

NATURAL RESOURCES ENTITIES AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses the state entities that involve natural resources.

Highlighted Provisions:

This bill:

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- ▶ removes certain outdated provisions;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

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:



28 **9-9-408**, as last amended by Laws of Utah 2019, Chapter 246
29 **11-42a-102**, as last amended by Laws of Utah 2020, Chapter 244
30 **11-45-102**, as last amended by Laws of Utah 2012, Chapter 37
31 **32B-6-702**, as last amended by Laws of Utah 2020, Chapter 219
32 **41-1a-418**, as last amended by Laws of Utah 2020, Chapters 120, 322, and 405
33 **41-1a-422**, as last amended by Laws of Utah 2020, Chapters 120, 322, 354, and 405
34 **41-6a-1509**, as last amended by Laws of Utah 2019, Chapter 421
35 **41-22-2**, as last amended by Laws of Utah 2018, Chapter 166
36 **41-22-3**, as last amended by Laws of Utah 2015, Chapter 412
37 **41-22-5.1**, as last amended by Laws of Utah 2008, Chapter 382
38 **41-22-5.5**, as last amended by Laws of Utah 2018, Chapter 166
39 **41-22-8**, as last amended by Laws of Utah 2018, Chapter 373
40 **41-22-10**, as last amended by Laws of Utah 2007, Chapter 299
41 **41-22-10.7**, as last amended by Laws of Utah 2015, Chapter 412
42 **41-22-30**, as last amended by Laws of Utah 2017, Chapter 38
43 **41-22-31**, as last amended by Laws of Utah 2017, Chapter 38
44 **41-22-33**, as last amended by Laws of Utah 2017, Chapter 38
45 **41-22-35**, as last amended by Laws of Utah 2019, Chapter 44
46 **54-4-41**, as enacted by Laws of Utah 2020, Chapter 217
47 **57-14-204**, as renumbered and amended by Laws of Utah 2013, Chapter 212
48 **59-5-102**, as last amended by Laws of Utah 2019, First Special Session, Chapter 3
49 **59-7-614**, as last amended by Laws of Utah 2019, Chapter 247
50 **59-7-614.7**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
51 **59-7-619**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
52 **59-10-1014**, as last amended by Laws of Utah 2019, Chapter 247
53 **59-10-1024**, as last amended by Laws of Utah 2019, Chapter 247
54 **59-10-1029**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
55 **59-10-1034**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
56 **59-10-1106**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 1
57 **59-12-104**, as last amended by Laws of Utah 2020, Chapters 44, 91, 354, 412, and 438
58 **59-13-201**, as last amended by Laws of Utah 2017, Chapter 234

59 **59-21-2**, as last amended by Laws of Utah 2018, Chapter 28
60 **59-28-103**, as last amended by Laws of Utah 2019, Chapter 290
61 **63A-4-104**, as enacted by Laws of Utah 1998, Chapter 225
62 **63B-3-301**, as last amended by Laws of Utah 2019, Chapter 61
63 **63B-4-301**, as last amended by Laws of Utah 2013, Chapter 310
64 **63B-5-201**, as last amended by Laws of Utah 2018, Chapter 25
65 **63B-6-501**, as last amended by Laws of Utah 2008, Chapter 382
66 **63B-6-502**, as last amended by Laws of Utah 2008, Chapter 250
67 **63B-7-102**, as last amended by Laws of Utah 2014, Chapter 196
68 **63B-10-302**, as last amended by Laws of Utah 2008, Chapter 382
69 **63H-2-102**, as last amended by Laws of Utah 2014, Chapter 301
70 **63H-2-202**, as last amended by Laws of Utah 2016, Chapter 337
71 **63H-4-102**, as last amended by Laws of Utah 2020, Chapter 352
72 **63H-4-110**, as renumbered and amended by Laws of Utah 2011, Chapter 370
73 **63H-5-110**, as renumbered and amended by Laws of Utah 2011, Chapter 370
74 **63I-1-263**, as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230,
75 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws
76 of Utah 2020, Chapter 360
77 **63I-1-279**, as enacted by Laws of Utah 2020, Chapter 154
78 **63I-2-263**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 12
79 **63J-1-601**, as last amended by Laws of Utah 2018, Chapters 76 and 469
80 **63J-1-602.1**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
81 **63J-4-502**, as last amended by Laws of Utah 2015, Chapter 451
82 **63J-4-608**, as last amended by Laws of Utah 2020, Chapter 354
83 **63L-2-301**, as last amended by Laws of Utah 2020, Chapter 168
84 **63L-7-104**, as enacted by Laws of Utah 2014, Chapter 323
85 **63N-9-102**, as last amended by Laws of Utah 2019, Chapter 506
86 **63N-9-104**, as last amended by Laws of Utah 2016, Chapter 88
87 **63N-9-106**, as last amended by Laws of Utah 2019, Chapter 506
88 **65A-3-1**, as last amended by Laws of Utah 2018, Chapter 420
89 **65A-10-2**, as last amended by Laws of Utah 1994, Chapter 294

- 90 [72-1-216](#), as enacted by Laws of Utah 2020, Chapter 104
- 91 [72-4-302](#), as last amended by Laws of Utah 2019, Chapter 246
- 92 [72-11-204](#), as last amended by Laws of Utah 2010, Chapter 286
- 93 [73-3-30](#), as last amended by Laws of Utah 2020, Chapter 421
- 94 [73-3-31](#), as last amended by Laws of Utah 2014, Chapter 420
- 95 [73-10e-1](#), as last amended by Laws of Utah 2009, Chapter 344
- 96 [73-18-2](#), as last amended by Laws of Utah 2015, Chapter 113
- 97 [73-18-3.5](#), as enacted by Laws of Utah 1987, Chapter 99
- 98 [73-18-4](#), as last amended by Laws of Utah 2011, Chapter 386
- 99 [73-18-7](#), as last amended by Laws of Utah 2016, Chapter 303
- 100 [73-18-8](#), as last amended by Laws of Utah 2016, Chapter 303
- 101 [73-18-9](#), as last amended by Laws of Utah 2008, Chapter 94
- 102 [73-18-11](#), as last amended by Laws of Utah 1986, Chapter 197
- 103 [73-18-13](#), as last amended by Laws of Utah 2015, Chapter 412
- 104 [73-18-13.5](#), as last amended by Laws of Utah 2011, Chapter 386
- 105 [73-18-15](#), as last amended by Laws of Utah 2012, Chapter 411
- 106 [73-18-15.2](#), as last amended by Laws of Utah 2016, Chapter 303
- 107 [73-18-16](#), as last amended by Laws of Utah 2016, Chapter 303
- 108 [73-18-17](#), as last amended by Laws of Utah 1987, Chapter 99
- 109 [73-18-20](#), as last amended by Laws of Utah 2019, Chapter 75
- 110 [73-18a-1](#), as last amended by Laws of Utah 1986, Chapter 197
- 111 [73-18a-4](#), as last amended by Laws of Utah 2008, Chapter 382
- 112 [73-18a-5](#), as last amended by Laws of Utah 2008, Chapter 382
- 113 [73-18a-12](#), as last amended by Laws of Utah 2008, Chapter 382
- 114 [73-18b-1](#), as last amended by Laws of Utah 2007, Chapter 136
- 115 [73-18b-4](#), as last amended by Laws of Utah 1997, Chapter 276
- 116 [73-18c-102](#), as last amended by Laws of Utah 2007, Chapter 113
- 117 [73-18c-201](#), as last amended by Laws of Utah 2008, Chapter 382
- 118 [76-6-206.2](#), as last amended by Laws of Utah 2009, Chapter 344
- 119 [77-2-4.3](#), as enacted by Laws of Utah 2011, Chapter 386
- 120 [78A-5-110](#), as last amended by Laws of Utah 2017, Chapters 144, 150, and 186

- 121 [78A-7-120](#), as last amended by Laws of Utah 2020, Chapter 230
- 122 [79-2-201](#), as last amended by Laws of Utah 2020, Chapters 190 and 309
- 123 [79-4-101](#), as enacted by Laws of Utah 2009, Chapter 344
- 124 [79-4-102](#), as enacted by Laws of Utah 2009, Chapter 344
- 125 [79-4-201](#), as renumbered and amended by Laws of Utah 2009, Chapter 344
- 126 [79-4-202](#), as renumbered and amended by Laws of Utah 2009, Chapter 344
- 127 [79-4-203](#), as last amended by Laws of Utah 2015, Chapter 163
- 128 [79-4-204](#), as renumbered and amended by Laws of Utah 2009, Chapter 344
- 129 [79-4-301](#), as renumbered and amended by Laws of Utah 2009, Chapter 344
- 130 [79-4-302](#), as last amended by Laws of Utah 2020, Chapters 352 and 373
- 131 [79-4-401](#), as renumbered and amended by Laws of Utah 2009, Chapter 344
- 132 [79-4-501](#), as renumbered and amended by Laws of Utah 2009, Chapter 344
- 133 [79-4-502](#), as renumbered and amended by Laws of Utah 2009, Chapter 344 and
- 134 repealed and reenacted by Laws of Utah 2009, Chapter 347
- 135 [79-5-102](#), as last amended by Laws of Utah 2019, Chapter 428
- 136 [79-5-201](#), as renumbered and amended by Laws of Utah 2009, Chapter 344
- 137 [79-5-501](#), as renumbered and amended by Laws of Utah 2009, Chapter 344

138 ENACTS:

- 139 [63I-2-279](#), Utah Code Annotated 1953
- 140 [79-1-103](#), Utah Code Annotated 1953
- 141 [79-2-206](#), Utah Code Annotated 1953
- 142 [79-7-101](#), Utah Code Annotated 1953
- 143 [79-7-102](#), Utah Code Annotated 1953
- 144 [79-7-201](#), Utah Code Annotated 1953
- 145 [79-7-202](#), Utah Code Annotated 1953
- 146 [79-7-203](#), Utah Code Annotated 1953
- 147 [79-7-204](#), Utah Code Annotated 1953
- 148 [79-7-205](#), Utah Code Annotated 1953
- 149 [79-7-401](#), Utah Code Annotated 1953
- 150 [79-7-501](#), Utah Code Annotated 1953
- 151 [79-7-502](#), Utah Code Annotated 1953

152 **79-8-101**, Utah Code Annotated 1953

153 **79-8-102**, Utah Code Annotated 1953

154 **79-8-103**, Utah Code Annotated 1953

155 **79-8-104**, Utah Code Annotated 1953

156 RENUMBERS AND AMENDS:

157 **79-6-101**, (Renumbered from 63M-4-101, as renumbered and amended by Laws of
158 Utah 2008, Chapter 382)

159 **79-6-102**, (Renumbered from 63M-4-102, as last amended by Laws of Utah 2012,
160 Chapter 37)

161 **79-6-201**, (Renumbered from 63M-4-201, as last amended by Laws of Utah 2013,
162 Chapter 295)

163 **79-6-202**, (Renumbered from 63M-4-202, as renumbered and amended by Laws of
164 Utah 2008, Chapter 382)

165 **79-6-203**, (Renumbered from 63M-4-203, as last amended by Laws of Utah 2015,
166 Chapter 378)

167 **79-6-301**, (Renumbered from 63M-4-301, as last amended by Laws of Utah 2019,
168 Chapter 415)

169 **79-6-302**, (Renumbered from 63M-4-302, as last amended by Laws of Utah 2016,
170 Chapter 13)

171 **79-6-401**, (Renumbered from 63M-4-401, as last amended by Laws of Utah 2019,
172 Chapter 247)

173 **79-6-402**, (Renumbered from 63M-4-402, as enacted by Laws of Utah 2014, Chapter
174 294)

175 **79-6-501**, (Renumbered from 63M-4-501, as enacted by Laws of Utah 2012, Chapter
176 410)

177 **79-6-502**, (Renumbered from 63M-4-502, as enacted by Laws of Utah 2012, Chapter
178 410)

179 **79-6-503**, (Renumbered from 63M-4-503, as last amended by Laws of Utah 2018,
180 Chapter 149)

181 **79-6-504**, (Renumbered from 63M-4-504, as enacted by Laws of Utah 2012, Chapter
182 410)

183 **79-6-505**, (Renumbered from 63M-4-505, as last amended by Laws of Utah 2016,
184 Chapters 13 and 135)
185 **79-6-601**, (Renumbered from 63M-4-601, as enacted by Laws of Utah 2015, Chapter
186 356)
187 **79-6-602**, (Renumbered from 63M-4-602, as last amended by Laws of Utah 2019,
188 Chapter 501)
189 **79-6-603**, (Renumbered from 63M-4-603, as last amended by Laws of Utah 2018,
190 Chapter 149)
191 **79-6-604**, (Renumbered from 63M-4-604, as enacted by Laws of Utah 2015, Chapter
192 356)
193 **79-6-605**, (Renumbered from 63M-4-605, as last amended by Laws of Utah 2016,
194 Chapter 13)
195 **79-6-606**, (Renumbered from 63M-4-606, as enacted by Laws of Utah 2016, Chapter
196 337)
197 **79-6-701**, (Renumbered from 63M-4-701, as last amended by Laws of Utah 2020,
198 Chapter 412)
199 **79-6-702**, (Renumbered from 63M-4-702, as last amended by Laws of Utah 2020,
200 Chapter 412)
201 **79-6-801**, (Renumbered from 63M-4-801, as enacted by Laws of Utah 2020, Chapter
202 430)
203 **79-6-802**, (Renumbered from 63M-4-802, as enacted by Laws of Utah 2020, Chapter
204 430)
205 **79-6-803**, (Renumbered from 63M-4-803, as enacted by Laws of Utah 2020, Chapter
206 430)
207 **79-6-804**, (Renumbered from 63M-4-804, as enacted by Laws of Utah 2020, Chapter
208 430)
209 **79-6-805**, (Renumbered from 63M-4-805, as enacted by Laws of Utah 2020, Chapter
210 430)
211 **79-7-301**, (Renumbered from 63C-21-102, as enacted by Laws of Utah 2020, Chapter
212 199)
213 **79-7-302**, (Renumbered from 63C-21-201, as enacted by Laws of Utah 2020, Chapter

214 199)
215 **79-7-303**, (Renumbered from 63C-21-202, as enacted by Laws of Utah 2020, Chapter
216 199)
217 **79-7-402**, (Renumbered from 79-2-402, as last amended by Laws of Utah 2010,
218 Chapter 218)
219 **79-8-201**, (Renumbered from 63N-9-201, as enacted by Laws of Utah 2016, Chapter
220 88)
221 **79-8-202**, (Renumbered from 63N-9-202, as enacted by Laws of Utah 2016, Chapter
222 88)
223 **79-8-203**, (Renumbered from 63N-9-203, as last amended by Laws of Utah 2017,
224 Chapter 166)
225 **79-8-204**, (Renumbered from 63N-9-204, as last amended by Laws of Utah 2019,
226 Chapter 290)
227 **79-8-205**, (Renumbered from 63N-9-205, as last amended by Laws of Utah 2019,
228 Chapter 290)
229 **79-8-301**, (Renumbered from 63N-9-301, as enacted by Laws of Utah 2019, Chapter
230 290)
231 **79-8-302**, (Renumbered from 63N-9-302, as enacted by Laws of Utah 2019, Chapter
232 290)
233 **79-8-303**, (Renumbered from 63N-9-303, as enacted by Laws of Utah 2019, Chapter
234 290)
235 **79-8-401**, (Renumbered from 63N-9-401, as enacted by Laws of Utah 2019, Chapter
236 506)
237 **79-8-402**, (Renumbered from 63N-9-402, as enacted by Laws of Utah 2019, Chapter
238 506)
239 **79-8-403**, (Renumbered from 63N-9-403, as enacted by Laws of Utah 2019, Chapter
240 506)
241 **79-8-404**, (Renumbered from 63N-9-404, as enacted by Laws of Utah 2019, Chapter
242 506)
243 REPEALS:
244 **63C-21-101**, as enacted by Laws of Utah 2020, Chapter 199

245 **63C-21-203**, as enacted by Laws of Utah 2020, Chapter 199

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

247 **79-2-206**, Utah Code Annotated 1953



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

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

251 **9-9-408. Burial of ancient Native American remains in state parks.**

252 (1) As used in this section:

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

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

257 (2) (a) The division, the Antiquities Section, and the Division of Parks [~~and~~
258 ~~Recreation~~] shall cooperate in a study of the feasibility of burying ancient Native American
259 remains in state parks.

260 (b) The study shall include:

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

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

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

269 (iv) how to account for the costs of:

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

271 and

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

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

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

275 **11-42a-102. Definitions.**

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

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

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

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

285 (4) "Benefitted property" means private property within an energy assessment area that
286 directly benefits from improvements.

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

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

- 291 (i) commercial;
- 292 (ii) mining;
- 293 (iii) agricultural;
- 294 (iv) industrial;
- 295 (v) manufacturing;
- 296 (vi) trade;
- 297 (vii) professional;
- 298 (viii) a private or public club;
- 299 (ix) a lodge;
- 300 (x) a business; or
- 301 (xi) a similar purpose.

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

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

304 (A) more than four rental units; or

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

306 and

- 307 (ii) real property owned by:
- 308 (A) the military installation development authority, created in Section 63H-1-201; or
- 309 (B) the Utah Inland Port Authority, created in Section 11-58-201.
- 310 (7) "Contract price" means:
- 311 (a) up to 100% of the cost of installing, acquiring, refinancing, or reimbursing for an
- 312 improvement, as determined by the owner of the property benefitting from the improvement; or
- 313 (b) the amount payable to one or more contractors for the assessment, design,
- 314 engineering, inspection, and construction of an improvement.
- 315 (8) "C-PACE" means commercial property assessed clean energy.
- 316 (9) "C-PACE district" means the statewide authority established in Section 11-42a-106
- 317 to implement the C-PACE Act in collaboration with governing bodies, under the direction of
- 318 OED.
- 319 (10) "Electric vehicle charging infrastructure" means equipment that is:
- 320 (a) permanently affixed to commercial or industrial real property; and
- 321 (b) designed to deliver electric energy to a qualifying electric vehicle or a qualifying
- 322 plug-in hybrid vehicle.
- 323 (11) "Energy assessment area" means an area:
- 324 (a) within the jurisdictional boundaries of a local entity that approves an energy
- 325 assessment area or, if the C-PACE district or a state interlocal entity levies the assessment, the
- 326 C-PACE district or the state interlocal entity;
- 327 (b) containing only the commercial or industrial real property of owners who have
- 328 voluntarily consented to an assessment under this chapter for the purpose of financing the costs
- 329 of improvements that benefit property within the energy assessment area; and
- 330 (c) in which the proposed benefitted properties in the area are:
- 331 (i) contiguous; or
- 332 (ii) located on one or more contiguous or adjacent tracts of land that would be
- 333 contiguous or adjacent property but for an intervening right-of-way, including a sidewalk,
- 334 street, road, fixed guideway, or waterway.
- 335 (12) "Energy assessment bond" means a bond:
- 336 (a) issued under Section 11-42a-401; and
- 337 (b) payable in part or in whole from assessments levied in an energy assessment area.

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

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

- 342 (a) designates an energy assessment area;
- 343 (b) levies an assessment on benefitted property within the energy assessment area; and
- 344 (c) if applicable, authorizes the issuance of energy assessment bonds.

345 (15) "Energy assessment resolution" means one or more resolutions adopted by a local
346 entity under Section 11-42a-201 that:

- 347 (a) designates an energy assessment area;
- 348 (b) levies an assessment on benefitted property within the energy assessment area; and
- 349 (c) if applicable, authorizes the issuance of energy assessment bonds.

350 (16) "Energy efficiency upgrade" means an improvement that is:

- 351 (a) permanently affixed to commercial or industrial real property; and
- 352 (b) designed to reduce energy or water consumption, including:
 - 353 (i) insulation in:
 - 354 (A) a wall, roof, floor, or foundation; or
 - 355 (B) a heating and cooling distribution system;
 - 356 (ii) a window or door, including:
 - 357 (A) a storm window or door;
 - 358 (B) a multiglazed window or door;
 - 359 (C) a heat-absorbing window or door;
 - 360 (D) a heat-reflective glazed and coated window or door;
 - 361 (E) additional window or door glazing;
 - 362 (F) a window or door with reduced glass area; or
 - 363 (G) other window or door modifications;
 - 364 (iii) an automatic energy control system;
 - 365 (iv) in a building or a central plant, a heating, ventilation, or air conditioning and
366 distribution system;
 - 367 (v) caulk or weatherstripping;
 - 368 (vi) a light fixture that does not increase the overall illumination of a building, unless

369 an increase is necessary to conform with the applicable building code;

370 (vii) an energy recovery system;

371 (viii) a daylighting system;

372 (ix) measures to reduce the consumption of water, through conservation or more

373 efficient use of water, including installation of:

374 (A) low-flow toilets and showerheads;

375 (B) timer or timing systems for a hot water heater; or

376 (C) rain catchment systems;

377 (x) a modified, installed, or remodeled fixture that is approved as a utility cost-saving

378 measure by the governing body or executive of a local entity;

379 (xi) measures or other improvements to effect seismic upgrades;

380 (xii) structures, measures, or other improvements to provide automated parking or

381 parking that reduces land use;

382 (xiii) the extension of an existing natural gas distribution company line;

383 (xiv) an energy efficient elevator, escalator, or other vertical transport device;

384 (xv) any other improvement that the governing body or executive of a local entity

385 approves as an energy efficiency upgrade; or

386 (xvi) any improvement that relates physically or functionally to any of the

387 improvements listed in Subsections (16)(b)(i) through (xv).

388 (17) "Governing body" means:

389 (a) for a county, city, town, or metro township, the legislative body of the county, city,

390 town, or metro township;

391 (b) for a local district, the board of trustees of the local district;

392 (c) for a special service district:

393 (i) if no administrative control board has been appointed under Section 17D-1-301, the

394 legislative body of the county, city, town, or metro township that established the special service

395 district; or

396 (ii) if an administrative control board has been appointed under Section 17D-1-301, the

397 administrative control board of the special service district;

398 (d) for the military installation development authority created in Section 63H-1-201,

399 the board, as that term is defined in Section 63H-1-102; and

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

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

404 (a) a property owner has requested; or

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

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

408 (a) legal and accounting fees;

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

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

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

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

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

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

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

421 (21) "Jurisdictional boundaries" means:

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

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

425 (22) "Local district" means a local district under Title 17B, Limited Purpose Local
426 Government Entities - Local Districts.

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

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

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

- 431 (iii) a state interlocal entity;
- 432 (iv) the military installation development authority, created in Section [63H-1-201](#);
- 433 (v) the Utah Inland Port Authority, created in Section [11-58-201](#); or
- 434 (vi) any political subdivision of the state.
- 435 (b) "Local entity" includes the C-PACE district solely in connection with:
- 436 (i) the designation of an energy assessment area;
- 437 (ii) the levying of an assessment; and
- 438 (iii) the assignment of an energy assessment lien to a third-party lender under Section
- 439 [11-42a-302](#).
- 440 (24) "Local entity obligations" means energy assessment bonds and refunding
- 441 assessment bonds that a local entity issues.
- 442 (25) "OED" means the Office of Energy Development created in Section [~~63M-4-401~~]
- 443 [79-6-401](#).
- 444 (26) "OEM vehicle" means the same as that term is defined in Section [19-1-402](#).
- 445 (27) "Overhead costs" means the actual costs incurred or the estimated costs to be
- 446 incurred in connection with an energy assessment area, including:
- 447 (a) appraisals, legal fees, filing fees, facilitation fees, and financial advisory charges;
- 448 (b) underwriting fees, placement fees, escrow fees, trustee fees, and paying agent fees;
- 449 (c) publishing and mailing costs;
- 450 (d) costs of levying an assessment;
- 451 (e) recording costs; and
- 452 (f) all other incidental costs.
- 453 (28) "Parameters resolution" means a resolution or ordinance that a local entity adopts
- 454 in accordance with Section [11-42a-201](#).
- 455 (29) "Prior bonds" means the energy assessment bonds refunded in part or in whole by
- 456 a refunding assessment bond.
- 457 (30) "Prior energy assessment ordinance" means the ordinance levying the assessments
- 458 from which the prior bonds are payable.
- 459 (31) "Prior energy assessment resolution" means the resolution levying the assessments
- 460 from which the prior bonds are payable.
- 461 (32) "Property" includes real property and any interest in real property, including water

462 rights and leasehold rights.

463 (33) "Public electrical utility" means a large-scale electric utility as that term is defined
464 in Section [54-2-1](#).

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

466 (a) meets air quality standards;

467 (b) is not fueled by natural gas;

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

469 and

470 (d) is an OEM vehicle except that the vehicle is fueled by a fuel described in
471 Subsection (34)(c).

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

473 (a) meets air quality standards;

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

475 (c) has a battery capacity that meets or exceeds the battery capacity described in
476 Subsection 30D(b)(3), Internal Revenue Code; and

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

478 (i) diesel fuel;

479 (ii) gasoline; or

480 (iii) a mixture of gasoline and ethanol.

481 (36) "Reduced payment obligation" means the full obligation of an owner of property
482 within an energy assessment area to pay an assessment levied on the property after the local
483 entity has reduced the assessment because of the issuance of a refunding assessment bond, in
484 accordance with Section [11-42a-403](#).

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

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

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

492 (A) a photovoltaic system;

- 493 (B) a solar thermal system;
- 494 (C) a wind system;
- 495 (D) a geothermal system, including a generation system, a direct-use system, or a
- 496 ground source heat pump system;
- 497 (E) a microhydro system;
- 498 (F) a biofuel system; or
- 499 (G) any other renewable source system that the governing body of the local entity
- 500 approves;
- 501 (ii) stores energy, including:
- 502 (A) a battery storage system; or
- 503 (B) any other energy storing system that the governing body or chief executive officer
- 504 of a local entity approves; or
- 505 (iii) any improvement that relates physically or functionally to any of the products,
- 506 systems, or devices listed in Subsection (38)(a)(i) or (ii).
- 507 (b) "Renewable energy system" does not include a system described in Subsection
- 508 (38)(a)(i) if the system provides energy to property outside the energy assessment area, unless
- 509 the system:
- 510 (i) (A) existed before the creation of the energy assessment area; and
- 511 (B) beginning before January 1, 2017, provides energy to property outside of the area
- 512 that became the energy assessment area; or
- 513 (ii) provides energy to property outside the energy assessment area under an agreement
- 514 with a public electrical utility that is substantially similar to agreements for other renewable
- 515 energy systems that are not funded under this chapter.
- 516 (39) "Special service district" means the same as that term is defined in Section
- 517 [17D-1-102](#).
- 518 (40) "State interlocal entity" means:
- 519 (a) an interlocal entity created under Chapter 13, Interlocal Cooperation Act, by two or
- 520 more counties, cities, towns, or metro townships that collectively represent at least a majority
- 521 of the state's population; or
- 522 (b) an entity that another state authorized, before January 1, 2017, to issue bonds,
- 523 notes, or other obligations or refunding obligations to finance or refinance projects in the state.

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

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

528 **11-45-102. Definitions.**

529 As used in this [section] chapter:

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

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

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

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

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

536 (i) construction;

537 (ii) engineering;

538 (iii) energy audit; or

539 (iv) inspection.

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

542 (4) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]
543 [79-6-401](#).

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

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

546 **32B-6-702. Definitions.**

547 As used in this part:

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

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

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

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

553 (i) a billiard parlor;

554 (ii) a pool parlor;

- 555 (iii) a bowling facility;
- 556 (iv) a golf course;
- 557 (v) miniature golf;
- 558 (vi) a golf driving range;
- 559 (vii) a tennis club;
- 560 (viii) a sports facility that hosts professional sporting events and has a seating capacity
- 561 equal to or greater than 6,500;
- 562 (ix) a concert venue that has a seating capacity equal to or greater than 6,500;
- 563 (x) one of the following if owned by a government agency:
- 564 (A) a convention center;
- 565 (B) a fair facility;
- 566 (C) an equestrian park;
- 567 (D) a theater; or
- 568 (E) a concert venue;
- 569 (xi) an amusement park:
- 570 (A) with one or more permanent amusement rides; and
- 571 (B) located on at least 50 acres;
- 572 (xii) a ski resort;
- 573 (xiii) a venue for live entertainment if the venue:
- 574 (A) is not regularly open for more than five hours on any day;
- 575 (B) is operated so that food is available whenever beer is sold, offered for sale, or
- 576 furnished at the venue; and
- 577 (C) is operated so that no more than 15% of its total annual receipts are from the sale
- 578 of beer;
- 579 (xiv) concessions operated within the boundary of a park administered by the:
- 580 (A) Division of Parks [~~and Recreation~~]; or
- 581 (B) National Parks Service;
- 582 (xv) a facility or venue that is a recreational amenity for a person licensed under this
- 583 part before May 12, 2020;
- 584 (xvi) a venue for karaoke; or
- 585 (xvii) an enterprise developed around a commission-approved activity.

586 (b) "Recreational amenity" does not include an item described in Subsection (2)(a), if
587 the item is tangential to an enterprise or activity that is not included in Subsection (2)(a).

588 Section 5. Section **41-1a-418** is amended to read:

589 **41-1a-418. Authorized special group license plates.**

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

593 (a) disability special group license plates issued in accordance with Section [41-1a-420](#);

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

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

596 (ii) former prisoner of war;

597 (iii) recipient of a Purple Heart;

598 (iv) disabled veteran;

599 (v) recipient of a gold star award issued by the United States Secretary of Defense; or

600 (vi) recipient of a campaign or combat theater award determined by the Department of
601 Veterans and Military Affairs;

602 (c) unique vehicle type special group license plates, as for historical, collectors value,
603 or other unique vehicle type, which plates are issued for:

604 (i) a special interest vehicle;

605 (ii) a vintage vehicle;

606 (iii) a farm truck; or

607 (iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as
608 defined in Section [59-13-102](#); or

609 (B) beginning on the effective date of rules made by the Department of Transportation
610 authorized under Subsection [41-6a-702](#)(5)(b) and until Subsection (4) applies, a vehicle
611 powered by clean fuel that meets the standards established by the Department of Transportation
612 in rules authorized under Subsection [41-6a-702](#)(5)(b);

613 (d) recognition special group license plates, which plates are issued for:

614 (i) a current member of the Legislature;

615 (ii) a current member of the United States Congress;

616 (iii) a current member of the National Guard;

- 617 (iv) a licensed amateur radio operator;
- 618 (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;
- 619 (vi) an emergency medical technician;
- 620 (vii) a current member of a search and rescue team;
- 621 (viii) a current honorary consulate designated by the United States Department of
622 State;
- 623 (ix) an individual supporting commemoration and recognition of women's suffrage;
- 624 (x) an individual supporting a fraternal, initiatic order for those sharing moral and
625 metaphysical ideals, and designed to teach ethical and philosophical matters of brotherly love,
626 relief, and truth;
- 627 (xi) an individual supporting the Utah Wing of the Civil Air Patrol; or
- 628 (xii) an individual supporting the recognition and continuation of the work and life of
629 Dr. Martin Luther King, Jr.; or
- 630 (e) support special group license plates, as for a contributor to an institution or cause,
631 which plates are issued for a contributor to:
- 632 (i) an institution's scholastic scholarship fund;
- 633 (ii) the Division of Wildlife Resources;
- 634 (iii) the Department of Veterans and Military Affairs;
- 635 (iv) the Division of [~~Parks and~~] Recreation;
- 636 (v) the Department of Agriculture and Food;
- 637 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 638 (vii) the Boy Scouts of America;
- 639 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 640 (ix) the Boys and Girls Clubs of America;
- 641 (x) Utah public education;
- 642 (xi) programs that provide support to organizations that create affordable housing for
643 those in severe need through the Division of Real Estate;
- 644 (xii) the Department of Public Safety;
- 645 (xiii) programs that support Zion National Park;
- 646 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
647 organizations;

- 648 (xv) programs that promote bicycle operation and safety awareness;
- 649 (xvi) programs that conduct or support cancer research;
- 650 (xvii) programs that create or support autism awareness;
- 651 (xviii) programs that create or support humanitarian service and educational and
- 652 cultural exchanges;
- 653 (xix) until September 30, 2017, programs that conduct or support prostate cancer
- 654 awareness, screening, detection, or prevention;
- 655 (xx) programs that support and promote adoptions;
- 656 (xxi) programs that support issues affecting women and children through an
- 657 organization affiliated with a national professional men's basketball organization;
- 658 (xxii) programs that strengthen youth soccer, build communities, and promote
- 659 environmental sustainability through an organization affiliated with a professional men's soccer
- 660 organization;
- 661 (xxiii) programs that support children with heart disease;
- 662 (xxiv) programs that support the operation and maintenance of the Utah Law
- 663 Enforcement Memorial;
- 664 (xxv) programs that provide assistance to children with cancer;
- 665 (xxvi) programs that promote leadership and career development through agricultural
- 666 education;
- 667 (xxvii) the Utah State Historical Society;
- 668 (xxviii) programs to transport veterans to visit memorials honoring the service and
- 669 sacrifices of veterans;
- 670 (xxix) programs that promote motorcycle safety awareness;
- 671 (xxx) organizations that promote clean air through partnership, education, and
- 672 awareness; or
- 673 (xxxii) programs dedicated to strengthening the state's Latino community through
- 674 education, mentoring, and leadership opportunities.
- 675 (2) (a) The division may not issue a new type of special group license plate or decal
- 676 unless the division receives:
- 677 (i) (A) a private donation for the start-up fee established under Section [63J-1-504](#) for
- 678 the production and administrative costs of providing the new special group license plates or

679 decals; or

680 (B) a legislative appropriation for the start-up fee provided under Subsection

681 (2)(a)(i)(A); and

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

686 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and
687 hold applications for support special group license plates or decals authorized in Section
688 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications.

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

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

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

699 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
700 registration of a motor vehicle that has been issued a firefighter recognition special group
701 license plate unless the applicant is a contributor as defined in Subsection
702 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

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

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

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

710 (3) Beginning on July 1, 2011, if a support special group license plate or decal type
711 authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500
712 license plates issued each year for a three consecutive year time period that begins on July 1,
713 the division may not issue that type of support special group license plate or decal to a new
714 applicant beginning on January 1 of the following calendar year after the three consecutive year
715 time period for which that type of support special group license plate or decal has fewer than
716 500 license plates issued each year.

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

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

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

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

725 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
726 **contribution collection procedures.**

727 (1) As used in this section:

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

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

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

732 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in
733 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,
734 access, and management of wildlife habitat;

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

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

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

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

- 741 (H) No More Homeless Pets in Utah for distribution to organizations or individuals
742 that provide spay and neuter programs that subsidize the sterilization of domestic animals;
- 743 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
744 development programs;
- 745 (J) the Utah Association of Public School Foundations to support public education;
- 746 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to
747 assist people who have severe housing needs;
- 748 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118
749 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
750 Safety employees;
- 751 (M) the Division of Parks [~~and Recreation~~] for distribution to organizations that
752 provide support for Zion National Park;
- 753 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support
754 firefighter organizations;
- 755 (O) the Share the Road Bicycle Support Restricted Account created in Section
756 72-2-127 to support bicycle operation and safety awareness programs;
- 757 (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support
758 cancer research programs;
- 759 (Q) Autism Awareness Restricted Account created in Section 53F-9-401 to support
760 autism awareness programs;
- 761 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account
762 created in Section 9-17-102 to support humanitarian service and educational and cultural
763 programs;
- 764 (S) Upon renewal of a prostate cancer support special group license plate, to the Cancer
765 Research Restricted Account created in Section 26-21a-302 to support cancer research
766 programs;
- 767 (T) the Choose Life Adoption Support Restricted Account created in Section
768 62A-4a-608 to support programs that promote adoption;
- 769 (U) the National Professional Men's Basketball Team Support of Women and Children
770 Issues Restricted Account created in Section 62A-1-202;
- 771 (V) the Utah Law Enforcement Memorial Support Restricted Account created in

772 Section [53-1-120](#);

773 (W) the Children with Cancer Support Restricted Account created in Section

774 [26-21a-304](#) for programs that provide assistance to children with cancer;

775 (X) the National Professional Men's Soccer Team Support of Building Communities

776 Restricted Account created in Section [9-19-102](#);

777 (Y) the Children with Heart Disease Support Restricted Account created in Section

778 [26-58-102](#);

779 (Z) the Utah Intracurricular Student Organization Support for Agricultural Education

780 and Leadership Restricted Account created in Section [4-42-102](#);

781 (AA) the Division of Wildlife Resources for the Support for State-Owned Shooting

782 Ranges Restricted Account created in Section [23-14-13.5](#), for the creation of new, and

783 operation and maintenance of existing, state-owned firearm shooting ranges;

784 (BB) the Utah State Historical Society to further the mission and purpose of the Utah

785 State Historical Society;

786 (CC) the Motorcycle Safety Awareness Support Restricted Account created in Section

787 [72-2-130](#); [or]

788 (DD) the Transportation of Veterans to Memorials Support Restricted Account created

789 in Section [71-14-102](#);

790 (EE) clean air support causes, with half of the donation deposited into the Clean Air

791 Support Restricted Account created in Section [19-1-109](#), and half of the donation deposited

792 into the Clean Air Fund created in Section [59-10-1319](#); or

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

794 (ii) (A) For a veterans special group license plate described in Subsection

795 [41-1a-421\(1\)\(a\)\(v\)](#) or [41-1a-422\(4\)](#), "contributor" means a person who has donated or in whose

796 name at least a \$25 donation at the time of application and \$10 annual donation thereafter has

797 been made.

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

799 person who:

800 (I) has donated or in whose name at least \$30 has been donated at the time of

801 application and annually after the time of application; and

802 (II) is a member of a trade organization for real estate licensees that has more than

803 15,000 Utah members.

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

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

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

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

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

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

818 (b) "Institution" means a state institution of higher education as defined under Section
819 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or
820 national accrediting agency recognized by the United States Department of Education.

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

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

827 (i) the name of the contributor;

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

829 (iii) the date of the donation; and

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

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

833 (d) After an applicant has been issued collegiate license plates or renewal decals, the

834 commission shall charge the institution whose plate was issued, a fee determined in accordance
835 with Section 63J-1-504 for management and administrative expenses incurred in issuing and
836 renewing the collegiate license plates.

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

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

842 (b) This contribution shall be:

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

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

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

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

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

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

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

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

858 (i) snowmobile license plates; or

859 (ii) conservation license plates.

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

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

863 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**

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

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

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

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

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

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

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

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

877 (2) A street-legal ATV shall comply with Section 59-2-405.2, Subsection
878 41-1a-205(1), Subsection 53-8-205(1)(b), and the same requirements as:

879 (a) a motorcycle for:

880 (i) traffic rules under Title 41, Chapter 6a, Traffic Code;

881 (ii) titling, odometer statement, vehicle identification, license plates, and registration,
882 excluding registration fees, under Title 41, Chapter 1a, Motor Vehicle Act; and

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

885 (b) a motor vehicle for:

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

887 (ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of
888 Motor Vehicle Owners and Operators Act; and

889 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title
890 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business
891 Regulation Act, unless otherwise specified in this section.

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

894 (i) one or more headlamps that meet the requirements of Section 41-6a-1603;

895 (ii) one or more tail lamps;

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

- 927 Section 41-6a-1623;
- 928 (viii) a horn or other warning device that meets the requirements of Section
929 41-6a-1625;
- 930 (ix) a muffler and emission control system that meets the requirements of Section
931 41-6a-1626;
- 932 (x) rearview mirrors on the right and left side of the driver in accordance with Section
933 41-6a-1627;
- 934 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 935 (xii) a speedometer, illuminated for nighttime operation;
- 936 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
937 seat designed for passengers;
- 938 (xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle
939 occupant;
- 940 (xv) a seat with a height between 20 and 40 inches when measured at the forward edge
941 of the seat bottom; and
- 942 (xvi) tires that:
- 943 (A) do not exceed 44 inches in height; and
- 944 (B) have at least 2/32 inches or greater tire tread.
- 945 (c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle
946 with wheel covers, mudguards, flaps, or splash aprons.
- 947 (4) (a) Subject to the requirements of Subsection (4)(b), an operator of a street-legal
948 all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not
949 exceed the lesser of:
- 950 (i) the posted speed limit; or
- 951 (ii) 50 miles per hour.
- 952 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal
953 all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:
- 954 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the
955 roadway; and
- 956 (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the front
957 and back of both sides of the vehicle.

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

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

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

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

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

970 **41-22-2. Definitions.**

971 As used in this chapter:

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

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

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

982 (i) an electric-powered vehicle; or

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

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

988 (4) (a) "All-terrain type III vehicle" means any other motor vehicle, not defined in

989 Subsection (2), (3), (12), or (22), designed for or capable of travel over unimproved terrain.

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

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

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

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

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

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

1000 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed
1001 for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of
1002 10 pounds per square inch or less as recommended by the vehicle manufacturer.

1003 (10) "Manufacturer" means a person engaged in the business of manufacturing
1004 off-highway vehicles.

1005 (11) (a) "Motor vehicle" means every vehicle which is self-propelled.

1006 (b) "Motor vehicle" includes an off-highway vehicle.

1007 (12) "Motorcycle" means every motor vehicle having a saddle for the use of the
1008 operator and designed to travel on not more than two tires.

1009 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,
1010 all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is used by
1011 the owner or the owner's agent for agricultural operations.

1012 (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,
1013 all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle.

1014 (15) "Operate" means to control the movement of or otherwise use an off-highway
1015 vehicle.

1016 (16) "Operator" means the person who is in actual physical control of an off-highway
1017 vehicle.

1018 (17) "Organized user group" means an off-highway vehicle organization incorporated
1019 as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit

1020 Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.

1021 (18) "Owner" means a person, other than a person with a security interest, having a
1022 property interest or title to an off-highway vehicle and entitled to the use and possession of that
1023 vehicle.

1024 (19) "Public land" means land owned or administered by any federal or state agency or
1025 any political subdivision of the state.

1026 (20) "Register" means the act of assigning a registration number to an off-highway
1027 vehicle.

1028 (21) "Roadway" is used as defined in Section [41-6a-102](#).

1029 (22) "Snowmobile" means any motor vehicle designed for travel on snow or ice and
1030 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

1031 (23) "Street or highway" means the entire width between boundary lines of every way
1032 or place of whatever nature, when any part of it is open to the use of the public for vehicular
1033 travel.

1034 (24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as
1035 defined in Section [41-6a-102](#).

1036 Section 9. Section **41-22-3** is amended to read:

1037 **41-22-3. Registration of vehicles -- Application -- Issuance of sticker and card --**
1038 **Proof of property tax payment -- Records.**

1039 (1) (a) Unless exempted under Section [41-22-9](#), a person may not operate or transport
1040 and an owner may not give another person permission to operate or transport any off-highway
1041 vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle
1042 is registered under this chapter for the current year.

1043 (b) Unless exempted under Section [41-22-9](#), a dealer may not sell an off-highway
1044 vehicle which can be used or transported on any public land, trail, street, or highway in this
1045 state, unless the off-highway vehicle is registered or is in the process of being registered under
1046 this chapter for the current year.

1047 (2) The owner of an off-highway vehicle subject to registration under this chapter shall
1048 apply to the Motor Vehicle Division for registration on forms approved by the Motor Vehicle
1049 Division.

1050 (3) Each application for registration of an off-highway vehicle shall be accompanied

1051 by:

1052 (a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of
1053 sale showing ownership, make, model, horsepower or displacement, and serial number;

1054 (b) the past registration card; or

1055 (c) the fee for a duplicate.

