Legislature; and

3676 (b) contributions from other public and private sources.

3677 (3) [~~All money~~] Money appropriated to the Bonneville Shoreline Trail Program is
3678 nonlapsing.

3679 (4) The Bonneville Shoreline Trail is intended to:

3680 (a) follow on or near the old Lake Bonneville shoreline terrace near the foot of the
3681 Wasatch Mountains from Juab County through Cache County; and

3682 (b) provide continuous and safe trails.

3683 (5) (a) The program money shall be used to provide grants to local governments for the
3684 planning, development, [~~and~~] construction, and the acquisition of key parcels of land of the
3685 Bonneville Shoreline Trail.

3686 (b) Grant recipients shall provide matching funds in accordance with Section **79-5-501**.

3687 Section 83. Section **79-6-302** is amended to read:

3688 **79-6-302. Legislative committee review.**

3689 [~~The Natural Resources, Agriculture, and Environment Interim Committee and the~~] The
3690 Public Utilities, Energy, and Technology Interim Committee shall review the state energy
3691 policy annually and propose any changes to the Legislature.

3692 Section 84. Section **79-6-505** is amended to read:

3693 **79-6-505. Report to the Legislature.**

3694 The office shall annually provide an electronic report to the Public Utilities, Energy,
3695 and Technology Interim Committee[~~, the Natural Resources, Agriculture, and Environment~~
3696 ~~Interim Committee, and the Revenue and Taxation Interim Committee~~] describing:

3697 (1) [~~its~~] the office's success in attracting alternative energy projects to the state and the

3698 resulting increase in new state revenues under this part;

3699 (2) the amount of tax credits the office has granted or will grant and the time period
3700 during which the tax credits have been or will be granted; and

3701 (3) the economic impact on the state by comparing new state revenues to tax credits
3702 that have been or will be granted under this part.

3703 Section 85. Section **79-6-605** is amended to read:

3704 **79-6-605. Report to the Legislature.**

3705 The office shall report annually to the Public Utilities, Energy, and Technology Interim
3706 Committee[, the Natural Resources, Agriculture, and Environment Interim Committee, and the
3707 Revenue and Taxation Interim Committee] describing:

3708 (1) the office's success in attracting high cost infrastructure projects to the state and the
3709 resulting increase in infrastructure-related revenue under this part;

3710 (2) the amount of tax credits the office has granted or will grant and the time period
3711 during which the tax credits have been or will be granted; and

3712 (3) the economic impact on the state by comparing infrastructure-related revenue to tax
3713 credits that have been or will be granted under this part.

3714 Section 86. Section **79-7-102** is amended to read:

3715 **CHAPTER 7. OUTDOOR RECREATION ACT**

3716 **Part 1. General Provisions**

3717 **79-7-102. Definitions.**

3718 As used in this chapter:

3719 (1) "Commission" means the Outdoor Adventure Commission created in Section
3720 **63C-21-201**.

3721 (2) "Division" means the Division of Outdoor Recreation.

3722 Section 87. Section **79-7-103**, which is renumbered from Section 63N-9-103 is
3723 renumbered and amended to read:

3724 ~~**63N-9-103**~~. **79-7-103. Policy.**

3725 It is the declared policy of the state that outdoor recreation is vital to a diverse economy

3726 and a healthy community.

3727 Section 88. Section **79-7-201** is amended to read:

3728 **79-7-201. Division of Outdoor Recreation -- Creation -- Purposes -- Rulemaking**
 3729 **authority.**

3730 (1) (a) There is created within the department the Division of Outdoor Recreation.

3731 (b) The division has the purpose of providing, maintaining, and coordinating motorized
 3732 and nonmotorized recreation within the state as the recreation authority of the state.

3733 (2) (a) The division is under the administration and general supervision of the
 3734 executive director.

3735 (b) The division shall ~~[consult with]~~ notify the commission as provided in statute on
 3736 issues related to outdoor recreation.

3737 ~~[(3) The division is the recreation authority for the state.]~~

3738 ~~[(4)]~~ (3) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 3739 Act, the division may make rules, ~~[after consulting with the commission,]~~ when expressly
 3740 authorized by this chapter[-]:

3741 (i) regarding issues related to outdoor recreation; and

3742 (ii) after notifying the commission, except for rules made under:

3743 (A) Chapter 5, Recreational Trails; and

3744 (B) Chapter 8, Outdoor Recreation Grants.