1056 (4) (a) Upon each annual registration, the Motor Vehicle Division shall issue a
1057 registration sticker and a registration card for each off-highway vehicle registered.

1058 (b) The registration sticker shall:

1059 (i) contain a unique number using numbers, letters, or combination of numbers and
1060 letters to identify the off-highway vehicle for which it is issued;

1061 (ii) be affixed to the off-highway vehicle for which it is issued in a plainly visible
1062 position as prescribed by rule of the ~~board~~ division under Section 41-22-5.1; and

1063 (iii) be maintained free of foreign materials and in a condition to be clearly legible.

1064 (c) At all times, a registration card shall be kept with the off-highway vehicle and shall
1065 be available for inspection by a law enforcement officer.

1066 (5) (a) Except as provided by Subsection (5)(c), an applicant for a registration card and
1067 registration sticker shall provide the Motor Vehicle Division a certificate, described under
1068 Subsection (5)(b), from the county assessor of the county in which the off-highway vehicle has
1069 situs for taxation.

1070 (b) The certificate required under Subsection (5)(a) shall state one of the following:

1071 (i) the property tax on the off-highway vehicle for the current year has been paid;

1072 (ii) in the county assessor's opinion, the tax is a lien on real property sufficient to
1073 secure the payment of the tax; or

1074 (iii) the off-highway vehicle is exempt by law from payment of property tax for the
1075 current year.

1076 (c) An off-highway vehicle for which an off-highway implement of husbandry sticker
1077 has been issued in accordance with Section 41-22-5.5 is exempt from the requirement under
1078 this Subsection (5).

1079 (6) (a) All records of the division made or kept under this section shall be classified by
1080 the Motor Vehicle Division in the same manner as motor vehicle records are classified under
1081 Section 41-1a-116.

1082 (b) Division records are available for inspection in the same manner as motor vehicle
1083 records under Section [41-1a-116](#).

1084 (7) A violation of this section is an infraction.

1085 Section 10. Section [41-22-5.1](#) is amended to read:

1086 **41-22-5.1. Rules of division relating to display of registration stickers.**

1087 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1088 ~~[board]~~ division, after consultation with the commission, shall make rules for the display of a
1089 registration sticker on an off-highway vehicle in accordance with Section [41-22-3](#).

1090 Section 11. Section [41-22-5.5](#) is amended to read:

1091 **41-22-5.5. Off-highway husbandry vehicles.**

1092 (1) (a) (i) The owner of an all-terrain type I vehicle, motorcycle, all-terrain type II
1093 vehicle, all-terrain type III vehicle, or snowmobile used for agricultural purposes may apply to
1094 the Motor Vehicle Division for an off-highway implement of husbandry sticker.

1095 (ii) Each application under Subsection (1)(a)(i) shall be accompanied by:

1096 (A) evidence of ownership;

1097 (B) a title or a manufacturer's certificate of origin; and

1098 (C) a signed statement certifying that the off-highway vehicle is used for agricultural
1099 purposes.

1100 (iii) The owner shall receive an off-highway implement of husbandry sticker upon
1101 production of:

1102 (A) the documents required under this Subsection (1); and

1103 (B) payment of an off-highway implement of husbandry sticker fee established by the
1104 ~~[board]~~ division, after consultation with the commission, not to exceed \$10.

1105 (b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or
1106 highways, it shall also be registered under Section [41-22-3](#).

1107 (c) The off-highway implement of husbandry sticker shall be displayed in a manner
1108 prescribed by the ~~[board]~~ division and shall identify the all-terrain type I vehicle, motorcycle,
1109 all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile as an off-highway
1110 implement of husbandry.

1111 (2) The off-highway implement of husbandry sticker is valid only for the life of the
1112 ownership of the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type

1113 III vehicle, or snowmobile and is not transferable.

1114 (3) The off-highway implement of husbandry sticker is valid for an all-terrain type I
1115 vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile that is
1116 being operated adjacent to a roadway:

1117 (a) when the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain
1118 type III vehicle, or snowmobile is only being used to travel from one parcel of land owned,
1119 operated, permitted, or leased for agricultural purposes by the owner of the vehicle to another
1120 parcel of land owned, operated, permitted, or leased for agricultural purposes by the owner; and

1121 (b) when this operation is necessary for the furtherance of agricultural purposes.

1122 (4) If the operation of an off-highway implement of husbandry adjacent to a roadway is
1123 impractical, it may be operated on the roadway if the operator exercises due care towards
1124 conventional motor vehicle traffic.

1125 (5) It is unlawful to operate an off-highway implement of husbandry along, across, or
1126 within the boundaries of an interstate freeway.

1127 (6) A violation of this section is an infraction.

1128 Section 12. Section **41-22-8** is amended to read:

1129 **41-22-8. Registration fees.**

1130 (1) The [~~board~~] division, after consultation with the commission, shall establish the
1131 fees which shall be paid in accordance with this chapter, subject to the following:

1132 (a) (i) Except as provided in Subsection (1)(a)(ii) or (iii), the fee for each off-highway
1133 vehicle registration may not exceed \$35.

1134 (ii) The fee for each snowmobile registration may not exceed \$26.

1135 (iii) The fee for each street-legal all-terrain vehicle may not exceed \$72.

1136 (b) The fee for each duplicate registration card may not exceed \$3.

1137 (c) The fee for each duplicate registration sticker may not exceed \$5.

1138 (2) A fee may not be charged for an off-highway vehicle that is owned and operated by
1139 the United States Government, this state, or its political subdivisions.

1140 (3) (a) In addition to the fees under this section, Section **41-22-33**, and Section
1141 **41-22-34**, the Motor Vehicle Division shall require a person to pay one dollar to register an
1142 off-highway vehicle under Section **41-22-3**.

1143 (b) The Motor Vehicle Division shall deposit the fees the Motor Vehicle Division

1144 collects under Subsection (3)(a) into the Spinal Cord and Brain Injury Rehabilitation Fund
1145 described in Section 26-54-102.

1146 Section 13. Section 41-22-10 is amended to read:

1147 **41-22-10. Powers of division relating to off-highway vehicles.**

1148 (1) The [board] division may:

1149 (a) appoint and seek recommendations from the Off-highway Vehicle Advisory
1150 Council representing the various off-highway vehicle, conservation, and other appropriate
1151 interests; and

1152 (b) adopt a uniform marker and sign system for use by agents of appropriate federal,
1153 state, county, and city agencies in areas of off-highway vehicle use.

1154 (2) The [board] division shall receive and distribute voluntary contributions collected
1155 under Section 41-1a-230.6 in accordance with Section 41-22-19.5.

1156 Section 14. Section 41-22-10.7 is amended to read:

1157 **41-22-10.7. Vehicle equipment requirements -- Rulemaking -- Exceptions.**

1158 (1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped
1159 with:

1160 (a) brakes adequate to control the movement of and to stop and hold the vehicle under
1161 normal operating conditions;

1162 (b) headlights and taillights when operated between sunset and sunrise;

1163 (c) a noise control device and except for a snowmobile, a spark arrestor device; and

1164 (d) when operated on sand dunes designated by the [board] division, a safety flag that
1165 is:

1166 (i) red or orange in color;

1167 (ii) a minimum of six by 12 inches; and

1168 (iii) attached to:

1169 (A) the off-highway vehicle so that the safety flag is at least eight feet above the
1170 surface of level ground; or

1171 (B) the protective headgear of a person operating a motorcycle so that the safety flag is
1172 at least 18 inches above the top of the person's head.

1173 (2) A violation of Subsection (1) is an infraction.

1174 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1175 [board] division may make rules, after consultation with the commission, which set standards
1176 for the equipment and which designate sand dunes where safety flags are required under
1177 Subsection (1).

1178 (4) An off-highway implement of husbandry used only in agricultural operations and
1179 not operated on a highway, is exempt from the provisions of this section.

1180 Section 15. Section **41-22-30** is amended to read:

1181 **41-22-30. Supervision, safety certificate, or driver license required -- Penalty.**

1182 (1) As used in this section, "direct supervision" means oversight at a distance:

1183 (a) of no more than 300 feet; and

1184 (b) within which:

1185 (i) visual contact is maintained; and

1186 (ii) advice and assistance can be given and received.

1187 (2) A person may not operate and an owner may not give that person permission to
1188 operate an off-highway vehicle on any public land, trail, street, or highway of this state unless
1189 the person:

1190 (a) is under the direct supervision of an off-highway vehicle safety instructor during a
1191 scheduled safety training course approved by the [board] division pursuant to Section
1192 [41-22-32](#);

1193 (b) (i) has in the person's possession the appropriate safety certificate issued or
1194 approved by the division; and

1195 (ii) if under 18 years of age, is under the direct supervision of a person who is at least
1196 18 years of age if operating on a public highway that is:

1197 (A) open to motor vehicles; and

1198 (B) not exclusively reserved for off-highway vehicle use; or

1199 (c) has in the person's immediate possession a valid motor vehicle operator's license, as
1200 provided in Title 53, Chapter 3, Uniform Driver License Act.

1201 (3) (a) A person convicted of a violation of this section is guilty of an infraction and
1202 shall be fined not more than \$100 per offense.

1203 (b) It is a defense to a charge under this section, if the person charged:

1204 (i) produces in court a license or an appropriate safety certificate that was:

1205 (A) valid at the time of the citation or arrest; and

1206 (B) issued to the person operating the off-highway vehicle; and
1207 (ii) can show that the direct supervision requirement under Subsection (2)(b) was not
1208 violated at the time of citation or arrest.

1209 (4) The requirements of this section do not apply to an operator of an off-highway
1210 implement of husbandry.

1211 Section 16. Section **41-22-31** is amended to read:

1212 **41-22-31. Division to set standards for safety program -- Safety certificates issued**
1213 **-- Cooperation with public and private entities -- State immunity from suit.**

1214 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1215 the [~~board~~] division shall make rules, after consultation with the commission, that establish
1216 curriculum standards for a comprehensive off-highway vehicle safety education and training
1217 program and shall implement this program.

1218 (b) The program shall be designed to develop and instill the knowledge, attitudes,
1219 habits, and skills necessary for the safe operation of an off-highway vehicle.

1220 (c) Components of the program shall include the preparation and dissemination of
1221 off-highway vehicle information and safety advice to the public and the training of off-highway
1222 vehicle operators.

1223 (d) Off-highway vehicle safety certificates shall be issued to those who successfully
1224 complete training or pass the knowledge and skills test established under the program.

1225 (2) The division shall cooperate with appropriate private organizations and
1226 associations, private and public corporations, and local government units to implement the
1227 program established under this section.

1228 (3) In addition to the governmental immunity granted in Title 63G, Chapter 7,
1229 Governmental Immunity Act of Utah, the state is immune from suit for any act, or failure to
1230 act, in any capacity relating to the off-highway vehicle safety education and training program.
1231 The state is also not responsible for any insufficiency or inadequacy in the quality of training
1232 provided by this program.

1233 Section 17. Section **41-22-33** is amended to read:

1234 **41-22-33. Fees for safety and education program -- Penalty -- Unlawful acts.**

1235 (1) A fee set by the [~~board~~] division, after consultation with the commission, in
1236 accordance with Section **63J-1-504** shall be added to the registration fee required to register an

1237 off-highway vehicle under Section 41-22-8 to help fund the off-highway vehicle safety and
1238 education program.

1239 (2) If the [board] division modifies the fee under Subsection (1), the modification shall
1240 take effect on the first day of the calendar quarter after 90 days from the day on which the
1241 [board] division provides the State Tax Commission:

1242 (a) notice from the [board] division stating that the [board] division will modify the
1243 fee; and

1244 (b) a copy of the fee modification.

1245 Section 18. Section 41-22-35 is amended to read:

1246 **41-22-35. Off-highway vehicle user fee -- Decal -- Agents -- Penalty for fraudulent**
1247 **issuance of decal -- Deposit and use of fee revenue.**

1248 (1) (a) Except as provided in Subsection (1)(b), any person owning or operating a
1249 nonresident off-highway vehicle who operates or gives another person permission to operate
1250 the nonresident off-highway vehicle on any public land, trail, street, or highway in this state
1251 shall:

1252 (i) apply for an off-highway vehicle decal issued exclusively for an off-highway
1253 vehicle owned by a nonresident of the state;

1254 (ii) pay an annual off-highway vehicle user fee; and

1255 (iii) provide evidence that the owner is a nonresident.

1256 (b) The provisions of Subsection (1)(a) do not apply to an off-highway vehicle if the
1257 off-highway vehicle is:

1258 (i) used exclusively as an off-highway implement of husbandry;

1259 (ii) used exclusively for the purposes of a scheduled competitive event sponsored by a
1260 public or private entity or another event sponsored by a governmental entity under rules made
1261 by the [board] division, after consultation with the commission;

1262 (iii) owned and operated by a state government agency and the operation of the
1263 off-highway vehicle within the boundaries of the state is within the course and scope of the
1264 duties of the agency; or

1265 (iv) used exclusively for the purpose of an off-highway vehicle manufacturer
1266 sponsored event within the state under rules made by the [board] division.

1267 (2) The off-highway vehicle user fee is \$30.

- 1268 (3) Upon compliance with the provisions of Subsection (1)(a), the nonresident shall:
1269 (a) receive a nonresident off-highway vehicle user decal indicating compliance with the
1270 provisions of Subsection (1)(a); and
1271 (b) display the decal on the off-highway vehicle in accordance with rules made by the
1272 ~~board~~ division.
- 1273 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1274 ~~board~~ division, after consultation with the commission, shall make rules establishing:
1275 (a) procedures for:
1276 (i) the payment of off-highway vehicle user fees; and
1277 (ii) the display of a decal on an off-highway vehicle as required under Subsection
1278 (3)(b);
1279 (b) acceptable evidence indicating compliance with Subsection (1);
1280 (c) eligibility for scheduled competitive events or other events under Subsection
1281 (1)(b)~~(i)~~(ii); and
1282 (d) eligibility for an off-highway vehicle manufacturer sponsored event under
1283 Subsection (1)(b)~~(iii)~~(iv).
- 1284 (5) (a) An off-highway vehicle user decal may be issued and the off-highway vehicle
1285 user fee may be collected by the division or agents of the division.
1286 (b) An agent shall retain 10% of all off-highway vehicle user fees collected.
1287 (c) The division may require agents to obtain a bond in a reasonable amount.
1288 (d) On or before the tenth day of each month, each agent shall:
1289 (i) report all sales to the division; and
1290 (ii) submit all off-highway vehicle user fees collected less the remuneration provided in
1291 Subsection (5)(b).
1292 (e) (i) If an agent fails to pay the amount due, the division may assess a penalty of 20%
1293 of the amount due.
1294 (ii) Delinquent payments shall bear interest at the rate of 1% per month.
1295 (iii) If the amount due is not paid because of bad faith or fraud, the division shall assess
1296 a penalty of 100% of the total amount due together with interest.
1297 (f) All fees collected by an agent, except the remuneration provided in Subsection
1298 (5)(b), shall:

- 1299 (i) be kept separate and apart from the private funds of the agent; and
- 1300 (ii) belong to the state.
- 1301 (g) An agent may not issue an off-highway vehicle user decal to any person unless the
- 1302 person furnishes evidence of compliance with the provisions of Subsection (1)(a).
- 1303 (h) A violation of any provision of this Subsection (5) is a class B misdemeanor and
- 1304 may be cause for revocation of the agent authorization.
- 1305 (6) Revenue generated by off-highway vehicle user fees shall be deposited in the
- 1306 Off-highway Vehicle Account created in Section 41-22-19.
- 1307 Section 19. Section 54-4-41 is amended to read:
- 1308 **54-4-41. Recovery of investment in utility-owned vehicle charging infrastructure.**
- 1309 (1) As used in this section, "charging infrastructure program" means the program
- 1310 described in Subsection (2).
- 1311 (2) The commission shall authorize a large-scale electric utility program that:
- 1312 (a) allows for funding from large-scale electric utility customers for a maximum of
- 1313 \$50,000,000 for all costs and expenses associated with:
- 1314 (i) the deployment of utility-owned vehicle charging infrastructure; and
- 1315 (ii) utility vehicle charging service provided by the large-scale electric utility;
- 1316 (b) creates a new customer class, with a utility vehicle charging service rate structure
- 1317 that:
- 1318 (i) is determined by the commission to be in the public interest;
- 1319 (ii) is a transitional rate structure expected to allow the large-scale electric utility to
- 1320 recover, through charges to utility vehicle charging service customers, the large-scale electric
- 1321 utility's full cost of service for utility-owned vehicle charging infrastructure and utility vehicle
- 1322 charging service over a reasonable time frame determined by the commission; and
- 1323 (iii) may allow different rates for large-scale electric utility customers to reflect
- 1324 contributions to investment; and
- 1325 (c) includes a transportation plan that promotes:
- 1326 (i) the deployment of utility-owned vehicle charging infrastructure in the public
- 1327 interest; and
- 1328 (ii) the availability of utility vehicle charging service.
- 1329 (3) Before submitting a proposed charging infrastructure program to the commission

1330 for commission approval under Subsection (2), a large-scale electric utility shall seek and
1331 consider input from:

- 1332 (a) the Division of Public Utilities, established in Section [54-4a-1](#);
- 1333 (b) the Office of Consumer Services, created in Section [54-10a-201](#);
- 1334 (c) the Division of Air Quality, created in Section [19-1-105](#);
- 1335 (d) the Department of Transportation, created in Section [72-1-201](#);
- 1336 (e) the Governor's Office of Economic Development, created in Section [63N-1-201](#);
- 1337 (f) the Office of Energy Development, created in Section [~~63M-4-401~~] [79-6-401](#);
- 1338 (g) the board of the Utah Inland Port Authority, created in Section [11-58-201](#);
- 1339 (h) representatives of the Point of the Mountain State Land Development Authority,

1340 created in Section [11-59-201](#);

- 1341 (i) third-party electric vehicle battery charging service operators; and
- 1342 (j) any other person who files a request for notice with the commission.

1343 (4) The commission shall find a charging infrastructure program to be in the public
1344 interest if the commission finds that the charging infrastructure program:

- 1345 (a) increases the availability of electric vehicle battery charging service in the state;
- 1346 (b) enables the significant deployment of infrastructure that supports electric vehicle
1347 battery charging service and utility-owned vehicle charging infrastructure in a manner
1348 reasonably expected to increase electric vehicle adoption;

1349 (c) includes an evaluation of investments in the areas of the authority jurisdictional
1350 land, as defined in Section [11-58-102](#), and the point of the mountain state land, as defined in
1351 Section [11-59-102](#);

1352 (d) enables competition, innovation, and customer choice in electric vehicle battery
1353 charging services, while promoting low-cost services for electric vehicle battery charging
1354 customers; and

1355 (e) provides for ongoing coordination with the Department of Transportation, created
1356 in Section [72-1-201](#).

1357 (5) The commission may, consistent with Subsection (2), approve an amendment to the
1358 charging infrastructure program if the large-scale electric utility demonstrates that the
1359 amendment:

- 1360 (a) is prudent;

1361 (b) will provide net benefits to customers; and

1362 (c) is otherwise consistent with the requirements of Subsection (2).

1363 (6) The commission shall authorize recovery of a large-scale electric utility's
1364 investment in utility-owned vehicle charging infrastructure through a balancing account or
1365 other ratemaking treatment that reflects:

1366 (a) charging infrastructure program costs associated with prudent investment, including
1367 the large-scale electric utility's pre-tax average weighted cost of capital approved by the
1368 commission in the large-scale electric utility's most recent general rate proceeding, and
1369 associated revenue and prudently incurred expenses; and

1370 (b) a carrying charge.

1371 (7) A large-scale electric utility's investment in utility-owned vehicle charging
1372 infrastructure is prudently made if the large-scale electric utility demonstrates in a formal
1373 adjudicative proceeding before the commission that the investment can reasonably be
1374 anticipated to:

1375 (a) result in one or more projects that are in the public interest of the large-scale
1376 electric utility's customers to reduce transportation sector emissions over a reasonable time
1377 period as determined by the commission;

1378 (b) provide the large-scale electric utility's customers significant benefits that may
1379 include revenue from utility vehicle charging service that offsets the large-scale electric utility's
1380 costs and expenses; and

1381 (c) facilitate any other measure that the commission determines:

1382 (i) promotes deployment of utility-owned vehicle charging infrastructure and utility
1383 vehicle charging service; or

1384 (ii) creates significant benefits in the long term for customers of the large-scale electric
1385 utility.

1386 (8) A large-scale electric utility that establishes and implements a charging
1387 infrastructure program shall annually, on or before June 1, submit a written report to the Public
1388 Utilities, Energy, and Technology Interim Committee of the Legislature about the charging
1389 infrastructure program's activities during the previous calendar year, including information on:

1390 (a) the charging infrastructure program's status, operation, funding, and benefits;

1391 (b) the disposition of charging infrastructure program funds; and

1392 (c) the charging infrastructure program's impact on rates.

1393 Section 20. Section **57-14-204** is amended to read:

1394 **57-14-204. Liability not limited where willful or malicious conduct involved or**
1395 **admission fee charged.**

1396 (1) Nothing in this part limits any liability that otherwise exists for:

1397 (a) willful or malicious failure to guard or warn against a dangerous condition, use,
1398 structure, or activity;

1399 (b) deliberate, willful, or malicious injury to persons or property; or

1400 (c) an injury suffered where the owner of land charges a person to enter or go on the
1401 land or use the land for any recreational purpose.

1402 (2) For purposes of Subsection (1)(c), if the land is leased to the state or a subdivision
1403 of the state, any consideration received by the owner for the lease is not a charge within the
1404 meaning of this section.

1405 (3) Any person who hunts upon a cooperative wildlife management unit, as authorized
1406 by Title 23, Chapter 23, Cooperative Wildlife Management Units, is not considered to have
1407 paid a fee within the meaning of this section.

1408 (4) Owners of a dam or reservoir who allow recreational use of the dam or reservoir
1409 and its surrounding area and do not themselves charge a fee for that use, are considered not to
1410 have charged for that use within the meaning of Subsection (1)(c), even if the user pays a fee to
1411 the Division of Parks ~~[and]~~ or the Division of Recreation for the use of the services and
1412 facilities at that dam or reservoir.

1413 (5) The state or a subdivision of the state that owns property purchased for a railway
1414 corridor is considered not to have charged for use of the railway corridor within the meaning of
1415 Subsection (1)(c), even if the user pays a fee for travel on a privately owned rail car that crosses
1416 or travels over the railway corridor of the state or a subdivision of the state:

1417 (a) allows recreational use of the railway corridor and its surrounding area; and

1418 (b) does not charge a fee for that use.

1419 Section 21. Section **59-5-102** is amended to read:

1420 **59-5-102. Definitions -- Severance tax -- Computation -- Rate -- Annual**
1421 **exemption -- Tax credits -- Tax rate reduction.**

1422 (1) As used in this section:

- 1423 (a) "Division" means the Division of Oil, Gas, and Mining created in Section [40-6-15](#).
- 1424 (b) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]
- 1425 [79-6-401](#).
- 1426 (c) "Royalty rate" means the percentage of the interests described in Subsection
- 1427 (2)(b)(i) as defined by a contract between the United States, the state, an Indian, or an Indian
- 1428 tribe and the oil or gas producer.
- 1429 (d) "Taxable value" means the total value of the oil or gas minus:
- 1430 (i) any royalties paid to, or the value of oil or gas taken in kind by, the interest holders
- 1431 described in Subsection (2)(b)(i); and
- 1432 (ii) the total value of oil or gas exempt from severance tax under Subsection (2)(b)(ii).
- 1433 (e) "Taxable volume" means:
- 1434 (i) for oil, the total volume of barrels minus:
- 1435 (A) for an interest described in Subsection (2)(b)(i), the product of the royalty rate and
- 1436 the total volume of barrels; and
- 1437 (B) the number of barrels that are exempt under Subsection (2)(b)(ii); and
- 1438 (ii) for natural gas, the total volume of MCFs minus:
- 1439 (A) for an interest described in Subsection (2)(b)(i), the product of the royalty rate and
- 1440 the total volume of MCFs; and
- 1441 (B) the number of MCFs that are exempt under Subsection (2)(b)(ii).
- 1442 (f) "Total value" means the value, as determined by Section [59-5-103.1](#), of all oil or
- 1443 gas that is:
- 1444 (i) produced; and
- 1445 (ii) (A) saved;
- 1446 (B) sold; or
- 1447 (C) transported from the field where the oil or gas was produced.
- 1448 (g) "Total volume" means:
- 1449 (i) for oil, the number of barrels:
- 1450 (A) produced; and
- 1451 (B) (I) saved;
- 1452 (II) sold; or
- 1453 (III) transported from the field where the oil was produced; and

1454 (ii) for natural gas, the number of MCFs:

1455 (A) produced; and

1456 (B) (I) saved;

1457 (II) sold; or

1458 (III) transported from the field where the natural gas was produced.

1459 (h) "Value of oil or gas taken in kind" means the volume of oil or gas taken in kind
1460 multiplied by the market price for oil or gas at the location where the oil or gas was produced
1461 on the date the oil or gas was taken in kind.

1462 (2) (a) Except as provided in Subsection (2)(b), a person owning an interest in oil or
1463 gas produced from a well in the state, including a working interest, royalty interest, payment
1464 out of production, or any other interest, or in the proceeds of the production of oil or gas, shall
1465 pay to the state a severance tax on the owner's interest in the taxable value of the oil or gas:

1466 (i) produced; and

1467 (ii) (A) saved;

1468 (B) sold; or

1469 (C) transported from the field where the substance was produced.

1470 (b) The severance tax imposed by Subsection (2)(a) does not apply to:

1471 (i) an interest of:

1472 (A) the United States in oil or gas or in the proceeds of the production of oil or gas;

1473 (B) the state or a political subdivision of the state in oil or gas or in the proceeds of the
1474 production of oil or gas; and

1475 (C) an Indian or Indian tribe as defined in Section 9-9-101 in oil or gas or in the
1476 proceeds of the production of oil or gas produced from land under the jurisdiction of the United
1477 States; and

1478 (ii) the value of:

1479 (A) oil or gas produced from stripper wells, unless the exemption prevents the
1480 severance tax from being treated as a deduction for federal tax purposes;

1481 (B) oil or gas produced in the first 12 months of production for wildcat wells started
1482 after January 1, 1990; and

1483 (C) oil or gas produced in the first six months of production for development wells
1484 started after January 1, 1990.

- 1485 (3) (a) The severance tax on oil shall be calculated as follows:
- 1486 (i) dividing the taxable value by the taxable volume;
- 1487 (ii) (A) multiplying the rate described in Subsection (4)(a)(i) by the portion of the
- 1488 figure calculated in Subsection (3)(a)(i) that is subject to the rate described in Subsection
- 1489 (4)(a)(i); and
- 1490 (B) multiplying the rate described in Subsection (4)(a)(ii) by the portion of the figure
- 1491 calculated in Subsection (3)(a)(i) that is subject to the rate described in Subsection (4)(a)(ii);
- 1492 (iii) adding together the figures calculated in Subsections (3)(a)(ii)(A) and (B); and
- 1493 (iv) multiplying the figure calculated in Subsection (3)(a)(iii) by the taxable volume.
- 1494 (b) The severance tax on natural gas shall be calculated as follows:
- 1495 (i) dividing the taxable value by the taxable volume;
- 1496 (ii) (A) multiplying the rate described in Subsection (4)(b)(i) by the portion of the
- 1497 figure calculated in Subsection (3)(b)(i) that is subject to the rate described in Subsection
- 1498 (4)(b)(i); and
- 1499 (B) multiplying the rate described in Subsection (4)(b)(ii) by the portion of the figure
- 1500 calculated in Subsection (3)(b)(i) that is subject to the rate described in Subsection (4)(b)(ii);
- 1501 (iii) adding together the figures calculated in Subsections (3)(b)(ii)(A) and (B); and
- 1502 (iv) multiplying the figure calculated in Subsection (3)(b)(iii) by the taxable volume.
- 1503 (c) The severance tax on natural gas liquids shall be calculated by multiplying the
- 1504 taxable value of the natural gas liquids by the severance tax rate in Subsection (4)(c).
- 1505 (4) Subject to Subsection (9):
- 1506 (a) the severance tax rate for oil is as follows:
- 1507 (i) 3% of the taxable value of the oil up to and including the first \$13 per barrel for oil;
- 1508 and
- 1509 (ii) 5% of the taxable value of the oil from \$13.01 and above per barrel for oil;
- 1510 (b) the severance tax rate for natural gas is as follows:
- 1511 (i) 3% of the taxable value of the natural gas up to and including the first \$1.50 per
- 1512 MCF for gas; and
- 1513 (ii) 5% of the taxable value of the natural gas from \$1.51 and above per MCF for gas;
- 1514 and
- 1515 (c) the severance tax rate for natural gas liquids is 4% of the taxable value of the

1516 natural gas liquids.

1517 (5) If oil or gas is shipped outside the state:

1518 (a) the shipment constitutes a sale; and

1519 (b) the oil or gas is subject to the tax imposed by this section.

1520 (6) (a) Except as provided in Subsection (6)(b), if the oil or gas is stockpiled, the tax is

1521 not imposed until the oil or gas is:

1522 (i) sold;

1523 (ii) transported; or

1524 (iii) delivered.

1525 (b) If oil or gas is stockpiled for more than two years, the oil or gas is subject to the tax

1526 imposed by this section.

1527 (7) (a) Subject to other provisions of this Subsection (7), a taxpayer that pays for all or

1528 part of the expenses of a recompletion or workover may claim a nonrefundable tax credit equal

1529 to the amount stated on a tax credit certificate that the office issues to the taxpayer.

1530 (b) The maximum tax credit per taxpayer per well in a calendar year is the lesser of:

1531 (i) 20% of the taxpayer's payment of expenses of a well recompletion or workover

1532 during the calendar year; and

1533 (ii) \$30,000.

1534 (c) A taxpayer may carry forward a tax credit allowed under this Subsection (7) for the

1535 next three calendar years if the tax credit exceeds the taxpayer's tax liability under this part for

1536 the calendar year in which the taxpayer claims the tax credit.

1537 (d) (i) To claim a tax credit under this Subsection (7), a taxpayer shall follow the

1538 procedures and requirements of this Subsection (7)(d).

1539 (ii) The taxpayer shall prepare a summary of the taxpayer's expenses of a well

1540 recompletion or workover during the calendar year that the well recompletion or workover is

1541 completed.

1542 (iii) An independent certified public accountant shall:

1543 (A) review the summary from the taxpayer; and

1544 (B) provide a report on the accuracy and validity of the amount of expenses of a well

1545 recompletion or workover that the taxpayer included in the summary, in accordance with the

1546 agreed upon procedures.

1547 (iv) The taxpayer shall submit the taxpayer's summary and the independent certified
1548 public accountant's report to the division to verify that the expenses certified by the
1549 independent certified public accountant are well recompletion or workover expenses.

1550 (v) The division shall return to the taxpayer:

1551 (A) the taxpayer's summary;

1552 (B) the report by the independent certified public accountant; and

1553 (C) a report by the division that includes the amount of approved well recompletion or
1554 workover expenses.

1555 (vi) The taxpayer shall apply to the office for a tax credit certificate to receive a written
1556 certification, on a form approved by the commission, that includes:

1557 (A) the amount of the taxpayer's payments of expenses of a well recompletion or
1558 workover during the calendar year; and

1559 (B) the amount of the taxpayer's tax credit.

1560 (vii) A taxpayer that receives a tax credit certificate shall retain the tax credit certificate
1561 for the same time period that a person is required to keep books and records under Section
1562 [59-1-1406](#).

1563 (e) The office shall submit to the commission an electronic list that includes:

1564 (i) the name and identifying information of each taxpayer to which the office issues a
1565 tax credit certificate; and

1566 (ii) for each taxpayer, the amount of the tax credit listed on the tax credit certificate.

1567 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

1568 (i) the office may make rules to govern the application process for receiving a tax
1569 credit certificate under this Subsection (7); and

1570 (ii) the division shall make rules to establish the agreed upon procedures described in
1571 Subsection (7)(d)(iii).

1572 (8) (a) Subject to the other provisions of this Subsection (8), a taxpayer may claim a
1573 tax credit against a severance tax owing on natural gas under this section if:

1574 (i) the taxpayer is required to pay a severance tax on natural gas under this section;

1575 (ii) the taxpayer owns or operates a plant in the state that converts natural gas to
1576 hydrogen fuel; and

1577 (iii) all of the natural gas for which the taxpayer owes a severance tax under this

1578 section is used for the production in the state of hydrogen fuel for use in zero emission motor
1579 vehicles.

1580 (b) The taxpayer may claim a tax credit equal to the lesser of:

1581 (i) the amount of tax that the taxpayer owes under this section; and

1582 (ii) \$5,000,000.

1583 (c) (i) To claim a tax credit under this Subsection (8), a taxpayer shall follow the
1584 procedures and requirements of this Subsection (8)(c).

1585 (ii) The taxpayer shall request that the division verify that the taxpayer owns or
1586 operates a plant in this state:

1587 (A) that converts natural gas to hydrogen fuel; and

1588 (B) at which all natural gas is converted to hydrogen fuel for use in zero emission
1589 motor vehicles.

1590 (d) The division shall submit to the commission an electronic list that includes the
1591 name and identifying information of each taxpayer for which the division completed the
1592 verification described in Subsection (8)(c).

1593 (9) A 50% reduction in the tax rate is imposed upon the incremental production
1594 achieved from an enhanced recovery project.

1595 (10) The taxes imposed by this section are:

1596 (a) in addition to all other taxes provided by law; and

1597 (b) delinquent, unless otherwise deferred, on June 1 following the calendar year when
1598 the oil or gas is:

1599 (i) produced; and

1600 (ii) (A) saved;

1601 (B) sold; or

1602 (C) transported from the field.

1603 (11) With respect to the tax imposed by this section on each owner of an interest in the
1604 production of oil or gas or in the proceeds of the production of oil or gas in the state, each
1605 owner is liable for the tax in proportion to the owner's interest in the production or in the
1606 proceeds of the production.

1607 (12) The tax imposed by this section shall be reported and paid by each producer that
1608 takes oil or gas in kind pursuant to an agreement on behalf of the producer and on behalf of

1609 each owner entitled to participate in the oil or gas sold by the producer or transported by the
1610 producer from the field where the oil or gas is produced.

1611 (13) Each producer shall deduct the tax imposed by this section from the amounts due
1612 to other owners for the production or the proceeds of the production.

1613 Section 22. Section **59-7-614** is amended to read:

1614 **59-7-614. Renewable energy systems tax credits -- Definitions -- Certification --**
1615 **Rulemaking authority.**

1616 (1) As used in this section:

1617 (a) (i) "Active solar system" means a system of equipment that is capable of:

1618 (A) collecting and converting incident solar radiation into thermal, mechanical, or
1619 electrical energy; and

1620 (B) transferring a form of energy described in Subsection (1)(a)(i)(A) by a separate
1621 apparatus to storage or to the point of use.

1622 (ii) "Active solar system" includes water heating, space heating or cooling, and
1623 electrical or mechanical energy generation.

1624 (b) "Biomass system" means a system of apparatus and equipment for use in:

1625 (i) converting material into biomass energy, as defined in Section [59-12-102](#); and

1626 (ii) transporting the biomass energy by separate apparatus to the point of use or storage.

1627 (c) "Commercial energy system" means a system that is:

1628 (i) (A) an active solar system;

1629 (B) a biomass system;

1630 (C) a direct use geothermal system;

1631 (D) a geothermal electricity system;

1632 (E) a geothermal heat pump system;

1633 (F) a hydroenergy system;

1634 (G) a passive solar system; or

1635 (H) a wind system;

1636 (ii) located in the state; and

1637 (iii) used:

1638 (A) to supply energy to a commercial unit; or

1639 (B) as a commercial enterprise.

1640 (d) "Commercial enterprise" means an entity, the purpose of which is to produce
1641 electrical, mechanical, or thermal energy for sale from a commercial energy system.

1642 (e) (i) "Commercial unit" means a building or structure that an entity uses to transact
1643 business.

1644 (ii) Notwithstanding Subsection (1)(e)(i):

1645 (A) with respect to an active solar system used for agricultural water pumping or a
1646 wind system, each individual energy generating device is considered to be a commercial unit;
1647 or

1648 (B) if an energy system is the building or structure that an entity uses to transact
1649 business, a commercial unit is the complete energy system itself.

1650 (f) "Direct use geothermal system" means a system of apparatus and equipment that
1651 enables the direct use of geothermal energy to meet energy needs, including heating a building,
1652 an industrial process, and aquaculture.

1653 (g) "Geothermal electricity" means energy that is:

1654 (i) contained in heat that continuously flows outward from the earth; and

1655 (ii) used as a sole source of energy to produce electricity.

1656 (h) "Geothermal energy" means energy generated by heat that is contained in the earth.

1657 (i) "Geothermal heat pump system" means a system of apparatus and equipment that:

1658 (i) enables the use of thermal properties contained in the earth at temperatures well
1659 below 100 degrees Fahrenheit; and

1660 (ii) helps meet heating and cooling needs of a structure.

1661 (j) "Hydroenergy system" means a system of apparatus and equipment that is capable
1662 of:

1663 (i) intercepting and converting kinetic water energy into electrical or mechanical
1664 energy; and

1665 (ii) transferring this form of energy by separate apparatus to the point of use or storage.

1666 (k) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]
1667 [79-6-401](#).

1668 (l) (i) "Passive solar system" means a direct thermal system that utilizes the structure of
1669 a building and its operable components to provide for collection, storage, and distribution of
1670 heating or cooling during the appropriate times of the year by utilizing the climate resources

1671 available at the site.

1672 (ii) "Passive solar system" includes those portions and components of a building that
1673 are expressly designed and required for the collection, storage, and distribution of solar energy.

1674 (m) "Photovoltaic system" means an active solar system that generates electricity from
1675 sunlight.

1676 (n) (i) "Principal recovery portion" means the portion of a lease payment that
1677 constitutes the cost a person incurs in acquiring a commercial energy system.

1678 (ii) "Principal recovery portion" does not include:

1679 (A) an interest charge; or

1680 (B) a maintenance expense.

1681 (o) "Residential energy system" means the following used to supply energy to or for a
1682 residential unit:

1683 (i) an active solar system;

1684 (ii) a biomass system;

1685 (iii) a direct use geothermal system;

1686 (iv) a geothermal heat pump system;

1687 (v) a hydroenergy system;

1688 (vi) a passive solar system; or

1689 (vii) a wind system.

1690 (p) (i) "Residential unit" means a house, condominium, apartment, or similar dwelling
1691 unit that:

1692 (A) is located in the state; and

1693 (B) serves as a dwelling for a person, group of persons, or a family.

1694 (ii) "Residential unit" does not include property subject to a fee under:

1695 (A) Section 59-2-405;

1696 (B) Section 59-2-405.1;

1697 (C) Section 59-2-405.2;

1698 (D) Section 59-2-405.3; or

1699 (E) Section 72-10-110.5.

1700 (q) "Wind system" means a system of apparatus and equipment that is capable of:

1701 (i) intercepting and converting wind energy into mechanical or electrical energy; and

1702 (ii) transferring these forms of energy by a separate apparatus to the point of use, sale,
1703 or storage.

1704 (2) A taxpayer may claim an energy system tax credit as provided in this section
1705 against a tax due under this chapter for a taxable year.

1706 (3) (a) Subject to the other provisions of this Subsection (3), a taxpayer may claim a
1707 nonrefundable tax credit under this Subsection (3) with respect to a residential unit the taxpayer
1708 owns or uses if:

1709 (i) the taxpayer:

1710 (A) purchases and completes a residential energy system to supply all or part of the
1711 energy required for the residential unit; or

1712 (B) participates in the financing of a residential energy system to supply all or part of
1713 the energy required for the residential unit;

1714 (ii) the residential energy system is completed and placed in service on or after January
1715 1, 2007; and

1716 (iii) the taxpayer obtains a written certification from the office in accordance with
1717 Subsection (7).

1718 (b) (i) Subject to Subsections (3)(b)(ii) through (iv) and, as applicable, Subsection
1719 (3)(c) or (d), the tax credit is equal to 25% of the reasonable costs of each residential energy
1720 system installed with respect to each residential unit the taxpayer owns or uses.

1721 (ii) A tax credit under this Subsection (3) may include installation costs.

1722 (iii) A taxpayer may claim a tax credit under this Subsection (3) for the taxable year in
1723 which the residential energy system is completed and placed in service.

1724 (iv) If the amount of a tax credit under this Subsection (3) exceeds a taxpayer's tax
1725 liability under this chapter for a taxable year, the amount of the tax credit exceeding the
1726 liability may be carried forward for a period that does not exceed the next four taxable years.

1727 (c) The total amount of tax credit a taxpayer may claim under this Subsection (3) for a
1728 residential energy system, other than a photovoltaic system, may not exceed \$2,000 per
1729 residential unit.

1730 (d) The total amount of tax credit a taxpayer may claim under this Subsection (3) for a
1731 photovoltaic system may not exceed:

1732 (i) for a system installed on or after January 1, 2018, but on or before December 31,

1733 2020, \$1,600;

1734 (ii) for a system installed on or after January 1, 2021, but on or before December 31,

1735 2021, \$1,200;

1736 (iii) for a system installed on or after January 1, 2022, but on or before December 31,

1737 2022, \$800;

1738 (iv) for a system installed on or after January 1, 2023, but on or before December 31,

1739 2023, \$400; and

1740 (v) for a system installed on or after January 1, 2024, \$0.

1741 (e) If a taxpayer sells a residential unit to another person before the taxpayer claims the

1742 tax credit under this Subsection (3):

1743 (i) the taxpayer may assign the tax credit to the other person; and

1744 (ii) (A) if the other person files a return under this chapter, the other person may claim

1745 the tax credit under this section as if the other person had met the requirements of this section

1746 to claim the tax credit; or

1747 (B) if the other person files a return under Chapter 10, Individual Income Tax Act, the

1748 other person may claim the tax credit under Section 59-10-1014 as if the other person had met

1749 the requirements of Section 59-10-1014 to claim the tax credit.

1750 (4) (a) Subject to the other provisions of this Subsection (4), a taxpayer may claim a

1751 refundable tax credit under this Subsection (4) with respect to a commercial energy system if:

1752 (i) the commercial energy system does not use:

1753 (A) wind, geothermal electricity, solar, or biomass equipment capable of producing a

1754 total of 660 or more kilowatts of electricity; or

1755 (B) solar equipment capable of producing 2,000 or more kilowatts of electricity;

1756 (ii) the taxpayer purchases or participates in the financing of the commercial energy

1757 system;

1758 (iii) (A) the commercial energy system supplies all or part of the energy required by

1759 commercial units owned or used by the taxpayer; or

1760 (B) the taxpayer sells all or part of the energy produced by the commercial energy

1761 system as a commercial enterprise;

1762 (iv) the commercial energy system is completed and placed in service on or after

1763 January 1, 2007; and

1764 (v) the taxpayer obtains a written certification from the office in accordance with
1765 Subsection (7).

1766 (b) (i) Subject to Subsections (4)(b)(ii) through (v), the tax credit is equal to 10% of the
1767 reasonable costs of the commercial energy system.

1768 (ii) A tax credit under this Subsection (4) may include installation costs.

1769 (iii) A taxpayer may claim a tax credit under this Subsection (4) for the taxable year in
1770 which the commercial energy system is completed and placed in service.

1771 (iv) A tax credit under this Subsection (4) may not be carried forward or carried back.

1772 (v) The total amount of tax credit a taxpayer may claim under this Subsection (4) may
1773 not exceed \$50,000 per commercial unit.

1774 (c) (i) Subject to Subsections (4)(c)(ii) and (iii), a taxpayer that is a lessee of a
1775 commercial energy system installed on a commercial unit may claim a tax credit under this
1776 Subsection (4) if the taxpayer confirms that the lessor irrevocably elects not to claim the tax
1777 credit.

1778 (ii) A taxpayer described in Subsection (4)(c)(i) may claim as a tax credit under this
1779 Subsection (4) only the principal recovery portion of the lease payments.

1780 (iii) A taxpayer described in Subsection (4)(c)(i) may claim a tax credit under this
1781 Subsection (4) for a period that does not exceed seven taxable years after the date the lease
1782 begins, as stated in the lease agreement.

1783 (5) (a) Subject to the other provisions of this Subsection (5), a taxpayer may claim a
1784 refundable tax credit under this Subsection (5) with respect to a commercial energy system if:

1785 (i) the commercial energy system uses wind, geothermal electricity, or biomass
1786 equipment capable of producing a total of 660 or more kilowatts of electricity;

1787 (ii) (A) the commercial energy system supplies all or part of the energy required by
1788 commercial units owned or used by the taxpayer; or

1789 (B) the taxpayer sells all or part of the energy produced by the commercial energy
1790 system as a commercial enterprise;

1791 (iii) the commercial energy system is completed and placed in service on or after
1792 January 1, 2007; and

1793 (iv) the taxpayer obtains a written certification from the office in accordance with
1794 Subsection (7).

1795 (b) (i) Subject to Subsections (5)(b)(ii) and (iii), a tax credit under this Subsection (5)
1796 is equal to the product of:

1797 (A) 0.35 cents; and

1798 (B) the kilowatt hours of electricity produced and used or sold during the taxable year.

1799 (ii) A tax credit under this Subsection (5) may be claimed for production occurring
1800 during a period of 48 months beginning with the month in which the commercial energy
1801 system is placed in commercial service.

1802 (iii) A tax credit under this Subsection (5) may not be carried forward or carried back.

1803 (c) A taxpayer that is a lessee of a commercial energy system installed on a commercial
1804 unit may claim a tax credit under this Subsection (5) if the taxpayer confirms that the lessor
1805 irrevocably elects not to claim the tax credit.

1806 (6) (a) Subject to the other provisions of this Subsection (6), a taxpayer may claim a
1807 refundable tax credit as provided in this Subsection (6) if:

1808 (i) the taxpayer owns a commercial energy system that uses solar equipment capable of
1809 producing a total of 660 or more kilowatts of electricity;

1810 (ii) (A) the commercial energy system supplies all or part of the energy required by
1811 commercial units owned or used by the taxpayer; or

1812 (B) the taxpayer sells all or part of the energy produced by the commercial energy
1813 system as a commercial enterprise;

1814 (iii) the taxpayer does not claim a tax credit under Subsection (4);

1815 (iv) the commercial energy system is completed and placed in service on or after
1816 January 1, 2015; and

1817 (v) the taxpayer obtains a written certification from the office in accordance with
1818 Subsection (7).

1819 (b) (i) Subject to Subsections (6)(b)(ii) and (iii), a tax credit under this Subsection (6)
1820 is equal to the product of:

1821 (A) 0.35 cents; and

1822 (B) the kilowatt hours of electricity produced and used or sold during the taxable year.

1823 (ii) A tax credit under this Subsection (6) may be claimed for production occurring
1824 during a period of 48 months beginning with the month in which the commercial energy
1825 system is placed in commercial service.

1826 (iii) A tax credit under this Subsection (6) may not be carried forward or carried back.

1827 (c) A taxpayer that is a lessee of a commercial energy system installed on a commercial
1828 unit may claim a tax credit under this Subsection (6) if the taxpayer confirms that the lessor
1829 irrevocably elects not to claim the tax credit.

1830 (7) (a) Before a taxpayer may claim a tax credit under this section, the taxpayer shall
1831 obtain a written certification from the office.

1832 (b) The office shall issue a taxpayer a written certification if the office determines that:

1833 (i) the taxpayer meets the requirements of this section to receive a tax credit; and

1834 (ii) the residential energy system or commercial energy system with respect to which
1835 the taxpayer seeks to claim a tax credit:

1836 (A) has been completely installed;

1837 (B) is a viable system for saving or producing energy from renewable resources; and

1838 (C) is safe, reliable, efficient, and technically feasible to ensure that the residential
1839 energy system or commercial energy system uses the state's renewable and nonrenewable
1840 energy resources in an appropriate and economic manner.

1841 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1842 office may make rules:

1843 (i) for determining whether a residential energy system or commercial energy system
1844 meets the requirements of Subsection (7)(b)(ii); and

1845 (ii) for purposes of a tax credit under Subsection (3) or (4), establishing the reasonable
1846 costs of a residential energy system or a commercial energy system, as an amount per unit of
1847 energy production.

1848 (d) A taxpayer that obtains a written certification from the office shall retain the
1849 certification for the same time period a person is required to keep books and records under
1850 Section [59-1-1406](#).

1851 (e) The office shall submit to the commission an electronic list that includes:

1852 (i) the name and identifying information of each taxpayer to which the office issues a
1853 written certification; and

1854 (ii) for each taxpayer:

1855 (A) the amount of the tax credit listed on the written certification; and

1856 (B) the date the renewable energy system was installed.

1857 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1858 commission may make rules to address the certification of a tax credit under this section.

1859 (9) A tax credit under this section is in addition to any tax credits provided under the
1860 laws or rules and regulations of the United States.

1861 Section 23. Section **59-7-614.7** is amended to read:

1862 **59-7-614.7. Nonrefundable alternative energy development tax credit.**

1863 (1) As used in this section:

1864 (a) "Alternative energy entity" means the same as that term is defined in Section

1865 [~~63M-4-502~~] 79-6-502.

1866 (b) "Alternative energy project" means the same as that term is defined in Section

1867 [~~63M-4-502~~] 79-6-502.

1868 (c) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]

1869 79-6-401.

1870 (2) Subject to the other provisions of this section, an alternative energy entity may
1871 claim a nonrefundable tax credit for alternative energy development as provided in this section.

1872 (3) The tax credit under this section is the amount listed as the tax credit amount on a
1873 tax credit certificate that the office issues under [~~Title 63M, Chapter 4,~~] Title 79, Chapter 6,
1874 Part 5, Alternative Energy Development Tax Credit Act, to the alternative energy entity for the
1875 taxable year.

1876 (4) An alternative energy entity may carry forward a tax credit under this section for a
1877 period that does not exceed the next seven taxable years if:

1878 (a) the alternative energy entity is allowed to claim a tax credit under this section for a
1879 taxable year; and

1880 (b) the amount of the tax credit exceeds the alternative energy entity's tax liability
1881 under this chapter for that taxable year.

1882 (5) (a) In accordance with Section 59-7-159, the Revenue and Taxation Interim
1883 Committee shall study the tax credit allowed by this section and make recommendations
1884 concerning whether the tax credit should be continued, modified, or repealed.

1885 (b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by
1886 this Subsection (5), the office shall provide the following information, if available to the office,
1887 to the Office of the Legislative Fiscal Analyst by electronic means:

1888 (A) the amount of tax credit that the office grants to each alternative energy entity for
1889 each taxable year;

1890 (B) the new state revenues generated by each alternative energy project;

1891 (C) the information contained in the office's latest report under Section [~~63M-4-505~~]

1892 [79-6-505](#); and

1893 (D) any other information that the Office of the Legislative Fiscal Analyst requests.

1894 (ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall
1895 redact information that identifies a recipient of a tax credit under this section.

1896 (B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting
1897 the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a
1898 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to
1899 provide the information described in Subsection (5)(b)(i) in the aggregate for all alternative
1900 energy entities that receive the tax credit under this section.

1901 (c) As part of the study required by this Subsection (5), the Office of the Legislative
1902 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and
1903 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the
1904 office under Subsection (5)(b).

1905 (d) The Revenue and Taxation Interim Committee shall ensure that the
1906 recommendations described in Subsection (5)(a) include an evaluation of:

1907 (i) the cost of the tax credit to the state;

1908 (ii) the purpose and effectiveness of the tax credit; and

1909 (iii) the extent to which the state benefits from the tax credit.

1910 Section 24. Section ~~59-7-619~~ is amended to read:

1911 **59-7-619. Nonrefundable high cost infrastructure development tax credit.**

1912 (1) As used in this section:

1913 (a) "High cost infrastructure project" means the same as that term is defined in Section
1914 [~~63M-4-602~~] [79-6-602](#).

1915 (b) "Infrastructure cost-burdened entity" means the same as that term is defined in
1916 Section [~~63M-4-602~~] [79-6-602](#).

1917 (c) "Infrastructure-related revenue" means the same as that term is defined in Section
1918 [~~63M-4-602~~] [79-6-602](#).

1919 (d) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]
1920 [79-6-401](#).

1921 (2) Subject to the other provisions of this section, a corporation that is an infrastructure
1922 cost-burdened entity may claim a nonrefundable tax credit for development of a high cost
1923 infrastructure project as provided in this section.

1924 (3) The tax credit under this section is the amount listed as the tax credit amount on a
1925 tax credit certificate that the office issues under [~~Title 63M, Chapter 4,~~] Title 79, Chapter 6,
1926 Part 6, High Cost Infrastructure Development Tax Credit Act, to the infrastructure
1927 cost-burdened entity for the taxable year.

1928 (4) An infrastructure cost-burdened entity may carry forward a tax credit under this
1929 section for a period that does not exceed the next seven taxable years if:

1930 (a) the infrastructure cost-burdened entity is allowed to claim a tax credit under this
1931 section for a taxable year; and

1932 (b) the amount of the tax credit exceeds the infrastructure cost-burdened entity's tax
1933 liability under this chapter for that taxable year.

1934 (5) (a) In accordance with Section [59-7-159](#), the Revenue and Taxation Interim
1935 Committee shall study the tax credit allowed by this section and make recommendations
1936 concerning whether the tax credit should be continued, modified, or repealed.

1937 (b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by
1938 this Subsection (5), the office shall provide the following information, if available to the office,
1939 to the Office of the Legislative Fiscal Analyst:

1940 (A) the amount of tax credit that the office grants to each infrastructure cost-burdened
1941 entity for each taxable year;

1942 (B) the infrastructure-related revenue generated by each high cost infrastructure
1943 project;

1944 (C) the information contained in the office's latest report under Section [~~63M-4-505~~]
1945 [79-6-505](#); and

1946 (D) any other information that the Office of the Legislative Fiscal Analyst requests.

1947 (ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall
1948 redact information that identifies a recipient of a tax credit under this section.

1949 (B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting

1950 the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a
1951 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to
1952 provide the information described in Subsection (5)(b)(i) in the aggregate for all infrastructure
1953 cost-burdened entities that receive the tax credit under this section.

1954 (c) As part of the study required by this Subsection (5), the Office of the Legislative
1955 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and
1956 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the
1957 office under Subsection (5)(b).

1958 (d) The Revenue and Taxation Interim Committee shall ensure that the
1959 recommendations described in Subsection (5)(a) include an evaluation of:

- 1960 (i) the cost of the tax credit to the state;
- 1961 (ii) the purpose and effectiveness of the tax credit; and
- 1962 (iii) the extent to which the state benefits from the tax credit.

1963 Section 25. Section **59-10-1014** is amended to read:

1964 **59-10-1014. Nonrefundable renewable energy systems tax credits -- Definitions --**
1965 **Certification -- Rulemaking authority.**

1966 (1) As used in this section:

1967 (a) (i) "Active solar system" means a system of equipment that is capable of:

1968 (A) collecting and converting incident solar radiation into thermal, mechanical, or
1969 electrical energy; and

1970 (B) transferring a form of energy described in Subsection (1)(a)(i)(A) by a separate
1971 apparatus to storage or to the point of use.

1972 (ii) "Active solar system" includes water heating, space heating or cooling, and
1973 electrical or mechanical energy generation.

1974 (b) "Biomass system" means a system of apparatus and equipment for use in:

1975 (i) converting material into biomass energy, as defined in Section [59-12-102](#); and

1976 (ii) transporting the biomass energy by separate apparatus to the point of use or storage.

1977 (c) "Direct use geothermal system" means a system of apparatus and equipment that
1978 enables the direct use of geothermal energy to meet energy needs, including heating a building,
1979 an industrial process, and aquaculture.

1980 (d) "Geothermal electricity" means energy that is:

- 1981 (i) contained in heat that continuously flows outward from the earth; and
- 1982 (ii) used as a sole source of energy to produce electricity.
- 1983 (e) "Geothermal energy" means energy generated by heat that is contained in the earth.
- 1984 (f) "Geothermal heat pump system" means a system of apparatus and equipment that:
- 1985 (i) enables the use of thermal properties contained in the earth at temperatures well
- 1986 below 100 degrees Fahrenheit; and
- 1987 (ii) helps meet heating and cooling needs of a structure.
- 1988 (g) "Hydroenergy system" means a system of apparatus and equipment that is capable
- 1989 of:
- 1990 (i) intercepting and converting kinetic water energy into electrical or mechanical
- 1991 energy; and
- 1992 (ii) transferring this form of energy by separate apparatus to the point of use or storage.
- 1993 (h) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]
- 1994 [79-6-401](#).
- 1995 (i) (i) "Passive solar system" means a direct thermal system that utilizes the structure of
- 1996 a building and its operable components to provide for collection, storage, and distribution of
- 1997 heating or cooling during the appropriate times of the year by utilizing the climate resources
- 1998 available at the site.
- 1999 (ii) "Passive solar system" includes those portions and components of a building that
- 2000 are expressly designed and required for the collection, storage, and distribution of solar energy.
- 2001 (j) "Photovoltaic system" means an active solar system that generates electricity from
- 2002 sunlight.
- 2003 (k) (i) "Principal recovery portion" means the portion of a lease payment that
- 2004 constitutes the cost a person incurs in acquiring a residential energy system.
- 2005 (ii) "Principal recovery portion" does not include:
- 2006 (A) an interest charge; or
- 2007 (B) a maintenance expense.
- 2008 (l) "Residential energy system" means the following used to supply energy to or for a
- 2009 residential unit:
- 2010 (i) an active solar system;
- 2011 (ii) a biomass system;

- 2012 (iii) a direct use geothermal system;
- 2013 (iv) a geothermal heat pump system;
- 2014 (v) a hydroenergy system;
- 2015 (vi) a passive solar system; or
- 2016 (vii) a wind system.
- 2017 (m) (i) "Residential unit" means a house, condominium, apartment, or similar dwelling
- 2018 unit that:
 - 2019 (A) is located in the state; and
 - 2020 (B) serves as a dwelling for a person, group of persons, or a family.
- 2021 (ii) "Residential unit" does not include property subject to a fee under:
 - 2022 (A) Section 59-2-405;
 - 2023 (B) Section 59-2-405.1;
 - 2024 (C) Section 59-2-405.2;
 - 2025 (D) Section 59-2-405.3; or
 - 2026 (E) Section 72-10-110.5.
- 2027 (n) "Wind system" means a system of apparatus and equipment that is capable of:
 - 2028 (i) intercepting and converting wind energy into mechanical or electrical energy; and
 - 2029 (ii) transferring these forms of energy by a separate apparatus to the point of use or
 - 2030 storage.
- 2031 (2) A claimant, estate, or trust may claim an energy system tax credit as provided in
- 2032 this section against a tax due under this chapter for a taxable year.
- 2033 (3) For a taxable year beginning on or after January 1, 2007, a claimant, estate, or trust
- 2034 may claim a nonrefundable tax credit under this section with respect to a residential unit the
- 2035 claimant, estate, or trust owns or uses if:
 - 2036 (a) the claimant, estate, or trust:
 - 2037 (i) purchases and completes a residential energy system to supply all or part of the
 - 2038 energy required for the residential unit; or
 - 2039 (ii) participates in the financing of a residential energy system to supply all or part of
 - 2040 the energy required for the residential unit;
 - 2041 (b) the residential energy system is installed on or after January 1, 2007; and
 - 2042 (c) the claimant, estate, or trust obtains a written certification from the office in

2043 accordance with Subsection (5).

2044 (4) (a) For a residential energy system, other than a photovoltaic system, the tax credit
2045 described in this section is equal to the lesser of:

2046 (i) 25% of the reasonable costs, including installation costs, of each residential energy
2047 system installed with respect to each residential unit the claimant, estate, or trust owns or uses;
2048 and

2049 (ii) \$2,000.

2050 (b) Subject to Subsection (5)(d), for a residential energy system that is a photovoltaic
2051 system, the tax credit described in this section is equal to the lesser of:

2052 (i) 25% of the reasonable costs, including installation costs, of each system installed
2053 with respect to each residential unit the claimant, estate, or trust owns or uses; or

2054 (ii) (A) for a system installed on or after January 1, 2007, but on or before December
2055 31, 2017, \$2,000;

2056 (B) for a system installed on or after January 1, 2018, but on or before December 31,
2057 2020, \$1,600;

2058 (C) for a system installed on or after January 1, 2021, but on or before December 31,
2059 2021, \$1,200;

2060 (D) for a system installed on or after January 1, 2022, but on or before December 31,
2061 2022, \$800;

2062 (E) for a system installed on or after January 1, 2023, but on or before December 31,
2063 2023, \$400; and

2064 (F) for a system installed on or after January 1, 2024, \$0.

2065 (c) (i) The office shall determine the amount of the tax credit that a claimant, estate, or
2066 trust may claim and list that amount on the written certification that the office issues under
2067 Subsection (5).

2068 (ii) The claimant, estate, or trust may claim the tax credit in the amount listed on the
2069 written certification that the office issues under Subsection (5).

2070 (d) A claimant, estate, or trust may claim a tax credit under Subsection (3) for the
2071 taxable year in which the residential energy system is installed.

2072 (e) If the amount of a tax credit listed on the written certification exceeds a claimant's,
2073 estate's, or trust's tax liability under this chapter for a taxable year, the claimant, estate, or trust

2074 may carry forward the amount of the tax credit exceeding the liability for a period that does not
2075 exceed the next four taxable years.

2076 (f) A claimant, estate, or trust may claim a tax credit with respect to additional
2077 residential energy systems or parts of residential energy systems for a subsequent taxable year
2078 if the total amount of tax credit the claimant, estate, or trust claims does not exceed \$2,000 per
2079 residential unit.

2080 (g) (i) Subject to Subsections (4)(g)(ii) and (iii), a claimant, estate, or trust that leases a
2081 residential energy system installed on a residential unit may claim a tax credit under Subsection
2082 (3) if the claimant, estate, or trust confirms that the lessor irrevocably elects not to claim the tax
2083 credit.

2084 (ii) A claimant, estate, or trust described in Subsection (4)(g)(i) that leases a residential
2085 energy system may claim as a tax credit under Subsection (3) only the principal recovery
2086 portion of the lease payments.

2087 (iii) A claimant, estate, or trust described in Subsection (4)(g)(i) that leases a
2088 residential energy system may claim a tax credit under Subsection (3) for a period that does not
2089 exceed seven taxable years after the date the lease begins, as stated in the lease agreement.

2090 (h) If a claimant, estate, or trust sells a residential unit to another person before the
2091 claimant, estate, or trust claims the tax credit under Subsection (3):

2092 (i) the claimant, estate, or trust may assign the tax credit to the other person; and

2093 (ii) (A) if the other person files a return under Chapter 7, Corporate Franchise and
2094 Income Taxes, the other person may claim the tax credit as if the other person had met the
2095 requirements of Section 59-7-614 to claim the tax credit; or

2096 (B) if the other person files a return under this chapter, the other person may claim the
2097 tax credit under this section as if the other person had met the requirements of this section to
2098 claim the tax credit.

2099 (5) (a) Before a claimant, estate, or trust may claim a tax credit under this section, the
2100 claimant, estate, or trust shall obtain a written certification from the office.

2101 (b) The office shall issue a claimant, estate, or trust a written certification if the office
2102 determines that:

2103 (i) the claimant, estate, or trust meets the requirements of this section to receive a tax
2104 credit; and

2105 (ii) the office determines that the residential energy system with respect to which the
2106 claimant, estate, or trust seeks to claim a tax credit:

2107 (A) has been completely installed;

2108 (B) is a viable system for saving or producing energy from renewable resources; and

2109 (C) is safe, reliable, efficient, and technically feasible to ensure that the residential
2110 energy system uses the state's renewable and nonrenewable energy resources in an appropriate
2111 and economic manner.

2112 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2113 office may make rules:

2114 (i) for determining whether a residential energy system meets the requirements of
2115 Subsection (5)(b)(ii); and

2116 (ii) for purposes of determining the amount of a tax credit that a claimant, estate, or
2117 trust may receive under Subsection (4), establishing the reasonable costs of a residential energy
2118 system, as an amount per unit of energy production.

2119 (d) A claimant, estate, or trust that obtains a written certification from the office shall
2120 retain the certification for the same time period a person is required to keep books and records
2121 under Section 59-1-1406.

2122 (e) The office shall submit to the commission an electronic list that includes:

2123 (i) the name and identifying information of each claimant, estate, or trust to which the
2124 office issues a written certification; and

2125 (ii) for each claimant, estate, or trust:

2126 (A) the amount of the tax credit listed on the written certification; and

2127 (B) the date the renewable energy system was installed.

2128 (6) A tax credit under this section is in addition to any tax credits provided under the
2129 laws or rules and regulations of the United States.

2130 (7) A purchaser of one or more solar units that claims a tax credit under Section
2131 59-10-1024 for the purchase of the one or more solar units may not claim a tax credit under this
2132 section for that purchase.

2133 Section 26. Section 59-10-1024 is amended to read:

2134 **59-10-1024. Nonrefundable tax credit for qualifying solar projects.**

2135 (1) As used in this section:

- 2136 (a) "Active solar system" means the same as that term is defined in Section
2137 [59-10-1014](#).
- 2138 (b) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]
2139 [79-6-401](#).
- 2140 (c) "Purchaser" means a claimant, estate, or trust that purchases one or more solar units
2141 from a qualifying political subdivision.
- 2142 (d) "Qualifying political subdivision" means:
- 2143 (i) a city or town in this state;
- 2144 (ii) an interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act;
2145 or
- 2146 (iii) a special service district created under Title 17D, Chapter 1, Special Service
2147 District Act.
- 2148 (e) "Qualifying solar project" means the portion of an active solar system:
- 2149 (i) that a qualifying political subdivision:
- 2150 (A) constructs;
- 2151 (B) controls; or
- 2152 (C) owns;
- 2153 (ii) with respect to which the qualifying political subdivision sells one or more solar
2154 units; and
- 2155 (iii) that generates electrical output that is furnished:
- 2156 (A) to one or more residential units; or
- 2157 (B) for the benefit of one or more residential units.
- 2158 (f) "Residential unit" means the same as that term is defined in Section [59-10-1014](#).
- 2159 (g) "Solar unit" means a portion of the electrical output:
- 2160 (i) of a qualifying solar project;
- 2161 (ii) that a qualifying political subdivision sells to a purchaser; and
- 2162 (iii) the purchase of which requires that the purchaser agree to bear a proportionate
2163 share of the expense of the qualifying solar project:
- 2164 (A) in accordance with a written agreement between the purchaser and the qualifying
2165 political subdivision;
- 2166 (B) in exchange for a credit on the purchaser's electrical bill; and

- 2167 (C) as determined by a formula established by the qualifying political subdivision.
- 2168 (2) (a) Subject to Subsections (2)(b) and (3), a purchaser may claim a nonrefundable
2169 tax credit equal to the amount stated on a tax credit certificate issued by the office.
- 2170 (b) The maximum tax credit per taxpayer per taxable year is the lesser of:
- 2171 (i) 25% of the amount that the purchaser pays to purchase one or more solar units
2172 during the taxable year; and
- 2173 (ii) \$2,000.
- 2174 (3) (a) To claim a tax credit under this section, a purchaser shall receive a tax credit
2175 certificate from the office.
- 2176 (b) The purchaser shall submit, with the purchaser's application for a tax credit
2177 certificate, proof of the purchaser's purchase of one or more solar units.
- 2178 (c) If the office determines that the purchaser purchased one or more solar units during
2179 the taxable year, the office shall:
- 2180 (i) determine the amount of the purchaser's tax credit; and
- 2181 (ii) issue, on a form approved by the commission, a tax credit certificate to the
2182 purchaser that states the amount of the purchaser's tax credit.
- 2183 (d) If the office determines that a claimant, estate, or trust requesting a tax credit
2184 certificate is not eligible for a tax credit certificate under this section but may be eligible for a
2185 tax credit certificate under Section 59-10-1014, the office shall treat the claimant, estate, or
2186 trust as applying for a written certification in accordance with Section 59-10-1014.
- 2187 (e) A purchaser who receives a tax credit certificate shall retain the tax credit certificate
2188 for the same time period that a person is required to keep books and records under Section
2189 59-1-1406.
- 2190 (f) The office shall submit to the commission an electronic list that includes:
- 2191 (i) the name and identifying information of each purchaser to whom the office issued a
2192 certificate; and
- 2193 (ii) for each claimant, estate, or trust:
- 2194 (A) the amount of the tax credit listed on the written certification; and
- 2195 (B) the date or dates the claimant, estate, or trust purchased one or more solar units.
- 2196 (4) A purchaser may carry forward a tax credit under this section for a period that does
2197 not exceed the next four taxable years if:

2198 (a) the purchaser is allowed to claim a tax credit under this section for a taxable year;
2199 and

2200 (b) the amount of the tax credit exceeds the purchaser's tax liability under this chapter
2201 for that taxable year.

2202 (5) Subject to Section 59-10-1014, a tax credit under this section is in addition to any
2203 other tax credit allowed by this chapter.

2204 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2205 office may make rules to govern the application process for receiving a tax credit certificate.

2206 Section 27. Section 59-10-1029 is amended to read:

2207 **59-10-1029. Nonrefundable alternative energy development tax credit.**

2208 (1) As used in this section:

2209 (a) "Alternative energy entity" means the same as that term is defined in Section
2210 ~~[63M-4-502]~~ 79-6-502.

2211 (b) "Alternative energy project" means the same as that term is defined in Section
2212 ~~[63M-4-502]~~ 79-6-502.

2213 (c) "Office" means the Office of Energy Development created in Section ~~[63M-4-401]~~
2214 79-6-401.

2215 (2) Subject to the other provisions of this section, an alternative energy entity may
2216 claim a nonrefundable tax credit for alternative energy development as provided in this section.

2217 (3) The tax credit under this section is the amount listed as the tax credit amount on a
2218 tax credit certificate that the office issues under ~~[Title 63M, Chapter 4,]~~ Title 79, Chapter 6,
2219 Part 5, Alternative Energy Development Tax Credit Act, to the alternative energy entity for the
2220 taxable year.

2221 (4) An alternative energy entity may carry forward a tax credit under this section for a
2222 period that does not exceed the next seven taxable years if:

2223 (a) the alternative energy entity is allowed to claim a tax credit under this section for a
2224 taxable year; and

2225 (b) the amount of the tax credit exceeds the alternative energy entity's tax liability
2226 under this chapter for that taxable year.

2227 (5) (a) In accordance with Section 59-10-137, the Revenue and Taxation Interim
2228 Committee shall study the tax credit allowed by this section and make recommendations

2229 concerning whether the tax credit should be continued, modified, or repealed.

2230 (b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by
2231 this Subsection (5), the office shall provide the following information, if available to the office,
2232 to the Office of the Legislative Fiscal Analyst by electronic means:

2233 (A) the amount of tax credit that the office grants to each alternative energy entity for
2234 each taxable year;

2235 (B) the new state revenues generated by each alternative energy project;

2236 (C) the information contained in the office's latest report under Section [~~63M-4-505~~]
2237 [79-6-505](#); and

2238 (D) any other information that the Office of the Legislative Fiscal Analyst requests.

2239 (ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall
2240 redact information that identifies a recipient of a tax credit under this section.

2241 (B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting
2242 the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a
2243 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to
2244 provide the information described in Subsection (5)(b)(i) in the aggregate for all alternative
2245 energy entities that receive the tax credit under this section.

2246 (c) As part of the study required by this Subsection (5), the Office of the Legislative
2247 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and
2248 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the
2249 office under Subsection (5)(b).

2250 (d) The Revenue and Taxation Interim Committee shall ensure that the
2251 recommendations described in Subsection (5)(a) include an evaluation of:

2252 (i) the cost of the tax credit to the state;

2253 (ii) the purpose and effectiveness of the tax credit; and

2254 (iii) the extent to which the state benefits from the tax credit.

2255 Section 28. Section **59-10-1034** is amended to read:

2256 **59-10-1034. Nonrefundable high cost infrastructure development tax credit.**

2257 (1) As used in this section:

2258 (a) "High cost infrastructure project" means the same as that term is defined in Section
2259 [~~63M-4-602~~] [79-6-602](#).

2260 (b) "Infrastructure cost-burdened entity" means the same as that term is defined in
2261 Section [~~63M-4-602~~] [79-6-602](#).

2262 (c) "Infrastructure-related revenue" means the same as that term is defined in Section
2263 [~~63M-4-602~~] [79-6-602](#).

2264 (d) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]
2265 [79-6-401](#).

2266 (2) Subject to the other provisions of this section, a claimant, estate, or trust that is an
2267 infrastructure cost-burdened entity may claim a nonrefundable tax credit for development of a
2268 high cost infrastructure project as provided in this section.

2269 (3) The tax credit under this section is the amount listed as the tax credit amount on a
2270 tax credit certificate that the office issues under [~~Title 63M, Chapter 4,~~] [Title 79, Chapter 6,](#)
2271 Part 6, High Cost Infrastructure Development Tax Credit Act, to the infrastructure
2272 cost-burdened entity for the taxable year.

2273 (4) An infrastructure cost-burdened entity may carry forward a tax credit under this
2274 section for a period that does not exceed the next seven taxable years if:

2275 (a) the infrastructure cost-burdened entity is allowed to claim a tax credit under this
2276 section for a taxable year; and

2277 (b) the amount of the tax credit exceeds the infrastructure cost-burdened entity's tax
2278 liability under this chapter for that taxable year.

2279 (5) (a) In accordance with Section [59-10-137](#), the Revenue and Taxation Interim
2280 Committee shall study the tax credit allowed by this section and make recommendations
2281 concerning whether the tax credit should be continued, modified, or repealed.

2282 (b) (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by
2283 this Subsection (5), the office shall provide the following information, if available to the office,
2284 to the Office of the Legislative Fiscal Analyst:

2285 (A) the amount of tax credit that the office grants to each infrastructure cost-burdened
2286 entity for each taxable year;

2287 (B) the infrastructure-related revenue generated by each high cost infrastructure
2288 project;

2289 (C) the information contained in the office's latest report under Section [~~63M-4-505~~]
2290 [79-6-505](#); and

2291 (D) any other information that the Office of the Legislative Fiscal Analyst requests.

2292 (ii) (A) In providing the information described in Subsection (5)(b)(i), the office shall
2293 redact information that identifies a recipient of a tax credit under this section.

2294 (B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting
2295 the information described in Subsection (5)(b)(i) might disclose the identity of a recipient of a
2296 tax credit, the office may file a request with the Revenue and Taxation Interim Committee to
2297 provide the information described in Subsection (5)(b)(i) in the aggregate for all infrastructure
2298 cost-burdened entities that receive the tax credit under this section.

2299 (c) As part of the study required by this Subsection (5), the Office of the Legislative
2300 Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and
2301 analysis of the information provided to the Office of the Legislative Fiscal Analyst by the
2302 office under Subsection (5)(b).

2303 (d) The Revenue and Taxation Interim Committee shall ensure that the
2304 recommendations described in Subsection (5)(a) include an evaluation of:

- 2305 (i) the cost of the tax credit to the state;
- 2306 (ii) the purpose and effectiveness of the tax credit; and
- 2307 (iii) the extent to which the state benefits from the tax credit.

2308 Section 29. Section **59-10-1106** is amended to read:

2309 **59-10-1106. Refundable renewable energy systems tax credits -- Definitions --**
2310 **Certification -- Rulemaking authority.**

2311 (1) As used in this section:

2312 (a) "Active solar system" means the same as that term is defined in Section
2313 [59-10-1014](#).

2314 (b) "Biomass system" means the same as that term is defined in Section [59-10-1014](#).

2315 (c) "Commercial energy system" means the same as that term is defined in Section
2316 [59-7-614](#).

2317 (d) "Commercial enterprise" means the same as that term is defined in Section
2318 [59-7-614](#).

2319 (e) (i) "Commercial unit" means the same as that term is defined in Section [59-7-614](#).

2320 (ii) Notwithstanding Subsection (1)(e)(i):

2321 (A) with respect to an active solar system used for agricultural water pumping or a

2322 wind system, each individual energy generating device is considered to be a commercial unit;
2323 or

2324 (B) if an energy system is the building or structure that a claimant, estate, or trust uses
2325 to transact business, a commercial unit is the complete energy system itself.

2326 (f) "Direct use geothermal system" means the same as that term is defined in Section
2327 [59-10-1014](#).

2328 (g) "Geothermal electricity" means the same as that term is defined in Section
2329 [59-10-1014](#).

2330 (h) "Geothermal energy" means the same as that term is defined in Section [59-10-1014](#).

2331 (i) "Geothermal heat pump system" means the same as that term is defined in Section
2332 [59-10-1014](#).

2333 (j) "Hydroenergy system" means the same as that term is defined in Section
2334 [59-10-1014](#).

2335 (k) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]
2336 [79-6-401](#).

2337 (l) "Passive solar system" means the same as that term is defined in Section
2338 [59-10-1014](#).

2339 (m) "Principal recovery portion" means the same as that term is defined in Section
2340 [59-10-1014](#).

2341 (n) "Wind system" means the same as that term is defined in Section [59-10-1014](#).

2342 (2) A claimant, estate, or trust may claim an energy system tax credit as provided in
2343 this section against a tax due under this chapter for a taxable year.

2344 (3) (a) Subject to the other provisions of this Subsection (3), a claimant, estate, or trust
2345 may claim a refundable tax credit under this Subsection (3) with respect to a commercial
2346 energy system if:

2347 (i) the commercial energy system does not use:

2348 (A) wind, geothermal electricity, solar, or biomass equipment capable of producing a
2349 total of 660 or more kilowatts of electricity; or

2350 (B) solar equipment capable of producing 2,000 or more kilowatts of electricity;

2351 (ii) the claimant, estate, or trust purchases or participates in the financing of the
2352 commercial energy system;

2353 (iii) (A) the commercial energy system supplies all or part of the energy required by
2354 commercial units owned or used by the claimant, estate, or trust; or

2355 (B) the claimant, estate, or trust sells all or part of the energy produced by the
2356 commercial energy system as a commercial enterprise;

2357 (iv) the commercial energy system is completed and placed in service on or after
2358 January 1, 2007; and

2359 (v) the claimant, estate, or trust obtains a written certification from the office in
2360 accordance with Subsection (6).

2361 (b) (i) Subject to Subsections (3)(b)(ii) through (v), the tax credit is equal to 10% of the
2362 reasonable costs of the commercial energy system.

2363 (ii) A tax credit under this Subsection (3) may include installation costs.

2364 (iii) A claimant, estate, or trust may claim a tax credit under this Subsection (3) for the
2365 taxable year in which the commercial energy system is completed and placed in service.

2366 (iv) A tax credit under this Subsection (3) may not be carried forward or carried back.

2367 (v) The total amount of tax credit a claimant, estate, or trust may claim under this
2368 Subsection (3) may not exceed \$50,000 per commercial unit.

2369 (c) (i) Subject to Subsections (3)(c)(ii) and (iii), a claimant, estate, or trust that is a
2370 lessee of a commercial energy system installed on a commercial unit may claim a tax credit
2371 under this Subsection (3) if the claimant, estate, or trust confirms that the lessor irrevocably
2372 elects not to claim the tax credit.

2373 (ii) A claimant, estate, or trust described in Subsection (3)(c)(i) may claim as a tax
2374 credit under this Subsection (3) only the principal recovery portion of the lease payments.

2375 (iii) A claimant, estate, or trust described in Subsection (3)(c)(i) may claim a tax credit
2376 under this Subsection (3) for a period that does not exceed seven taxable years after the date the
2377 lease begins, as stated in the lease agreement.

2378 (4) (a) Subject to the other provisions of this Subsection (4), a claimant, estate, or trust
2379 may claim a refundable tax credit under this Subsection (4) with respect to a commercial
2380 energy system if:

2381 (i) the commercial energy system uses wind, geothermal electricity, or biomass
2382 equipment capable of producing a total of 660 or more kilowatts of electricity;

2383 (ii) (A) the commercial energy system supplies all or part of the energy required by

2384 commercial units owned or used by the claimant, estate, or trust; or
2385 (B) the claimant, estate, or trust sells all or part of the energy produced by the
2386 commercial energy system as a commercial enterprise;
2387 (iii) the commercial energy system is completed and placed in service on or after
2388 January 1, 2007; and
2389 (iv) the claimant, estate, or trust obtains a written certification from the office in
2390 accordance with Subsection (6).
2391 (b) (i) Subject to Subsections (4)(b)(ii) and (iii), a tax credit under this Subsection (4)
2392 is equal to the product of:
2393 (A) 0.35 cents; and
2394 (B) the kilowatt hours of electricity produced and used or sold during the taxable year.
2395 (ii) A tax credit under this Subsection (4) may be claimed for production occurring
2396 during a period of 48 months beginning with the month in which the commercial energy
2397 system is placed in commercial service.
2398 (iii) A tax credit under this Subsection (4) may not be carried forward or back.
2399 (c) A claimant, estate, or trust that is a lessee of a commercial energy system installed
2400 on a commercial unit may claim a tax credit under this Subsection (4) if the claimant, estate, or
2401 trust confirms that the lessor irrevocably elects not to claim the tax credit.
2402 (5) (a) Subject to the other provisions of this Subsection (5), a claimant, estate, or trust
2403 may claim a refundable tax credit as provided in this Subsection (5) if:
2404 (i) the claimant, estate, or trust owns a commercial energy system that uses solar
2405 equipment capable of producing a total of 660 or more kilowatts of electricity;
2406 (ii) (A) the commercial energy system supplies all or part of the energy required by
2407 commercial units owned or used by the claimant, estate, or trust; or
2408 (B) the claimant, estate, or trust sells all or part of the energy produced by the
2409 commercial energy system as a commercial enterprise;
2410 (iii) the claimant, estate, or trust does not claim a tax credit under Subsection (3);
2411 (iv) the commercial energy system is completed and placed in service on or after
2412 January 1, 2015; and
2413 (v) the claimant, estate, or trust obtains a written certification from the office in
2414 accordance with Subsection (6).

2415 (b) (i) Subject to Subsections (5)(b)(ii) and (iii), a tax credit under this Subsection (5)
2416 is equal to the product of:

2417 (A) 0.35 cents; and

2418 (B) the kilowatt hours of electricity produced and used or sold during the taxable year.

2419 (ii) A tax credit under this Subsection (5) may be claimed for production occurring
2420 during a period of 48 months beginning with the month in which the commercial energy
2421 system is placed in commercial service.

2422 (iii) A tax credit under this Subsection (5) may not be carried forward or carried back.

2423 (c) A claimant, estate, or trust that is a lessee of a commercial energy system installed
2424 on a commercial unit may claim a tax credit under this Subsection (5) if the claimant, estate, or
2425 trust confirms that the lessor irrevocably elects not to claim the tax credit.

2426 (6) (a) Before a claimant, estate, or trust may claim a tax credit under this section, the
2427 claimant, estate, or trust shall obtain a written certification from the office.

2428 (b) The office shall issue a claimant, estate, or trust a written certification if the office
2429 determines that:

2430 (i) the claimant, estate, or trust meets the requirements of this section to receive a tax
2431 credit; and

2432 (ii) the office determines that the commercial energy system with respect to which the
2433 claimant, estate, or trust seeks to claim a tax credit:

2434 (A) has been completely installed;

2435 (B) is a viable system for saving or producing energy from renewable resources; and

2436 (C) is safe, reliable, efficient, and technically feasible to ensure that the commercial
2437 energy system uses the state's renewable and nonrenewable resources in an appropriate and
2438 economic manner.

2439 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2440 office may make rules:

2441 (i) for determining whether a commercial energy system meets the requirements of
2442 Subsection (6)(b)(ii); and

2443 (ii) for purposes of a tax credit under Subsection (3), establishing the reasonable costs
2444 of a commercial energy system, as an amount per unit of energy production.

2445 (d) A claimant, estate, or trust that obtains a written certification from the office shall

2446 retain the certification for the same time period a person is required to keep books and records
2447 under Section 59-1-1406.

2448 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2449 commission may make rules to address the certification of a tax credit under this section.

2450 (8) A tax credit under this section is in addition to any tax credits provided under the
2451 laws or rules and regulations of the United States.

2452 (9) A purchaser of one or more solar units that claims a tax credit under Section
2453 59-10-1024 for the purchase of the one or more solar units may not claim a tax credit under this
2454 section for that purchase.