3745 (b) ~~[The]~~ In accordance with Subsection (3)(a), the division shall make rules governing
 3746 the collection of charges under Subsection **79-7-203**(8).

3747 Section 89. Section **79-7-203** is amended to read:

3748 **79-7-203. Powers and duties of division.**

3749 (1) As used in this section, "real property" includes land under water, upland, and all
 3750 other property commonly or legally defined as real property.

3751 (2) The Division of Wildlife Resources shall retain the power and jurisdiction
 3752 conferred upon the Division of Wildlife Resources by law on property controlled by the
 3753 division with reference to fish and game.

3754 (3) ~~[The]~~ For purposes of property controlled by the division, the division shall permit
3755 multiple ~~[use]~~ uses of the property ~~[controlled by the division]~~ for purposes such as grazing,
3756 fishing, hunting, camping, mining, and the development and use of water and other natural
3757 resources.

3758 (4) (a) The division may acquire real and personal property in the name of the state by
3759 legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or
3760 otherwise, subject to the approval of the executive director and the governor.

3761 (b) In acquiring real or personal property, the credit of the state may not be pledged
3762 without the consent of the Legislature.

3763 (5) (a) Before acquiring any real property, the division shall notify the county
3764 legislative body of the county where the property is situated of the division's intention to
3765 acquire the property.

3766 (b) If the county legislative body requests a hearing within 10 days of receipt of the
3767 notice, the division shall hold a public hearing in the county concerning the matter.

3768 (6) Acceptance of gifts or devises of land or other property is at the discretion of the
3769 division, subject to the approval of the executive director and the governor.

3770 (7) The division shall acquire property by eminent domain in the manner authorized by
3771 Title 78B, Chapter 6, Part 5, Eminent Domain.

3772 (8) (a) The division may make charges for special services and use of facilities, the
3773 income from which is available for recreation purposes.

3774 (b) The division may conduct and operate those services necessary for the comfort and
3775 convenience of the public.

3776 (9) (a) The division may lease or rent concessions of lawful kinds and nature on
3777 property to persons, partnerships, and corporations for a valuable consideration after
3778 ~~[consulting with]~~ notifying the commission.

3779 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in
3780 selecting concessionaires.

3781 (10) The division shall proceed without delay to negotiate with the federal government

3782 concerning the Weber Basin and other recreation and reclamation projects.

3783 (11) (a) The division shall coordinate with and annually report to the following
3784 regarding land acquisition and development and grants administered under this chapter or
3785 Chapter 8, Outdoor Recreation Grants:

3786 [~~(a) the Utah Office of Outdoor Recreation;~~]

3787 [~~(b)~~] (i) the Division of State Parks; and

3788 [~~(c)~~] (ii) the Office of Rural Development.

3789 (b) The report required under Subsection (11)(a) shall be in writing, made public, and
3790 include a description and the amount of any grant awarded under this chapter or Chapter 8,
3791 Outdoor Recreation Grants.

3792 (12) The division shall:

3793 (a) coordinate outdoor recreation policy, management, and promotion:

3794 (i) among state and federal agencies and local government entities in the state;

3795 (ii) with the Public Lands Policy Coordinating Office created in Section [63L-11-201](#), if
3796 public land is involved; and

3797 (iii) on at least a quarterly basis, with the executive director and the executive director
3798 of the Governor's Office of Economic Opportunity;

3799 (b) in cooperation with the Governor's Office of Economic Opportunity, promote
3800 economic development in the state by:

3801 (i) coordinating with outdoor recreation stakeholders;

3802 (ii) improving recreational opportunities; and

3803 (iii) recruiting outdoor recreation business;

3804 (c) promote all forms of outdoor recreation, including motorized and nonmotorized
3805 outdoor recreation;

3806 (d) recommend to the governor and Legislature policies and initiatives to enhance
3807 recreational amenities and experiences in the state and help implement those policies and
3808 initiatives;

3809 (e) in performing the division's duties, seek to ensure safe and adequate access to

3810 outdoor recreation for all user groups and for all forms of recreation;

3811 (f) develop data regarding the impacts of outdoor recreation in the state; and

3812 (g) promote the health and social benefits of outdoor recreation, especially to young
3813 people.

3814 (13) By following Title 63J, Chapter 5, Federal Funds Procedures Act, the division
3815 may:

3816 (a) seek federal grants or loans;

3817 (b) seek to participate in federal programs; and

3818 (c) in accordance with applicable federal program guidelines, administer federally
3819 funded outdoor recreation programs.

3820 (14) The division shall receive and distribute voluntary contributions collected under
3821 Section [41-1a-422](#) in accordance with Section [79-7-303](#).

3822 Section 90. Section **79-7-206** is enacted to read:

3823 **79-7-206. Utah Outdoor Recreation Infrastructure Advisory Committee.**

3824 (1) As used in this section, "committee" means the Utah Outdoor Recreation
3825 Infrastructure Advisory Committee created in this section.

3826 (2) (a) There is created within the division the "Utah Outdoor Recreation Infrastructure
3827 Advisory Committee" consisting of the following 17 members:

3828 (i) the director of the division, who shall act as chair of the committee;

3829 (ii) the director of the Division of State Parks, or the director of the Division of State
3830 Park's designee; and

3831 (iii) the following appointed by the executive director:

3832 (A) one nonvoting representative of a federal land agency;

3833 (B) one nonvoting representative of National Park Service's River, Trails, and
3834 Conservation Assistance Program;

3835 (C) one representative of municipal government, recommended by the Utah League of
3836 Cities and Towns;

3837 (D) one representative of county government, recommended by the Utah Association

3838 of Counties;

3839 (E) two representatives of the outdoor industry;

3840 (F) two representatives of tourism, with one focused in the hotel or lodging sector;

3841 (G) one representative of the healthcare industry;

3842 (H) one representative of multi-ability groups or programs;

3843 (I) one representative of outdoor recreation education programming;

3844 (J) one representative of nonmotorized recreation interests;

3845 (K) one representative of youth conservation or service corps organization; and

3846 (L) two representatives of motorized recreation interests.

3847 (b) At least two of the members of the committee appointed under Subsection

3848 (2)(a)(iii) shall represent rural interests.

3849 (3) (a) Except as required by Subsection (3)(b), as terms of committee members
3850 appointed under Subsection (2)(a)(iii) expire, the division shall appoint each new member or
3851 reappointed member to a four-year term.

3852 (b) Notwithstanding the requirements of Subsection (3)(a), the division shall, at the
3853 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
3854 committee members appointed under Subsection (2)(a)(iii) are staggered so that approximately
3855 half of the committee is appointed every two years.

3856 (c) The executive director may remove an appointed member of the advisory
3857 committee at any time, with or without cause.

3858 (d) When a vacancy occurs in the membership for any reason, the executive director
3859 shall appoint the replacement for the unexpired term in the same manner as the original
3860 appointment.

3861 (4) The majority of voting members of the committee constitutes a quorum and an
3862 action of the majority of voting members present when a quorum is present is action by the
3863 committee.

3864 (5) The division shall provide administrative staff support for the committee.

3865 (6) A member may not receive compensation or benefits for the member's service, but

3866 a member appointed under Subsection (2)(a)(iii) may receive per diem and travel expenses in
3867 accordance with:

3868 (a) Section 63A-3-106;

3869 (b) Section 63A-3-107; and

3870 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3871 63A-3-107.

3872 (7) The committee shall advise and make recommendations to the division regarding:

3873 (a) nonmotorized recreational trails under Chapter 5, Recreational Trails;

3874 (b) grants issued under Chapter 8, Part 2, Recreation Restoration Infrastructure Grant
3875 Program;

3876 (c) the administration of the fund created in Section 79-8-304;

3877 (d) grants issued under Chapter 8, Part 3, Utah Children's Outdoor Recreation and
3878 Education Grant Program; and

3879 (e) grants issued under Chapter 8, Part 4, Outdoor Recreational Infrastructure Grant
3880 Program.

3881 Section 91. Section **79-7-303**, which is renumbered from Section 79-4-404 is
3882 renumbered and amended to read:

3883 ~~[79-4-404].~~ **79-7-303. Zion National Park Support Programs Restricted**
3884 **Account.**

3885 (1) There is created within the General Fund the "Zion National Park Support
3886 Programs Restricted Account."