2455 Section 30. Section 59-12-104 is amended to read:

2456 **59-12-104. Exemptions.**

2457 Exemptions from the taxes imposed by this chapter are as follows:

2458 (1) sales of aviation fuel, motor fuel, and special fuel subject to a Utah state excise tax
2459 under Chapter 13, Motor and Special Fuel Tax Act;

2460 (2) subject to Section 59-12-104.6, sales to the state, its institutions, and its political
2461 subdivisions; however, this exemption does not apply to sales of:

2462 (a) construction materials except:

2463 (i) construction materials purchased by or on behalf of institutions of the public
2464 education system as defined in Utah Constitution, Article X, Section 2, provided the
2465 construction materials are clearly identified and segregated and installed or converted to real
2466 property which is owned by institutions of the public education system; and

2467 (ii) construction materials purchased by the state, its institutions, or its political
2468 subdivisions which are installed or converted to real property by employees of the state, its
2469 institutions, or its political subdivisions; or

2470 (b) tangible personal property in connection with the construction, operation,
2471 maintenance, repair, or replacement of a project, as defined in Section 11-13-103, or facilities
2472 providing additional project capacity, as defined in Section 11-13-103;

2473 (3) (a) sales of an item described in Subsection (3)(b) from a vending machine if:

2474 (i) the proceeds of each sale do not exceed \$1; and

2475 (ii) the seller or operator of the vending machine reports an amount equal to 150% of
2476 the cost of the item described in Subsection (3)(b) as goods consumed; and

- 2477 (b) Subsection (3)(a) applies to:
- 2478 (i) food and food ingredients; or
- 2479 (ii) prepared food;
- 2480 (4) (a) sales of the following to a commercial airline carrier for in-flight consumption:
- 2481 (i) alcoholic beverages;
- 2482 (ii) food and food ingredients; or
- 2483 (iii) prepared food;
- 2484 (b) sales of tangible personal property or a product transferred electronically:
- 2485 (i) to a passenger;
- 2486 (ii) by a commercial airline carrier; and
- 2487 (iii) during a flight for in-flight consumption or in-flight use by the passenger; or
- 2488 (c) services related to Subsection (4)(a) or (b);
- 2489 (5) (a) (i) beginning on July 1, 2008, and ending on September 30, 2008, sales of parts
- 2490 and equipment:
- 2491 (A) (I) by an establishment described in NAICS Code 336411 or 336412 of the 2002
- 2492 North American Industry Classification System of the federal Executive Office of the
- 2493 President, Office of Management and Budget; and
- 2494 (II) for:
- 2495 (Aa) installation in an aircraft, including services relating to the installation of parts or
- 2496 equipment in the aircraft;
- 2497 (Bb) renovation of an aircraft; or
- 2498 (Cc) repair of an aircraft; or
- 2499 (B) for installation in an aircraft operated by a common carrier in interstate or foreign
- 2500 commerce; or
- 2501 (ii) beginning on October 1, 2008, sales of parts and equipment for installation in an
- 2502 aircraft operated by a common carrier in interstate or foreign commerce; and
- 2503 (b) notwithstanding the time period of Subsection 59-1-1410(8) for filing for a refund,
- 2504 a person may claim the exemption allowed by Subsection (5)(a)(i)(B) for a sale by filing for a
- 2505 refund:
- 2506 (i) if the sale is made on or after July 1, 2008, but on or before September 30, 2008;
- 2507 (ii) as if Subsection (5)(a)(i)(B) were in effect on the day on which the sale is made;

- 2508 (iii) if the person did not claim the exemption allowed by Subsection (5)(a)(i)(B) for
2509 the sale prior to filing for the refund;
- 2510 (iv) for sales and use taxes paid under this chapter on the sale;
- 2511 (v) in accordance with Section 59-1-1410; and
- 2512 (vi) subject to any extension allowed for filing for a refund under Section 59-1-1410, if
2513 the person files for the refund on or before September 30, 2011;
- 2514 (6) sales of commercials, motion picture films, prerecorded audio program tapes or
2515 records, and prerecorded video tapes by a producer, distributor, or studio to a motion picture
2516 exhibitor, distributor, or commercial television or radio broadcaster;
- 2517 (7) (a) except as provided in Subsection (85) and subject to Subsection (7)(b), sales of
2518 cleaning or washing of tangible personal property if the cleaning or washing of the tangible
2519 personal property is not assisted cleaning or washing of tangible personal property;
- 2520 (b) if a seller that sells at the same business location assisted cleaning or washing of
2521 tangible personal property and cleaning or washing of tangible personal property that is not
2522 assisted cleaning or washing of tangible personal property, the exemption described in
2523 Subsection (7)(a) applies if the seller separately accounts for the sales of the assisted cleaning
2524 or washing of the tangible personal property; and
- 2525 (c) for purposes of Subsection (7)(b) and in accordance with Title 63G, Chapter 3,
2526 Utah Administrative Rulemaking Act, the commission may make rules:
- 2527 (i) governing the circumstances under which sales are at the same business location;
2528 and
- 2529 (ii) establishing the procedures and requirements for a seller to separately account for
2530 sales of assisted cleaning or washing of tangible personal property;
- 2531 (8) sales made to or by religious or charitable institutions in the conduct of their regular
2532 religious or charitable functions and activities, if the requirements of Section 59-12-104.1 are
2533 fulfilled;
- 2534 (9) sales of a vehicle of a type required to be registered under the motor vehicle laws of
2535 this state if the vehicle is:
 - 2536 (a) not registered in this state; and
 - 2537 (b) (i) not used in this state; or
 - 2538 (ii) used in this state:

- 2539 (A) if the vehicle is not used to conduct business, for a time period that does not
- 2540 exceed the longer of:
- 2541 (I) 30 days in any calendar year; or
- 2542 (II) the time period necessary to transport the vehicle to the borders of this state; or
- 2543 (B) if the vehicle is used to conduct business, for the time period necessary to transport
- 2544 the vehicle to the borders of this state;
- 2545 (10) (a) amounts paid for an item described in Subsection (10)(b) if:
- 2546 (i) the item is intended for human use; and
- 2547 (ii) (A) a prescription was issued for the item; or
- 2548 (B) the item was purchased by a hospital or other medical facility; and
- 2549 (b) (i) Subsection (10)(a) applies to:
- 2550 (A) a drug;
- 2551 (B) a syringe; or
- 2552 (C) a stoma supply; and
- 2553 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 2554 commission may by rule define the terms:
- 2555 (A) "syringe"; or
- 2556 (B) "stoma supply";
- 2557 (11) purchases or leases exempt under Section [19-12-201](#);
- 2558 (12) (a) sales of an item described in Subsection (12)(c) served by:
- 2559 (i) the following if the item described in Subsection (12)(c) is not available to the
- 2560 general public:
- 2561 (A) a church; or
- 2562 (B) a charitable institution; or
- 2563 (ii) an institution of higher education if:
- 2564 (A) the item described in Subsection (12)(c) is not available to the general public; or
- 2565 (B) the item described in Subsection (12)(c) is prepaid as part of a student meal plan
- 2566 offered by the institution of higher education; or
- 2567 (b) sales of an item described in Subsection (12)(c) provided for a patient by:
- 2568 (i) a medical facility; or
- 2569 (ii) a nursing facility; and

2570 (c) Subsections (12)(a) and (b) apply to:
2571 (i) food and food ingredients;
2572 (ii) prepared food; or
2573 (iii) alcoholic beverages;
2574 (13) (a) except as provided in Subsection (13)(b), the sale of tangible personal property
2575 or a product transferred electronically by a person:
2576 (i) regardless of the number of transactions involving the sale of that tangible personal
2577 property or product transferred electronically by that person; and
2578 (ii) not regularly engaged in the business of selling that type of tangible personal
2579 property or product transferred electronically;
2580 (b) this Subsection (13) does not apply if:
2581 (i) the sale is one of a series of sales of a character to indicate that the person is
2582 regularly engaged in the business of selling that type of tangible personal property or product
2583 transferred electronically;
2584 (ii) the person holds that person out as regularly engaged in the business of selling that
2585 type of tangible personal property or product transferred electronically;
2586 (iii) the person sells an item of tangible personal property or product transferred
2587 electronically that the person purchased as a sale that is exempt under Subsection (25); or
2588 (iv) the sale is of a vehicle or vessel required to be titled or registered under the laws of
2589 this state in which case the tax is based upon:
2590 (A) the bill of sale or other written evidence of value of the vehicle or vessel being
2591 sold; or
2592 (B) in the absence of a bill of sale or other written evidence of value, the fair market
2593 value of the vehicle or vessel being sold at the time of the sale as determined by the
2594 commission; and
2595 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2596 commission shall make rules establishing the circumstances under which:
2597 (i) a person is regularly engaged in the business of selling a type of tangible personal
2598 property or product transferred electronically;
2599 (ii) a sale of tangible personal property or a product transferred electronically is one of
2600 a series of sales of a character to indicate that a person is regularly engaged in the business of

2601 selling that type of tangible personal property or product transferred electronically; or
2602 (iii) a person holds that person out as regularly engaged in the business of selling a type
2603 of tangible personal property or product transferred electronically;
2604 (14) amounts paid or charged for a purchase or lease of machinery, equipment, normal
2605 operating repair or replacement parts, or materials, except for office equipment or office
2606 supplies, by:
2607 (a) a manufacturing facility that:
2608 (i) is located in the state; and
2609 (ii) uses or consumes the machinery, equipment, normal operating repair or
2610 replacement parts, or materials:
2611 (A) in the manufacturing process to manufacture an item sold as tangible personal
2612 property, as the commission may define that phrase in accordance with Title 63G, Chapter 3,
2613 Utah Administrative Rulemaking Act; or
2614 (B) for a scrap recycler, to process an item sold as tangible personal property, as the
2615 commission may define that phrase in accordance with Title 63G, Chapter 3, Utah
2616 Administrative Rulemaking Act;
2617 (b) an establishment, as the commission defines that term in accordance with Title
2618 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
2619 (i) is described in NAICS Subsector 212, Mining (except Oil and Gas), or NAICS
2620 Code 213113, Support Activities for Coal Mining, 213114, Support Activities for Metal
2621 Mining, or 213115, Support Activities for Nonmetallic Minerals (except Fuels) Mining, of the
2622 2002 North American Industry Classification System of the federal Executive Office of the
2623 President, Office of Management and Budget;
2624 (ii) is located in the state; and
2625 (iii) uses or consumes the machinery, equipment, normal operating repair or
2626 replacement parts, or materials in:
2627 (A) the production process to produce an item sold as tangible personal property, as the
2628 commission may define that phrase in accordance with Title 63G, Chapter 3, Utah
2629 Administrative Rulemaking Act;
2630 (B) research and development, as the commission may define that phrase in accordance
2631 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

2632 (C) transporting, storing, or managing tailings, overburden, or similar waste materials
2633 produced from mining;

2634 (D) developing or maintaining a road, tunnel, excavation, or similar feature used in
2635 mining; or

2636 (E) preventing, controlling, or reducing dust or other pollutants from mining; or

2637 (c) an establishment, as the commission defines that term in accordance with Title 63G,
2638 Chapter 3, Utah Administrative Rulemaking Act, that:

2639 (i) is described in NAICS Code 518112, Web Search Portals, of the 2002 North
2640 American Industry Classification System of the federal Executive Office of the President,
2641 Office of Management and Budget;

2642 (ii) is located in the state; and

2643 (iii) uses or consumes the machinery, equipment, normal operating repair or
2644 replacement parts, or materials in the operation of the web search portal;

2645 (15) (a) sales of the following if the requirements of Subsection (15)(b) are met:

2646 (i) tooling;

2647 (ii) special tooling;

2648 (iii) support equipment;

2649 (iv) special test equipment; or

2650 (v) parts used in the repairs or renovations of tooling or equipment described in
2651 Subsections (15)(a)(i) through (iv); and

2652 (b) sales of tooling, equipment, or parts described in Subsection (15)(a) are exempt if:

2653 (i) the tooling, equipment, or parts are used or consumed exclusively in the
2654 performance of any aerospace or electronics industry contract with the United States
2655 government or any subcontract under that contract; and

2656 (ii) under the terms of the contract or subcontract described in Subsection (15)(b)(i),
2657 title to the tooling, equipment, or parts is vested in the United States government as evidenced
2658 by:

2659 (A) a government identification tag placed on the tooling, equipment, or parts; or

2660 (B) listing on a government-approved property record if placing a government
2661 identification tag on the tooling, equipment, or parts is impractical;

2662 (16) sales of newspapers or newspaper subscriptions;

2663 (17) (a) except as provided in Subsection (17)(b), tangible personal property or a
2664 product transferred electronically traded in as full or part payment of the purchase price, except
2665 that for purposes of calculating sales or use tax upon vehicles not sold by a vehicle dealer,
2666 trade-ins are limited to other vehicles only, and the tax is based upon:

2667 (i) the bill of sale or other written evidence of value of the vehicle being sold and the
2668 vehicle being traded in; or

2669 (ii) in the absence of a bill of sale or other written evidence of value, the then existing
2670 fair market value of the vehicle being sold and the vehicle being traded in, as determined by the
2671 commission; and

2672 (b) Subsection (17)(a) does not apply to the following items of tangible personal
2673 property or products transferred electronically traded in as full or part payment of the purchase
2674 price:

2675 (i) money;

2676 (ii) electricity;

2677 (iii) water;

2678 (iv) gas; or

2679 (v) steam;

2680 (18) (a) (i) except as provided in Subsection (18)(b), sales of tangible personal property
2681 or a product transferred electronically used or consumed primarily and directly in farming
2682 operations, regardless of whether the tangible personal property or product transferred
2683 electronically:

2684 (A) becomes part of real estate; or

2685 (B) is installed by a:

2686 (I) farmer;

2687 (II) contractor; or

2688 (III) subcontractor; or

2689 (ii) sales of parts used in the repairs or renovations of tangible personal property or a
2690 product transferred electronically if the tangible personal property or product transferred
2691 electronically is exempt under Subsection (18)(a)(i); and

2692 (b) amounts paid or charged for the following are subject to the taxes imposed by this
2693 chapter:

2694 (i) (A) subject to Subsection (18)(b)(i)(B), machinery, equipment, materials, or
2695 supplies if used in a manner that is incidental to farming; and
2696 (B) tangible personal property that is considered to be used in a manner that is
2697 incidental to farming includes:
2698 (I) hand tools; or
2699 (II) maintenance and janitorial equipment and supplies;
2700 (ii) (A) subject to Subsection (18)(b)(ii)(B), tangible personal property or a product
2701 transferred electronically if the tangible personal property or product transferred electronically
2702 is used in an activity other than farming; and
2703 (B) tangible personal property or a product transferred electronically that is considered
2704 to be used in an activity other than farming includes:
2705 (I) office equipment and supplies; or
2706 (II) equipment and supplies used in:
2707 (Aa) the sale or distribution of farm products;
2708 (Bb) research; or
2709 (Cc) transportation; or
2710 (iii) a vehicle required to be registered by the laws of this state during the period
2711 ending two years after the date of the vehicle's purchase;
2712 (19) sales of hay;
2713 (20) exclusive sale during the harvest season of seasonal crops, seedling plants, or
2714 garden, farm, or other agricultural produce if the seasonal crops are, seedling plants are, or
2715 garden, farm, or other agricultural produce is sold by:
2716 (a) the producer of the seasonal crops, seedling plants, or garden, farm, or other
2717 agricultural produce;
2718 (b) an employee of the producer described in Subsection (20)(a); or
2719 (c) a member of the immediate family of the producer described in Subsection (20)(a);
2720 (21) purchases made using a coupon as defined in 7 U.S.C. Sec. 2012 that is issued
2721 under the Food Stamp Program, 7 U.S.C. Sec. 2011 et seq.;;
2722 (22) sales of nonreturnable containers, nonreturnable labels, nonreturnable bags,
2723 nonreturnable shipping cases, and nonreturnable casings to a manufacturer, processor,
2724 wholesaler, or retailer for use in packaging tangible personal property to be sold by that

2725 manufacturer, processor, wholesaler, or retailer;

2726 (23) a product stored in the state for resale;

2727 (24) (a) purchases of a product if:

2728 (i) the product is:

2729 (A) purchased outside of this state;

2730 (B) brought into this state:

2731 (I) at any time after the purchase described in Subsection (24)(a)(i)(A); and

2732 (II) by a nonresident person who is not living or working in this state at the time of the

2733 purchase;

2734 (C) used for the personal use or enjoyment of the nonresident person described in

2735 Subsection (24)(a)(i)(B)(II) while that nonresident person is within the state; and

2736 (D) not used in conducting business in this state; and

2737 (ii) for:

2738 (A) a product other than a boat described in Subsection (24)(a)(ii)(B), the first use of

2739 the product for a purpose for which the product is designed occurs outside of this state;

2740 (B) a boat, the boat is registered outside of this state; or

2741 (C) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is registered

2742 outside of this state;

2743 (b) the exemption provided for in Subsection (24)(a) does not apply to:

2744 (i) a lease or rental of a product; or

2745 (ii) a sale of a vehicle exempt under Subsection (33); and

2746 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for

2747 purposes of Subsection (24)(a), the commission may by rule define what constitutes the

2748 following:

2749 (i) conducting business in this state if that phrase has the same meaning in this

2750 Subsection (24) as in Subsection (63);

2751 (ii) the first use of a product if that phrase has the same meaning in this Subsection (24)

2752 as in Subsection (63); or

2753 (iii) a purpose for which a product is designed if that phrase has the same meaning in

2754 this Subsection (24) as in Subsection (63);

2755 (25) a product purchased for resale in the regular course of business, either in its

2756 original form or as an ingredient or component part of a manufactured or compounded product;

2757 (26) a product upon which a sales or use tax was paid to some other state, or one of its
2758 subdivisions, except that the state shall be paid any difference between the tax paid and the tax
2759 imposed by this part and Part 2, Local Sales and Use Tax Act, and no adjustment is allowed if
2760 the tax paid was greater than the tax imposed by this part and Part 2, Local Sales and Use Tax
2761 Act;

2762 (27) any sale of a service described in Subsections 59-12-103(1)(b), (c), and (d) to a
2763 person for use in compounding a service taxable under the subsections;

2764 (28) purchases made in accordance with the special supplemental nutrition program for
2765 women, infants, and children established in 42 U.S.C. Sec. 1786;

2766 (29) sales or leases of rolls, rollers, refractory brick, electric motors, or other
2767 replacement parts used in the furnaces, mills, or ovens of a steel mill described in SIC Code
2768 3312 of the 1987 Standard Industrial Classification Manual of the federal Executive Office of
2769 the President, Office of Management and Budget;

2770 (30) sales of a boat of a type required to be registered under Title 73, Chapter 18, State
2771 Boating Act, a boat trailer, or an outboard motor if the boat, boat trailer, or outboard motor is:

2772 (a) not registered in this state; and

2773 (b) (i) not used in this state; or

2774 (ii) used in this state:

2775 (A) if the boat, boat trailer, or outboard motor is not used to conduct business, for a
2776 time period that does not exceed the longer of:

2777 (I) 30 days in any calendar year; or

2778 (II) the time period necessary to transport the boat, boat trailer, or outboard motor to
2779 the borders of this state; or

2780 (B) if the boat, boat trailer, or outboard motor is used to conduct business, for the time
2781 period necessary to transport the boat, boat trailer, or outboard motor to the borders of this
2782 state;

2783 (31) sales of aircraft manufactured in Utah;

2784 (32) amounts paid for the purchase of telecommunications service for purposes of
2785 providing telecommunications service;

2786 (33) sales, leases, or uses of the following:

- 2787 (a) a vehicle by an authorized carrier; or
- 2788 (b) tangible personal property that is installed on a vehicle:
- 2789 (i) sold or leased to or used by an authorized carrier; and
- 2790 (ii) before the vehicle is placed in service for the first time;
- 2791 (34) (a) 45% of the sales price of any new manufactured home; and
- 2792 (b) 100% of the sales price of any used manufactured home;
- 2793 (35) sales relating to schools and fundraising sales;
- 2794 (36) sales or rentals of durable medical equipment if:
- 2795 (a) a person presents a prescription for the durable medical equipment; and
- 2796 (b) the durable medical equipment is used for home use only;
- 2797 (37) (a) sales to a ski resort of electricity to operate a passenger ropeway as defined in
- 2798 Section [72-11-102](#); and
- 2799 (b) the commission shall by rule determine the method for calculating sales exempt
- 2800 under Subsection (37)(a) that are not separately metered and accounted for in utility billings;
- 2801 (38) sales to a ski resort of:
- 2802 (a) snowmaking equipment;
- 2803 (b) ski slope grooming equipment;
- 2804 (c) passenger ropeways as defined in Section [72-11-102](#); or
- 2805 (d) parts used in the repairs or renovations of equipment or passenger ropeways
- 2806 described in Subsections (38)(a) through (c);
- 2807 (39) subject to Subsection [59-12-103\(2\)\(j\)](#), sales of natural gas, electricity, heat, coal,
- 2808 fuel oil, or other fuels for industrial use;
- 2809 (40) (a) subject to Subsection (40)(b), sales or rentals of the right to use or operate for
- 2810 amusement, entertainment, or recreation an unassisted amusement device as defined in Section
- 2811 [59-12-102](#);
- 2812 (b) if a seller that sells or rents at the same business location the right to use or operate
- 2813 for amusement, entertainment, or recreation one or more unassisted amusement devices and
- 2814 one or more assisted amusement devices, the exemption described in Subsection (40)(a)
- 2815 applies if the seller separately accounts for the sales or rentals of the right to use or operate for
- 2816 amusement, entertainment, or recreation for the assisted amusement devices; and
- 2817 (c) for purposes of Subsection (40)(b) and in accordance with Title 63G, Chapter 3,

2818 Utah Administrative Rulemaking Act, the commission may make rules:
2819 (i) governing the circumstances under which sales are at the same business location;
2820 and
2821 (ii) establishing the procedures and requirements for a seller to separately account for
2822 the sales or rentals of the right to use or operate for amusement, entertainment, or recreation for
2823 assisted amusement devices;
2824 (41) (a) sales of photocopies by:
2825 (i) a governmental entity; or
2826 (ii) an entity within the state system of public education, including:
2827 (A) a school; or
2828 (B) the State Board of Education; or
2829 (b) sales of publications by a governmental entity;
2830 (42) amounts paid for admission to an athletic event at an institution of higher
2831 education that is subject to the provisions of Title IX of the Education Amendments of 1972,
2832 20 U.S.C. Sec. 1681 et seq.;
2833 (43) (a) sales made to or by:
2834 (i) an area agency on aging; or
2835 (ii) a senior citizen center owned by a county, city, or town; or
2836 (b) sales made by a senior citizen center that contracts with an area agency on aging;
2837 (44) sales or leases of semiconductor fabricating, processing, research, or development
2838 materials regardless of whether the semiconductor fabricating, processing, research, or
2839 development materials:
2840 (a) actually come into contact with a semiconductor; or
2841 (b) ultimately become incorporated into real property;
2842 (45) an amount paid by or charged to a purchaser for accommodations and services
2843 described in Subsection 59-12-103(1)(i) to the extent the amount is exempt under Section
2844 59-12-104.2;
2845 (46) beginning on September 1, 2001, the lease or use of a vehicle issued a temporary
2846 sports event registration certificate in accordance with Section 41-3-306 for the event period
2847 specified on the temporary sports event registration certificate;
2848 (47) (a) sales or uses of electricity, if the sales or uses are made under a retail tariff

2849 adopted by the Public Service Commission only for purchase of electricity produced from a
2850 new alternative energy source built after January 1, 2016, as designated in the tariff by the
2851 Public Service Commission; and

2852 (b) for a residential use customer only, the exemption under Subsection (47)(a) applies
2853 only to the portion of the tariff rate a customer pays under the tariff described in Subsection
2854 (47)(a) that exceeds the tariff rate under the tariff described in Subsection (47)(a) that the
2855 customer would have paid absent the tariff;

2856 (48) sales or rentals of mobility enhancing equipment if a person presents a
2857 prescription for the mobility enhancing equipment;

2858 (49) sales of water in a:

2859 (a) pipe;

2860 (b) conduit;

2861 (c) ditch; or

2862 (d) reservoir;

2863 (50) sales of currency or coins that constitute legal tender of a state, the United States,
2864 or a foreign nation;

2865 (51) (a) sales of an item described in Subsection (51)(b) if the item:

2866 (i) does not constitute legal tender of a state, the United States, or a foreign nation; and

2867 (ii) has a gold, silver, or platinum content of 50% or more; and

2868 (b) Subsection (51)(a) applies to a gold, silver, or platinum:

2869 (i) ingot;

2870 (ii) bar;

2871 (iii) medallion; or

2872 (iv) decorative coin;

2873 (52) amounts paid on a sale-leaseback transaction;

2874 (53) sales of a prosthetic device:

2875 (a) for use on or in a human; and

2876 (b) (i) for which a prescription is required; or

2877 (ii) if the prosthetic device is purchased by a hospital or other medical facility;

2878 (54) (a) except as provided in Subsection (54)(b), purchases, leases, or rentals of

2879 machinery or equipment by an establishment described in Subsection (54)(c) if the machinery

2880 or equipment is primarily used in the production or postproduction of the following media for
2881 commercial distribution:

- 2882 (i) a motion picture;
- 2883 (ii) a television program;
- 2884 (iii) a movie made for television;
- 2885 (iv) a music video;
- 2886 (v) a commercial;
- 2887 (vi) a documentary; or
- 2888 (vii) a medium similar to Subsections (54)(a)(i) through (vi) as determined by the
2889 commission by administrative rule made in accordance with Subsection (54)(d); or

2890 (b) purchases, leases, or rentals of machinery or equipment by an establishment
2891 described in Subsection (54)(c) that is used for the production or postproduction of the
2892 following are subject to the taxes imposed by this chapter:

- 2893 (i) a live musical performance;
- 2894 (ii) a live news program; or
- 2895 (iii) a live sporting event;
- 2896 (c) the following establishments listed in the 1997 North American Industry
2897 Classification System of the federal Executive Office of the President, Office of Management
2898 and Budget, apply to Subsections (54)(a) and (b):

- 2899 (i) NAICS Code 512110; or
- 2900 (ii) NAICS Code 51219; and
- 2901 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2902 commission may by rule:

2903 (i) prescribe what constitutes a medium similar to Subsections (54)(a)(i) through (vi);

2904 or

- 2905 (ii) define:
 - 2906 (A) "commercial distribution";
 - 2907 (B) "live musical performance";
 - 2908 (C) "live news program"; or
 - 2909 (D) "live sporting event";

2910 (55) (a) leases of seven or more years or purchases made on or after July 1, 2004, but

2911 on or before June 30, 2027, of tangible personal property that:

2912 (i) is leased or purchased for or by a facility that:

2913 (A) is an alternative energy electricity production facility;

2914 (B) is located in the state; and

2915 (C) (I) becomes operational on or after July 1, 2004; or

2916 (II) has its generation capacity increased by one or more megawatts on or after July 1,

2917 2004, as a result of the use of the tangible personal property;

2918 (ii) has an economic life of five or more years; and

2919 (iii) is used to make the facility or the increase in capacity of the facility described in

2920 Subsection (55)(a)(i) operational up to the point of interconnection with an existing

2921 transmission grid including:

2922 (A) a wind turbine;

2923 (B) generating equipment;

2924 (C) a control and monitoring system;

2925 (D) a power line;

2926 (E) substation equipment;

2927 (F) lighting;

2928 (G) fencing;

2929 (H) pipes; or

2930 (I) other equipment used for locating a power line or pole; and

2931 (b) this Subsection (55) does not apply to:

2932 (i) tangible personal property used in construction of:

2933 (A) a new alternative energy electricity production facility; or

2934 (B) the increase in the capacity of an alternative energy electricity production facility;

2935 (ii) contracted services required for construction and routine maintenance activities;

2936 and

2937 (iii) unless the tangible personal property is used or acquired for an increase in capacity

2938 of the facility described in Subsection (55)(a)(i)(C)(II), tangible personal property used or

2939 acquired after:

2940 (A) the alternative energy electricity production facility described in Subsection

2941 (55)(a)(i) is operational as described in Subsection (55)(a)(iii); or

2942 (B) the increased capacity described in Subsection (55)(a)(i) is operational as described
2943 in Subsection (55)(a)(iii);

2944 (56) (a) leases of seven or more years or purchases made on or after July 1, 2004, but
2945 on or before June 30, 2027, of tangible personal property that:

2946 (i) is leased or purchased for or by a facility that:

2947 (A) is a waste energy production facility;

2948 (B) is located in the state; and

2949 (C) (I) becomes operational on or after July 1, 2004; or

2950 (II) has its generation capacity increased by one or more megawatts on or after July 1,
2951 2004, as a result of the use of the tangible personal property;

2952 (ii) has an economic life of five or more years; and

2953 (iii) is used to make the facility or the increase in capacity of the facility described in
2954 Subsection (56)(a)(i) operational up to the point of interconnection with an existing
2955 transmission grid including:

2956 (A) generating equipment;

2957 (B) a control and monitoring system;

2958 (C) a power line;

2959 (D) substation equipment;

2960 (E) lighting;

2961 (F) fencing;

2962 (G) pipes; or

2963 (H) other equipment used for locating a power line or pole; and

2964 (b) this Subsection (56) does not apply to:

2965 (i) tangible personal property used in construction of:

2966 (A) a new waste energy facility; or

2967 (B) the increase in the capacity of a waste energy facility;

2968 (ii) contracted services required for construction and routine maintenance activities;

2969 and

2970 (iii) unless the tangible personal property is used or acquired for an increase in capacity
2971 described in Subsection (56)(a)(i)(C)(II), tangible personal property used or acquired after:

2972 (A) the waste energy facility described in Subsection (56)(a)(i) is operational as

2973 described in Subsection (56)(a)(iii); or
2974 (B) the increased capacity described in Subsection (56)(a)(i) is operational as described
2975 in Subsection (56)(a)(iii);
2976 (57) (a) leases of five or more years or purchases made on or after July 1, 2004, but on
2977 or before June 30, 2027, of tangible personal property that:
2978 (i) is leased or purchased for or by a facility that:
2979 (A) is located in the state;
2980 (B) produces fuel from alternative energy, including:
2981 (I) methanol; or
2982 (II) ethanol; and
2983 (C) (I) becomes operational on or after July 1, 2004; or
2984 (II) has its capacity to produce fuel increase by 25% or more on or after July 1, 2004, as
2985 a result of the installation of the tangible personal property;
2986 (ii) has an economic life of five or more years; and
2987 (iii) is installed on the facility described in Subsection (57)(a)(i);
2988 (b) this Subsection (57) does not apply to:
2989 (i) tangible personal property used in construction of:
2990 (A) a new facility described in Subsection (57)(a)(i); or
2991 (B) the increase in capacity of the facility described in Subsection (57)(a)(i); or
2992 (ii) contracted services required for construction and routine maintenance activities;
2993 and
2994 (iii) unless the tangible personal property is used or acquired for an increase in capacity
2995 described in Subsection (57)(a)(i)(C)(II), tangible personal property used or acquired after:
2996 (A) the facility described in Subsection (57)(a)(i) is operational; or
2997 (B) the increased capacity described in Subsection (57)(a)(i) is operational;
2998 (58) (a) subject to Subsection (58)(b) or (c), sales of tangible personal property or a
2999 product transferred electronically to a person within this state if that tangible personal property
3000 or product transferred electronically is subsequently shipped outside the state and incorporated
3001 pursuant to contract into and becomes a part of real property located outside of this state;
3002 (b) the exemption under Subsection (58)(a) is not allowed to the extent that the other
3003 state or political entity to which the tangible personal property is shipped imposes a sales, use,

3004 gross receipts, or other similar transaction excise tax on the transaction against which the other
3005 state or political entity allows a credit for sales and use taxes imposed by this chapter; and

3006 (c) notwithstanding the time period of Subsection 59-1-1410(8) for filing for a refund,
3007 a person may claim the exemption allowed by this Subsection (58) for a sale by filing for a
3008 refund:

3009 (i) if the sale is made on or after July 1, 2004, but on or before June 30, 2008;

3010 (ii) as if this Subsection (58) as in effect on July 1, 2008, were in effect on the day on
3011 which the sale is made;

3012 (iii) if the person did not claim the exemption allowed by this Subsection (58) for the
3013 sale prior to filing for the refund;

3014 (iv) for sales and use taxes paid under this chapter on the sale;

3015 (v) in accordance with Section 59-1-1410; and

3016 (vi) subject to any extension allowed for filing for a refund under Section 59-1-1410, if
3017 the person files for the refund on or before June 30, 2011;

3018 (59) purchases:

3019 (a) of one or more of the following items in printed or electronic format:

3020 (i) a list containing information that includes one or more:

3021 (A) names; or

3022 (B) addresses; or

3023 (ii) a database containing information that includes one or more:

3024 (A) names; or

3025 (B) addresses; and

3026 (b) used to send direct mail;

3027 (60) redemptions or repurchases of a product by a person if that product was:

3028 (a) delivered to a pawnbroker as part of a pawn transaction; and

3029 (b) redeemed or repurchased within the time period established in a written agreement
3030 between the person and the pawnbroker for redeeming or repurchasing the product;

3031 (61) (a) purchases or leases of an item described in Subsection (61)(b) if the item:

3032 (i) is purchased or leased by, or on behalf of, a telecommunications service provider;

3033 and

3034 (ii) has a useful economic life of one or more years; and

- 3035 (b) the following apply to Subsection (61)(a):
- 3036 (i) telecommunications enabling or facilitating equipment, machinery, or software;
- 3037 (ii) telecommunications equipment, machinery, or software required for 911 service;
- 3038 (iii) telecommunications maintenance or repair equipment, machinery, or software;
- 3039 (iv) telecommunications switching or routing equipment, machinery, or software; or
- 3040 (v) telecommunications transmission equipment, machinery, or software;

3041 (62) (a) beginning on July 1, 2006, and ending on June 30, 2027, purchases of tangible
3042 personal property or a product transferred electronically that are used in the research and
3043 development of alternative energy technology; and

3044 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3045 commission may, for purposes of Subsection (62)(a), make rules defining what constitutes
3046 purchases of tangible personal property or a product transferred electronically that are used in
3047 the research and development of alternative energy technology;

3048 (63) (a) purchases of tangible personal property or a product transferred electronically
3049 if:

3050 (i) the tangible personal property or product transferred electronically is:

3051 (A) purchased outside of this state;

3052 (B) brought into this state at any time after the purchase described in Subsection

3053 (63)(a)(i)(A); and

3054 (C) used in conducting business in this state; and

3055 (ii) for:

3056 (A) tangible personal property or a product transferred electronically other than the
3057 tangible personal property described in Subsection (63)(a)(ii)(B), the first use of the property
3058 for a purpose for which the property is designed occurs outside of this state; or

3059 (B) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is registered
3060 outside of this state and not required to be registered in this state under Section [41-1a-202](#) or
3061 [73-18-9](#) based on residency;

3062 (b) the exemption provided for in Subsection (63)(a) does not apply to:

3063 (i) a lease or rental of tangible personal property or a product transferred electronically;

3064 or

3065 (ii) a sale of a vehicle exempt under Subsection (33); and

3066 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
3067 purposes of Subsection (63)(a), the commission may by rule define what constitutes the
3068 following:

3069 (i) conducting business in this state if that phrase has the same meaning in this
3070 Subsection (63) as in Subsection (24);

3071 (ii) the first use of tangible personal property or a product transferred electronically if
3072 that phrase has the same meaning in this Subsection (63) as in Subsection (24); or

3073 (iii) a purpose for which tangible personal property or a product transferred
3074 electronically is designed if that phrase has the same meaning in this Subsection (63) as in
3075 Subsection (24);

3076 (64) sales of disposable home medical equipment or supplies if:

3077 (a) a person presents a prescription for the disposable home medical equipment or
3078 supplies;

3079 (b) the disposable home medical equipment or supplies are used exclusively by the
3080 person to whom the prescription described in Subsection (64)(a) is issued; and

3081 (c) the disposable home medical equipment and supplies are listed as eligible for
3082 payment under:

3083 (i) Title XVIII, federal Social Security Act; or

3084 (ii) the state plan for medical assistance under Title XIX, federal Social Security Act;

3085 (65) sales:

3086 (a) to a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit
3087 District Act; or

3088 (b) of tangible personal property to a subcontractor of a public transit district, if the
3089 tangible personal property is:

3090 (i) clearly identified; and

3091 (ii) installed or converted to real property owned by the public transit district;

3092 (66) sales of construction materials:

3093 (a) purchased on or after July 1, 2010;

3094 (b) purchased by, on behalf of, or for the benefit of an international airport:

3095 (i) located within a county of the first class; and

3096 (ii) that has a United States customs office on its premises; and

- 3097 (c) if the construction materials are:
- 3098 (i) clearly identified;
- 3099 (ii) segregated; and
- 3100 (iii) installed or converted to real property:
- 3101 (A) owned or operated by the international airport described in Subsection (66)(b); and
- 3102 (B) located at the international airport described in Subsection (66)(b);
- 3103 (67) sales of construction materials:
- 3104 (a) purchased on or after July 1, 2008;
- 3105 (b) purchased by, on behalf of, or for the benefit of a new airport:
- 3106 (i) located within a county of the second class; and
- 3107 (ii) that is owned or operated by a city in which an airline as defined in Section
- 3108 [59-2-102](#) is headquartered; and
- 3109 (c) if the construction materials are:
- 3110 (i) clearly identified;
- 3111 (ii) segregated; and
- 3112 (iii) installed or converted to real property:
- 3113 (A) owned or operated by the new airport described in Subsection (67)(b);
- 3114 (B) located at the new airport described in Subsection (67)(b); and
- 3115 (C) as part of the construction of the new airport described in Subsection (67)(b);
- 3116 (68) sales of fuel to a common carrier that is a railroad for use in a locomotive engine;
- 3117 (69) purchases and sales described in Section [63H-4-111](#);
- 3118 (70) (a) sales of tangible personal property to an aircraft maintenance, repair, and
- 3119 overhaul provider for use in the maintenance, repair, overhaul, or refurbishment in this state of
- 3120 a fixed wing turbine powered aircraft if that fixed wing turbine powered aircraft's registration
- 3121 lists a state or country other than this state as the location of registry of the fixed wing turbine
- 3122 powered aircraft; or
- 3123 (b) sales of tangible personal property by an aircraft maintenance, repair, and overhaul
- 3124 provider in connection with the maintenance, repair, overhaul, or refurbishment in this state of
- 3125 a fixed wing turbine powered aircraft if that fixed wing turbine powered aircraft's registration
- 3126 lists a state or country other than this state as the location of registry of the fixed wing turbine
- 3127 powered aircraft;

3128 (71) subject to Section 59-12-104.4, sales of a textbook for a higher education course:

3129 (a) to a person admitted to an institution of higher education; and

3130 (b) by a seller, other than a bookstore owned by an institution of higher education, if

3131 51% or more of that seller's sales revenue for the previous calendar quarter are sales of a

3132 textbook for a higher education course;

3133 (72) a license fee or tax a municipality imposes in accordance with Subsection

3134 10-1-203(5) on a purchaser from a business for which the municipality provides an enhanced

3135 level of municipal services;

3136 (73) amounts paid or charged for construction materials used in the construction of a

3137 new or expanding life science research and development facility in the state, if the construction

3138 materials are:

3139 (a) clearly identified;

3140 (b) segregated; and

3141 (c) installed or converted to real property;

3142 (74) amounts paid or charged for:

3143 (a) a purchase or lease of machinery and equipment that:

3144 (i) are used in performing qualified research:

3145 (A) as defined in Section 41(d), Internal Revenue Code; and

3146 (B) in the state; and

3147 (ii) have an economic life of three or more years; and

3148 (b) normal operating repair or replacement parts:

3149 (i) for the machinery and equipment described in Subsection (74)(a); and

3150 (ii) that have an economic life of three or more years;

3151 (75) a sale or lease of tangible personal property used in the preparation of prepared

3152 food if:

3153 (a) for a sale:

3154 (i) the ownership of the seller and the ownership of the purchaser are identical; and

3155 (ii) the seller or the purchaser paid a tax under this chapter on the purchase of that

3156 tangible personal property prior to making the sale; or

3157 (b) for a lease:

3158 (i) the ownership of the lessor and the ownership of the lessee are identical; and

3159 (ii) the lessor or the lessee paid a tax under this chapter on the purchase of that tangible
3160 personal property prior to making the lease;

3161 (76) (a) purchases of machinery or equipment if:

3162 (i) the purchaser is an establishment described in NAICS Subsector 713, Amusement,
3163 Gambling, and Recreation Industries, of the 2012 North American Industry Classification
3164 System of the federal Executive Office of the President, Office of Management and Budget;

3165 (ii) the machinery or equipment:

3166 (A) has an economic life of three or more years; and

3167 (B) is used by one or more persons who pay admission or user fees described in
3168 Subsection 59-12-103(1)(f) to the purchaser of the machinery and equipment; and

3169 (iii) 51% or more of the purchaser's sales revenue for the previous calendar quarter is:

3170 (A) amounts paid or charged as admission or user fees described in Subsection
3171 59-12-103(1)(f); and

3172 (B) subject to taxation under this chapter; and

3173 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3174 commission may make rules for verifying that 51% of a purchaser's sales revenue for the
3175 previous calendar quarter is:

3176 (i) amounts paid or charged as admission or user fees described in Subsection
3177 59-12-103(1)(f); and

3178 (ii) subject to taxation under this chapter;

3179 (77) purchases of a short-term lodging consumable by a business that provides
3180 accommodations and services described in Subsection 59-12-103(1)(i);

3181 (78) amounts paid or charged to access a database:

3182 (a) if the primary purpose for accessing the database is to view or retrieve information
3183 from the database; and

3184 (b) not including amounts paid or charged for a:

3185 (i) digital audio work;

3186 (ii) digital audio-visual work; or

3187 (iii) digital book;

3188 (79) amounts paid or charged for a purchase or lease made by an electronic financial
3189 payment service, of:

- 3190 (a) machinery and equipment that:
- 3191 (i) are used in the operation of the electronic financial payment service; and
- 3192 (ii) have an economic life of three or more years; and
- 3193 (b) normal operating repair or replacement parts that:
- 3194 (i) are used in the operation of the electronic financial payment service; and
- 3195 (ii) have an economic life of three or more years;
- 3196 (80) beginning on April 1, 2013, sales of a fuel cell as defined in Section 54-15-102;
- 3197 (81) amounts paid or charged for a purchase or lease of tangible personal property or a
- 3198 product transferred electronically if the tangible personal property or product transferred
- 3199 electronically:
- 3200 (a) is stored, used, or consumed in the state; and
- 3201 (b) is temporarily brought into the state from another state:
- 3202 (i) during a disaster period as defined in Section 53-2a-1202;
- 3203 (ii) by an out-of-state business as defined in Section 53-2a-1202;
- 3204 (iii) for a declared state disaster or emergency as defined in Section 53-2a-1202; and
- 3205 (iv) for disaster- or emergency-related work as defined in Section 53-2a-1202;
- 3206 (82) sales of goods and services at a morale, welfare, and recreation facility, as defined
- 3207 in Section 39-9-102, made pursuant to Title 39, Chapter 9, State Morale, Welfare, and
- 3208 Recreation Program;
- 3209 (83) amounts paid or charged for a purchase or lease of molten magnesium;
- 3210 (84) amounts paid or charged for a purchase or lease made by a qualifying data center
- 3211 or an occupant of a qualifying data center of machinery, equipment, or normal operating repair
- 3212 or replacement parts, if the machinery, equipment, or normal operating repair or replacement
- 3213 parts:
- 3214 (a) are used in:
- 3215 (i) the operation of the qualifying data center; or
- 3216 (ii) the occupant's operations in the qualifying data center; and
- 3217 (b) have an economic life of one or more years;
- 3218 (85) sales of cleaning or washing of a vehicle, except for cleaning or washing of a
- 3219 vehicle that includes cleaning or washing of the interior of the vehicle;
- 3220 (86) amounts paid or charged for a purchase or lease of machinery, equipment, normal

3221 operating repair or replacement parts, catalysts, chemicals, reagents, solutions, or supplies used
3222 or consumed:

3223 (a) by a refiner who owns, leases, operates, controls, or supervises a refinery as defined
3224 in Section [~~63M-4-701~~] [79-6-701](#) located in the state;

3225 (b) if the machinery, equipment, normal operating repair or replacement parts,
3226 catalysts, chemicals, reagents, solutions, or supplies are used or consumed in:

3227 (i) the production process to produce gasoline or diesel fuel, or at which blendstock is
3228 added to gasoline or diesel fuel;

3229 (ii) research and development;

3230 (iii) transporting, storing, or managing raw materials, work in process, finished
3231 products, and waste materials produced from refining gasoline or diesel fuel, or adding
3232 blendstock to gasoline or diesel fuel;

3233 (iv) developing or maintaining a road, tunnel, excavation, or similar feature used in
3234 refining; or

3235 (v) preventing, controlling, or reducing pollutants from refining; and

3236 (c) beginning on July 1, 2021, if the person holds a valid refiner tax exemption
3237 certification as defined in Section [~~63M-4-701~~] [79-6-701](#);

3238 (87) amounts paid to or charged by a proprietor for accommodations and services, as
3239 defined in Section [63H-1-205](#), if the proprietor is subject to the MIDA accommodations tax
3240 imposed under Section [63H-1-205](#);

3241 (88) amounts paid or charged for a purchase or lease of machinery, equipment, normal
3242 operating repair or replacement parts, or materials, except for office equipment or office
3243 supplies, by an establishment, as the commission defines that term in accordance with Title
3244 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

3245 (a) is described in NAICS Code 621511, Medical Laboratories, of the 2017 North
3246 American Industry Classification System of the federal Executive Office of the President,
3247 Office of Management and Budget;

3248 (b) is located in this state; and

3249 (c) uses the machinery, equipment, normal operating repair or replacement parts, or
3250 materials in the operation of the establishment; and

3251 (89) amounts paid or charged for an item exempt under Section [59-12-104.10](#).