3887 (2) The ~~[account]~~ Zion National Park Support Programs Restricted Account shall be
3888 funded by:

3889 (a) contributions deposited into the ~~[account]~~ Zion National Park Support Programs
3890 Restricted Account in accordance with Section 41-1a-422;

3891 (b) private contributions; or

3892 (c) donations or grants from public or private entities.

3893 (3) The Legislature shall appropriate ~~[funds]~~ money in the ~~[account]~~ Zion National

3894 Park Support Programs Restricted Account to the division.

3895 (4) The [~~board~~] division may expend up to 10% of the money appropriated under
3896 Subsection (3) to administer account distributions in accordance with Subsections (5) and (6).

3897 (5) The division shall distribute contributions to one or more organizations that:

3898 (a) are exempt from federal income taxation under Section 501(c)(3), Internal Revenue
3899 Code;

3900 (b) operate under a written agreement with the National Park Service to provide
3901 interpretive, educational, and research activities for the benefit of Zion National Park;

3902 (c) produce and distribute educational and promotional materials on Zion National
3903 Park;

3904 (d) conduct educational courses on the history and ecosystem of the greater Zion
3905 Canyon area; and

3906 (e) provide other programs that enhance visitor appreciation and enjoyment of Zion
3907 National Park.

3908 (6) (a) An organization described in Subsection (5) may apply to the division to receive
3909 a distribution in accordance with Subsection (5).

3910 (b) An organization that receives a distribution from the division in accordance with
3911 Subsection (5) shall expend the distribution only to:

3912 (i) produce and distribute educational and promotional materials on Zion National
3913 Park;

3914 (ii) conduct educational courses on the history and ecosystem of the greater Zion
3915 Canyon area; and

3916 (iii) provide other programs that enhance visitor appreciation and enjoyment of Zion
3917 National Park.

3918 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
3919 after notifying the commission, the division may make rules providing procedures and
3920 requirements for an organization to apply to the division to receive a distribution under
3921 Subsection (5).

3922 Section 92. Section **79-8-102** is amended to read:

3923 **79-8-102. Definitions.**

3924 As used in this chapter:

3925 (1) "Accessible to the general public" in relation to the awarding of an infrastructure
3926 grant, means:

3927 (a) the public may use the infrastructure in accordance with federal and state
3928 regulations; and

3929 (b) no community or group retains exclusive rights to access the infrastructure.

3930 (2) "Advisory committee" means the Utah Outdoor Recreation Infrastructure Advisory
3931 Committee created in Section [79-7-206](#).

3932 ~~[(1)]~~ (3) "Children," in relation to the awarding of a UCORE grant, means individuals
3933 who are six years old or older and 18 years old or younger.

3934 ~~[(2)]~~ (4) "Director" means the director of the Division of Outdoor Recreation.

3935 ~~[(3)]~~ (5) "Division" means the Division of Outdoor Recreation.

3936 ~~[(4)]~~ (6) "Executive director" means the executive director of the Department of
3937 Natural Resources.

3938 (7) "Infrastructure grant" means an outdoor recreational infrastructure grant described
3939 in Section [79-8-401](#).

3940 (8) (a) "Recreational infrastructure project" means an undertaking to build or improve
3941 an approved facility or installation needed for the public to access and enjoy the state's
3942 outdoors.

3943 (b) "Recreational infrastructure project" may include the:

3944 (i) establishment, construction, or renovation of a trail, trail infrastructure, or a trail
3945 facility;

3946 (ii) construction of a project for a water-related outdoor recreational activity;

3947 (iii) development of a project for a wildlife watching opportunity, including bird
3948 watching;

3949 (iv) development of a project that provides a winter recreation amenity;

3950 (v) construction or improvement of a community park that has an amenity for outdoor
 3951 recreation; and

3952 (vi) construction or improvement of a naturalistic and accessible playground.

3953 ~~[(5)]~~ (9) "UCORE grant" means a children's outdoor recreation and education grant
 3954 described in Section ~~[79-8-402]~~ 79-8-302.

3955 ~~[(6)]~~ (10) (a) "Underserved ~~[or underprivileged]~~ community" means a group of people,
 3956 including a municipality, county, or American Indian tribe, that is economically disadvantaged.

3957 (b) "Underserved ~~[or underprivileged]~~ community" includes an economically
 3958 disadvantaged community where in relation to awarding a UCORE grant, the children of the
 3959 community, including children with disabilities, have limited access to outdoor recreation or
 3960 education programs.

3961 Section 93. Section **79-8-103** is amended to read:

3962 **79-8-103. Outdoor recreation grants.**

3963 To the extent money is available, the division shall administer outdoor recreation grants
 3964 for the state, including grants that address:

3965 (1) outdoor recreation in general;

3966 (2) recreational trails;

3967 (3) off-highway vehicle incentives;

3968 (4) boat access and clean vessels; ~~[and]~~

3969 (5) land, water, and conservation~~[-];~~ and

3970 (6) outdoor recreation programming.

3971 Section 94. Section **79-8-106** is amended to read:

3972 **79-8-106. Outdoor Recreation Infrastructure Account -- Uses -- Costs.**

3973 (1) There is created an expendable special revenue fund known as the "Outdoor
 3974 Recreation Infrastructure Account," which~~[-; (a) the outdoor recreation office]~~ the division shall
 3975 use to fund:

3976 (a) the Outdoor Recreational Infrastructure Grant Program created in Section

3977 ~~[63N-9-202]~~ 79-8-401; and

3978 (b) ~~[the division shall use to fund]~~ the Recreation Restoration Infrastructure Grant
3979 Program created in Section ~~79-8-202~~.

3980 (2) The account consists of:

3981 (a) distributions to the account under Section ~~59-28-103~~;

3982 (b) interest earned on the account;

3983 (c) appropriations made by the Legislature;

3984 (d) money from a cooperative agreement entered into with the United States

3985 Department of Agriculture or the United States Department of the Interior; and

3986 (e) private donations, grants, gifts, bequests, or money made available from any other
3987 source to implement this part.

3988 (3) The division shall, with the advice of the ~~[Utah Outdoor Recreation Grant Advisory~~
3989 ~~Committee created in Section 79-8-105]~~ advisory committee, administer the account.

3990 (4) ~~[(a)]~~ The cost of administering the account shall be paid from money in the
3991 account.

3992 ~~[(b) The cost of two full-time positions in the Utah Office of Outdoor Recreation in an~~
3993 ~~amount agreed to by the division and the Utah Office of Outdoor Recreation shall be paid from~~
3994 ~~money in the account.]~~

3995 (5) Interest accrued from investment of money in the account shall remain in the
3996 account.

3997 Section 95. Section **79-8-201** is amended to read:

3998 **79-8-201. Definitions.**

3999 As used in this part:

4000 ~~[(1) "Advisory committee" means the Utah Outdoor Recreation Grant Advisory~~
4001 ~~Committee created in Section 79-8-105.]~~

4002 ~~[(2)]~~ (1) "Grant program" means the Recreation Restoration Infrastructure Grant
4003 Program created in Section ~~79-8-202~~.

4004 ~~[(3)]~~ (2) "High demand outdoor recreation amenity" means infrastructure necessary for
4005 a campground, picnic area, or water recreation structure such as a dock, pier, or boat ramp that

4006 receives or has received heavy use by the public.

4007 [(4)] (3) "High priority trail" means a motorized or nonmotorized recreation
4008 summer-use trail and related infrastructure that is prioritized by the advisory committee for
4009 restoration or rehabilitation to maintain usability and sustainability of trails that receive or have
4010 received high use by the public.

4011 [(5)] (4) "Public lands" includes local, state, and federal lands.

4012 [(6)] (5) "Rehabilitation or restoration" means returning an outdoor recreation structure
4013 or trail that has been degraded, damaged, or destroyed to its previously useful state by means of
4014 repair, modification, or alteration.

4015 Section 96. Section **79-8-202** is amended to read:

4016 **79-8-202. Creation of grant program.**

4017 (1) (a) There is created the "Recreation Restoration Infrastructure Grant Program"
4018 administered by the division.

4019 (b) Subject to Subsection (1)(c), 5% percent of the unencumbered amount in the [Utah]
4020 Outdoor Recreation Infrastructure Account, created in Section **79-8-106**, at the beginning of
4021 each fiscal year may be used for the grant program.

4022 (c) The percentage outlined in Subsection (1)(b) may be increased or decreased at the
4023 beginning of a fiscal year if approved by the executive director after consultation with the
4024 director and the advisory committee.