3252 Section 31. Section **59-13-201** is amended to read:

3253 **59-13-201. Rate -- Tax basis -- Exemptions -- Revenue deposited into the**
3254 **Transportation Fund -- Restricted account for boating uses -- Refunds -- Reduction of tax**
3255 **in limited circumstances.**

3256 (1) (a) Subject to the provisions of this section and except as provided in Subsection
3257 (1)(e), a tax is imposed at the rate of 16.5% of the statewide average rack price of a gallon of
3258 motor fuel per gallon upon all motor fuel that is sold, used, or received for sale or used in this
3259 state.

3260 (b) (i) Until December 31, 2018, and subject to the requirements under Subsection
3261 (1)(c), the statewide average rack price of a gallon of motor fuel under Subsection (1)(a) shall
3262 be determined by calculating the previous fiscal year statewide average rack price of a gallon of
3263 regular unleaded motor fuel, excluding federal and state excise taxes, for the 12 months ending
3264 on the previous June 30 as published by an oil pricing service.

3265 (ii) Beginning on January 1, 2019, and subject to the requirements under Subsection
3266 (1)(c), the statewide average rack price of a gallon of motor fuel under Subsection (1)(a) shall
3267 be determined by calculating the previous three fiscal years statewide average rack price of a
3268 gallon of regular unleaded motor fuel, excluding federal and state excise taxes, for the 36
3269 months ending on the previous June 30 as published by an oil pricing service.

3270 (c) (i) Subject to the requirement in Subsection (1)(c)(ii), the statewide average rack
3271 price of a gallon of motor fuel determined under Subsection (1)(b) may not be less than \$1.78
3272 per gallon.

3273 (ii) Beginning on January 1, 2019, the commission shall, on January 1, annually adjust
3274 the minimum statewide average rack price of a gallon of motor fuel described in Subsection
3275 (1)(c)(i) by taking the minimum statewide average rack price of a gallon of motor fuel for the
3276 previous calendar year and adding an amount equal to the greater of:

3277 (A) an amount calculated by multiplying the minimum statewide average rack price of
3278 a gallon of motor fuel for the previous calendar year by the actual percent change during the
3279 previous fiscal year in the Consumer Price Index; and

3280 (B) 0.

3281 (iii) The statewide average rack price of a gallon of motor fuel determined by the
3282 commission under Subsection (1)(b) may not exceed \$2.43 per gallon.

3283 (iv) The minimum statewide average rack price of a gallon of motor fuel described and
3284 adjusted under Subsections (1)(c)(i) and (ii) may not exceed the maximum statewide average
3285 rack price of a gallon of motor fuel under Subsection (1)(c)(iii).

3286 (d) (i) The commission shall annually:

3287 (A) determine the statewide average rack price of a gallon of motor fuel in accordance
3288 with Subsections (1)(b) and (c);

3289 (B) adjust the fuel tax rate imposed under Subsection (1)(a), rounded to the nearest
3290 one-tenth of a cent, based on the determination under Subsection (1)(b);

3291 (C) publish the adjusted fuel tax as a cents per gallon rate; and

3292 (D) post or otherwise make public the adjusted fuel tax rate as determined in
3293 Subsection (1)(d)(i)(B) no later than 60 days prior to the annual effective date under Subsection
3294 (1)(d)(ii).

3295 (ii) The tax rate imposed under this Subsection (1) and adjusted as required under
3296 Subsection (1)(d)(i) shall take effect on January 1 of each year.

3297 (e) In lieu of the tax imposed under Subsection (1)(a) and subject to the provisions of
3298 this section, a tax is imposed at the rate of 3/19 of the rate imposed under Subsection (1)(a),
3299 rounded up to the nearest penny, upon all motor fuels that meet the definition of clean fuel in
3300 Section [59-13-102](#) and are sold, used, or received for sale or use in this state.

3301 (2) Any increase or decrease in tax rate applies to motor fuel that is imported to the
3302 state or sold at refineries in the state on or after the effective date of the rate change.

3303 (3) (a) No motor fuel tax is imposed upon:

3304 (i) motor fuel that is brought into and sold in this state in original packages as purely
3305 interstate commerce sales;

3306 (ii) motor fuel that is exported from this state if proof of actual exportation on forms
3307 prescribed by the commission is made within 180 days after exportation;

3308 (iii) motor fuel or components of motor fuel that is sold and used in this state and
3309 distilled from coal, oil shale, rock asphalt, bituminous sand, or solid hydrocarbons located in
3310 this state; or

3311 (iv) motor fuel that is sold to the United States government, this state, or the political
3312 subdivisions of this state.

3313 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

3314 commission shall make rules governing the procedures for administering the tax exemption
3315 provided under Subsection (3)(a)(iv).

3316 (4) The commission may either collect no tax on motor fuel exported from the state or,
3317 upon application, refund the tax paid.

3318 (5) (a) All revenue received by the commission under this part shall be deposited daily
3319 with the state treasurer and credited to the Transportation Fund.

3320 (b) An appropriation from the Transportation Fund shall be made to the commission to
3321 cover expenses incurred in the administration and enforcement of this part and the collection of
3322 the motor fuel tax.

3323 (6) (a) The commission shall determine what amount of motor fuel tax revenue is
3324 received from the sale or use of motor fuel used in motorboats registered under the provisions
3325 of the State Boating Act, and this amount shall be deposited in a restricted revenue account in
3326 the General Fund of the state.

3327 (b) The funds from this account shall be used for the construction, improvement,
3328 operation, and maintenance of state-owned boating facilities and for the payment of the costs
3329 and expenses of the Division of ~~[Parks and]~~ Recreation in administering and enforcing the
3330 State Boating Act.

3331 (7) (a) The United States government or any of its instrumentalities, this state, or a
3332 political subdivision of this state that has purchased motor fuel from a licensed distributor or
3333 from a retail dealer of motor fuel and has paid the tax on the motor fuel as provided in this
3334 section is entitled to a refund of the tax and may file with the commission for a quarterly
3335 refund.

3336 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3337 commission shall make rules governing the application and refund provided for in Subsection
3338 (7)(a).

3339 (8) (a) The commission shall refund annually into the Off-Highway Vehicle Account in
3340 the General Fund an amount equal to .5% of the motor fuel tax revenues collected under this
3341 section.

3342 (b) This amount shall be used as provided in Section [41-22-19](#).

3343 (9) (a) Beginning on April 1, 2001, a tax imposed under this section on motor fuel that
3344 is sold, used, or received for sale or use in this state is reduced to the extent provided in

3345 Subsection (9)(b) if:

3346 (i) a tax imposed on the basis of the sale, use, or receipt for sale or use of the motor
3347 fuel is paid to the Navajo Nation;

3348 (ii) the tax described in Subsection (9)(a)(i) is imposed without regard to whether or
3349 not the person required to pay the tax is an enrolled member of the Navajo Nation; and

3350 (iii) the commission and the Navajo Nation execute and maintain an agreement as
3351 provided in this Subsection (9) for the administration of the reduction of tax.

3352 (b) (i) If but for Subsection (9)(a) the motor fuel is subject to a tax imposed by this
3353 section:

3354 (A) the state shall be paid the difference described in Subsection (9)(b)(ii) if that
3355 difference is greater than \$0; and

3356 (B) a person may not require the state to provide a refund, a credit, or similar tax relief
3357 if the difference described in Subsection (9)(b)(ii) is less than or equal to \$0.

3358 (ii) The difference described in Subsection (9)(b)(i) is equal to the difference between:

3359 (A) the amount of tax imposed on the motor fuel by this section; less

3360 (B) the tax imposed and collected by the Navajo Nation on the motor fuel.

3361 (c) For purposes of Subsections (9)(a) and (b), the tax paid to the Navajo Nation under
3362 a tax imposed by the Navajo Nation on the basis of the sale, use, or receipt for sale or use of
3363 motor fuel does not include any interest or penalties a taxpayer may be required to pay to the
3364 Navajo Nation.

3365 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3366 commission shall make rules governing the procedures for administering the reduction of tax
3367 provided under this Subsection (9).

3368 (e) The agreement required under Subsection (9)(a):

3369 (i) may not:

3370 (A) authorize the state to impose a tax in addition to a tax imposed under this chapter;

3371 (B) provide a reduction of taxes greater than or different from the reduction described
3372 in this Subsection (9); or

3373 (C) affect the power of the state to establish rates of taxation;

3374 (ii) shall:

3375 (A) be in writing;

3376 (B) be signed by:
3377 (I) the chair of the commission or the chair's designee; and
3378 (II) a person designated by the Navajo Nation that may bind the Navajo Nation;
3379 (C) be conditioned on obtaining any approval required by federal law;
3380 (D) state the effective date of the agreement; and
3381 (E) state any accommodation the Navajo Nation makes related to the construction and
3382 maintenance of state highways and other infrastructure within the Utah portion of the Navajo
3383 Nation; and
3384 (iii) may:
3385 (A) notwithstanding Section 59-1-403, authorize the commission to disclose to the
3386 Navajo Nation information that is:
3387 (I) contained in a document filed with the commission; and
3388 (II) related to the tax imposed under this section;
3389 (B) provide for maintaining records by the commission or the Navajo Nation; or
3390 (C) provide for inspections or audits of distributors, carriers, or retailers located or
3391 doing business within the Utah portion of the Navajo Nation.
3392 (f) (i) If, on or after April 1, 2001, the Navajo Nation changes the tax rate of a tax
3393 imposed on motor fuel, any change in the reduction of taxes under this Subsection (9) as a
3394 result of the change in the tax rate is not effective until the first day of the calendar quarter after
3395 a 60-day period beginning on the date the commission receives notice:
3396 (A) from the Navajo Nation; and
3397 (B) meeting the requirements of Subsection (9)(f)(ii).
3398 (ii) The notice described in Subsection (9)(f)(i) shall state:
3399 (A) that the Navajo Nation has changed or will change the tax rate of a tax imposed on
3400 motor fuel;
3401 (B) the effective date of the rate change of the tax described in Subsection (9)(f)(ii)(A);
3402 and
3403 (C) the new rate of the tax described in Subsection (9)(f)(ii)(A).
3404 (g) If the agreement required by Subsection (9)(a) terminates, a reduction of tax is not
3405 permitted under this Subsection (9) beginning on the first day of the calendar quarter after a
3406 30-day period beginning on the day the agreement terminates.

3407 (h) If there is a conflict between this Subsection (9) and the agreement required by
3408 Subsection (9)(a), this Subsection (9) governs.

3409 Section 32. Section **59-21-2** is amended to read:

3410 **59-21-2. Mineral Bonus Account created -- Contents -- Use of Mineral Bonus**
3411 **Account money -- Mineral Lease Account created -- Contents -- Appropriation of money**
3412 **from Mineral Lease Account.**

3413 (1) (a) There is created a restricted account within the General Fund known as the
3414 "Mineral Bonus Account."

3415 (b) The Mineral Bonus Account consists of federal mineral lease bonus payments
3416 deposited pursuant to Subsection [59-21-1\(3\)](#).

3417 (c) The Legislature shall make appropriations from the Mineral Bonus Account in
3418 accordance with Section 35 of the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 191.

3419 (d) The state treasurer shall:

3420 (i) invest the money in the Mineral Bonus Account by following the procedures and
3421 requirements of Title 51, Chapter 7, State Money Management Act; and

3422 (ii) deposit all interest or other earnings derived from the account into the Mineral
3423 Bonus Account.

3424 (e) The Division of Finance shall, beginning on July 1, 2017, annually deposit 30% of
3425 mineral lease bonus payments deposited under Subsection (1)(b) from the previous fiscal year
3426 into the Wildland Fire Suppression Fund created in Section [65A-8-204](#), up to \$2,000,000 but
3427 not to exceed 20% of the amount expended in the previous fiscal year from the Wildland Fire
3428 Suppression Fund.

3429 (2) (a) There is created a restricted account within the General Fund known as the
3430 "Mineral Lease Account."

3431 (b) The Mineral Lease Account consists of federal mineral lease money deposited
3432 pursuant to Subsection [59-21-1\(1\)](#).

3433 (c) The Legislature shall make appropriations from the Mineral Lease Account as
3434 provided in Subsection [59-21-1\(1\)](#) and this Subsection (2).

3435 (d) (i) Except as provided in Subsections (2)(d)(ii) and (iii), the Legislature shall
3436 annually appropriate 32.5% of all deposits made to the Mineral Lease Account to the
3437 Permanent Community Impact Fund established by Section [35A-8-303](#).

3438 (ii) For fiscal year 2016-17 only and from the amount required to be deposited under
3439 Subsection (2)(d)(i), the Legislature shall appropriate \$26,000,000 of the deposits made to the
3440 Mineral Lease Account to the Impacted Communities Transportation Development Restricted
3441 Account established by Section 72-2-128.

3442 (iii) For fiscal year 2017-18 only and from the amount required to be deposited under
3443 Subsection (2)(d)(i), the Legislature shall appropriate \$27,000,000 of the deposits made to the
3444 Mineral Lease Account to the Impacted Communities Transportation Development Restricted
3445 Account established by Section 72-2-128.

3446 (e) The Legislature shall annually appropriate 2.25% of all deposits made to the
3447 Mineral Lease Account to the State Board of Education, to be used for education research and
3448 experimentation in the use of staff and facilities designed to improve the quality of education in
3449 Utah.

3450 (f) The Legislature shall annually appropriate 2.25% of all deposits made to the
3451 Mineral Lease Account to the Utah Geological Survey, to be used for activities carried on by
3452 the survey having as a purpose the development and exploitation of natural resources in the
3453 state.

3454 (g) The Legislature shall annually appropriate 2.25% of all deposits made to the
3455 Mineral Lease Account to the Water Research Laboratory at Utah State University, to be used
3456 for activities carried on by the laboratory having as a purpose the development and exploitation
3457 of water resources in the state.

3458 (h) (i) The Legislature shall annually appropriate to the Division of Finance 40% of all
3459 deposits made to the Mineral Lease Account to be distributed as provided in Subsection
3460 (2)(h)(ii) to:

3461 (A) counties;

3462 (B) special service districts established:

3463 (I) by counties;

3464 (II) under Title 17D, Chapter 1, Special Service District Act; and

3465 (III) for the purpose of constructing, repairing, or maintaining roads; or

3466 (C) special service districts established:

3467 (I) by counties;

3468 (II) under Title 17D, Chapter 1, Special Service District Act; and

- 3469 (III) for other purposes authorized by statute.
- 3470 (ii) The Division of Finance shall allocate the funds specified in Subsection (2)(h)(i):
- 3471 (A) in amounts proportionate to the amount of mineral lease money generated by each
- 3472 county; and
- 3473 (B) to a county or special service district established by a county under Title 17D,
- 3474 Chapter 1, Special Service District Act, as determined by the county legislative body.
- 3475 (i) (i) The Legislature shall annually appropriate 5% of all deposits made to the
- 3476 Mineral Lease Account to the Department of Workforce Services to be distributed to:
- 3477 (A) special service districts established:
- 3478 (I) by counties;
- 3479 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 3480 (III) for the purpose of constructing, repairing, or maintaining roads; or
- 3481 (B) special service districts established:
- 3482 (I) by counties;
- 3483 (II) under Title 17D, Chapter 1, Special Service District Act; and
- 3484 (III) for other purposes authorized by statute.
- 3485 (ii) The Department of Workforce Services may distribute the amounts described in
- 3486 Subsection (2)(i)(i) only to special service districts established under Title 17D, Chapter 1,
- 3487 Special Service District Act, by counties:
- 3488 (A) of the third, fourth, fifth, or sixth class;
- 3489 (B) in which 4.5% or less of the mineral lease money within the state is generated; and
- 3490 (C) that are significantly socially or economically impacted as provided in Subsection
- 3491 (2)(i)(iii) by the development of minerals under the Mineral Lands Leasing Act, 30 U.S.C. Sec.
- 3492 181 et seq.
- 3493 (iii) The significant social or economic impact required under Subsection (2)(i)(ii)(C)
- 3494 shall be as a result of:
- 3495 (A) the transportation within the county of hydrocarbons, including solid hydrocarbons
- 3496 as defined in Section [59-5-101](#);
- 3497 (B) the employment of persons residing within the county in hydrocarbon extraction,
- 3498 including the extraction of solid hydrocarbons as defined in Section [59-5-101](#); or
- 3499 (C) a combination of Subsections (2)(i)(iii)(A) and (B).

3500 (iv) For purposes of distributing the appropriations under this Subsection (2)(i) to
3501 special service districts established by counties under Title 17D, Chapter 1, Special Service
3502 District Act, the Department of Workforce Services shall:

3503 (A) (I) allocate 50% of the appropriations equally among the counties meeting the
3504 requirements of Subsections (2)(i)(ii) and (iii); and

3505 (II) allocate 50% of the appropriations based on the ratio that the population of each
3506 county meeting the requirements of Subsections (2)(i)(ii) and (iii) bears to the total population
3507 of all of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii); and

3508 (B) after making the allocations described in Subsection (2)(i)(iv)(A), distribute the
3509 allocated revenues to special service districts established by the counties under Title 17D,
3510 Chapter 1, Special Service District Act, as determined by the executive director of the
3511 Department of Workforce Services after consulting with the county legislative bodies of the
3512 counties meeting the requirements of Subsections (2)(i)(ii) and (iii).

3513 (v) The executive director of the Department of Workforce Services:

3514 (A) shall determine whether a county meets the requirements of Subsections (2)(i)(ii)
3515 and (iii);

3516 (B) shall distribute the appropriations under Subsection (2)(i)(i) to special service
3517 districts established by counties under Title 17D, Chapter 1, Special Service District Act, that
3518 meet the requirements of Subsections (2)(i)(ii) and (iii); and

3519 (C) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3520 may make rules:

3521 (I) providing a procedure for making the distributions under this Subsection (2)(i) to
3522 special service districts; and

3523 (II) defining the term "population" for purposes of Subsection (2)(i)(iv).

3524 (j) (i) The Legislature shall annually make the following appropriations from the
3525 Mineral Lease Account:

3526 (A) an amount equal to 52 cents multiplied by the number of acres of school or
3527 institutional trust lands, lands owned by the Division of Parks ~~and~~ or the Division of
3528 Recreation, and lands owned by the Division of Wildlife Resources that are not under an in lieu
3529 of taxes contract, to each county in which those lands are located;

3530 (B) to each county in which school or institutional trust lands are transferred to the

3531 federal government after December 31, 1992, an amount equal to the number of transferred
3532 acres in the county multiplied by a payment per acre equal to the difference between 52 cents
3533 per acre and the per acre payment made to that county in the most recent payment under the
3534 federal payment in lieu of taxes program, 31 U.S.C. Sec. 6901 et seq., unless the federal
3535 payment was equal to or exceeded the 52 cents per acre, in which case a payment under this
3536 Subsection (2)(j)(i)(B) may not be made for the transferred lands;

3537 (C) to each county in which federal lands, which are entitlement lands under the federal
3538 in lieu of taxes program, are transferred to the school or institutional trust, an amount equal to
3539 the number of transferred acres in the county multiplied by a payment per acre equal to the
3540 difference between the most recent per acre payment made under the federal payment in lieu of
3541 taxes program and 52 cents per acre, unless the federal payment was equal to or less than 52
3542 cents per acre, in which case a payment under this Subsection (2)(j)(i)(C) may not be made for
3543 the transferred land; and

3544 (D) to a county of the fifth or sixth class, an amount equal to the product of:

3545 (I) \$1,000; and

3546 (II) the number of residences described in Subsection (2)(j)(iv) that are located within
3547 the county.

3548 (ii) A county receiving money under Subsection (2)(j)(i) may, as determined by the
3549 county legislative body, distribute the money or a portion of the money to:

3550 (A) special service districts established by the county under Title 17D, Chapter 1,
3551 Special Service District Act;

3552 (B) school districts; or

3553 (C) public institutions of higher education.

3554 (iii) (A) Beginning in fiscal year 1994-95 and in each year after fiscal year 1994-95, the
3555 Division of Finance shall increase or decrease the amounts per acre provided for in Subsections
3556 (2)(j)(i)(A) through (C) by the average annual change in the Consumer Price Index for all urban
3557 consumers published by the Department of Labor.

3558 (B) For fiscal years beginning on or after fiscal year 2001-02, the Division of Finance
3559 shall increase or decrease the amount described in Subsection (2)(j)(i)(D)(I) by the average
3560 annual change in the Consumer Price Index for all urban consumers published by the
3561 Department of Labor.

3562 (iv) Residences for purposes of Subsection (2)(j)(i)(D)(II) are residences that are:

3563 (A) owned by:

3564 (I) the Division of Parks [~~and~~] or the Division of Recreation; or

3565 (II) the Division of Wildlife Resources;

3566 (B) located on lands that are owned by:

3567 (I) the Division of Parks [~~and~~] or the Division of Recreation; or

3568 (II) the Division of Wildlife Resources; and

3569 (C) are not subject to taxation under:

3570 (I) Chapter 2, Property Tax Act; or

3571 (II) Chapter 4, Privilege Tax.

3572 (k) The Legislature shall annually appropriate to the Permanent Community Impact

3573 Fund all deposits remaining in the Mineral Lease Account after making the appropriations

3574 provided for in Subsections (2)(d) through (j).

3575 (3) (a) Each agency, board, institution of higher education, and political subdivision

3576 receiving money under this chapter shall provide the Legislature, through the Office of the

3577 Legislative Fiscal Analyst, with a complete accounting of the use of that money on an annual

3578 basis.

3579 (b) The accounting required under Subsection (3)(a) shall:

3580 (i) include actual expenditures for the prior fiscal year, budgeted expenditures for the
3581 current fiscal year, and planned expenditures for the following fiscal year; and

3582 (ii) be reviewed by the Business, Economic Development, and Labor Appropriations
3583 Subcommittee as part of its normal budgetary process under Title 63J, Chapter 1, Budgetary
3584 Procedures Act.

3585 Section 33. Section **59-28-103** is amended to read:

3586 **59-28-103. Imposition -- Rate -- Revenue distribution.**

3587 (1) Subject to the other provisions of this chapter, the state shall impose a tax on the
3588 transactions described in Subsection [59-12-103\(1\)\(i\)](#) at a rate of .32%.

3589 (2) The tax imposed under this chapter is in addition to any other taxes imposed on the
3590 transactions described in Subsection [59-12-103\(1\)\(i\)](#).

3591 (3) (a) (i) Subject to Subsection (3)(a)(ii), the commission shall deposit 6% of the
3592 revenue the state collects from the tax under this chapter into the Hospitality and Tourism

3593 Management Education Account created in Section [53F-9-501](#) to fund the Hospitality and
3594 Tourism Management Career and Technical Education Pilot Program created in Section
3595 [53E-3-515](#).

3596 (ii) The commission may not deposit more than \$300,000 into the Hospitality and
3597 Tourism Management Education Account under Subsection (3)(a)(i) in a fiscal year.

3598 (b) Except for the amount deposited into the Hospitality and Tourism Management
3599 Education Account under Subsection (3)(a) and the administrative charge retained under
3600 Subsection [59-28-104](#)(4), the commission shall deposit any revenue the state collects from the
3601 tax under this chapter into the Outdoor Recreation Infrastructure Account created in Section
3602 [~~63N-9-205~~] [79-8-205](#) to fund the Outdoor Recreational Infrastructure Grant Program created
3603 in Section [~~63N-9-202~~] [79-8-202](#) and the Recreation Restoration Infrastructure Grant Program
3604 created in Section [~~63N-9-302~~] [79-8-302](#).

3605 Section 34. Section **63A-4-104** is amended to read:

3606 **63A-4-104. Course-of-construction insurance for facilities constructed by This is**
3607 **the Place Foundation.**

3608 The risk manager may provide course-of-construction insurance for facilities
3609 constructed by This is the Place Foundation at This is the Place State Park and bill the Division
3610 of Parks [~~and Recreation~~] for the cost of the insurance.

3611 Section 35. Section **63B-3-301** is amended to read:

3612 **63B-3-301. Legislative intent -- Additional projects.**

3613 (1) It is the intent of the Legislature that, for any lease purchase agreement that the
3614 Legislature may authorize the Division of Facilities Construction and Management to enter into
3615 during its 1994 Annual General Session, the State Building Ownership Authority, at the
3616 reasonable rates and amounts it may determine, and with technical assistance from the state
3617 treasurer, the director of the Division of Finance, and the executive director of the Governor's
3618 Office of Management and Budget, may seek out the most cost effective and prudent lease
3619 purchase plans available to the state and may, pursuant to Chapter 1, Part 3, State Building
3620 Ownership Authority Act, certificate out interests in, or obligations of the authority pertaining
3621 to:

3622 (a) the lease purchase obligation; or

3623 (b) lease rental payments under the lease purchase obligation.

3624 (2) It is the intent of the Legislature that the Department of Transportation dispose of
3625 surplus real properties and use the proceeds from those properties to acquire or construct
3626 through the Division of Facilities Construction and Management a new District Two Complex.

3627 (3) It is the intent of the Legislature that the State Building Board allocate funds from
3628 the Capital Improvement appropriation and donations to cover costs associated with the
3629 upgrade of the Governor's Residence that go beyond the restoration costs which can be covered
3630 by insurance proceeds.

3631 (4) (a) It is the intent of the Legislature to authorize the State Building Ownership
3632 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
3633 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
3634 participation interests may be created, to provide up to \$10,600,000 for the construction of a
3635 Natural Resources Building in Salt Lake City, together with additional amounts necessary to:

- 3636 (i) pay costs of issuance;
- 3637 (ii) pay capitalized interest; and
- 3638 (iii) fund any debt service reserve requirements.

3639 (b) It is the intent of the Legislature that the authority seek out the most cost effective
3640 and prudent lease purchase plan available with technical assistance from the state treasurer, the
3641 director of the Division of Finance, and the executive director of the Governor's Office of
3642 Management and Budget.

3643 (c) It is the intent of the Legislature that the operating budget for the Department of
3644 Natural Resources not be increased to fund these lease payments.

3645 (5) (a) It is the intent of the Legislature to authorize the State Building Ownership
3646 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
3647 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
3648 participation interests may be created, to provide up to \$8,300,000 for the acquisition of the
3649 office buildings currently occupied by the Department of Environmental Quality and
3650 approximately 19 acres of additional vacant land at the Airport East Business Park in Salt Lake
3651 City, together with additional amounts necessary to:

- 3652 (i) pay costs of issuance;
- 3653 (ii) pay capitalized interest; and
- 3654 (iii) fund any debt service reserve requirements.

3655 (b) It is the intent of the Legislature that the authority seek out the most cost effective
3656 and prudent lease purchase plan available with technical assistance from the state treasurer, the
3657 director of the Division of Finance, and the executive director of the Governor's Office of
3658 Management and Budget.

3659 (6) (a) It is the intent of the Legislature to authorize the State Building Ownership
3660 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
3661 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
3662 participation interests may be created, to provide up to \$9,000,000 for the acquisition or
3663 construction of up to two field offices for the Department of Human Services in the
3664 southwestern portion of Salt Lake County, together with additional amounts necessary to:

- 3665 (i) pay costs of issuance;
- 3666 (ii) pay capitalized interest; and
- 3667 (iii) fund any debt service reserve requirements.

3668 (b) It is the intent of the Legislature that the authority seek out the most cost effective
3669 and prudent lease purchase plan available with technical assistance from the state treasurer, the
3670 director of the Division of Finance, and the executive director of the Governor's Office of
3671 Management and Budget.

3672 (7) (a) It is the intent of the Legislature to authorize the State Building Ownership
3673 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
3674 issue or execute obligations or enter into or arrange for lease purchase agreements in which
3675 participation interests may be created, to provide up to \$5,000,000 for the acquisition or
3676 construction of up to 13 stores for the Department of Alcoholic Beverage Control, together
3677 with additional amounts necessary to:

- 3678 (i) pay costs of issuance;
- 3679 (ii) pay capitalized interest; and
- 3680 (iii) fund any debt service reserve requirements.

3681 (b) It is the intent of the Legislature that the authority seek out the most cost effective
3682 and prudent lease purchase plan available with technical assistance from the state treasurer, the
3683 director of the Division of Finance, and the executive director of the Governor's Office of
3684 Management and Budget.

3685 (c) It is the intent of the Legislature that the operating budget for the Department of

3686 Alcoholic Beverage Control not be increased to fund these lease payments.

3687 (8) (a) It is the intent of the Legislature to authorize the State Building Ownership
3688 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
3689 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
3690 participation interests may be created, to provide up to \$6,800,000 for the construction of a
3691 Prerelease and Parole Center for the Department of Corrections, containing a minimum of 300
3692 beds, together with additional amounts necessary to:

- 3693 (i) pay costs of issuance;
- 3694 (ii) pay capitalized interest; and
- 3695 (iii) fund any debt service reserve requirements.

3696 (b) It is the intent of the Legislature that the authority seek out the most cost effective
3697 and prudent lease purchase plan available with technical assistance from the state treasurer, the
3698 director of the Division of Finance, and the executive director of the Governor's Office of
3699 Management and Budget.

3700 (9) If S.B. 275, 1994 General Session, which authorizes funding for a Courts Complex
3701 in Salt Lake City, becomes law, it is the intent of the Legislature that:

3702 (a) the Legislative Management Committee, the Interim Appropriation Subcommittees
3703 for General Government and Capital Facilities and Executive Offices, Courts, and Corrections,
3704 the Office of the Legislative Fiscal Analyst, the Governor's Office of Management and Budget,
3705 and the State Building Board participate in a review of the proposed facility design for the
3706 Courts Complex no later than December 1994; and

3707 (b) although this review will not affect the funding authorization issued by the 1994
3708 Legislature, it is expected that Division of Facilities Construction and Management will give
3709 proper attention to concerns raised in these reviews and make appropriate design changes
3710 pursuant to the review.

3711 (10) It is the intent of the Legislature that:

3712 (a) the Division of Facilities Construction and Management, in cooperation with the
3713 Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services,
3714 develop a flexible use prototype facility for the Division of Youth Corrections renamed in 2003
3715 to the Division of Juvenile Justice Services;

3716 (b) the development process use existing prototype proposals unless it can be

3717 quantifiably demonstrated that the proposals cannot be used;

3718 (c) the facility is designed so that with minor modifications, it can accommodate
3719 detention, observation and assessment, transition, and secure programs as needed at specific
3720 geographical locations;

3721 (d) (i) funding as provided in the fiscal year 1995 bond authorization for the Division
3722 of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services is used to
3723 design and construct one facility and design the other;

3724 (ii) the Division of Youth Corrections renamed in 2003 to the Division of Juvenile
3725 Justice Services shall:

3726 (A) determine the location for the facility for which design and construction are fully
3727 funded; and

3728 (B) in conjunction with the Division of Facilities Construction and Management,
3729 determine the best methodology for design and construction of the fully funded facility;

3730 (e) the Division of Facilities Construction and Management submit the prototype as
3731 soon as possible to the Infrastructure and General Government Appropriations Subcommittee
3732 and Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee for
3733 review;

3734 (f) the Division of Facilities Construction and Management issue a Request for
3735 Proposal for one of the facilities, with that facility designed and constructed entirely by the
3736 winning firm;

3737 (g) the other facility be designed and constructed under the existing Division of
3738 Facilities Construction and Management process;

3739 (h) that both facilities follow the program needs and specifications as identified by
3740 Division of Facilities Construction and Management and the Division of Youth Corrections
3741 renamed in 2003 to the Division of Juvenile Justice Services in the prototype; and

3742 (i) the fully funded facility should be ready for occupancy by September 1, 1995.

3743 (11) It is the intent of the Legislature that the fiscal year 1995 funding for the State Fair
3744 Park Master Study be used by the Division of Facilities Construction and Management to
3745 develop a master plan for the State Fair Park that:

3746 (a) identifies capital facilities needs, capital improvement needs, building
3747 configuration, and other long term needs and uses of the State Fair Park and its buildings; and

3748 (b) establishes priorities for development, estimated costs, and projected timetables.

3749 (12) It is the intent of the Legislature that:

3750 (a) the Division of Facilities Construction and Management, in cooperation with the
3751 Division of Parks [~~and Recreation~~], formerly known as the Division of Parks and Recreation,
3752 and surrounding counties, develop a master plan and general program for the phased
3753 development of Antelope Island;

3754 (b) the master plan:

3755 (i) establish priorities for development;

3756 (ii) include estimated costs and projected time tables; and

3757 (iii) include recommendations for funding methods and the allocation of
3758 responsibilities between the parties; and

3759 (c) the results of the effort be reported to the Natural Resources, Agriculture, and
3760 Environmental Quality Appropriations Subcommittee and Infrastructure and General
3761 Government Appropriations Subcommittee.

3762 (13) It is the intent of the Legislature to authorize the University of Utah to use:

3763 (a) bond reserves to plan, design, and construct the Kingsbury Hall renovation under
3764 the supervision of the director of the Division of Facilities Construction and Management
3765 unless supervisory authority is delegated by the director; and

3766 (b) donated and other nonappropriated funds to plan, design, and construct the Biology
3767 Research Building under the supervision of the director of the Division of Facilities
3768 Construction and Management unless supervisory authority is delegated by the director.

3769 (14) It is the intent of the Legislature to authorize Utah State University to use:

3770 (a) federal and other funds to plan, design, and construct the Bee Lab under the
3771 supervision of the director of the Division of Facilities Construction and Management unless
3772 supervisory authority is delegated by the director;

3773 (b) donated and other nonappropriated funds to plan, design, and construct an Athletic
3774 Facility addition and renovation under the supervision of the director of the Division of
3775 Facilities Construction and Management unless supervisory authority is delegated by the
3776 director;

3777 (c) donated and other nonappropriated funds to plan, design, and construct a renovation
3778 to the Nutrition and Food Science Building under the supervision of the director of the

3779 Division of Facilities Construction and Management unless supervisory authority is delegated
3780 by the director; and

3781 (d) federal and private funds to plan, design, and construct the Millville Research
3782 Facility under the supervision of the director of the Division of Facilities Construction and
3783 Management unless supervisory authority is delegated by the director.

3784 (15) It is the intent of the Legislature to authorize Salt Lake Community College to use:

3785 (a) institutional funds to plan, design, and construct a remodel to the Auto Trades
3786 Office and Learning Center under the supervision of the director of the Division of Facilities
3787 Construction and Management unless supervisory authority is delegated by the director;

3788 (b) institutional funds to plan, design, and construct the relocation and expansion of a
3789 temporary maintenance compound under the supervision of the director of the Division of
3790 Facilities Construction and Management unless supervisory authority is delegated by the
3791 director; and

3792 (c) institutional funds to plan, design, and construct the Alder Amphitheater under the
3793 supervision of the director of the Division of Facilities Construction and Management unless
3794 supervisory authority is delegated by the director.

3795 (16) It is the intent of the Legislature to authorize Southern Utah University to use:

3796 (a) federal funds to plan, design, and construct a Community Services Building under
3797 the supervision of the director of the Division of Facilities Construction and Management
3798 unless supervisory authority is delegated by the director; and

3799 (b) donated and other nonappropriated funds to plan, design, and construct a stadium
3800 expansion under the supervision of the director of the Division of Facilities Construction and
3801 Management unless supervisory authority is delegated by the director.

3802 (17) It is the intent of the Legislature to authorize the Department of Corrections to use
3803 donated funds to plan, design, and construct a Prison Chapel at the Central Utah Correctional
3804 Facility in Gunnison under the supervision of the director of the Division of Facilities
3805 Construction and Management unless supervisory authority is delegated by the director.

3806 (18) If the Utah National Guard does not relocate in the Signetics Building, it is the
3807 intent of the Legislature to authorize the Guard to use federal funds and funds from Provo City
3808 to plan and design an Armory in Provo, Utah, under the supervision of the director of the
3809 Division of Facilities Construction and Management unless supervisory authority is delegated

3810 by the director.

3811 (19) It is the intent of the Legislature that the Utah Department of Transportation use
3812 \$250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in
3813 Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

3814 (20) It is the intent of the Legislature that the Ogden-Weber Applied Technology
3815 Center use the money appropriated for fiscal year 1995 to design the Metal Trades Building
3816 and purchase equipment for use in that building that could be used in metal trades or other
3817 programs in other Applied Technology Centers.

3818 (21) It is the intent of the Legislature that the Bridgerland Applied Technology Center
3819 and the Ogden-Weber Applied Technology Center projects as designed in fiscal year 1995 be
3820 considered as the highest priority projects for construction funding in fiscal year 1996.

3821 (22) It is the intent of the Legislature that:

3822 (a) the Division of Facilities Construction and Management complete physical space
3823 utilization standards by June 30, 1995, for the use of technology education activities;

3824 (b) these standards are to be developed with and approved by the State Board of
3825 Education, the Board of Regents, and the Utah State Building Board;

3826 (c) these physical standards be used as the basis for:

3827 (i) determining utilization of any technology space based on number of stations capable
3828 and occupied for any given hour of operation; and

3829 (ii) requests for any new space or remodeling;

3830 (d) the fiscal year 1995 projects at the Bridgerland Applied Technology Center and the
3831 Ogden-Weber Applied Technology Center are exempt from this process; and

3832 (e) the design of the Davis Applied Technology Center take into account the utilization
3833 formulas established by the Division of Facilities Construction and Management.

3834 (23) It is the intent of the Legislature that Utah Valley State College may use the
3835 money from the bond allocated to the remodel of the Signetics building to relocate its technical
3836 education programs at other designated sites or facilities under the supervision of the director
3837 of the Division of Facilities Construction and Management unless supervisory authority is
3838 delegated by the director.

3839 (24) It is the intent of the Legislature that the money provided for the fiscal year 1995
3840 project for the Bridgerland Applied Technology Center be used to design and construct the

3841 space associated with Utah State University and design the technology center portion of the
3842 project.

3843 (25) It is the intent of the Legislature that the governor provide periodic reports on the
3844 expenditure of the funds provided for electronic technology, equipment, and hardware to the
3845 Infrastructure and General Government Appropriations Subcommittee, and the Legislative
3846 Management Committee.

3847 Section 36. Section **63B-4-301** is amended to read:

3848 **63B-4-301. Bonds for golf course at Wasatch Mountain State Park.**

3849 (1) The State Building Ownership Authority under authority of Title 63B, Chapter 1,
3850 Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter into
3851 or arrange for a lease purchase agreement in which participation interests may be created, to
3852 provide up to \$2,500,000 for a new nine-hole golf course at Wasatch Mountain State Park for
3853 the Division of Parks [~~and Recreation~~], formerly known as the Division of Parks and
3854 Recreation, together with additional amounts necessary to:

- 3855 (a) pay costs of issuance;
3856 (b) pay capitalized interest; and
3857 (c) fund any debt service reserve requirements.

3858 (2) (a) The State Building Ownership Authority shall work cooperatively with the
3859 Division of Parks [~~and Recreation~~], formerly known as the Division of Parks and Recreation, to
3860 seek out the most cost effective and prudent lease purchase plan available.

3861 (b) The state treasurer, the director of the Division of Finance, and the executive
3862 director of the Governor's Office of Management and Budget shall provide technical assistance
3863 to accomplish the purpose specified in Subsection (2)(a).

3864 Section 37. Section **63B-5-201** is amended to read:

3865 **63B-5-201. Legislative intent statements.**

3866 (1) If the United States Department of Defense has not provided matching funds to
3867 construct the National Guard Armory in Orem by December 31, 1997, the Division of Facilities
3868 Construction and Management shall transfer any funds received from issuance of a General
3869 Obligation Bond for benefit of the Orem Armory to the Provo Armory for capital
3870 improvements.

3871 (2) It is the intent of the Legislature that the University of Utah use institutional funds

3872 to plan, design, and construct:

3873 (a) the Health Science East parking structure under the supervision of the director of
3874 the Division of Facilities Construction and Management unless supervisory authority is
3875 delegated by the director;

3876 (b) the Health Science Office Building under the supervision of the director of the
3877 Division of Facilities Construction and Management unless supervisory authority is delegated
3878 by the director; and

3879 (c) the new Student Housing/Olympic Athletes Village under the supervision of the
3880 director of the Division of Facilities Construction and Management unless supervisory
3881 authority is delegated by the director.

3882 (3) It is the intent of the Legislature that Utah State University use institutional funds to
3883 plan, design, and construct a multipurpose facility under the supervision of the director of the
3884 Division of Facilities Construction and Management unless supervisory authority is delegated
3885 by the director.

3886 (4) It is the intent of the Legislature that the Utah Geologic Survey use agency internal
3887 funding to plan, design, and construct a sample library facility under the supervision of the
3888 director of the Division of Facilities Construction and Management unless supervisory
3889 authority is delegated by the director.

3890 (5) (a) If legislation introduced in the 1996 General Session to fund the Wasatch State
3891 Park Club House does not pass, the State Building Ownership Authority, under authority of
3892 Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute
3893 obligations, or enter into or arrange for a lease purchase agreement in which participation
3894 interests may be created, to provide up to \$1,500,000 for the remodel and expansion of the
3895 clubhouse at Wasatch Mountain State Park for the Division of Parks [~~and Recreation~~], formerly
3896 known as the Division of Parks and Recreation, together with additional amounts necessary to:

- 3897 (i) pay costs of issuance;
- 3898 (ii) pay capitalized interest; and
- 3899 (iii) fund any debt service reserve requirements.

3900 (b) The State Building Ownership Authority shall work cooperatively with the
3901 Division of Parks [~~and Recreation~~], formerly known as the Division of Parks and Recreation, to
3902 seek out the most cost effective and prudent lease purchase plan available.

3903 (6) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
3904 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
3905 into or arrange for a lease purchase agreement in which participation interests may be created,
3906 to provide up to \$835,300 for the construction of a liquor store in the Snyderville area, together
3907 with additional amounts necessary to:

- 3908 (i) pay costs of issuance;
- 3909 (ii) pay capitalized interest; and
- 3910 (iii) fund any debt service reserve requirements.

3911 (b) The State Building Ownership Authority shall work cooperatively with the
3912 Department of Alcoholic Beverage Control to seek out the most cost effective and prudent
3913 lease purchase plan available.

3914 (7) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
3915 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
3916 into or arrange for a lease purchase agreement in which participation interests may be created,
3917 to provide up to \$15,000,000 for the construction of the Huntsman Cancer Institute, together
3918 with additional amounts necessary to:

- 3919 (i) pay costs of issuance;
- 3920 (ii) pay capitalized interest; and
- 3921 (iii) fund any debt service reserve requirements.

3922 (b) The State Building Ownership Authority shall work cooperatively with the
3923 University of Utah to seek out the most cost effective and prudent lease purchase plan
3924 available.

3925 (c) It is the intent of the Legislature that the University of Utah lease land to the State
3926 Building Ownership Authority for the construction of the Huntsman Cancer Institute facility.

3927 (8) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
3928 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
3929 into or arrange for a lease purchase agreement in which participation interests may be created,
3930 to provide up to \$857,600 for the construction of an addition to the Human Services facility in
3931 Vernal, Utah together with additional amounts necessary to:

- 3932 (i) pay costs of issuance;
- 3933 (ii) pay capitalized interest; and

3934 (iii) fund any debt service reserve requirements.

3935 (b) The State Building Ownership Authority shall work cooperatively with the
3936 Department of Human Services to seek out the most cost effective and prudent lease purchase
3937 plan available.