4025 (2) The division may seek to accomplish the following objectives in administering the
4026 grant program:

4027 (a) rehabilitate or restore high priority trails for both motorized and nonmotorized uses;

4028 (b) rehabilitate or restore high demand recreation areas on public lands; and

4029 (c) encourage the public land entities to engage with volunteer groups to aid with
4030 portions of needed trail work.

4031 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4032 division shall make rules, after consulting with [~~the Outdoor Adventure Commission~~] the
4033 advisory committee, establishing the eligibility and reporting criteria for an entity to receive a

4034 recreation restoration infrastructure grant, including:

4035 (a) the form and process of submitting annual project proposals to the division for a
4036 recreation restoration infrastructure grant;

4037 (b) which entities are eligible to apply for a recreation restoration infrastructure grant;

4038 (c) specific categories of recreation restoration projects that are eligible for a recreation
4039 restoration infrastructure grant;

4040 (d) the method and formula for determining recreation restoration infrastructure grant
4041 amounts; and

4042 (e) the reporting requirements of a recipient of a recreation restoration infrastructure
4043 grant.

4044 Section 97. Section **79-8-302** is amended to read:

4045 **79-8-302. Creation and purpose of the UCORE grant program.**

4046 (1) There is created the Utah Children's Outdoor Recreation and Education Grant
4047 Program administered by the division.

4048 (2) The division may seek to accomplish the following objectives in administering the
4049 UCORE grant program:

4050 (a) promote the health and social benefits of outdoor recreation to the state's children;

4051 (b) encourage children to develop the skills and confidence to be physically active for
4052 life;

4053 (c) provide outdoor recreational opportunities to underserved [~~or underprivileged~~]
4054 communities in the state; and

4055 (d) encourage hands-on outdoor or nature-based learning and play to prepare children
4056 for achievement in science, technology, engineering, and math.

4057 Section 98. Section **79-8-303** is amended to read:

4058 **79-8-303. Rulemaking and requirements for awarding a UCORE grant.**

4059 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4060 division, after consulting with the [~~Outdoor Adventure Commission~~] advisory committee, shall
4061 make rules establishing the eligibility and reporting criteria for an entity to receive a UCORE

4062 grant, including:

4063 (a) the form and process of submitting an application to the division for a UCORE

4064 grant;

4065 (b) which entities are eligible to apply for a UCORE grant;

4066 (c) specific categories of children's programs that are eligible for a UCORE grant;

4067 (d) the method and formula for determining grant amounts; and

4068 (e) the reporting requirements of grant recipients.

4069 (2) In determining the award of a UCORE grant, the division may prioritize a children's
4070 program that will serve an [~~underprivileged or~~] underserved community in the state.

4071 (3) A UCORE grant may only be awarded by the executive director after consultation
4072 with the director and the [~~Outdoor Adventure Commission~~] advisory committee.

4073 (4) The following entities may not receive a UCORE grant under this part:

4074 (a) a federal government entity;

4075 (b) a state agency, except for public schools and institutions of higher education; and

4076 (c) a for-profit entity.

4077 (5) In awarding UCORE grants, consideration shall be given to entities that implement
4078 programs that:

4079 (a) contribute to healthy and active lifestyles through outdoor recreation; and

4080 (b) include one or more of the following attributes in their programs or initiatives:

4081 (i) serve children with the greatest needs in rural, suburban, and urban areas of the
4082 state;

4083 (ii) provide students with opportunities to directly experience nature;

4084 (iii) maximize the number of children who can participate;

4085 (iv) commit matching and in-kind resources;

4086 (v) create partnerships with public and private entities;

4087 (vi) include ongoing program evaluation and assessment;

4088 (vii) [~~utilize~~] use veterans in program implementation;

4089 (viii) include outdoor or nature-based programming that incorporates concept learning

4090 in science, technology, engineering, or math; or

4091 (ix) ~~[utilize]~~ use educated volunteers in program implementation.

4092 Section 99. Section **79-8-304** is amended to read:

4093 **79-8-304. Utah Children's Outdoor Recreation and Education Fund -- Uses --**

4094 **Costs.**

4095 (1) There is created an expendable special revenue fund known as the "Utah Children's
4096 Outdoor Recreation and Education Fund," which the division shall use to fund the Utah
4097 Children's Outdoor Recreation and Education Grant Program created in Section **79-8-302**.

4098 (2) The fund consists of:

4099 (a) appropriations made by the Legislature;

4100 (b) interest earned on the account; and

4101 (c) private donations, grants, gifts, bequests, or money made available from any other
4102 source to implement this part.

4103 (3) The division shall, with the advice of [~~the Utah Outdoor Recreation Grant Advisory~~
4104 ~~Committee created in Section **79-8-105**]~~ the advisory committee, administer the fund.

4105 (4) The cost of administering the fund shall be paid from money in the fund.

4106 (5) Interest accrued from investment of money in the fund shall remain in the fund.

4107 Section 100. Section **79-8-401**, which is renumbered from Section 63N-9-202 is
4108 renumbered and amended to read:

4109 **Part 4. Outdoor Recreational Infrastructure Grant Program**

4110 [~~63N-9-202~~]. **79-8-401. Creation and purpose of infrastructure grant**
4111 **program.**

4112 (1) There is created the Outdoor Recreational Infrastructure Grant Program
4113 administered by the [~~outdoor recreation office~~] division.

4114 (2) The [~~outdoor recreation office~~] division may seek to accomplish the following
4115 objectives in administering the infrastructure grant program:

4116 (a) build, maintain, and promote recreational infrastructure to provide greater access to
4117 low-cost outdoor recreation for the state's citizens;

4118 (b) encourage residents and nonresidents of the state to take advantage of the beauty of
4119 Utah's outdoors;

4120 (c) encourage individuals and businesses to relocate to the state;

4121 (d) promote outdoor exercise; and

4122 (e) provide outdoor recreational opportunities to an underserved [~~or underprivileged~~]
4123 community in the state.

4124 (3) The advisory committee shall advise and make recommendations to the [~~outdoor~~
4125 ~~recreation office~~] division regarding infrastructure grants.

4126 Section 101. Section ~~79-8-402~~, which is renumbered from Section 63N-9-203 is
4127 renumbered and amended to read:

4128 ~~[63N-9-203]~~. 79-8-402. Rulemaking and requirements for awarding an
4129 infrastructure grant.

4130 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
4131 after consultation with the advisory committee, the [~~outdoor recreation office~~] division shall
4132 make rules establishing the eligibility and reporting criteria for an entity to receive an
4133 infrastructure grant, including:

4134 (a) the form and process of submitting an application to the [~~outdoor recreation office~~]
4135 division for an infrastructure grant;

4136 (b) which entities are eligible to apply for an infrastructure grant;

4137 (c) specific categories of recreational infrastructure projects that are eligible for an
4138 infrastructure grant;

4139 (d) the method and formula for determining grant amounts; and

4140 (e) the reporting requirements of grant recipients.

4141 (2) In determining the award of an infrastructure grant, the [~~outdoor recreation office~~]
4142 division may prioritize a recreational infrastructure project that will serve an [~~underprivileged~~
4143 ~~or~~] underserved community.

4144 (3) An infrastructure grant may only be awarded by the executive director after
4145 consultation with the director and the [~~GO Utah board~~] advisory committee.

4146 (4) The following entities may not receive an infrastructure grant under this part:

4147 (a) a federal government entity;

4148 (b) a state agency; and

4149 (c) a for-profit entity.

4150 (5) An infrastructure grant may only be awarded under this part:

4151 (a) for a recreational infrastructure project that is accessible to the general public; and

4152 (b) subject to Subsections (6) and (7), if the grant recipient agrees to provide matching
4153 funds having a value:

4154 (i) equal to or greater than the amount of the infrastructure grant[-]; or

4155 (ii) established in accordance with rules made by the division, after consultation with
4156 the advisory committee, and in accordance with Title 63G, Chapter 3, Utah Administrative
4157 Rulemaking Act.

4158 (6) Up to 50% of the grant recipient match described in Subsection (5)(b) may be
4159 provided through an in-kind contribution by the grant recipient, if:

4160 (a) approved by the executive director after consultation with the director and the [~~GO~~
4161 ~~Utah board~~] advisory committee; and

4162 (b) the in-kind donation does not include real property.

4163 (7) An infrastructure grant may not be awarded under this part if the grant, or the grant
4164 recipient match described in Subsection (5)(b), will be used for the purchase of real property or
4165 for the purchase or transfer of a conservation easement.