3938 (9) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
3939 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
3940 into or arrange for a lease purchase agreement in which participation interests may be created,
3941 to provide up to \$3,470,200 for the construction of the Student Services Center, at Utah State
3942 University Eastern, together with additional amounts necessary to:

3943 (i) pay costs of issuance;

3944 (ii) pay capitalized interest; and

3945 (iii) fund any debt service reserve requirements.

3946 (b) The State Building Ownership Authority shall work cooperatively with Utah State
3947 University Eastern to seek out the most cost effective and prudent lease purchase plan
3948 available.

3949 (10) (a) Notwithstanding anything to the contrary in Title 53B, Chapter 21, Revenue
3950 Bonds, which prohibits the issuance of revenue bonds payable from legislative appropriations,
3951 the State Board of Regents, on behalf of Dixie College, may issue, sell, and deliver revenue
3952 bonds or other evidences of indebtedness of Dixie College to borrow money on the credit of
3953 the income and revenues, including legislative appropriations, of Dixie College, to finance the
3954 acquisition of the Dixie Center.

3955 (b) (i) The bonds or other evidences of indebtedness authorized by this section shall be
3956 issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions
3957 and in amounts that the board, by resolution, determines are reasonable and necessary and may
3958 not exceed \$6,000,000 together with additional amounts necessary to:

3959 (A) pay cost of issuance;

3960 (B) pay capitalized interest; and

3961 (C) fund any debt service reserve requirements.

3962 (ii) To the extent that future legislative appropriations will be required to provide for
3963 payment of debt service in full, the board shall ensure that the revenue bonds are issued
3964 containing a clause that provides for payment from future legislative appropriations that are

3965 legally available for that purpose.

3966 (11) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
3967 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
3968 into or arrange for a lease purchase agreement in which participation interests may be created,
3969 to provide up to \$10,479,000 for the construction of a facility for the Courts - Davis County
3970 Regional Expansion, together with additional amounts necessary to:

- 3971 (i) pay costs of issuance;
- 3972 (ii) pay capitalized interest; and
- 3973 (iii) fund any debt service reserve requirements.

3974 (b) The State Building Ownership Authority shall work cooperatively with the
3975 Administrative Office of the Courts to seek out the most cost effective and prudent lease
3976 purchase plan available.

3977 (12) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
3978 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
3979 into or arrange for a lease purchase agreement in which participation interests may be created,
3980 to provide up to \$4,200,000 for the purchase and remodel of the Washington County
3981 Courthouse, together with additional amounts necessary to:

- 3982 (i) pay costs of issuance;
- 3983 (ii) pay capitalized interest; and
- 3984 (iii) fund any debt service reserve requirements.

3985 (b) The State Building Ownership Authority shall work cooperatively with the
3986 Administrative Office of the Courts to seek out the most cost effective and prudent lease
3987 purchase plan available.

3988 (13) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
3989 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
3990 into or arrange for a lease purchase agreement in which participation interests may be created,
3991 to provide up to \$14,299,700 for the construction of a facility for the State Library and the
3992 Division of Services for the Blind and Visually Impaired, together with additional amounts
3993 necessary to:

- 3994 (i) pay costs of issuance;
- 3995 (ii) pay capitalized interest; and

3996 (iii) fund any debt service reserve requirements.

3997 (b) The State Building Ownership Authority shall work cooperatively with the State
3998 Board of Education and the Governor's Office of Economic Development to seek out the most
3999 cost effective and prudent lease purchase plan available.

4000 Section 38. Section **63B-6-501** is amended to read:

4001 **63B-6-501. Revenue bond authorizations.**

4002 (1) (a) It is the intent of the Legislature that:

4003 (i) the State Board of Regents, on behalf of the University of Utah, issue, sell, and
4004 deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow
4005 money on the credit and income and revenues of the University of Utah, other than
4006 appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping
4007 a renovation and expansion of the Robert L. Rice Stadium; and

4008 (ii) Olympic funds, University funds, and activity revenues be used as the primary
4009 revenue sources for repayment of any obligation created under the authority of this Subsection
4010 (1).

4011 (b) The bonds or other evidences of indebtedness authorized may provide up to
4012 \$50,000,000 together with other amounts necessary to pay costs of issuance, pay capitalized
4013 interest, and fund any debt service reserve requirements.

4014 (2) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
4015 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations or enter
4016 into or arrange for a lease purchase agreement in which participation interests may be created
4017 to provide up to \$350,000 for the remodeling and completion of the Wasatch Mountain State
4018 Park Clubhouse for the Division of Parks [~~and Recreation~~], formerly known as the Division of
4019 Parks and Recreation, together with additional amounts necessary to pay costs of issuance, pay
4020 capitalized interest, and fund any debt service reserve requirements.

4021 (b) The State Building Ownership Authority shall work cooperatively with the
4022 Division of Parks [~~and Recreation~~], formerly known as the division of Parks and Recreation, to
4023 seek out the most cost effective and prudent lease purchase plan available.

4024 (c) It is the intent of the Legislature that park revenues be used as the primary revenue
4025 sources for repayment of any obligation created under authority of this Subsection (2).

4026 (3) It is the intent of the Legislature that:

4027 (a) the State Building Ownership Authority, under the authority of Title 63B, Chapter
4028 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
4029 into or arrange for a lease purchase agreement in which participation interests may be created,
4030 to provide up to \$6,000,000 for the construction, or acquisition, or both, of liquor stores,
4031 together with additional amounts necessary to pay costs of issuance, pay capitalized interest,
4032 and fund any debt service requirements; and

4033 (b) liquor control funds be used as the primary revenue source for the repayment of any
4034 obligation created under authority of this Subsection (3).

4035 Section 39. Section **63B-6-502** is amended to read:

4036 **63B-6-502. Other capital facility authorizations and intent language.**

4037 (1) It is the intent of the Legislature that the University of Utah use institutional funds
4038 to plan, design, and construct:

4039 (a) the Health Science Lab Building under the supervision of the director of the
4040 Division of Facilities Construction and Management unless supervisory authority is delegated
4041 by the director; and

4042 (b) the gymnastics facility under the supervision of the director of the Division of
4043 Facilities Construction and Management unless supervisory authority is delegated by the
4044 director.

4045 (2) It is the intent of the Legislature that Southern Utah University use institutional
4046 funds to plan, design, and construct a science center addition under the supervision of the
4047 director of the Division of Facilities Construction and Management unless supervisory
4048 authority is delegated by the director.

4049 (3) It is the intent of the Legislature that Utah Valley State College use institutional
4050 funds to plan, design, and construct a student center addition under the supervision of the
4051 director of the Division of Facilities Construction and Management unless supervisory
4052 authority is delegated by the director.

4053 (4) (a) It is the intent of the Legislature that the Division of Facilities Construction and
4054 Management lease property at the Draper Prison to an entity for the purpose of constructing
4055 recycling and transfer facilities to employ inmates if the following conditions are satisfactorily
4056 met:

4057 (i) the entity assures continuous employment of state inmates;

4058 (ii) the lease with the entity provides an appropriate return to the state;
4059 (iii) the lease has an initial term of not to exceed 20 years;
4060 (iv) the lease protects the state from all liability;
4061 (v) the entity guarantees that no adverse environmental impact will occur;
4062 (vi) the state retains the right to:
4063 (A) monitor the types of wastes that are processed; and
4064 (B) prohibit the processing of types of wastes that are considered to be a risk to the
4065 state or surrounding property uses;
4066 (vii) the lease provides for adequate security arrangements;
4067 (viii) the entity assumes responsibility for any taxes or fees associated with the facility;
4068 and
4069 (ix) the entity assumes responsibility for bringing utilities to the site and any state
4070 expenditures for roads, etc. are considered in establishing the return to the state.
4071 (b) Except as provided in Subsections (4)(c) and (d), the facility may be constructed
4072 without direct supervision by the Division of Facilities Construction and Management.
4073 (c) Notwithstanding Subsection (4)(b), the Division of Facilities Construction and
4074 Management shall:
4075 (i) review the design, plans, and specifications of the project; and
4076 (ii) approve them if they are appropriate.
4077 (d) Notwithstanding Subsection (4)(b), the Division of Facilities Construction and
4078 Management may:
4079 (i) require that the project be submitted to the local building official for plan review
4080 and inspection; and
4081 (ii) inspect the project.
4082 (5) It is the intent of the Legislature that:
4083 (a) the \$221,497.86 authorized for the Capitol Hill Day Care Center in Subsection (4)
4084 of Laws of Utah 1992, Chapter 304, Section 56, be used for general capital improvements; and
4085 (b) the Building Board should, in allocating the \$221,497.86, if appropriate under the
4086 Board's normal allocation and prioritization process, give preference to projects for the
4087 Division of Parks [~~and Recreation~~], formerly known as the Division of Parks and Recreation.
4088 Section 40. Section **63B-7-102** is amended to read:

4089 **63B-7-102. Maximum amount -- Projects authorized.**

4090 (1) The total amount of bonds issued under this part may not exceed \$33,600,000.

4091 (2) (a) Proceeds from the issuance of bonds shall be provided to the division to provide
 4092 funds to pay all or part of the cost of acquiring and constructing the projects listed in this
 4093 Subsection (2).

4094 (b) These costs may include the cost of acquiring land, interests in land, easements and
 4095 rights-of-way, improving sites, and acquiring, constructing, equipping, and furnishing facilities
 4096 and all structures, roads, parking facilities, utilities, and improvements necessary, incidental, or
 4097 convenient to the facilities, interest estimated to accrue on these bonds during the period to be
 4098 covered by construction of the projects plus a period of six months after the end of the
 4099 construction period, and all related engineering, architectural, and legal fees.

4100 (c) For the division, proceeds shall be provided for the following:

4101	PROJECT DESCRIPTION	AMOUNT FUNDED	ESTIMATED OPERATIONS AND MAINTENANCE
4102	Southern Utah University Land Purchase	\$4,600,000	\$0
4103	Salt Lake Community College High Tech Center - Jordan Campus	\$3,980,700	\$507,900
4104	Children's Special Health Care Needs Clinic	\$755,400	\$247,600
4105	Youth Corrections - 2 @ 32 beds (Vernal / Logan)	\$419,500	\$276,000
4106	Corrections - Gunnison 288 bed and Lagoon Expansion	\$8,425,600	\$0
4107	University of Utah - Cowles Building	\$445,500	\$101,700
4108	Utah Valley State College - Technical Building	\$1,166,300	\$391,000
4109	Sevier Valley Applied Technology Center - Shop Expansion	\$3,014,300	\$443,300

4110	Division of Parks [and Recreation], <u>formerly known as the Division of Parks and Recreation,</u> Statewide Restrooms	\$1,000,000	\$22,700
4111	Murray Highway Patrol Office	\$2,300,000	\$81,000
4112	Department of Workforce Services - Davis County Employment Center	\$2,780,000	\$128,100
4113	State Hospital - Rampton II	\$1,600,000	\$462,000
4114	Courts - 4th District Land - Provo	\$1,368,000	\$0
4115	Dixie College - Land	\$1,000,000	\$0
4116	TOTAL CAPITAL AND ECONOMIC DEVELOPMENT	\$32,855,300	

- 4117 (d) For purposes of this section, operations and maintenance costs:
- 4118 (i) are estimates only;
- 4119 (ii) may include any operations and maintenance costs already funded in existing
- 4120 agency budgets; and
- 4121 (iii) are not commitments by this Legislature or future Legislatures to fund those
- 4122 operations and maintenance costs.
- 4123 (3) (a) The amounts funded as listed in Subsection (2) are estimates only and do not
- 4124 constitute a limitation on the amount that may be expended for any project.
- 4125 (b) The board may revise these estimates and redistribute the amount estimated for a
- 4126 project among the projects authorized.
- 4127 (c) The commission, by resolution and in consultation with the board, may delete one
- 4128 or more projects from this list if the inclusion of that project or those projects in the list could
- 4129 be construed to violate state law or federal law or regulation.
- 4130 (4) (a) The division may enter into agreements related to these projects before the
- 4131 receipt of proceeds of bonds issued under this chapter.
- 4132 (b) The division shall make those expenditures from unexpended and unencumbered
- 4133 building funds already appropriated to the Capital Projects Fund.
- 4134 (c) The division shall reimburse the Capital Projects Fund upon receipt of the proceeds
- 4135 of bonds issued under this chapter.

4136 (d) The commission may, by resolution, make any statement of intent relating to that
4137 reimbursement that is necessary or desirable to comply with federal tax law.

4138 (5) (a) For those projects for which only partial funding is provided in Subsection (2),
4139 it is the intent of the Legislature that the balance necessary to complete the projects be
4140 addressed by future Legislatures, either through appropriations or through the issuance or sale
4141 of bonds.

4142 (b) For those phased projects, the division may enter into contracts for amounts not to
4143 exceed the anticipated full project funding but may not allow work to be performed on those
4144 contracts in excess of the funding already authorized by the Legislature.

4145 (c) Those contracts shall contain a provision for termination of the contract for the
4146 convenience of the state.

4147 (d) It is also the intent of the Legislature that this authorization to the division does not
4148 bind future Legislatures to fund projects initiated from this authorization.

4149 Section 41. Section **63B-10-302** is amended to read:

4150 **63B-10-302. Other revenue bond authorizations.**

4151 (1) It is the intent of the Legislature that the State Building Ownership Authority, under
4152 the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may
4153 issue or execute obligations to provide up to \$12,000,000 for the construction of a 36-hole golf
4154 course at Soldier Hollow in the Wasatch Mountain State Park, including necessary facilities
4155 such as a clubhouse, restroom facilities, and maintenance facilities, together with additional
4156 amounts necessary to:

4157 (a) pay costs of issuance;

4158 (b) pay capitalized interest; and

4159 (c) fund any debt service reserve requirements.

4160 (2) The State Building Ownership Authority shall work cooperatively with the
4161 Division of Parks [~~and Recreation~~], formerly known as the Division of Parks and Recreation, in
4162 the design and construction of the golf course at Soldier Hollow.

4163 Section 42. Section **63H-2-102** is amended to read:

4164 **63H-2-102. Definitions.**

4165 As used in this chapter:

4166 (1) "Agency" is as defined in Section [17C-1-102](#).

- 4167 (2) "Assessment area" is as defined in Section [11-42-102](#).
- 4168 (3) "Assessment bonds" is as defined in Section [11-42-102](#).
- 4169 (4) "Authority" means the Utah Energy Infrastructure Authority created in Section
- 4170 [63H-2-201](#).
- 4171 (5) "Authority bond" means a bond issued by the authority in accordance with Part 4,
- 4172 Bonding.
- 4173 (6) "Board" means the board created under Section [63H-2-202](#).
- 4174 (7) "Community" means the county, city, or town in which is located a qualifying
- 4175 energy delivery project financed by an authority bond.
- 4176 (8) "Electric interlocal entity" has the same meaning as defined in Section [11-13-103](#).
- 4177 (9) "Energy advisor" means the ~~governor's~~ energy advisor appointed under Section
- 4178 ~~[63M-4-201]~~ [79-6-201](#).
- 4179 (10) "Energy delivery project" means a project that is designed to:
- 4180 (a) increase the capacity for the delivery of energy to a user of energy inside or outside
- 4181 the state; or
- 4182 (b) increase the capability of an existing energy delivery system or related facility to
- 4183 deliver energy to a user of energy inside or outside the state.
- 4184 (11) "Independent state agency" is as defined in Section [63E-1-102](#).
- 4185 (12) "Project area" is as defined in Section [17C-1-102](#).
- 4186 (13) "Public entity" means:
- 4187 (a) the United States or an agency of the United States;
- 4188 (b) the state or an agency of the state;
- 4189 (c) a political subdivision of the state or an agency of a political subdivision of the
- 4190 state;
- 4191 (d) another state or an agency of that state; or
- 4192 (e) a political subdivision of another state or an agency of that political subdivision.
- 4193 (14) "Qualifying energy delivery project" means a project approved by the board in
- 4194 accordance with Part 3, Qualifying Energy Delivery Projects.
- 4195 (15) "Record" means information that is:
- 4196 (a) inscribed on a tangible medium; or
- 4197 (b) (i) stored in an electronic or other medium; and

4198 (ii) retrievable in perceivable form.

4199 (16) "Tax increment bond" is as defined in Section [11-27-2](#).

4200 Section 43. Section **63H-2-202** is amended to read:

4201 **63H-2-202. Authority board.**

4202 (1) There is created the Utah Energy Infrastructure Authority Board that consists of
4203 nine members~~[, appointed by the governor]~~ as follows:

4204 (a) members appointed by the governor:

4205 (i) the energy advisor or the ~~[executive]~~ director of the Office of Energy Development,
4206 who shall serve as chair of the board;

4207 ~~[(b)]~~ (ii) one member from the Governor's Office of Economic Development;

4208 ~~[(c)]~~ (iii) one member from a public utility or electric interlocal entity that operates
4209 electric transmission facilities within the state;

4210 ~~[(d)]~~ (iv) two members representing the economic development interests of rural
4211 communities as follows:

4212 ~~[(i)]~~ (A) one member currently serving as county commissioner of a county of the
4213 third, fourth, fifth, or sixth class, as described in Section [17-50-501](#); and

4214 ~~[(ii)]~~ (B) one member of a rural community with work experience in the energy
4215 industry;

4216 ~~[(e)]~~ (v) two members of the general public with relevant industry or community
4217 experience; and

4218 ~~[(f) the director of the School and Institutional Trust Lands Administration created in
4219 Section [53C-1-201](#); and]~~

4220 ~~[(g)]~~ (vi) one member of the general public who has experience with public finance and
4221 bonding~~[-];~~ and

4222 (b) the director of the School and Institutional Trust Lands Administration created in
4223 Section [53C-1-201](#).

4224 (2) (a) The term of ~~[a]~~ an appointed board member is four years.

4225 (b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment
4226 or reappointment, adjust the length of terms to ensure that the terms of board members are
4227 staggered so that approximately half of the board is appointed every two years.

4228 (c) The governor may remove a member of the board for cause.

4229 (d) The governor shall fill a vacancy in the board in the same manner under this section
4230 as the appointment of the member whose vacancy is being filled.

4231 (e) An individual appointed to fill a vacancy shall serve the remaining unexpired term
4232 of the member whose vacancy the individual is filling.

4233 (f) A board member shall serve until a successor is appointed and qualified.

4234 (3) (a) Five members of the board constitute a quorum for conducting board business.

4235 (b) A majority vote of the quorum present is required for an action to be taken by the
4236 board.

4237 (4) (a) Except as provided in Subsections (4)(b) and (4)(c), the board shall meet once
4238 each month, on a day determined by the board, to review an application referred to the board by
4239 the Office of Energy Development under [~~Title 63M, Chapter 4~~] Title 79, Chapter 6, Part 6,
4240 High Cost Infrastructure Development Tax Credit Act.

4241 (b) Subject to Subsection (4)(c), the board may cancel the board's meeting for a given
4242 month if there are no applications described in Subsection (4)(a) pending board approval.

4243 (c) The board shall meet no less frequently than once each quarter, on a day determined
4244 by the board.

4245 (5) A member may not receive compensation or benefits for the member's service, but
4246 may receive per diem and travel expenses in accordance with:

4247 (a) Section [63A-3-106](#);

4248 (b) Section [63A-3-107](#); and

4249 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
4250 [63A-3-107](#).

4251 Section 44. Section **63H-4-102** is amended to read:

4252 **63H-4-102. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and**
4253 **expenses.**

4254 (1) There is created an independent state agency and a body politic and corporate
4255 known as the "Heber Valley Historic Railroad Authority."

4256 (2) The authority is composed of eight members as follows:

4257 (a) one member of the county legislative body of Wasatch County;

4258 (b) the mayor of Heber City;

4259 (c) the mayor of Midway;

- 4260 (d) the executive director of the Department of Transportation or the executive
4261 director's designee;
- 4262 (e) the ~~[executive]~~ director of the Division of Parks ~~[and Recreation]~~, or the
4263 ~~[executive]~~ director's designee; and
- 4264 (f) three public members appointed by the governor with the advice and consent of the
4265 Senate, being private citizens of the state, as follows:
- 4266 (i) two people representing the tourism industry, one each from Wasatch and Utah
4267 counties; and
- 4268 (ii) one person representing the public at large.
- 4269 (3) All members shall be residents of the state.
- 4270 (4) (a) Except as required by Subsection (4)(b), the three public members are appointed
4271 for four-year terms beginning July 1, 2010.
- 4272 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
4273 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
4274 authority members are staggered so that approximately half of the authority is appointed every
4275 two years.
- 4276 (5) Any of the three public members may be removed from office by the governor or
4277 for cause by an affirmative vote of any four members of the authority.
- 4278 (6) When a vacancy occurs in the membership for any reason, the replacement is
4279 appointed for the unexpired term by the governor with advice and consent of the Senate for the
4280 unexpired term.
- 4281 (7) Each public member shall hold office for the term of appointment and until a
4282 successor has been appointed and qualified.
- 4283 (8) A public member is eligible for reappointment, but may not serve more than two
4284 full consecutive terms.
- 4285 (9) The governor shall appoint the chair of the authority from among its members.
- 4286 (10) The members shall elect from among their number a vice chair and other officers
4287 they may determine.
- 4288 (11) The powers of the authority are vested in its members.
- 4289 (12) (a) Four members constitute a quorum for transaction of authority business.
- 4290 (b) An affirmative vote of at least four members is necessary for any action taken by

4291 the authority.

4292 (13) A member may not receive compensation or benefits for the member's service, but
4293 may receive per diem and travel expenses in accordance with:

4294 (a) Section 63A-3-106;

4295 (b) Section 63A-3-107; and

4296 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4297 63A-3-107.

4298 Section 45. Section 63H-4-110 is amended to read:

4299 **63H-4-110. Lease of rails from Department of Transportation and Division of
4300 Parks.**

4301 The Department of Transportation and the Division of Parks [~~and Recreation~~] shall
4302 jointly lease the rails, bed, right-of-way, and related property for not more than \$1 per year to
4303 the authority.

4304 Section 46. Section 63H-5-110 is amended to read:

4305 **63H-5-110. Lease of rails or equipment from Department of Transportation and
4306 Division of Parks.**

4307 The Department of Transportation and the Division of Parks [~~and Recreation~~] may
4308 jointly lease the rails, bed, right-of-way, and related property for the operation of a scenic and
4309 historic railroad in and around Weber and Box Elder Counties, for not more than \$1 per year to
4310 the authority.

4311 Section 47. Section 63I-1-263 is amended to read:

4312 **63I-1-263. Repeal dates, Titles 63A to 63N.**

4313 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

4314 (a) Subsection 63A-1-201(1) is repealed;

4315 (b) Subsection 63A-1-202(2)(c), the language "using criteria established by the board"
4316 is repealed;

4317 (c) Section 63A-1-203 is repealed;

4318 (d) Subsections 63A-1-204(1) and (2), the language "After consultation with the board,
4319 and" is repealed; and

4320 (e) Subsection 63A-1-204(1)(b), the language "using the standards provided in
4321 Subsection 63A-1-203(3)(c)" is repealed.

- 4322 (2) Subsection [63A-5b-405](#)(5), relating to prioritizing and allocating capital
 4323 improvement funding, is repealed July 1, 2024.
- 4324 (3) Section [63A-5b-1003](#), State Facility Energy Efficiency Fund, is repealed July 1,
 4325 2023.
- 4326 (4) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review
 4327 Committee, are repealed July 1, 2023.
- 4328 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
 4329 1, 2028.
- 4330 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
 4331 2025.
- 4332 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
 4333 2024.
- 4334 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
 4335 repealed July 1, 2021.
- 4336 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
 4337 July 1, 2023.
- 4338 ~~[(10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1,~~
 4339 ~~2025.]~~
- 4340 ~~[(11)]~~ (10) Title 63F, Chapter 2, Data Security Management Council, is repealed July
 4341 1, 2025.
- 4342 ~~[(12)]~~ (11) Section [63G-6a-805](#), which creates the Purchasing from Persons with
 4343 Disabilities Advisory Board, is repealed July 1, 2026.
- 4344 ~~[(13)]~~ (12) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed
 4345 July 1, 2025.
- 4346 ~~[(14)]~~ (13) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
 4347 July 1, 2024.
- 4348 ~~[(15)]~~ (14) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
 4349 2026.
- 4350 ~~[(16)]~~ (15) Subsection [63J-1-602.1](#)~~[(14)]~~(15), Nurse Home Visiting Restricted Account
 4351 is repealed July 1, 2026.
- 4352 ~~[(17)]~~ (16) (a) Subsection [63J-1-602.1](#)(58), relating to the Utah Statewide Radio

4353 System Restricted Account, is repealed July 1, 2022.

4354 (b) When repealing Subsection [63J-1-602.1](#)(58), the Office of Legislative Research and
4355 General Counsel shall, in addition to the office's authority under Subsection [36-12-12](#)(3), make
4356 necessary changes to subsection numbering and cross references.

4357 [~~18~~] (17) Subsection [63J-1-602.2](#)[~~(4)~~](5), referring to dedicated credits to the Utah
4358 Marriage Commission, is repealed July 1, 2023.

4359 [~~19~~] (18) Subsection [63J-1-602.2](#)[~~(5)~~](6), referring to the Trip Reduction Program, is
4360 repealed July 1, 2022.

4361 [~~20~~] (19) Subsection [63J-1-602.2](#)(25), related to the Utah Seismic Safety
4362 Commission, is repealed January 1, 2025.

4363 [~~21~~] (20) Title 63J, Chapter 4, Part 5, Resource Development Coordinating
4364 Committee, is repealed July 1, 2027.

4365 [~~22~~] (21) Subsection [63J-4-608](#)(3), which creates the Federal Land Application
4366 Advisory Committee, is repealed on July 1, 2021.

4367 [~~23~~] (22) In relation to the Utah Substance Use and Mental Health Advisory Council,
4368 on January 1, 2023:

4369 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are
4370 repealed;

4371 (b) Section [63M-7-305](#), the language that states "council" is replaced with
4372 "commission";

4373 (c) Subsection [63M-7-305](#)(1) is repealed and replaced with:

4374 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

4375 (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:

4376 "(2) The commission shall:

4377 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
4378 Drug-Related Offenses Reform Act; and

4379 (b) coordinate the implementation of Section [77-18-1.1](#) and related provisions in
4380 Subsections [77-18-1](#)(5)(b)(iii) and (iv).".

4381 [~~24~~] (23) The Crime Victim Reparations and Assistance Board, created in Section
4382 [63M-7-504](#), is repealed July 1, 2027.

4383 [~~25~~] (24) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed

4384 July 1, 2022.

4385 ~~[(26)]~~ (25) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,

4386 2021.

4387 ~~[(27)]~~ (26) Subsection [63N-1-301](#)(4)(c), related to the Talent Ready Utah Board, is

4388 repealed January 1, 2023.

4389 ~~[(28)]~~ (27) Title 63N, Chapter 1, Part 5, Governor's Economic Development

4390 Coordinating Council, is repealed July 1, 2024.

4391 ~~[(29)]~~ (28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

4392 ~~[(30)]~~ (29) Section [63N-2-512](#) is repealed July 1, 2021.

4393 ~~[(31)]~~ (30) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed

4394 January 1, 2021.

4395 (b) Section [59-9-107](#) regarding tax credits against premium taxes is repealed for

4396 calendar years beginning on or after January 1, 2021.

4397 (c) Notwithstanding Subsection ~~[(31)]~~ (30)(b), an entity may carry forward a tax credit

4398 in accordance with Section [59-9-107](#) if:

4399 (i) the person is entitled to a tax credit under Section [59-9-107](#) on or before December

4400 31, 2020; and

4401 (ii) the qualified equity investment that is the basis of the tax credit is certified under

4402 Section [63N-2-603](#) on or before December 31, 2023.

4403 ~~[(32)]~~ (31) Subsections [63N-3-109](#)(2)(e) and [63N-3-109](#)(2)(f)(i) are repealed July 1,

4404 2023.

4405 ~~[(33)]~~ (32) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is

4406 repealed July 1, 2023.

4407 ~~[(34)]~~ (33) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed

4408 July 1, 2025.

4409 ~~[(35)] Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,~~

4410 ~~is repealed January 1, 2023.]~~

4411 ~~[(36)]~~ (34) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed

4412 January 1, 2023.

4413 Section 48. Section [63I-1-279](#) is amended to read:

4414 **[63I-1-279](#). Repeal dates, Title 79.**

4415 (1) Subsection 79-2-201(2)[~~(r)~~](r), related to the Heritage Trees Advisory Committee,
4416 is repealed July 1, 2026.

4417 (2) Subsection 79-2-201(2)[~~(s)~~](s), related to the Recreational Trails Advisory Council,
4418 is repealed July 1, 2027.

4419 (3) Subsection 79-2-201(2)[~~(t)~~](t), related to the Boating Advisory Council, is repealed
4420 July 1, 2024.

4421 (4) Subsection 79-2-201(2)[~~(u)~~](u), related to the Wildlife Board Nominating
4422 Committee, is repealed July 1, 2023.

4423 (5) Subsection 79-2-201(2)[~~(v)~~](v), related to regional advisory councils for the
4424 Wildlife Board, is repealed July 1, 2023.

4425 (6) Title 79, Chapter 5, Part 2, Advisory Council, which creates the Recreational Trails
4426 Advisory Council, is repealed July 1, 2027.

4427 (7) Title 79, Chapter 8, Part 2, Outdoor Recreational Infrastructure Grant Program, is
4428 repealed January 1, 2023.

4429 Section 49. Section **63I-2-263** is amended to read:

4430 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

4431 (1) On July 1, 2020:

4432 (a) Subsection 63A-1-203(5)(a)(i) is repealed; and

4433 (b) in Subsection 63A-1-203(5)(a)(ii), the language that states "appointed on or after
4434 May 8, 2018," is repealed.

4435 (2) Section 63A-3-111 is repealed June 30, 2021.

4436 (3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is
4437 repealed July 1, 2021.

4438 (4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology
4439 Commission is repealed July 1, 2023.

4440 (5) The following sections regarding the World War II Memorial Commission are
4441 repealed on July 1, 2022:

4442 (a) Section 63G-1-801;

4443 (b) Section 63G-1-802;

4444 (c) Section 63G-1-803; and

4445 (d) Section 63G-1-804.

4446 (6) Subsections [63G-6a-802\(1\)\(d\)](#) and [63G-6a-802\(3\)\(b\)\(iii\)](#), regarding a procurement
4447 relating to a vice presidential debate, are repealed January 1, 2021.

4448 (7) In relation to the State Fair Park Committee, on January 1, 2021:

4449 (a) Section [63H-6-104.5](#) is repealed; and

4450 (b) Subsections [63H-6-104\(8\)](#) and (9) are repealed.

4451 (8) Section [63H-7a-303](#) is repealed July 1, 2024.

4452 (9) Subsection [63J-1-206\(3\)\(c\)](#), relating to coronavirus, is repealed July 1, 2021.

4453 (10) In relation to the Employability to Careers Program Board, on July 1, 2022:

4454 (a) Subsection [63J-1-602.1](#)~~[(57)]~~[\(59\)](#) is repealed;

4455 (b) Subsection [63J-4-301\(1\)\(h\)](#), related to the review of data and metrics, is repealed;

4456 and

4457 (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.

4458 ~~[(11) Title 63M, Chapter 4, Part 8, Voluntary Home Energy Information Pilot Program~~
4459 ~~Act, is repealed January 1, 2022.]~~

4460 ~~[(12)]~~ (11) Sections [63M-7-213](#) and [63M-7-213.5](#) are repealed on January 1, 2023.

4461 ~~[(13)]~~ (12) Subsection [63N-12-508\(3\)](#) is repealed December 31, 2021.

4462 ~~[(14)]~~ (13) Title 63N, Chapter 13, Part 3, Facilitating Public-Private Partnerships Act,
4463 is repealed January 1, 2024.

4464 ~~[(15)]~~ (14) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is
4465 repealed December 31, 2021.

4466 Section 50. Section [63I-2-279](#) is enacted to read:

4467 **[63I-2-279](#). Repeal dates, Title 79.**

4468 (1) Section [79-2-206](#) is repealed July 1, 2022.

4469 (2) Title 79, Chapter 6, Part 8, Voluntary Home Energy Information Pilot Program Act,
4470 is repealed January 1, 2022.

4471 Section 51. Section [63J-1-601](#) is amended to read:

4472 **[63J-1-601](#). End of fiscal year -- Unexpended balances -- Funds not to be closed**
4473 **out -- Pending claims -- Transfer of amounts from item of appropriation -- Nonlapsing**
4474 **accounts and funds -- Institutions of higher education to report unexpended balances.**

4475 (1) As used in this section:

4476 (a) "Education grant subrecipient" means a nonfederal entity that:

4477 (i) receives a subaward from the State Board of Education to carry out at least part of a
4478 federal or state grant program; and

4479 (ii) does not include an individual who is a beneficiary of the federal or state grant
4480 program.

4481 (b) "Transaction control number" means the unique numerical identifier established by
4482 the Department of Health to track each medical claim and indicates the date on which the claim
4483 is entered.

4484 (2) On or before August 31 of each fiscal year, the director of the Division of Finance
4485 shall close out to the proper fund or account all remaining unexpended and unencumbered
4486 balances of appropriations made by the Legislature, except:

4487 (a) those funds classified under Title 51, Chapter 5, Funds Consolidation Act, as:

4488 (i) enterprise funds;

4489 (ii) internal service funds;

4490 (iii) trust and agency funds;

4491 (iv) capital projects funds;

4492 (v) discrete component unit funds;

4493 (vi) debt service funds; and

4494 (vii) permanent funds;

4495 (b) those appropriations from a fund or account or appropriations to a program that are
4496 designated as nonlapsing under Section [63J-1-602.1](#) or [63J-1-602.2](#);

4497 (c) expendable special revenue funds, unless specifically directed to close out the fund
4498 in the fund's enabling legislation;

4499 (d) acquisition and development funds appropriated to the Division of Parks [~~and~~
4500 Recreation] or the Division of Recreation;

4501 (e) funds encumbered to pay purchase orders issued prior to May 1 for capital
4502 equipment if delivery is expected before June 30; and

4503 (f) unexpended and unencumbered balances of appropriations that meet the
4504 requirements of Section [63J-1-603](#).

4505 (3) (a) Liabilities and related expenses for goods and services received on or before
4506 June 30 shall be recognized as expenses due and payable from appropriations made prior to
4507 June 30.

4508 (b) The liability and related expense shall be recognized within time periods
4509 established by the Division of Finance but shall be recognized not later than August 31.

4510 (c) Liabilities and expenses not so recognized may be paid from regular departmental
4511 appropriations for the subsequent fiscal year, if these claims do not exceed unexpended and
4512 unencumbered balances of appropriations for the years in which the obligation was incurred.

4513 (d) No amounts may be transferred from an item of appropriation of any department,
4514 institution, or agency into the Capital Projects Fund or any other fund without the prior express
4515 approval of the Legislature.

4516 (4) (a) For purposes of this chapter, a claim processed under the authority of Title 26,
4517 Chapter 18, Medical Assistance Act:

4518 (i) is not a liability or an expense to the state for budgetary purposes, unless the
4519 Division of Health Care Financing receives the claim within the time periods established by the
4520 Division of Finance under Subsection (3)(b); and

4521 (ii) is not subject to Subsection (3)(c).

4522 (b) The transaction control number that the Division of Health Care Financing records
4523 on each claim invoice is the date of receipt.

4524 (5) (a) For purposes of this chapter, a claim processed in accordance with Title 35A,
4525 Chapter 13, Utah State Office of Rehabilitation Act:

4526 (i) is not a liability or an expense to the state for budgetary purposes, unless the Utah
4527 State Office of Rehabilitation receives the claim within the time periods established by the
4528 Division of Finance under Subsection (3)(b); and

4529 (ii) is not subject to Subsection (3)(c).

4530 (b) (i) The Utah State Office of Rehabilitation shall mark each claim invoice with the
4531 date on which the Utah State Office of Rehabilitation receives the claim invoice.

4532 (ii) The date described in Subsection (5)(b)(i) is the date of receipt for purposes of this
4533 section.

4534 (6) (a) For purposes of this chapter, a reimbursement request received from an
4535 education grant subrecipient:

4536 (i) is not a liability or expense to the state for budgetary purposes, unless the State
4537 Board of Education receives the claim within the time periods described in Subsection (3)(b);
4538 and

4539 (ii) is not subject to Subsection (3)(c).

4540 (b) The transaction control number that the State Board of Education records on a
4541 claim invoice is the date of receipt.

4542 (7) Any balance from an appropriation to a state institution of higher education that
4543 remains unexpended at the end of the fiscal year shall be reported to the Division of Finance by
4544 the September 1 following the close of the fiscal year.

4545 Section 52. Section **63J-1-602.1** is amended to read:

4546 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

4547 Appropriations made from the following accounts or funds are nonlapsing:

4548 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
4549 and Leadership Restricted Account created in Section [4-42-102](#).

4550 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

4551 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
4552 Section [9-18-102](#).

4553 (4) The National Professional Men's Soccer Team Support of Building Communities
4554 Restricted Account created in Section [9-19-102](#).

4555 (5) Funds collected for directing and administering the C-PACE district created in
4556 Section [11-42a-106](#).

4557 (6) Money received by the Utah Inland Port Authority, as provided in Section
4558 [11-58-105](#).

4559 (7) The "Latino Community Support Restricted Account" created in Section [13-1-16](#).

4560 (8) The Clean Air Support Restricted Account created in Section [19-1-109](#).

4561 (9) The "Support for State-Owned Shooting Ranges Restricted Account" created in
4562 Section [23-14-13.5](#).

4563 (10) Award money under the State Asset Forfeiture Grant Program, as provided under
4564 Section [24-4-117](#).

4565 (11) Funds collected from the program fund for local health department expenses
4566 incurred in responding to a local health emergency under Section [26-1-38](#).

4567 (12) The Children with Cancer Support Restricted Account created in Section
4568 [26-21a-304](#).

4569 (13) State funds for matching federal funds in the Children's Health Insurance Program

- 4570 as provided in Section [26-40-108](#).
- 4571 (14) The Children with Heart Disease Support Restricted Account created in Section
4572 [26-58-102](#).
- 4573 (15) The Nurse Home Visiting Restricted Account created in Section [26-63-601](#).
- 4574 (16) The Technology Development Restricted Account created in Section [31A-3-104](#).
- 4575 (17) The Criminal Background Check Restricted Account created in Section
4576 [31A-3-105](#).
- 4577 (18) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
4578 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 4579 (19) The Title Licensee Enforcement Restricted Account created in Section
4580 [31A-23a-415](#).
- 4581 (20) The Health Insurance Actuarial Review Restricted Account created in Section
4582 [31A-30-115](#).
- 4583 (21) The Insurance Fraud Investigation Restricted Account created in Section
4584 [31A-31-108](#).
- 4585 (22) The Underage Drinking Prevention Media and Education Campaign Restricted
4586 Account created in Section [32B-2-306](#).
- 4587 (23) The School Readiness Restricted Account created in Section [35A-15-203](#).
- 4588 (24) Money received by the Utah State Office of Rehabilitation for the sale of certain
4589 products or services, as provided in Section [35A-13-202](#).
- 4590 (25) The Oil and Gas Administrative Penalties Account created in Section [40-6-11](#).
- 4591 (26) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 4592 (27) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to
4593 the Motor Vehicle Division.
- 4594 (28) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
4595 created by Section [41-3-110](#) to the State Tax Commission.
- 4596 (29) The Utah Law Enforcement Memorial Support Restricted Account created in
4597 Section [53-1-120](#).
- 4598 (30) The State Disaster Recovery Restricted Account to the Division of Emergency
4599 Management, as provided in Section [53-2a-603](#).
- 4600 (31) The Department of Public Safety Restricted Account to the Department of Public

- 4601 Safety, as provided in Section [53-3-106](#).
- 4602 (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
4603 [53-8-303](#).
- 4604 (33) The DNA Specimen Restricted Account created in Section [53-10-407](#).
- 4605 (34) The Canine Body Armor Restricted Account created in Section [53-16-201](#).
- 4606 (35) The Technical Colleges Capital Projects Fund created in Section [53B-2a-118](#).
- 4607 (36) The Higher Education Capital Projects Fund created in Section [53B-22-202](#).
- 4608 (37) A certain portion of money collected for administrative costs under the School
4609 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).
- 4610 (38) The Public Utility Regulatory Restricted Account created in Section [54-5-1.5](#),
4611 subject to Subsection [54-5-1.5\(4\)\(d\)](#).
- 4612 (39) Funds collected from a surcharge fee to provide certain licensees with access to an
4613 electronic reference library, as provided in Section [58-3a-105](#).
- 4614 (40) Certain fines collected by the Division of Occupational and Professional Licensing
4615 for violation of unlawful or unprofessional conduct that are used for education and enforcement
4616 purposes, as provided in Section [58-17b-505](#).
- 4617 (41) Funds collected from a surcharge fee to provide certain licensees with access to an
4618 electronic reference library, as provided in Section [58-22-104](#).
- 4619 (42) Funds collected from a surcharge fee to provide certain licensees with access to an
4620 electronic reference library, as provided in Section [58-55-106](#).
- 4621 (43) Funds collected from a surcharge fee to provide certain licensees with access to an
4622 electronic reference library, as provided in Section [58-56-3.5](#).
- 4623 (44) Certain fines collected by the Division of Occupational and Professional Licensing
4624 for use in education and enforcement of the Security Personnel Licensing Act, as provided in
4625 Section [58-63-103](#).
- 4626 (45) The Relative Value Study Restricted Account created in Section [59-9-105](#).
- 4627 (46) The Cigarette Tax Restricted Account created in Section [59-14-204](#).
- 4628 (47) Funds paid to the Division of Real Estate for the cost of a criminal background
4629 check for a mortgage loan license, as provided in Section [61-2c-202](#).
- 4630 (48) Funds paid to the Division of Real Estate for the cost of a criminal background
4631 check for principal broker, associate broker, and sales agent licenses, as provided in Section

- 4632 [61-2f-204](#).
- 4633 (49) Certain funds donated to the Department of Human Services, as provided in
4634 Section [62A-1-111](#).
- 4635 (50) The National Professional Men's Basketball Team Support of Women and
4636 Children Issues Restricted Account created in Section [62A-1-202](#).
- 4637 (51) Certain funds donated to the Division of Child and Family Services, as provided
4638 in Section [62A-4a-110](#).
- 4639 (52) The Choose Life Adoption Support Restricted Account created in Section
4640 [62A-4a-608](#).
- 4641 (53) Funds collected by the Office of Administrative Rules for publishing, as provided
4642 in Section [63G-3-402](#).
- 4643 (54) The Immigration Act Restricted Account created in Section [63G-12-103](#).
- 4644 (55) Money received by the military installation development authority, as provided in
4645 Section [63H-1-504](#).
- 4646 (56) The Computer Aided Dispatch Restricted Account created in Section [63H-7a-303](#).
- 4647 (57) The Unified Statewide 911 Emergency Service Account created in Section
4648 [63H-7a-304](#).
- 4649 (58) The Utah Statewide Radio System Restricted Account created in Section
4650 [63H-7a-403](#).
- 4651 (59) The Employability to Careers Program Restricted Account created in Section
4652 [63J-4-703](#).
- 4653 (60) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 4654 (61) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
4655 as provided under Section [63N-10-301](#).
- 4656 (62) Funds collected by the housing of state probationary inmates or state parole
4657 inmates, as provided in Subsection [64-13e-104\(2\)](#).
- 4658 (63) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,
4659 and State Lands, as provided in Section [65A-8-103](#).
- 4660 (64) The Transportation of Veterans to Memorials Support Restricted Account created
4661 in Section [71-14-102](#).
- 4662 (65) The Amusement Ride Safety Restricted Account, as provided in Section

4663 72-16-204.

4664 (66) Certain funds received by the Office of the State Engineer for well drilling fines or
4665 bonds, as provided in Section 73-3-25.

4666 (67) The Water Resources Conservation and Development Fund, as provided in
4667 Section 73-23-2.

4668 (68) Funds donated or paid to a juvenile court by private sources, as provided in
4669 Subsection 78A-6-203(1)(c).

4670 (69) Fees for certificate of admission created under Section 78A-9-102.

4671 (70) Funds collected for adoption document access as provided in Sections 78B-6-141,
4672 78B-6-144, and 78B-6-144.5.

4673 (71) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,
4674 Utah Indigent Defense Commission.

4675 (72) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State
4676 Park, [~~Jordan River State Park~~], and Green River State Park, as provided under Section
4677 79-4-403.

4678 (73) Certain funds received by the Division of Parks [~~and Recreation~~] from the sale or
4679 disposal of buffalo, as provided under Section 79-4-1001.

4680 (74) The Drinking While Pregnant Prevention Media and Education Campaign
4681 Restricted Account created in Section 32B-2-308.

4682 Section 53. Section 63J-4-502 is amended to read:

4683 **63J-4-502. Membership -- Terms -- Chair -- Expenses.**

4684 (1) The Resource Development Coordinating Committee shall consist of the following
4685 [~~24~~] 25 members:

4686 (a) the state science advisor;

4687 (b) a representative from the Department of Agriculture and Food appointed by the
4688 executive director;

4689 (c) a representative from the Department of Heritage and Arts appointed by the
4690 executive director;

4691 (d) a representative from the Department of Environmental Quality appointed by the
4692 executive director;

4693 (e) a representative from the Department of Natural Resources appointed by the

4694 executive director;

4695 (f) a representative from the Department of Transportation appointed by the executive
4696 director;

4697 (g) a representative from the Governor's Office of Economic Development appointed
4698 by the director;

4699 (h) a representative from the Housing and Community Development Division
4700 appointed by the director;

4701 (i) a representative from the Division of State History appointed by the director;

4702 (j) a representative from the Division of Air Quality appointed by the director;

4703 (k) a representative from the Division of Drinking Water appointed by the director;

4704 (l) a representative from the Division of Environmental Response and Remediation
4705 appointed by the director;

4706 (m) a representative from the Division of Waste Management and Radiation Control
4707 appointed by the director;

4708 (n) a representative from the Division of Water Quality appointed by the director;

4709 (o) a representative from the Division of Oil, Gas, and Mining appointed by the
4710 director;

4711 (p) a representative from the Division of Parks [~~and Recreation~~] appointed by the
4712 director;

4713 (q) a representative from the Division of Recreation appointed by the director;

4714 [~~(q)~~] (r) a representative from the Division of Forestry, Fire, and State Lands appointed
4715 by the director;

4716 [~~(r)~~] (s) a representative from the Utah Geological Survey appointed by the director;

4717 [~~(s)~~] (t) a representative from the Division of Water Resources appointed by the
4718 director;

4719 [~~(t)~~] (u) a representative from the Division of Water Rights appointed by the director;

4720 [~~(u)~~] (v) a representative from the Division of Wildlife Resources appointed by the
4721 director;

4722 [~~(v)~~] (w) a representative from the School and Institutional Trust Lands Administration
4723 appointed by the director;

4724 [~~(w)~~] (x) a representative from the Division of Facilities Construction and Management

4725 appointed by the director; and

4726 ~~[(x)]~~ (y) a representative from the Division of Emergency Management appointed by
4727 the director.

4728 (2) (a) As particular issues require, the committee may, by majority vote of the
4729 members present, and with the concurrence of the state planning coordinator, appoint
4730 additional temporary members to serve as ex officio voting members.

4731 (b) Those ex officio members may discuss and vote on the issue or issues for which
4732 they were appointed.

4733 (3) A chair shall be selected by a majority vote of committee members with the
4734 concurrence of the state planning coordinator.

4735 (4) A member may not receive compensation or benefits for the member's service, but
4736 may receive per diem and travel expenses in accordance with:

4737 (a) Section 63A-3-106;

4738 (b) Section 63A-3-107; and

4739 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4740 63A-3-107.

4741 Section 54. Section 63J-4-608 is amended to read:

4742 **63J-4-608. Facilitating the acquisition of federal land -- Advisory committee.**

4743 (1) As used in this section:

4744 (a) "Advisory committee" means the committee established under Subsection (3).

4745 (b) "Federal land" means land that the secretary is authorized to dispose of under the
4746 federal land disposal law.

4747 (c) "Federal land disposal law" means the Recreation and Public Purposes Act, 43
4748 U.S.C. Sec. 869 et seq.

4749 (d) "Government entity" means any state or local government entity allowed to submit
4750 a land application under the federal land disposal law.

4751 (e) "Land application" means an application under the federal land disposal law
4752 requesting the secretary to sell or lease federal land.

4753 (f) "Land application process" means all actions involved in the process of submitting
4754 and obtaining a final decision on a land application.

4755 (g) "Secretary" means the Secretary of the Interior of the United States.

- 4756 (2) The coordinator and the office shall:
- 4757 (a) develop expertise:
- 4758 (i) in the land application process; and
- 4759 (ii) concerning the factors that tend to increase the chances that a land application will
- 4760 result in the secretary selling or leasing federal land as requested in the land application;
- 4761 (b) work to educate government entities concerning:
- 4762 (i) the availability of federal land pursuant to the federal land disposal law; and
- 4763 (ii) the land application process;
- 4764 (c) advise and consult with a government entity that requests assistance from the
- 4765 coordinator or the office to formulate and submit a land application and to pursue a decision on
- 4766 the land application;
- 4767 (d) advise and consult with a government entity that requests assistance from the
- 4768 coordinator or the office to identify and quantify the amount of any funds needed to provide the
- 4769 public use described in a land application;
- 4770 (e) with the advice and recommendations of the advisory committee:
- 4771 (i) adopt a list of factors to be considered in determining the degree to which a land
- 4772 application or potential land application is in the public interest; and
- 4773 (ii) recommend a prioritization of all land applications or potential land applications in
- 4774 the state according to the extent to which the land applications are in the public interest, based
- 4775 on the factors adopted under Subsection [~~(2)(f)(i)~~] (2)(e)(i);
- 4776 (f) prepare and submit a written report of land applications:
- 4777 (i) to the Natural Resources, Agriculture, and Environment Interim Committee and the
- 4778 Federalism Commission;
- 4779 (ii) (A) annually no later than August 31; and
- 4780 (B) at other times, if and as requested by the committee or commission; and
- 4781 (iii) (A) on the activities of the coordinator and the office under this section;
- 4782 (B) on the land applications and potential land applications in the state; and
- 4783 (C) on the decisions of the secretary on land applications submitted by government
- 4784 entities in the state and the quantity of land acquired under the land applications;
- 4785 (g) present a summary of information contained in the report described in Subsection
- 4786 (3)(f):

4787 (i) at a meeting of the Natural Resources, Agriculture, and Environment Interim
4788 Committee and at a meeting of the Federalism Commission;
4789 (ii) annually no later than August 31; and
4790 (iii) at other times, if and as requested by the committee or commission; and
4791 (h) report to the Executive Appropriations Committee of the Legislature, as frequently
4792 as the coordinator considers appropriate or as requested by the committee, on the need for
4793 legislative appropriations to provide funds for the public purposes described in land
4794 applications.

4795 (3) (a) There is created a committee comprised of:
4796 (i) an individual designated by the chairs of the Federalism Commission;
4797 (ii) an individual designated by the director of the Division of Facilities Construction
4798 and Management;
4799 (iii) a representative of the Antiquities Section, created in Section 9-8-304, designated
4800 by the director of the Division of State History;
4801 (iv) a representative of municipalities designated by the Utah League of Cities and
4802 Towns;
4803 (v) a representative of counties designated by the Utah Association of Counties;
4804 (vi) an individual designated by the Governor's Office of Economic Development; and
4805 (vii) an individual designated by the director of the Division of Parks [and Recreation],
4806 created in Section 79-4-201.

4807 (b) The seven members of the advisory committee under Subsection (3)(a) may, by
4808 majority vote, appoint up to four additional volunteer members of the advisory committee.

4809 (c) The advisory committee shall advise and provide recommendations to the
4810 coordinator and the office on:

4811 (i) factors the coordinator and office should consider in determining the degree to
4812 which a land application or potential land application is in the public interest; and

4813 (ii) the prioritization of land applications or potential land applications in the state
4814 according to the extent to which the land applications are in the public interest, based on the
4815 factors adopted under Subsection [~~(2)(f)(i)~~] (3)(c)(i).

4816 (d) A member of the advisory committee may not receive compensation, benefits, or
4817 expense reimbursement for the member's service on the advisory committee.

4818 (e) The advisory committee may:
4819 (i) select a chair from among the advisory committee members; and
4820 (ii) meet as often as necessary to perform the advisory committee's duties under this
4821 section.

4822 (f) The coordinator shall facilitate the convening of the first meeting of the advisory
4823 committee.

4824 Section 55. Section **63L-2-301** is amended to read:

4825 **63L-2-301. Promoting or lobbying for a federal designation within the state.**

4826 (1) As used in this section:

4827 (a) "Federal designation" means the designation of a:

4828 (i) national monument;

4829 (ii) national conservation area;

4830 (iii) wilderness area or wilderness study area;

4831 (iv) area of critical environmental concern;

4832 (v) research natural area; or

4833 (vi) national recreation area.

4834 (b) (i) "Governmental entity" means:

4835 (A) a state-funded institution of higher education or public education;

4836 (B) a political subdivision of the state;

4837 (C) an office, agency, board, bureau, committee, department, advisory board, or
4838 commission that the government funds or establishes to carry out the public's business,
4839 regardless of whether the office, agency board, bureau, committee, department, advisory board,
4840 or commission is composed entirely of public officials or employees;

4841 (D) an interlocal entity as defined in Section [11-13-103](#) or a joint or cooperative
4842 undertaking as defined in Section [11-13-103](#);

4843 (E) a governmental nonprofit corporation as defined in Section [11-13a-102](#); or

4844 (F) an association as defined in Section [53G-7-1101](#).

4845 (ii) "Governmental entity" does not mean:

4846 (A) the School and Institutional Trust Lands Administration created in Section
4847 [53C-1-201](#);

4848 (B) the School and Institutional Trust Lands Board of Trustees created in Section

4849 53C-1-202;

4850 (C) the Office of the Governor;

4851 (D) the Governor's Office of Management and Budget created in Section 63J-4-201;

4852 (E) the Public Lands Policy Coordinating Office created in Section 63J-4-602;

4853 (F) the Office of Energy Development created in Section [~~63M-4-401~~; or] 79-6-401; or

4854 (G) the Governor's Office of Economic Development created in Section 63N-1-201,

4855 including the Office of Tourism and the Utah Office of Outdoor Recreation created in Section

4856 63N-9-104.

4857 (2) (a) A governmental entity, or a person a governmental entity employs and
4858 designates as a representative, may investigate the possibility of a federal designation within
4859 the state.

4860 (b) A governmental entity that intends to advocate for a federal designation within the
4861 state shall:

4862 (i) notify the chairs of the following committees before the introduction of federal
4863 legislation:

4864 (A) the Natural Resources, Agriculture, and Environment Interim Committee, if
4865 constituted, and the Federalism Commission; or

4866 (B) if the notice is given during a General Session, the House and Senate Natural
4867 Resources, Agriculture, and Environment Standing Committees; and

4868 (ii) upon request of the chairs, meet with the relevant committee to review the proposal.

4869 (3) This section does not apply to a political subdivision supporting a federal
4870 designation if the federal designation:

4871 (a) applies to 5,000 acres or less; and

4872 (b) has an economical or historical benefit to the political subdivision.

4873 Section 56. Section 63L-7-104 is amended to read:

4874 **63L-7-104. Identification of a potential wilderness area.**

4875 (1) (a) Subject to Subsection (1)(b), the director of PLPCO, within one year of the
4876 acquisition date, shall identify within a parcel of acquired land any conservation areas.

4877 (b) Before identifying a parcel of land as a conservation area, the director of PLPCO
4878 shall:

4879 (i) inform the School and Institutional Trust Lands Administration that a parcel is

4880 being considered for designation as a conservation area; and

4881 (ii) provide the School and Institutional Trust Lands Administration with the
4882 opportunity to trade out land owned by the School and Institutional Trust Lands Administration
4883 for the parcel in question subject to reaching an exchange agreement with the agency that
4884 manages the parcel.

4885 (2) The director of PLPCO shall:

4886 (a) file a map and legal description of each identified conservation area with the
4887 governor, the Senate, and the House of Representatives;

4888 (b) maintain, and make available to the public, records pertaining to identified
4889 conservation areas, including:

4890 (i) maps;

4891 (ii) legal descriptions;

4892 (iii) copies of proposed regulations governing the conservation area; and

4893 (iv) copies of public notices of, and reports submitted to the Legislature, regarding
4894 pending additions, eliminations, or modifications to a conservation area; and

4895 (c) within five years of the date of acquisition:

4896 (i) review each identified conservation area for its suitability to be classified as a
4897 protected wilderness area; and

4898 (ii) report the findings under Subsection (2)(c)(i) to the governor.

4899 (3) The records described in Subsection (2)(b) shall be available for inspection at:

4900 (a) the PLPCO office;

4901 (b) the main office of DNR;

4902 (c) a regional office of the Division of Forestry, Fire, and State Lands for any record
4903 that deals with an identified conservation area in that region; and

4904 (d) the Division of Parks ~~[and]~~ or the Division of Recreation.

4905 (4) A conservation area may be designated as a protected wilderness area as described
4906 in Section [63L-7-105](#).

4907 (5) A conservation area identified under Subsection (1) shall be managed by DNR, in
4908 coordination with the county government having jurisdiction over the area, without the
4909 conservation area being designated as a protected wilderness area unless otherwise provided by
4910 the Legislature.

4911 Section 57. Section **63N-9-102** is amended to read:

4912 **63N-9-102. Definitions.**

4913 As used in this chapter:

4914 ~~[(1) "Accessible to the general public," in relation to the awarding of an infrastructure~~
4915 ~~grant, means:]~~

4916 ~~[(a) the public may use the infrastructure in accordance with federal and state~~
4917 ~~regulations; and]~~

4918 ~~[(b) no community or group retains exclusive rights to access the infrastructure.]~~

4919 ~~[(2) "Children," in relation to the awarding of a UCORE grant, means individuals who~~
4920 ~~are six years of age or older, and 18 years of age or younger.]~~

4921 ~~[(3)]~~ (1) "Director" means the director of the ~~[outdoor recreation office]~~ Utah Office of
4922 Outdoor Recreation.

4923 ~~[(4)]~~ (2) "Executive director" means the executive director of GOED.

4924 ~~[(5) "Infrastructure grant" means an outdoor recreational infrastructure grant described~~
4925 ~~in Section 63N-9-202.]~~

4926 ~~[(6)]~~ (3) "Outdoor recreation office" means the Utah Office of Outdoor Recreation
4927 created in Section 63N-9-104.

4928 ~~[(7) (a) "Recreational infrastructure project" means an undertaking to build or improve~~
4929 ~~the approved facilities and installations needed for the public to access and enjoy the state's~~
4930 ~~outdoors.]~~

4931 ~~[(b) "Recreational infrastructure project" may include the:]~~

4932 ~~[(i) establishment, construction, or renovation of a trail, trail infrastructure, or trail~~
4933 ~~facilities;]~~

4934 ~~[(ii) construction of a project for water-related outdoor recreational activities;]~~

4935 ~~[(iii) development of a project for wildlife watching opportunities, including bird~~
4936 ~~watching;]~~

4937 ~~[(iv) development of a project that provides winter recreation amenities;]~~

4938 ~~[(v) construction or improvement of a community park that has amenities for outdoor~~
4939 ~~recreation; and]~~

4940 ~~[(vi) construction or improvement of a naturalistic and accessible playground.]~~

4941 ~~[(8) "UCORE grant" means a children's outdoor recreation and education grant~~

4942 described in Section ~~63N-9-402~~.]

4943 [~~(9) (a) "Underserved or underprivileged community" means a group of people,~~
4944 ~~including a municipality, county, or American Indian tribe, that is economically~~
4945 ~~disadvantaged.~~]

4946 [~~(b) "Underserved or underprivileged community" includes an economically~~
4947 ~~disadvantaged community where:~~]

4948 [~~(i) in relation to awarding an infrastructure grant, the people of the community have~~
4949 ~~limited access to or have demonstrated a low level of use of recreational infrastructure; and]~~

4950 [~~(ii) in relation to awarding a UCORE grant, the children of the community, including~~
4951 ~~children with disabilities, have limited access to outdoor recreation or education programs.~~]

4952 Section 58. Section **63N-9-104** is amended to read:

4953 **63N-9-104. Creation of outdoor recreation office and appointment of director --**

4954 **Responsibilities of outdoor recreation office.**

4955 (1) There is created within the Governor's Office of Economic Development the Utah
4956 Office of Outdoor Recreation.

4957 (2) (a) The executive director shall appoint a director of the outdoor recreation office.

4958 (b) The director shall report to the executive director and may appoint staff.

4959 (3) The outdoor recreation office shall:

4960 (a) coordinate outdoor recreation policy, management, and promotion:

4961 (i) among state and federal agencies and local government entities in the state; and

4962 (ii) with the Public Lands Policy Coordinating Office created in Section ~~63J-4-602~~, if
4963 public land is involved;

4964 (b) promote economic development in the state by:

4965 (i) coordinating with outdoor recreation stakeholders;

4966 (ii) improving recreational opportunities; and

4967 (iii) recruiting outdoor recreation business;

4968 (c) recommend to the governor and Legislature policies and initiatives to enhance

4969 recreational amenities and experiences in the state and help implement those policies and
4970 initiatives;

4971 (d) develop data regarding the impacts of outdoor recreation in the state; and

4972 (e) promote the health and social benefits of outdoor recreation, especially to young

4973 people.

4974 (4) By following the procedures and requirements of Title 63J, Chapter 5, Federal
4975 Funds Procedures Act, the outdoor recreation office may:

4976 (a) seek federal grants or loans;

4977 (b) seek to participate in federal programs; and

4978 (c) in accordance with applicable federal program guidelines, administer federally
4979 funded outdoor recreation programs.

4980 (5) For purposes of administering this part, the outdoor recreation office may make
4981 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4982 (6) The outdoor recreation office shall dedicate the outdoor recreation office's time and
4983 resources to motorized and nonmotorized recreation.

4984 Section 59. Section **63N-9-106** is amended to read:

4985 **63N-9-106. Annual report.**

4986 The executive director shall include in the annual written report described in Section
4987 **63N-1-301** a report from the director on the activities of the outdoor recreation office[
4988 ~~including a description and the amount of any awarded infrastructure grants and any awarded~~
4989 ~~UCORE grants~~].

4990 Section 60. Section **65A-3-1** is amended to read:

4991 **65A-3-1. Trespassing on state lands -- Penalties.**

4992 (1) As used in this section:

4993 (a) "Anchored" means the same as that term is defined in Section **73-18-2**.

4994 (b) "Beached" means the same as that term is defined in Section **73-18-2**.

4995 (c) "Motorboat" means the same as that term is defined in Section **73-18-2**.

4996 (d) "Vessel" means the same as that term is defined in Section **73-18-2**.

4997 (2) A person is guilty of a class B misdemeanor and liable for the civil damages
4998 prescribed in Subsection (4) if, without written authorization from the division, the person:

4999 (a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand,
5000 soil, vegetation, or improvement on state lands;

5001 (b) grazes livestock on state lands;

5002 (c) uses, occupies, or constructs improvements or structures on state lands;

5003 (d) uses or occupies state lands for more than 30 days after the cancellation or

- 5004 expiration of written authorization;
- 5005 (e) knowingly and willfully uses state lands for commercial gain;
- 5006 (f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological,
- 5007 or paleontological resource on state lands;
- 5008 (g) starts or maintains a fire on state lands except in a posted and designated area;
- 5009 (h) camps on state lands, except in posted or designated areas;
- 5010 (i) camps on state lands for longer than 15 consecutive days at the same location or
- 5011 within one mile of the same location;
- 5012 (j) camps on state lands for 15 consecutive days, and then returns to camp at the same
- 5013 location before 15 consecutive days have elapsed after the day on which the person left that
- 5014 location;
- 5015 (k) leaves an anchored or beached vessel unattended for longer than 48 hours on state
- 5016 lands;
- 5017 (l) anchors or beaches a vessel on state lands at the same location for longer than 72
- 5018 hours or within two miles of the same location for longer than 72 hours;
- 5019 (m) anchors or beaches a vessel on state lands at the same location for 72 hours, and
- 5020 then returns to anchor or beach the vessel at the same location or within two miles of the same
- 5021 location before 72 hours have elapsed after the day on which the person left that location;
- 5022 (n) posts a sign claiming state land as private property;
- 5023 (o) prohibits, prevents, or obstructs public entry to state land where public entry is
- 5024 authorized by the division; or
- 5025 (p) parks or operates a motor vehicle on the bed of a navigable lake or river except in
- 5026 those areas:
- 5027 (i) supervised by the Division of Parks [~~and Recreation~~], the Division of Recreation, or
- 5028 another state or local enforcement entity; and
- 5029 (ii) which are posted as open to vehicle use.
- 5030 (3) A person is guilty of a class C misdemeanor and liable for civil damages described
- 5031 in Subsection (4) if, on state lands surrounding Bear Lake and without written authorization of
- 5032 the division, the person:
- 5033 (a) parks or operates a motor vehicle in an area on the exposed lake bed that is
- 5034 specifically posted by the division as closed for usage;

- 5035 (b) camps, except in an area that is posted and designated as open to camping;
- 5036 (c) exceeds a speed limit of 10 miles per hour while operating a motor vehicle;
- 5037 (d) drives recklessly while operating a motor vehicle;
- 5038 (e) parks or operates a motor vehicle within an area between the water's edge and 100

5039 feet of the water's edge except as necessary to:

- 5040 (i) launch or retrieve a motorboat, if the person is permitted to launch or retrieve a
- 5041 motorboat;

- 5042 (ii) transport an individual with limited mobility; or

- 5043 (iii) deposit or retrieve equipment to a beach site;

- 5044 (f) travels in a motor vehicle parallel to the water's edge:

- 5045 (i) in areas designated by the division as closed;

- 5046 (ii) a distance greater than 500 yards; or

- 5047 (iii) for purposes other than travel to or from a beach site;

- 5048 (g) parks or operates a motor vehicle between the hours of 10 p.m. and 7 a.m.; or

- 5049 (h) starts a campfire or uses fireworks.

5050 (4) A person who commits any act described in Subsection (2) or (3) is liable for

5051 damages in the amount of:

- 5052 (a) three times the value of the mineral or other resource removed, destroyed, or
- 5053 extracted;

- 5054 (b) three times the value of damage committed; or

- 5055 (c) three times the consideration which would have been charged by the division for
- 5056 use of the land during the period of trespass.

5057 (5) In addition to the damages described in Subsection (4), a person found guilty of a

5058 misdemeanor under Subsection (2) or (3) is subject to the penalties provided in Section

5059 [76-3-204](#).

5060 (6) Money collected under this section shall be deposited in the fund in which similar

5061 revenues from that land would be deposited.

5062 Section 61. Section **65A-10-2** is amended to read:

5063 **65A-10-2. Recreational use of sovereign lands.**

5064 (1) The division, with the approval of the executive director of the Department of

5065 Natural Resources and the governor, may set aside for public or recreational use any part of the

5066 lands claimed by the state as the beds of lakes or streams.

5067 (2) Management of those lands may be delegated to the Division of Parks [~~and~~], the
5068 Division of Recreation, the Division of Wildlife Resources, or any other state agency.

5069 Section 62. Section **72-1-216** is amended to read:

5070 **72-1-216. Statewide electric vehicle charging network plan -- Report.**

5071 (1) (a) The department, in consultation with relevant entities in the private sector, shall
5072 develop a statewide electric vehicle charging network plan.

5073 (b) To develop the statewide electric vehicle charging network plan, the department
5074 shall consult with political subdivisions and other relevant state agencies, divisions, and
5075 entities, including:

5076 (i) the Department of Environmental Quality created in Section [19-1-104](#);

5077 (ii) the Division of Facilities Construction and Management created in Section
5078 [63A-5b-301](#);

5079 (iii) the Office of Energy Development created in Section [~~63M-4-401~~; and] [79-6-401](#);
5080 and

5081 (iv) the Department of Natural Resources created in Section [79-2-201](#).

5082 (2) The statewide electric vehicle charging network plan shall provide implementation
5083 strategies to ensure that electric vehicle charging stations are available:

5084 (a) at strategic locations as determined by the department by June 30, 2021;

5085 (b) at incremental distances no greater than every 50 miles along the state's interstate
5086 highway system by December 31, 2025; and

5087 (c) along other major highways within the state as the department finds appropriate.

5088 (3) The department shall provide a report before November 30, 2020, to the
5089 Transportation Interim Committee to outline the statewide electric vehicle charging network
5090 plan.

5091 Section 63. Section **72-4-302** is amended to read:

5092 **72-4-302. Utah State Scenic Byway Committee -- Creation -- Membership --**
5093 **Meetings -- Expenses.**

5094 (1) There is created the Utah State Scenic Byway Committee.

5095 (2) (a) The committee shall consist of the following 13 members:

5096 (i) a representative from each of the following entities appointed by the governor:

- 5097 (A) the Governor's Office of Economic Development;
- 5098 (B) the Utah Department of Transportation;
- 5099 (C) the Department of Heritage and Arts;
- 5100 (D) the Division of Parks [~~and Recreation~~];
- 5101 (E) the Federal Highway Administration;
- 5102 (F) the National Park Service;
- 5103 (G) the National Forest Service; and
- 5104 (H) the Bureau of Land Management;
- 5105 (ii) one local government tourism representative appointed by the governor;
- 5106 (iii) a representative from the private business sector appointed by the governor; and
- 5107 (iv) three local elected officials from a county, city, or town within the state appointed
- 5108 by the governor.
- 5109 (b) Except as provided in Subsection (2)(c), the members appointed in this Subsection
- 5110 (2) shall be appointed for a four-year term of office.
- 5111 (c) The governor shall, at the time of appointment or reappointment for appointments
- 5112 made under Subsection (2)(a)(i), (ii), (iii), or (iv) adjust the length of terms to ensure that the
- 5113 terms of committee members are staggered so that approximately half of the committee is
- 5114 appointed every two years.
- 5115 (3) (a) The representative from the Governor's Office of Economic Development shall
- 5116 chair the committee.
- 5117 (b) The members appointed under Subsections (2)(a)(i)(E) through (H) serve as
- 5118 nonvoting, ex officio members of the committee.
- 5119 (4) The Governor's Office of Economic Development and the department shall provide
- 5120 staff support to the committee.
- 5121 (5) (a) The chair may call a meeting of the committee only with the concurrence of the
- 5122 department.
- 5123 (b) A majority of the voting members of the committee constitute a quorum.
- 5124 (c) Action by a majority vote of a quorum of the committee constitutes action by the
- 5125 committee.
- 5126 (6) A member may not receive compensation or benefits for the member's service, but
- 5127 may receive per diem and travel expenses as allowed in:

- 5128 (a) Section [63A-3-106](#);
5129 (b) Section [63A-3-107](#); and
5130 (c) rules made by the Division of Finance according to Sections [63A-3-106](#) and
5131 [63A-3-107](#).

5132 Section 64. Section **72-11-204** is amended to read:

5133 **72-11-204. Vacancies -- Expenses -- Reimbursement -- Use of facilities of**
5134 **Department of Transportation -- Functions, powers, duties, rights, and responsibilities.**

5135 (1) When a vacancy occurs in the membership for any reason, the replacement shall be
5136 appointed for the unexpired term.

5137 (2) A member may not receive compensation or benefits for the member's service, but
5138 may receive per diem and travel expenses in accordance with:

- 5139 (a) Section [63A-3-106](#);
5140 (b) Section [63A-3-107](#); and
5141 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
5142 [63A-3-107](#).

5143 (3) Reimbursement shall be made from fees collected by the committee for services
5144 rendered by it.

5145 (4) The Department of Transportation shall supply the committee with office
5146 accommodation, space, equipment, and secretarial assistance the executive director considers
5147 adequate for the committee.

5148 (5) In addition to the functions, powers, duties, rights, and responsibilities granted to it
5149 under this chapter, the committee shall assume and have all of the functions, powers, duties,
5150 rights, and responsibilities of the [~~Board of Parks and~~ Division of Recreation [~~created in~~
5151 ~~Section [79-4-301](#)~~] in relation to passenger ropeway systems pursuant to that chapter.

5152 Section 65. Section **73-3-30** is amended to read:

5153 **73-3-30. Change application for an instream flow.**

5154 (1) As used in this section:

5155 (a) "Division" means the Division of Wildlife Resources, created in Section [23-14-1](#),
5156 [~~or~~] the Division of Parks [~~and Recreation~~], created in Section [79-4-201](#), or the Division of
5157 Recreation, created in Section [79-7-201](#).

5158 (b) "Fishing group" means an organization that:

- 5159 (i) is exempt from taxation under Section 501(c)(3), Internal Revenue Code; and
5160 (ii) promotes fishing opportunities in the state.
- 5161 (2) (a) A division may file a change application, as provided by Section 73-3-3, for the
5162 purpose of providing water for an instream flow, within a specified section of a natural or
5163 altered stream channel, necessary within the state for:
- 5164 (i) the propagation of fish;
 - 5165 (ii) public recreation; or
 - 5166 (iii) the reasonable preservation or enhancement of the natural stream environment.
- 5167 (b) A division may file a change application on:
- 5168 (i) a perfected water right:
 - 5169 (A) presently owned by the division;
 - 5170 (B) purchased by the division for the purpose of providing water for an instream flow,
5171 through funding provided for that purpose by legislative appropriation; or
 - 5172 (C) acquired by lease, agreement, gift, exchange, or contribution; or
 - 5173 (ii) an appurtenant water right acquired with the acquisition of real property by the
5174 division.
- 5175 (c) A division may:
- 5176 (i) purchase a water right for the purposes provided in Subsection (2)(a) only with
5177 funds specifically appropriated by the Legislature for water rights purchases; or
 - 5178 (ii) accept a donated water right without legislative approval.
- 5179 (d) A division may not acquire water rights by eminent domain for an instream flow or
5180 for any other purpose.
- 5181 (3) (a) A fishing group may file a fixed time change application on a perfected,
5182 consumptive water right for the purpose of providing water for an instream flow, within a
5183 specified section of a natural or altered stream channel, to protect or restore habitat for three
5184 native trout:
- 5185 (i) the Bonneville cutthroat;
 - 5186 (ii) the Colorado River cutthroat; or
 - 5187 (iii) the Yellowstone cutthroat.
- 5188 (b) Before filing an application authorized by Subsection (3)(a) to change a
5189 shareholder's proportionate share of water, the water company shall submit the decision to

5190 approve or deny the change request required by Subsection 73-3-3.5(3) to a vote of the
5191 shareholders:

5192 (i) in a manner outlined in the water company's articles of incorporation or bylaws;

5193 (ii) at an annual or regular meeting described in Section 16-6a-701; or

5194 (iii) at a special meeting convened under Section 16-6a-702.

5195 (c) The specified section of the natural or altered stream channel for the instream flow
5196 may not be further upstream than the water right's original point of diversion nor extend further
5197 downstream than the next physical point of diversion made by another person.

5198 (d) The fishing group shall receive the Division of Wildlife Resources' director's
5199 approval of the proposed change before filing the fixed time change application with the state
5200 engineer.

5201 (e) The director of the Division of Wildlife Resources may approve a proposed change
5202 if:

5203 (i) the specified section of the stream channel is historic or current habitat for a species
5204 listed in Subsections (3)(a)(i) through (iii);

5205 (ii) the proposed purpose of use is consistent with an existing state management or
5206 recovery plan for that species; and

5207 (iii) the fishing group has:

5208 (A) entered into a programmatic Candidate Conservation Agreement with Assurances
5209 with the United States Fish and Wildlife Service, as authorized by 16 U.S.C. Secs. 1531(a)(5)
5210 and 1536(a)(1), that gives the water right holder the option to receive an enhancement of
5211 survival permit, as authorized by 16 U.S.C. Sec. 1539(a)(1)(A), or a certificate of inclusion, for
5212 a fixed time change application that benefits a candidate species of trout; or

5213 (B) until a programmatic Candidate Conservation Agreement with Assurances
5214 described in Subsection (3)(e)(iii)(A) becomes valid and enforceable, entered into a contract
5215 with the water right holder agreeing to defend and indemnify the water right holder for liability
5216 under Section 1538(a) of the Endangered Species Act, 16 U.S.C. Secs. 1531 through 1544, for
5217 an action taken by the water right holder under the terms of the water right holder's agreement
5218 with the fishing group for a fixed time change application.

5219 (f) The director may deny a proposed change if the proposed change would not be in
5220 the public's interest.

5221 (g) (i) In considering a fixed time change application, the state engineer shall follow
5222 the same procedures as provided in this title for an application to appropriate water.

5223 (ii) The rights and the duties of a fixed time change applicant are the same as provided
5224 in this title for an applicant to appropriate water.

5225 (h) A fishing group may refile a fixed time change application by filing a written
5226 request with the state engineer no later than 60 days before the application expires.

5227 (i) (i) The water right for which the state engineer has approved a fixed time change
5228 application will automatically revert to the point of diversion and place and purpose of use that
5229 existed before the approved fixed time change application when the fixed time change
5230 application expires or is terminated.

5231 (ii) The applicant shall give written notice to the state engineer and the lessor, if
5232 applicable, if the applicant wishes to terminate a fixed time change application before the fixed
5233 time change application expires.

5234 (4) In addition to the requirements of Section 73-3-3, an application authorized by this
5235 section shall:

5236 (a) set forth the legal description of the points on the stream channel between which the
5237 instream flow will be provided by the change application; and

5238 (b) include appropriate studies, reports, or other information required by the state
5239 engineer demonstrating the necessity for the instream flow in the specified section of the
5240 stream and the projected benefits to the public resulting from the change.

5241 (5) (a) For a permanent change application or a fixed time change application filed
5242 according to this section, 60 days before the date on which proof of change for an instream
5243 flow is due, the state engineer shall notify the applicant by mail or by any form of
5244 communication through which receipt is verifiable of the date when proof of change is due.

5245 (b) Before the date when proof of change is due, the applicant must either:

5246 (i) file a verified statement with the state engineer that the instream flow uses have
5247 been perfected, setting forth:

5248 (A) the legal description of the points on the stream channel between which the
5249 instream flow is provided;

5250 (B) detailed measurements of the flow of water in second-feet changed;

5251 (C) the period of use; and

- 5252 (D) any additional information required by the state engineer; or
5253 (ii) apply for a further extension of time as provided for in Section 73-3-12.
5254 (c) (i) Upon acceptance of the verified statement required under Subsection (5)(b)(i),
5255 the state engineer shall issue a certificate of change for instream flow use in accordance with
5256 Section 73-3-17.
5257 (ii) The certificate expires at the same time the fixed time change application expires.
5258 (6) A person may not appropriate unappropriated water under Section 73-3-2 for the
5259 purpose of providing an instream flow.
5260 (7) Water used in accordance with this section is considered to be beneficially used, as
5261 required by Section 73-3-1.
5262 (8) A physical structure or physical diversion from the stream is not required to
5263 implement a change for instream flow use.
5264 (9) This section does not allow enlargement of the water right that the applicant seeks
5265 to change.
5266 (10) A change application authorized by this section may not impair a vested water
5267 right, including a water right used to generate hydroelectric power.
5268 (11) The state engineer or the water commissioner shall distribute water under an
5269 approved or a certificated instream flow change application according to the change
5270 application's priority date relative to the other water rights located within the stream section
5271 specified in the change application for instream flow.
5272 (12) An approved fixed time change application does not create a right of access across
5273 private property or allow any infringement of a private property right.
5274 Section 66. Section 73-3-31 is amended to read:
5275 **73-3-31. Water right for watering livestock on public land.**
5276 (1) As used in this section:
5277 (a) "Acquire" means to gain the right to use water through obtaining:
5278 (i) an approved application to appropriate water; or
5279 (ii) a perfected water right.
5280 (b) "Allotment" means a designated area of public land available for livestock grazing.
5281 (c) "Animal unit month (AUM)" is the amount of forage needed to sustain one cow and
5282 her calf, one horse, or five sheep and goats for one month.

- 5283 (d) (i) "Beneficial user" means the person that has the right to use the grazing permit.
- 5284 (ii) "Beneficial user" does not mean the public land agency issuing the grazing permit.
- 5285 (e) "Grazing permit" means a document authorizing livestock to graze on an allotment.
- 5286 (f) "Livestock" means a domestic animal raised or kept for profit or personal use.
- 5287 (g) "Livestock watering right" means a right for:
- 5288 (i) livestock to consume water:
- 5289 (A) directly from the water source located on public land; or
- 5290 (B) from an impoundment located on public land into which the water is diverted; and
- 5291 (ii) associated uses of water related to the raising and care of livestock on public land.
- 5292 (h) (i) "Public land" means land owned or managed by the United States or the state.
- 5293 (ii) "Public land" does not mean land owned by:
- 5294 (A) the Division of Wildlife Resources;
- 5295 (B) the School and Institutional Trust Lands Administration; or
- 5296 (C) the Division of Parks [~~and Recreation~~] or the Division of Recreation.
- 5297 (i) "Public land agency" means the agency that owns or manages the public land.
- 5298 (2) A public land agency may not:
- 5299 (a) condition the issuance, renewal, amendment, or extension of any permit, approval,
- 5300 license, allotment, easement, right-of-way, or other land use occupancy agreement regarding
- 5301 livestock on the transfer of any water right directly to the public land agency;
- 5302 (b) require any water user to apply for, or acquire a water right in the name of, the
- 5303 public land agency as a condition for the issuance, renewal, amendment, or extension of any
- 5304 permit, approval, license, allotment, easement, right-of-way, or other land use occupancy
- 5305 agreement regarding livestock; or
- 5306 (c) acquire a livestock watering right if the public land agency is not a beneficial user.
- 5307 (3) The state engineer may not approve a change application under Section 73-3-3 for a
- 5308 livestock watering right without the consent of the beneficial user.
- 5309 (4) A beneficial user may file a nonuse application under Section 73-1-4 on a livestock
- 5310 watering right or a portion of a livestock watering right that the beneficial user puts to
- 5311 beneficial use.
- 5312 (5) A livestock watering right is appurtenant to the allotment on which the livestock is
- 5313 watered.

5314 (6) (a) (i) A beneficial user or a public land agency may file a request with the state
5315 engineer for a livestock water use certificate.

5316 (ii) The state engineer shall:

5317 (A) provide the livestock water use certificate application form on the Internet; and

5318 (B) allow electronic submission of the livestock water use certificate application.

5319 (b) The state engineer shall grant a livestock water use certificate to a beneficial user if
5320 the beneficial user:

5321 (i) demonstrates that the beneficial user has a right to use a grazing permit for the
5322 allotment to which the livestock watering right is appurtenant; and

5323 (ii) pays the fee set in accordance with Section 73-2-14.

5324 (c) A livestock water use certificate is valid as long as the livestock watering right is:

5325 (i) held by a beneficial user who has the right to use the grazing permit and graze
5326 livestock on the allotment;

5327 (ii) put to beneficial use within a seven-year time period; or

5328 (iii) subject to a nonuse application approved under Section 73-1-4.

5329 (7) A beneficial user may access or improve an allotment as necessary for the
5330 beneficial user to beneficially use, develop, and maintain the beneficial user's water right
5331 appurtenant to the allotment.

5332 (8) If a federal land management agency reduces livestock grazing AUMs on federal
5333 grazing allotments, and the reduction results in the partial forfeiture of an appropriated water
5334 right, the amount of water in question for nonuse as a livestock water right shall be held in trust
5335 by the state engineer until such water may be appropriated for livestock watering, consistent
5336 with this act and state law.

5337 (9) Nothing in this section affects a livestock watering right or a livestock water use
5338 certificate held by a public land agency on May 13, 2014.

5339 Section 67. Section 73-10e-1 is amended to read:

5340 **73-10e-1. Creation of Water Development and Flood Mitigation Reserve Account**
5341 **-- Appropriation.**

5342 (1) There is created within the General Fund a restricted account known as the "Water
5343 Development and Flood Mitigation Reserve Account."

5344 (2) There is appropriated for fiscal year 1984-85 \$55,000,000 from the General Fund

5345 and \$6,000,000 from certificates of participation to the Water Development and Flood
5346 Mitigation Reserve Account. This appropriation may not lapse and shall carry over to fiscal
5347 year 1985-86.

5348 (3) There is appropriated for fiscal year 1985-86 \$35,000,000 from the General Fund to
5349 the Water Development and Flood Mitigation Reserve Account.

5350 (4) There is appropriated for fiscal year 1984-85 \$4,050,000 from the Water
5351 Development and Flood Mitigation Reserve Account to the Division of Water Resources to use
5352 for all of the following:

5353 (a) \$2,000,000 for final engineering studies for west desert pumping;

5354 (b) \$500,000 for implementation of the State Water Plan, including, but not limited to,
5355 engineering studies on Bear River upstream diversion and storage projects and Hatch Town
5356 Reservoir;

5357 (c) (i) \$750,000 to prepare final design reports and cost estimates for the following:

5358 (A) Option A - No. Davis WWTP, West Kaysville, Centerville, Bard, West Bountiful,
5359 So. Davis No. WWTP, Phillips, Woods Cross, Jordan River WWTP, and the Salt Lake
5360 International Airport; and

5361 (B) Option B - Antelope Island roadway dikes.

5362 (ii) It is the intent of the Legislature to choose between Options A and B after the final
5363 design reports are completed. The final design reports for Option B shall be completed by
5364 consultants other than those who prepared the original report. The reports for both Options A
5365 and B shall clearly indicate the following for each alternative:

5366 (A) estimated construction costs;

5367 (B) estimated costs of operation and maintenance;

5368 (C) estimated time necessary for completion;

5369 (D) benefits with respect to flood control, tourism, recreation, long-term second use,
5370 and new access to Antelope Island and marsh lands; and

5371 (E) impact on roads and esthetic land features during construction.

5372 (d) \$250,000 to prepare final design reports for the following projects:

5373 Corrine-WWTP, Plain City-WWTP, Perry-WWTP, and Little Mtn.-WWTP;

5374 (e) \$500,000 to construct the South Shore project; and

5375 (f) \$50,000 to reevaluate inter-island diking between South Shore, Antelope Island,

5376 Fremont Island, and Promontory Point.

5377 (5) There is appropriated for fiscal year 1984-85 \$16,300,000 from the Water
5378 Development and Flood Mitigation Reserve Account to the Community Development/Disaster
5379 Relief Board for the following:

5380 (a) \$4,000,000 to use as a match on diking projects built by the Army Corps of
5381 Engineers; and

5382 (b) (i) \$12,300,000 to provide grants to appropriate governmental entities to increase
5383 the carrying capacity of the Jordan River. The grants shall be made without requiring matching
5384 funds from any other governmental entity and shall only be made if an agreement is entered
5385 into by the affected governmental entities resolving disputed issues of responsibility. It is the
5386 intent of the Legislature to consider the distribution of the 1/8% sales and use tax increase as
5387 the contribution from the affected governmental entities.