4166 Section 102. **Repealer.**

4167 This bill repeals:

4168 Section **11-38-101**, Title.

4169 Section **11-38-201**, **Quality Growth Commission -- Term of office -- Vacancy --**
4170 **Organization -- Expenses -- Staff.**

4171 Section **11-38-203**, **Commission may provide assistance to local entities.**

4172 Section **63N-9-101**, Title.

4173 Section **63N-9-102**, **Definitions.**

4174 Section 63N-9-104, Creation of outdoor recreation office and appointment of
4175 director -- Responsibilities of outdoor recreation office.

4176 Section 63N-9-105, Duties of director.

4177 Section 63N-9-106, Annual report.

4178 Section 63N-9-201, Title.

4179 Section 79-5-201, Recreational Trails Advisory Council.

4180 Section 79-5-202, Council membership -- Expenses.

4181 Section 79-7-101, Title.

4182 Section 79-8-104, Annual report.

4183 Section 79-8-105, Utah Outdoor Recreation Grant Advisory Committee --
4184 Membership -- Duties -- Expenses.

4185 Section 103. Appropriation.

4186 The following sums of money are appropriated for the fiscal year beginning July 1,
4187 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
4188 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
4189 Act, the Legislature appropriates the following sums of money from the funds or accounts
4190 indicated for the use and support of the government of the state of Utah.

4191 ITEM 1

4192 To Department of Natural Resources -- Pass Through

4193 From General Fund \$130,000

4194 Schedule of Programs:

4195 Pass Through \$130,000

4196 The Legislature intends that the money appropriated under this item be used only for
4197 the purpose of conservation efforts in accordance with Subsection 79-2-202(5) enacted in this
4198 bill.

4199 ITEM 2

4200 To Department of Natural Resources -- Recreation Management

4201 From General Fund \$150,000

4202 Schedule of Programs:

4203 Recreation Management \$150,000

4204 The Legislature intends that the money appropriated under this item be used for the
 4205 administration of the Division of Outdoor Recreation in accordance with this bill.

4206 ITEM 3

4207 To Department of Agriculture and Food -- Conservation

4208 From General Fund \$120,000

4209 Schedule of Programs:

4210 Conservation Administration \$120,000

4211 The Legislature intends that the money appropriated under this item be used for
 4212 conservation efforts in accordance with this bill.

4213 ITEM 4

4214 To Governor's Office of Economic Opportunity

4215 From General Fund (\$338,700)

4216 Schedule of Programs:

4217 Business Outreach & International Trade (\$338,700)

4218 ITEM 5

4219 To Department of Natural Resources -- Recreation Management

4220 From General Fund \$338,700

4221 Schedule of Programs:

4222 Recreation Management \$338,700

4223 The Legislature intends that, at the close of fiscal year 2022, the Division of Finance
 4224 transfer any fiscal year 2022 closing nonlapsing balances or carry forward funding in support of
 4225 the Office of Outdoor Recreation to the Department of Natural Resources - Recreation
 4226 Management, as fiscal year 2023 beginning nonlapsing balances.

4227 Section 104. **Effective date.**

4228 This bill takes effect on July 1, 2022.

4229 Section 105. **Revisor instructions.**

4230 The Legislature intends that the Office of Legislative Research and General Counsel, in
4231 preparing the Utah Code database for publication on July 1, 2022:

4232 (1) replace the references in Subsections [4-46-104](#)(1)(a) and (2) from "this bill" to the
4233 bill's designated chapter number in the Laws of Utah;

4234 (2) replace the references in Subsections [79-2-206](#)(2)(c), (4)(a)(i) and (4)(b) from "this
4235 bill" to the bill's designated chapter number in the Laws of Utah;

4236 (3) replace cross references to sections renumbered by this bill that are added to the
4237 Utah Code by legislation passed during the 2022 General Session that become law;

4238 (4) replace references to the "Division of Recreation" to the "Division of Outdoor
4239 Recreation" in any new language added to the Utah Code by legislation, other than Section
4240 [79-2-206](#), passed during the 2022 General Session that becomes law; and

4241 (5) replace references to the "Quality Growth Commission" to the "Land Conservation
4242 Board" in any new language added to the Utah Code by legislation, other than Section
4243 [4-46-104](#), passed during the 2022 General Session that becomes law.