5388 (ii) Any portion of the \$12,300,000 appropriated under Subsection (5)(b)(i) which is
5389 not used for the purposes described in that subsection shall be transferred to the Division of
5390 Parks [~~and Recreation~~] for the purposes described in Section 79-4-802. After this money is
5391 transferred to the Division of Parks [~~and Recreation~~], the money is nonlapsing. The money
5392 may not be used for any project specified by the Division of Parks [~~and Recreation~~] until the
5393 political subdivision having jurisdiction over the appropriate area contributes 50% of the costs
5394 of the project to the state. This contribution may be in the form of money, property, or
5395 services, or any combination of these, which can be used for the specified project.

5396 (6) Interest accrued on the money appropriated into the Water Development and Flood
5397 Mitigation Reserve Account shall be deposited into the Water Resources Conservation and
5398 Development Fund as the interest accrues.

5399 (7) All money not appropriated from the Water Development and Flood Mitigation
5400 Reserve Account by September 1, 1985, shall be deposited into the Water Resources
5401 Conservation and Development Fund.

5402 Section 68. Section 73-18-2 is amended to read:

5403 **73-18-2. Definitions.**

5404 As used in this chapter:

5405 (1) "Anchored" means a vessel that is temporarily attached to the bed or shoreline of a
5406 waterbody by any method and the hull of the vessel is not touching the bed or shoreline.

- 5407 (2) "Beached" means that a vessel's hull is resting on the bed or shoreline of a
5408 waterbody.
- 5409 [~~(3)~~] "~~Board~~" means the ~~Board of Parks and Recreation.~~]
- 5410 [~~(4)~~] (3) "Boat livery" means a person that holds a vessel for renting or leasing.
- 5411 [~~(5)~~] (4) "Carrying passengers for hire" means to transport persons on vessels or to lead
5412 persons on vessels for consideration.
- 5413 (5) "Commission" means the Outdoor Adventure Advisory Commission.
- 5414 (6) "Consideration" means something of value given or done in exchange for
5415 something given or done by another.
- 5416 (7) "Dealer" means any person who is licensed by the appropriate authority to engage
5417 in and who is engaged in the business of buying and selling vessels or of manufacturing them
5418 for sale.
- 5419 (8) "Derelict vessel":
- 5420 (a) means a vessel that is left, stored, or abandoned upon the waters of this state in a
5421 wrecked, junked, or substantially dismantled condition; and
- 5422 (b) includes:
- 5423 (i) a vessel left at a Utah port or marina without consent of the agency or other entity
5424 administering the port or marine area; and
- 5425 (ii) a vessel left docked or grounded upon a property without the property owner's
5426 consent.
- 5427 (9) "Division" means the Division of [~~Parks and~~] Recreation.
- 5428 (10) "Moored" means long term, on the water vessel storage in an area designated and
5429 properly marked by the division or other applicable managing agency.
- 5430 (11) "Motorboat" means any vessel propelled by machinery, whether or not the
5431 machinery is the principal source of propulsion.
- 5432 (12) "Operate" means to navigate, control, or otherwise use a vessel.
- 5433 (13) "Operator" means the person who is in control of a vessel while it is in use.
- 5434 (14) "Outfitting company" means any person who, for consideration:
- 5435 (a) provides equipment to transport persons on all waters of this state; and
- 5436 (b) supervises a person who:
- 5437 (i) operates a vessel to transport passengers; or

5438 (ii) leads a person on a vessel.

5439 (15) (a) "Owner" means a person, other than a lien holder, holding a proprietary
5440 interest in or the title to a vessel.

5441 (b) "Owner" includes a person entitled to the use or possession of a vessel subject to an
5442 interest by another person, reserved or created by agreement and securing payment or
5443 performance of an obligation.

5444 (c) "Owner" does not include a lessee under a lease not intended as security.

5445 (16) "Personal watercraft" means a motorboat that is:

5446 (a) less than 16 feet in length;

5447 (b) propelled by a water jet pump; and

5448 (c) designed to be operated by a person sitting, standing, or kneeling on the vessel,
5449 rather than sitting or standing inside the vessel.

5450 (17) "Racing shell" means a long, narrow watercraft:

5451 (a) outfitted with long oars and sliding seats; and

5452 (b) specifically designed for racing or exercise.

5453 (18) "Sailboat" means any vessel having one or more sails and propelled by wind.

5454 (19) "Vessel" means every type of watercraft, other than a seaplane on the water, used
5455 or capable of being used as a means of transportation on water.

5456 (20) "Wakeless speed" means an operating speed at which the vessel does not create or
5457 make a wake or white water trailing the vessel. This speed is not in excess of five miles per
5458 hour.

5459 (21) "Waters of this state" means any waters within the territorial limits of this state.

5460 Section 69. Section **73-18-3.5** is amended to read:

5461 **73-18-3.5. Advisory council.**

5462 The [~~board~~] division, after consultation with the commission, may appoint an advisory
5463 council representing various boating interests to seek recommendations on state boating
5464 policies.

5465 Section 70. Section **73-18-4** is amended to read:

5466 **73-18-4. Division may promulgate rules and set fees.**

5467 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5468 [~~board~~] division, after consultation with the commission, shall promulgate rules:

5469 (a) creating a uniform waterway marking system which shall be obeyed by all vessel
5470 operators;

5471 (b) regulating the placement of waterway markers and other permanent or anchored
5472 objects on the waters of this state;

5473 (c) zoning certain waters of this state for the purpose of prohibiting the operation of
5474 vessels or motors for safety and health purposes only;

5475 (d) regulating vessel operators who carry passengers for hire, boat liveries, and
5476 outfitting companies; and

5477 (e) regulating anchored, beached, moored, or abandoned vessels to minimize health,
5478 safety, and environmental concerns.

5479 (2) (a) The [board] division, after consultation with the commission, may set fees in
5480 accordance with Section 63J-1-504 for:

5481 (i) licensing vessel operators who carry passengers for hire; and

5482 (ii) registering:

5483 (A) outfitting companies; and

5484 (B) boat liveries.

5485 (b) The license and registration fees imposed pursuant to Subsection (2)(a) shall be
5486 deposited into the Boating Account created in Section 73-18-22.

5487 Section 71. Section 73-18-7 is amended to read:

5488 **73-18-7. Registration requirements -- Exemptions -- Fee -- Agents -- Records --**

5489 **Period of registration and renewal -- Expiration -- Notice of transfer of interest or change**
5490 **of address -- Duplicate registration card -- Invalid registration -- Powers of division.**

5491 (1) (a) Except as provided by Section 73-18-9, the owner of each motorboat and
5492 sailboat on the waters of this state shall register it with the division as provided in this chapter.

5493 (b) A person may not place, give permission for the placement of, operate, or give
5494 permission for the operation of a motorboat or sailboat on the waters of this state, unless the
5495 motorboat or sailboat is registered as provided in this chapter.

5496 (2) (a) The owner of a motorboat or sailboat required to be registered shall file an
5497 application for registration with the division on forms approved by the division.

5498 (b) The owner of the motorboat or sailboat shall sign the application and pay the fee set
5499 by the [board] division, after consultation with the commission, in accordance with Section

5500 63J-1-504.

5501 (c) Before receiving a registration card and registration decals, the applicant shall
5502 provide the division with a certificate from the county assessor of the county in which the
5503 motorboat or sailboat has situs for taxation, stating that:

5504 (i) the property tax on the motorboat or sailboat for the current year has been paid;

5505 (ii) in the county assessor's opinion, the property tax is a lien on real property sufficient
5506 to secure the payment of the property tax; or

5507 (iii) the motorboat or sailboat is exempt by law from payment of property tax for the
5508 current year.

5509 (d) If the [board] division modifies the fee under Subsection (2)(b), the modification
5510 shall take effect on the first day of the calendar quarter after 90 days from the day on which the
5511 [board] division provides the State Tax Commission:

5512 (i) notice from the [board] division stating that the [board] division will modify the fee;
5513 and

5514 (ii) a copy of the fee modification.

5515 (3) (a) Upon receipt of the application in the approved form, the division shall record
5516 the receipt and issue to the applicant registration decals and a registration card that state the
5517 number assigned to the motorboat or sailboat and the name and address of the owner.

5518 (b) The registration card shall be available for inspection on the motorboat or sailboat
5519 for which it was issued, whenever that motorboat or sailboat is in operation.

5520 (4) The assigned number shall:

5521 (a) be painted or permanently attached to each side of the forward half of the motorboat
5522 or sailboat;

5523 (b) consist of plain vertical block characters not less than three inches in height;

5524 (c) contrast with the color of the background and be distinctly visible and legible;

5525 (d) have spaces or hyphens equal to the width of a letter between the letter and numeral
5526 groupings; and

5527 (e) read from left to right.

5528 (5) A motorboat or sailboat with a valid marine document issued by the United States
5529 Coast Guard is exempt from the number display requirements of Subsection (4).

5530 (6) The nonresident owner of any motorboat or sailboat already covered by a valid

5531 number that has been assigned to it according to federal law or a federally approved numbering
5532 system of the owner's resident state is exempt from registration while operating the motorboat
5533 or sailboat on the waters of this state unless the owner is operating in excess of the reciprocity
5534 period provided for in Subsection 73-18-9(1).

5535 (7) (a) If the ownership of a motorboat or sailboat changes, the new owner shall file a
5536 new application form and fee with the division, and the division shall issue a new registration
5537 card and registration decals in the same manner as provided for in Subsections (2) and (3).

5538 (b) The division shall reassign the current number assigned to the motorboat or sailboat
5539 to the new owner to display on the motorboat or sailboat.

5540 (8) If the United States Coast Guard has in force an overall system of identification
5541 numbering for motorboats or sailboats within the United States, the numbering system
5542 employed under this chapter by the [board] division shall conform with that system.

5543 (9) (a) The division may authorize any person to act as its agent for the registration of
5544 motorboats and sailboats.

5545 (b) A number assigned, a registration card, and registration decals issued by an agent of
5546 the division in conformity with this chapter and rules of the [board] division are valid.

5547 (10) (a) The Motor Vehicle Division shall classify all records of the division made or
5548 kept according to this section in the same manner that motor vehicle records are classified
5549 under Section 41-1a-116.

5550 (b) Division records are available for inspection in the same manner as motor vehicle
5551 records pursuant to Section 41-1a-116.

5552 (11) (a) (i) Each registration, registration card, and decal issued under this chapter shall
5553 continue in effect for 12 months, beginning with the first day of the calendar month of
5554 registration.

5555 (ii) A registration may be renewed by the owner in the same manner provided for in the
5556 initial application.

5557 (iii) The division shall reassign the current number assigned to the motorboat or
5558 sailboat when the registration is renewed.

5559 (b) Each registration, registration card, and registration decal expires the last day of the
5560 month in the year following the calendar month of registration.

5561 (c) If the last day of the registration period falls on a day in which the appropriate state

5562 or county offices are not open for business, the registration of the motorboat or sailboat is
5563 extended to 12 midnight of the next business day.

5564 (d) The division may receive applications for registration renewal and issue new
5565 registration cards at any time before the expiration of the registration, subject to the availability
5566 of renewal materials.

5567 (e) The new registration shall retain the same expiration month as recorded on the
5568 original registration even if the registration has expired.

5569 (f) The year of registration shall be changed to reflect the renewed registration period.

5570 (g) If the registration renewal application is an application generated by the division
5571 through its automated system, the owner is not required to surrender the last registration card or
5572 duplicate.

5573 (12) (a) An owner shall notify the division of:

5574 (i) the transfer of all or any part of the owner's interest, other than creation of a security
5575 interest, in a motorboat or sailboat registered in this state under Subsections (2) and (3); and

5576 (ii) the destruction or abandonment of the owner's motorboat or sailboat.

5577 (b) Notification must take place within 15 days of the transfer, destruction, or
5578 abandonment.

5579 (c) (i) The transfer, destruction, or abandonment of a motorboat or sailboat terminates
5580 its registration.

5581 (ii) Notwithstanding Subsection (12)(c)(i), a transfer of a part interest that does not
5582 affect the owner's right to operate a motorboat or sailboat does not terminate the registration.

5583 (13) (a) A registered owner shall notify the division within 15 days if the owner's
5584 address changes from the address appearing on the registration card and shall, as a part of this
5585 notification, furnish the division with the owner's new address.

5586 (b) The ~~[board]~~ division may provide in ~~[its]~~ the division's rules for:

5587 (i) the surrender of the registration card bearing the former address; and

5588 (ii) (A) the replacement of the card with a new registration card bearing the new
5589 address; or

5590 (B) the alteration of an existing registration card to show the owner's new address.

5591 (14) (a) If a registration card is lost or stolen, the division may collect a fee of \$4 for
5592 the issuance of a duplicate card.

5593 (b) If a registration decal is lost or stolen, the division may collect a fee of \$3 for the
5594 issuance of a duplicate decal.

5595 (15) A number other than the number assigned to a motorboat or sailboat or a number
5596 for a motorboat or sailboat granted reciprocity under this chapter may not be painted, attached,
5597 or otherwise displayed on either side of the bow of a motorboat or sailboat.

5598 (16) A motorboat or sailboat registration and number are invalid if obtained by
5599 knowingly falsifying an application for registration.

5600 (17) The [board] division may designate the suffix to assigned numbers, and by
5601 following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative
5602 Rulemaking Act, make rules for:

5603 (a) the display of registration decals;

5604 (b) the issuance and display of dealer numbers and registrations; and

5605 (c) the issuance and display of temporary registrations.

5606 (18) A violation of this section is an infraction.

5607 Section 72. Section **73-18-8** is amended to read:

5608 **73-18-8. Safety equipment required to be on board vessels -- Penalties.**

5609 (1) (a) Except as provided in Subsection (1)(c), each vessel shall have, for each person
5610 on board, one wearable personal flotation device that is approved for the type of use by the
5611 commandant of the United States Coast Guard.

5612 (b) Each personal flotation device shall be:

5613 (i) in serviceable condition;

5614 (ii) legally marked with the United States Coast Guard approval number; and

5615 (iii) of an appropriate size for the person for whom it is intended.

5616 (c) (i) Sailboards and racing shells are exempt from the provisions of Subsections
5617 (1)(a) and (e).

5618 (ii) The [board] division, after consultation with the commission, may exempt certain
5619 types of vessels from the provisions of Subsection (1)(a) under certain conditions or upon
5620 certain waters.

5621 (d) The [board] division may require by rule, after consultation with the commission,
5622 for personal flotation devices to be worn:

5623 (i) while a person is on board a certain type of vessel;

5624 (ii) by a person under a certain age; or

5625 (iii) on certain waters of the state.

5626 (e) For vessels 16 feet or more in length, there shall also be on board one throwable
5627 personal flotation device which is approved for this use by the commandant of the United
5628 States Coast Guard.

5629 (2) The operator of a vessel operated between sunset and sunrise shall display lighted
5630 navigation lights approved by the division.

5631 (3) If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in
5632 any enclosure for any purpose, the vessel shall be equipped with an efficient natural or
5633 mechanical ventilation system that is capable of removing resulting gases before and during the
5634 time the vessel is occupied by any person.

5635 (4) Each vessel shall have fire extinguishing equipment on board.

5636 (5) Any inboard gasoline engine shall be equipped with a carburetor backfire flame
5637 control device.

5638 (6) The [~~board~~] division may:

5639 (a) require additional safety equipment by rule made in consultation with the
5640 commission; and

5641 (b) adopt rules conforming with the requirements of this section which govern
5642 specifications for and the use of safety equipment.

5643 (7) A person may not operate or give permission for the operation of a vessel that is not
5644 equipped as required by this section or rules promulgated under this section.

5645 (8) A violation of this section is an infraction.

5646 Section 73. Section **73-18-9** is amended to read:

5647 **73-18-9. Exemptions from registration.**

5648 Registration under this chapter is not required for any of the following:

5649 (1) a motorboat or sailboat that:

5650 (a) is already covered by a valid registration issued by its nonresident owner's resident
5651 state; and

5652 (b) has not been within this state in excess of 60 days for the calendar year;

5653 (2) a motorboat or sailboat from a country other than the United States temporarily
5654 using the waters of this state;

5655 (3) a motorboat or sailboat whose owner is the United States, a state or subdivision
5656 thereof;

5657 (4) a ship's lifeboat; or

5658 (5) a motorboat or sailboat belonging to a class of vessels which is exempted from
5659 registration by the [board] division after the [board] division finds:

5660 (a) that the registration of motorboats or sailboats of this class will not materially aid in
5661 their identification; and

5662 (b) that the United States Coast Guard has a numbering system applicable to the class
5663 of motorboats or sailboats to which the motorboat or sailboat in question belongs, and the
5664 motorboat or sailboat would also be exempt from numbering if it were subject to federal law.

5665 Section 74. Section **73-18-11** is amended to read:

5666 **73-18-11. Regulation of muffling devices.**

5667 The [board] division, after consultation with the commission, shall adopt rules for the
5668 regulating of muffling devices on all vessels.

5669 Section 75. Section **73-18-13** is amended to read:

5670 **73-18-13. Duties of operator involved in accident -- Notification and reporting**
5671 **procedures -- Use of accident reports -- Giving false information as misdemeanor.**

5672 (1) As used in this section, "agent" has the same meaning as provided in Section
5673 [41-6a-404](#).

5674 (2) (a) It is the duty of the operator of a vessel involved in an accident, if the operator
5675 can do so without seriously endangering the operator's own vessel, crew, or passengers, to
5676 render aid to those affected by the accident as may be practicable.

5677 (b) The operator shall also give the operator's name, address, and identification of the
5678 operator's vessel in writing to:

5679 (i) any person injured; or

5680 (ii) the owner of any property damaged in the accident.

5681 (c) A violation of this Subsection (2) is a class B misdemeanor.

5682 (3) (a) The [board] division, after consultation with the commission, shall adopt rules
5683 governing the notification and reporting procedure for vessels involved in accidents.

5684 (b) The rules shall be consistent with federal requirements.

5685 (4) (a) Except as provided in Subsection (4)(b), all accident reports:

- 5686 (i) are protected and shall be for the confidential use of the division or other state,
5687 local, or federal agencies having use for the records for official governmental statistical,
5688 investigative, and accident prevention purposes; and
- 5689 (ii) may be disclosed only in a statistical form that protects the privacy of any person
5690 involved in the accident.
- 5691 (b) The division shall disclose a written accident report and its accompanying data to:
- 5692 (i) a person involved in the accident, excluding a witness to the accident;
- 5693 (ii) a person suffering loss or injury in the accident;
- 5694 (iii) an agent, parent, or legal guardian of a person described in Subsections (4)(b)(i)
5695 and (ii);
- 5696 (iv) a member of the press or broadcast news media;
- 5697 (v) a state, local, or federal agency that uses the records for official governmental,
5698 investigative, or accident prevention purposes;
- 5699 (vi) law enforcement personnel when acting in their official governmental capacity;
5700 and
- 5701 (vii) a licensed private investigator.
- 5702 (c) Information provided to a member of the press or broadcast news media under
5703 Subsection (4)(b)(iv) may only include:
- 5704 (i) the name, age, sex, and city of residence of each person involved in the accident;
- 5705 (ii) the make and model year of each vehicle involved in the accident;
- 5706 (iii) whether or not each person involved in the accident was covered by a vehicle
5707 insurance policy;
- 5708 (iv) the location of the accident; and
- 5709 (v) a description of the accident that excludes personal identifying information not
5710 listed in Subsection (4)(c)(i).
- 5711 (5) (a) Except as provided in Subsection (5)(c), an accident report may not be used as
5712 evidence in any civil or criminal trial, arising out of an accident.
- 5713 (b) Upon demand of any person who has, or claims to have, made the report, or upon
5714 demand of any court, the division shall furnish a certificate showing that a specified accident
5715 report has or has not been made to the division solely to prove a compliance or a failure to
5716 comply with the requirement that a report be made to the division.

5717 (c) Accident reports may be used as evidence when necessary to prosecute charges
5718 filed in connection with a violation of Subsection (6).

5719 (6) Any person who gives false information, knowingly or having reason to believe it is
5720 false, in an oral or written report as required in this chapter, is guilty of a class B misdemeanor.

5721 Section 76. Section **73-18-13.5** is amended to read:

5722 **73-18-13.5. Motorboat accidents -- Investigation and report of operator security**
5723 **-- Agency action if no security -- Surrender of registration materials.**

5724 (1) Upon request of a peace officer investigating an accident involving a motorboat as
5725 defined in Section **73-18c-102**, the operator of the motorboat shall provide evidence of the
5726 owner's or operator's security required under Section **73-18c-301**.

5727 (2) The peace officer shall record on a form approved by the division:

5728 (a) the information provided by the operator;

5729 (b) whether the operator provided insufficient or no information; and

5730 (c) whether the peace officer finds reasonable cause to believe that any information
5731 given is not correct.

5732 (3) The peace officer shall deposit all completed forms with the peace officer's agency,
5733 which shall forward the forms to the division no later than 10 days after receipt.

5734 (4) (a) The division shall revoke the registration of a motorboat as defined in Section
5735 **73-18c-102** involved in an accident unless the owner or operator can demonstrate to the
5736 division compliance with the owner's or operator's security requirement of Section **73-18c-301**
5737 at the time of the accident.

5738 (b) Any registration revoked shall be renewed in accordance with Section **73-18-7**.

5739 (5) A person may appeal a revocation issued under Subsection (4) in accordance with
5740 procedures established by the [board] division, after consultation with the commission, by rule
5741 that are consistent with Title 63G, Chapter 4, Administrative Procedures Act.

5742 (6) (a) Any person whose registration is revoked under Subsection (4) shall return the
5743 registration card and decals for the motorboat to the division.

5744 (b) If the person fails to return the registration materials as required, they shall be
5745 confiscated under Section **73-18-13.6**.

5746 (7) The [board] division may, after consultation with the commission, make rules for
5747 the enforcement of this section.

5748 (8) In this section, "evidence of owner's or operator's security" includes any one of the
5749 following:

5750 (a) the operator's:

5751 (i) insurance policy;

5752 (ii) binder notice;

5753 (iii) renewal notice; or

5754 (iv) card issued by an insurance company as evidence of insurance;

5755 (b) a copy of a surety bond, certified by the surety, which conforms to Section

5756 [73-18c-102](#);

5757 (c) a certificate of the state treasurer issued under Section [73-18c-305](#); or

5758 (d) a certificate of self-funded coverage issued under Section [73-18c-306](#).

5759 Section 77. Section **73-18-15** is amended to read:

5760 **73-18-15. Division to adopt rules concerning water skiing and aquaplane riding**
5761 **and use of other devices towed behind a vessel.**

5762 The [~~board~~] division, after consultation with the commission, shall adopt rules for the
5763 regulation and safety of water skiing and aquaplane riding, and the use of other devices that are
5764 towed behind a vessel pursuant to this section and in accordance with Section [73-18-16](#).

5765 Section 78. Section **73-18-15.2** is amended to read:

5766 **73-18-15.2. Minimum age of operators -- Boating safety course for youth to**
5767 **operate personal watercraft.**

5768 (1) (a) A person under 16 years of age may not operate a motorboat on the waters of
5769 this state unless the person is under the on-board and direct supervision of a person who is at
5770 least 18 years of age.

5771 (b) A person under 16 years of age may operate a sailboat, if the person is under the
5772 direct supervision of a person who is at least 18 years of age.

5773 (2) A person who is at least 12 years of age or older but under 16 years of age may
5774 operate a personal watercraft provided he:

5775 (a) is under the direct supervision of a person who is at least 18 years of age;

5776 (b) completes a boating safety course approved by the division; and

5777 (c) has in his possession a boating safety certificate issued by the boating safety course
5778 provider.

5779 (3) A person who is at least 16 years of age but under 18 years of age may operate a
5780 personal watercraft, if the person:

5781 (a) completes a boating safety course approved by the division; and

5782 (b) has in his possession a boating safety certificate issued by the boating safety course
5783 provider.

5784 (4) A person required to attend a boating safety course under Subsection (3)(a) need
5785 not be accompanied by a parent or legal guardian while completing a boating safety course.

5786 (5) A person may not give permission to another person to operate a vessel in violation
5787 of this section.

5788 (6) As used in this section, "direct supervision" means oversight at a distance within
5789 which visual contact is maintained.

5790 (7) (a) The division may collect fees set by the [board] division in accordance with
5791 Section 63J-1-504 from each person who takes the division's boating safety course to help
5792 defray the cost of the boating safety course.

5793 (b) Money collected from the fees collected under Subsection (7)(a) shall be deposited
5794 in the Boating Account.

5795 (8) A violation of this section is an infraction.

5796 Section 79. Section 73-18-16 is amended to read:

5797 **73-18-16. Regattas, races, exhibitions -- Rules.**

5798 (1) The division may authorize the holding of regattas, motorboat or other boat races,
5799 marine parades, tournaments, or exhibitions on any waters of this state.

5800 (2) The [board] division, after consultation with the commission, may adopt rules
5801 concerning the safety of vessels and persons, either as observers or participants, that do not
5802 conflict with the provisions of Subsections (3) and (4).

5803 (3) A person may elect, at the person's own risk, to wear a non-Coast Guard approved
5804 personal floatation device if the person is on an American Water Ski Association regulation
5805 tournament slalom course and is:

5806 (a) engaged in barefoot water skiing;

5807 (b) water skiing in an American Water Ski Association regulation competition;

5808 (c) a performer participating in a professional exhibition or other tournament; or

5809 (d) practicing for an event described in Subsection (3)(b) or (c).

5810 (4) If a person is water skiing in an American Water Ski Association regulation
5811 tournament slalom course, an observer and flag are not required if the vessel is:

5812 (a) equipped with a wide angle mirror with a viewing surface of at least 48 square
5813 inches; and

5814 (b) operated by a person who is at least 18 years of age.

5815 (5) A violation of this section is an infraction.

5816 Section 80. Section **73-18-17** is amended to read:

5817 **73-18-17. Scope of application of chapter -- Identical local ordinances authorized**
5818 **-- Application for special local rules.**

5819 (1) This chapter, and other applicable laws of this state govern the operation,
5820 equipment, and numbering of vessels whenever any vessel is operated on the waters of this
5821 state, or when any activity regulated by this chapter takes place on the waters of this state.
5822 Nothing in this chapter prevents the adoption of any ordinance or local law relating to
5823 operation and equipment of vessels, the provisions of which are identical to the provisions of
5824 this chapter, amendments to this chapter, and rules promulgated under this chapter. Ordinances
5825 or local laws shall be operative only so long as and to the extent that they continue to be
5826 identical to provisions of this chapter, amendments to this chapter, and rules promulgated
5827 under this chapter.

5828 (2) Any political subdivision of this state may, at any time, but only after public notice,
5829 formally apply to the [~~board~~] division for special rules concerning the operation of vessels on
5830 any waters within its territorial limits. The political subdivision shall set forth in the
5831 application the reasons which make special rules necessary or appropriate.

5832 Section 81. Section **73-18-20** is amended to read:

5833 **73-18-20. Enforcement of chapter -- Authority to stop and board vessels --**
5834 **Disregarding law enforcement signal to stop as misdemeanor -- Procedure for arrest.**

5835 (1) A law enforcement officer authorized under Title 53, Chapter 13, Peace Officer
5836 Classifications, may enforce this chapter, the rules made under this chapter, and the
5837 maintenance inspection program for vessels carrying passengers for hire implemented under
5838 this chapter.

5839 (2) A law enforcement officer authorized under Title 53, Chapter 13, Peace Officer
5840 Classifications, has the authority to stop and board a vessel subject to this chapter, whether the

5841 vessel is on water or land. If that law enforcement officer determines the vessel is overloaded,
5842 unseaworthy, or the safety equipment required by this chapter or rules of the [board] division is
5843 not on the vessel, that law enforcement officer may prohibit the launching of the vessel or stop
5844 the vessel from operating.

5845 (3) An operator who, having received a visual or audible signal from a law
5846 enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to
5847 bring the operator's vessel to a stop, operates the vessel in willful or wanton disregard of the
5848 signal so as to interfere with or endanger the operation of a vessel or endanger an individual, or
5849 who attempts to flee or elude the law enforcement officer whether by vessel or otherwise is
5850 guilty of a class A misdemeanor.

5851 (4) Whenever an individual is arrested for a violation of this chapter or a rule made
5852 under this chapter, the procedure for arrest is the same as described in Sections [77-7-23](#) and
5853 [77-7-24](#).

5854 Section 82. Section **73-18a-1** is amended to read:

5855 **73-18a-1. Definitions.**

5856 As used in this chapter:

5857 [~~(1) "Board" means the Board of Parks and Recreation.~~]

5858 (1) "Commission" means the Outdoor Adventure Advisory Commission.

5859 (2) "Division" means the Division of [~~Parks and~~] Recreation.

5860 (3) "Human body waste" means excrement, feces, or other waste material discharged
5861 from the human body.

5862 (4) "Litter" means any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage,
5863 rubbish, or similar refuse discarded as no longer useful.

5864 (5) "Marine toilet" means any toilet or other receptacle permanently installed on or
5865 within any vessel for the purpose of receiving human body waste. This term does not include
5866 portable toilets which may be removed from a vessel in order to empty its contents.

5867 (6) "Operate" means to navigate, control, or otherwise use a vessel.

5868 (7) "Operator" means the person who is in control of a vessel while it is in use.

5869 (8) "Owner" means a person, other than a lien holder, holding a proprietary interest in
5870 or the title to a vessel. The term does not include a lessee under a lease not intended as
5871 security.

5872 (9) "Vessel" means every type of watercraft, other than a seaplane on the water, used or
5873 capable of being used as a means of transportation on water.

5874 (10) "Waters of this state" means all waters within the territorial limits of this state
5875 except those used exclusively for private purposes.

5876 Section 83. Section **73-18a-4** is amended to read:

5877 **73-18a-4. Marine toilets -- Pollution control devices required -- Rules established**
5878 **by division.**

5879 (1) Every marine toilet on a vessel used or operated upon the waters of this state shall
5880 be equipped with an approved pollution control device in operative condition.

5881 (2) The [board] division, after consultation with the commission, shall make rules in
5882 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as provided in
5883 this chapter, establishing criteria or standards for definition and approval of acceptable
5884 pollution control devices for vessels.

5885 Section 84. Section **73-18a-5** is amended to read:

5886 **73-18a-5. Chemical treatment of marine toilet contents -- Rules established by**
5887 **division and Department of Environmental Quality.**

5888 The [board] division, after consultation with the commission, shall establish by rule, in
5889 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, with approval by
5890 the Department of Environmental Quality, as provided in this chapter, standards relating to
5891 chemical treatment of marine toilet contents.

5892 Section 85. Section **73-18a-12** is amended to read:

5893 **73-18a-12. Rules promulgated -- Subject to approval by Department of**
5894 **Environmental Quality.**

5895 The [board] division, after consultation with the commission, may promulgate rules
5896 under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which are necessary for the
5897 carrying out of duties, obligations, and powers conferred on the division by this chapter. These
5898 rules shall be subject to review and approval by the Department of Environmental Quality.
5899 This approval shall be recorded as part of the rules.

5900 Section 86. Section **73-18b-1** is amended to read:

5901 **73-18b-1. Water safety rules and regulations -- Adoption.**

5902 (1) The [~~Board of Parks and~~] Division of Recreation may make rules necessary to

5903 promote safety in swimming, scuba diving, and related activities on any waters where public
5904 boating is permitted.

5905 (2) The ~~[Board of Parks and]~~ Division of Recreation may consider recommendations of
5906 and cooperate with other state agencies and the owners or operators of those waters.

5907 Section 87. Section **73-18b-4** is amended to read:

5908 **73-18b-4. Enforcement of regulations.**

5909 (1) The ~~[Board of Parks and]~~ Division of Recreation shall designate officers to enforce
5910 ~~[board]~~ Division of Recreation rules made under the authority of this chapter.

5911 (2) Those officers have the same authority in making arrests and responsibility in arrest
5912 procedures as they have in their other enforcement activities.

5913 Section 88. Section **73-18c-102** is amended to read:

5914 **73-18c-102. Definitions.**

5915 As used in this chapter:

5916 (1) "Airboat" means a vessel propelled by air pressure caused by an airplane type
5917 propeller mounted above the stern and driven by an internal combustion engine.

5918 ~~[(2) "Board" means the Board of Parks and Recreation.]~~

5919 (2) "Commission" means the Outdoor Adventure Advisory Commission.

5920 (3) "Division" means the Division of ~~[Parks and]~~ Recreation.

5921 (4) "Judgment" means any judgment that is final by:

5922 (a) expiration without appeal of the time within which an appeal might have been
5923 perfected; or

5924 (b) final affirmation on appeal, rendered by a court of competent jurisdiction of any
5925 state or of the United States, upon a cause of action for damages:

5926 (i) arising out of the ownership, maintenance, or use of any personal watercraft,
5927 including damages for care and loss of services because of bodily injury to or death of any
5928 person, or because of injury to or destruction of property including the loss of use of the
5929 property; or

5930 (ii) on a settlement agreement.

5931 (5) (a) "Motorboat" has the same meaning as defined in Section [73-18-2](#).

5932 (b) "Motorboat" includes personal watercraft regardless of the manufacturer listed
5933 horsepower.

- 5934 (c) "Motorboat" does not include:
- 5935 (i) a boat with a manufacturer listed horsepower of 50 horsepower or less; or
- 5936 (ii) an airboat.
- 5937 (6) "Nonresident" means any person who is not a resident of Utah.
- 5938 (7) "Operator" means the person who is in control of a motorboat while it is in use.
- 5939 (8) (a) "Owner" means a person, other than a lien holder, holding a proprietary interest
- 5940 in or the title to a motorboat.
- 5941 (b) "Owner" includes a person entitled to the use or possession of a motorboat subject
- 5942 to an interest by another person, reserved or created by agreement and securing payment or
- 5943 performance of an obligation.
- 5944 (c) "Owner" does not include a lessee under a lease not intended as security.
- 5945 (9) "Owner's or operator's security," "owner's security," or "operator's security" means
- 5946 any of the following:
- 5947 (a) an insurance policy or combination of policies conforming to Sections
- 5948 [31A-22-1502](#) and [31A-22-1503](#), which is issued by an insurer authorized to do business in
- 5949 Utah;
- 5950 (b) a surety bond issued by an insurer authorized to do a surety business in Utah in
- 5951 which the surety is subject to the minimum coverage limits and other requirements of policies
- 5952 conforming to Sections [31A-22-1502](#) and [31A-22-1503](#), which names the division as a creditor
- 5953 under the bond for the use of persons entitled to the proceeds of the bond;
- 5954 (c) a deposit with the state treasurer of cash or securities complying with Section
- 5955 [73-18c-305](#);
- 5956 (d) a certificate of self-funded coverage issued under Section [73-18c-306](#); or
- 5957 (e) a policy conforming to Sections [31A-22-1502](#) and [31A-22-1503](#) issued by the Risk
- 5958 Management Fund created in Section [63A-4-201](#).
- 5959 (10) "Personal watercraft" has the same meaning as provided in Section [73-18-2](#).
- 5960 (11) "Registration" means the issuance of the registration cards and decals issued under
- 5961 the laws of Utah pertaining to the registration of motorboats.
- 5962 (12) "Registration materials" means the evidences of motorboat registration, including
- 5963 all registration cards and decals.
- 5964 (13) "Self-insurance" has the same meaning as provided in Section [31A-1-301](#).

5965 (14) "Waters of the state" means any waters within the territorial limits of this state.

5966 Section 89. Section **73-18c-201** is amended to read:

5967 **73-18c-201. Division to administer and enforce chapter -- Division may adopt**
5968 **rules.**

5969 (1) The division shall administer and enforce the provisions of this chapter.

5970 (2) The ~~[board]~~ division, after consultation with the commission, may adopt rules as
5971 necessary for the administration of this chapter in accordance with Title 63G, Chapter 3, Utah
5972 Administrative Rulemaking Act.

5973 Section 90. Section **76-6-206.2** is amended to read:

5974 **76-6-206.2. Criminal trespass on state park lands -- Penalties.**

5975 (1) For purposes of this section:

5976 (a) "Authorization" means specific written permission by, or contractual agreement
5977 with, the Division of Parks ~~[and Recreation]~~.

5978 (b) "Criminal trespass" means the elements of the crime of criminal trespass, as set
5979 forth in Section [76-6-206](#).

5980 (c) "Division" means the Division of Parks ~~[and Recreation]~~, created in Section
5981 [79-4-201](#).

5982 (d) "State park lands" means all lands administered by the division.

5983 (2) A person is guilty of criminal trespass on state park lands and is liable for the civil
5984 damages prescribed in Subsection (5) if, under circumstances not amounting to a greater
5985 offense, and without authorization, the person:

5986 (a) constructs improvements or structures on state park lands;

5987 (b) uses or occupies state park lands for more than 30 days after the cancellation or
5988 expiration of authorization;

5989 (c) knowingly or intentionally uses state park lands for commercial gain;

5990 (d) intentionally or knowingly grazes livestock on state park lands, except as provided
5991 in Section [72-3-112](#); or

5992 (e) remains, after being ordered to leave by someone with actual authority to act for the
5993 division, or by a law enforcement officer.

5994 (3) A person is not guilty of criminal trespass if that person enters onto state park
5995 lands:

5996 (a) without first paying the required fee; and
5997 (b) for the sole purpose of pursuing recreational activity.
5998 (4) A violation of Subsection (2) is a class B misdemeanor.
5999 (5) In addition to restitution, as provided in Section 76-3-201, a person who commits
6000 any act described in Subsection (2) may also be liable for civil damages in the amount of three
6001 times the value of:

6002 (a) damages resulting from a violation of Subsection (2);
6003 (b) the water, mineral, vegetation, improvement, or structure on state park lands that is
6004 removed, destroyed, used, or consumed without authorization;
6005 (c) the historical, prehistorical, archaeological, or paleontological resource on state
6006 park lands that is removed, destroyed, used, or consumed without authorization; or
6007 (d) the consideration which would have been charged by the division for unauthorized
6008 use of the land and resources during the period of trespass.
6009 (6) Civil damages under Subsection (5) may be collected in a separate action by the
6010 division, and shall be deposited in the State Parks Fees Restricted Account as established in
6011 Section 79-4-402.

6012 Section 91. Section 77-2-4.3 is amended to read:

6013 **77-2-4.3. Compromise of boating violations -- Limitations.**

6014 (1) As used in this section:

6015 (a) "Compromise" means referral of a person charged with a boating violation to a
6016 boating safety course approved by the Division of ~~[Parks and]~~ Recreation.

6017 (b) "Boating violation" means any charge for which bail may be forfeited in lieu of
6018 appearance, by citation or information, of a violation of Title 73, Chapter 18, State Boating
6019 Act, amounting to:

6020 (i) a class B misdemeanor;

6021 (ii) a class C misdemeanor; or

6022 (iii) an infraction.

6023 (2) Any compromise of a boating violation shall be done pursuant to a plea in abeyance
6024 agreement as provided in Title 77, Chapter 2a, Pleas in Abeyance, except:

6025 (a) when the criminal prosecution is dismissed pursuant to Section 77-2-4; or

6026 (b) when there is a plea by the defendant to and entry of a judgment by a court for the

6027 offense originally charged or for an amended charge.

6028 (3) In all cases which are compromised pursuant to the provisions of Subsection (2):

6029 (a) the court, taking into consideration the offense charged, shall collect a plea in
6030 abeyance fee which shall:

6031 (i) be subject to the same surcharge as if imposed on a criminal fine;

6032 (ii) be allocated subject to the surcharge as if paid as a criminal fine under Section
6033 78A-5-110 and a surcharge under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge
6034 Allocation; and

6035 (iii) be not more than \$25 greater than the bail designated in the Uniform Bail
6036 Schedule; or

6037 (b) if no plea in abeyance fee is collected, a surcharge on the fee charged for the
6038 boating safety course shall be collected, which surcharge shall:

6039 (i) be computed, assessed, collected, and remitted in the same manner as if the boating
6040 safety course fee and surcharge had been imposed as a criminal fine and surcharge; and

6041 (ii) be subject to the financial requirements contained in Title 51, Chapter 9, Part 4,
6042 Criminal Conviction Surcharge Allocation.

6043 (4) If a written plea in abeyance agreement is provided, or the defendant requests a
6044 written accounting, an itemized statement of all amounts assessed by the court shall be
6045 provided, including:

6046 (a) the Uniform Bail Schedule amount;

6047 (b) the amount of any surcharges being assessed; and

6048 (c) the amount of the plea in abeyance fee.

6049 Section 92. Section 78A-5-110 is amended to read:

6050 **78A-5-110. Allocation of district court fees and forfeitures.**

6051 (1) Except as provided in this section, district court fines and forfeitures collected for
6052 violation of state statutes shall be paid to the state treasurer.

6053 (2) Fines and forfeitures collected by the court for violation of a state statute or county
6054 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the
6055 state treasurer and 1/2 to the treasurer of the state or local governmental entity which
6056 prosecutes or which would prosecute the violation.

6057 (3) (a) Fines and forfeitures collected for violations of Title 23, Wildlife Resources

6058 Code of Utah, Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State
6059 Boating Act, shall be paid to the state treasurer.

6060 (b) For violations of Title 23, Wildlife Resources Code of Utah, the state treasurer shall
6061 allocate 85% to the Division of Wildlife Resources and 15% to the General Fund.

6062 (c) For violations of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
6063 18, State Boating Act, the state treasurer shall allocate 85% to the Division of ~~[Parks and]~~
6064 Recreation and 15% to the General Fund.

6065 (4) (a) The state treasurer shall allocate fines and forfeitures collected for a violation of
6066 Section 72-7-404 or 72-7-406, less fees established by the Judicial Council, to the Department
6067 of Transportation for use on class B and class C roads.

6068 (b) Fees established by the Judicial Council shall be deposited in the state General
6069 Fund.

6070 (c) Money allocated for class B and class C roads is supplemental to the money
6071 appropriated under Section 72-2-107 but shall be expended in the same manner as other class B
6072 and class C road funds.

6073 (5) (a) Fines and forfeitures collected by the court for a second or subsequent violation
6074 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

6075 (i) 60% to the state treasurer to be deposited in the Transportation Fund; and

6076 (ii) 40% in accordance with Subsection (2).

6077 (b) Fines and forfeitures collected by the court for a second or subsequent violation
6078 under Subsection 72-7-409(6)(d) shall be remitted:

6079 (i) 50% to the state treasurer to be deposited in the Transportation Fund; and

6080 (ii) 50% in accordance with Subsection (2).

6081 (6) For fines and forfeitures collected by the court for a violation of Section
6082 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic
6083 enforcement safety device as described in Section 41-6a-1310, the court shall allocate 20% to
6084 the school district or private school that owns or contracts for the use of the bus, and the state
6085 treasurer shall allocate 40% to the treasurer of the state or local governmental entity that
6086 prosecutes or that would prosecute the violation, and 40% to the General Fund.

6087 (7) Fines and forfeitures collected for any violations not specified in this chapter or
6088 otherwise provided for by law shall be paid to the state treasurer.

6089 (8) Fees collected in connection with civil actions filed in the district court shall be
6090 paid to the state treasurer.

6091 (9) The court shall remit money collected in accordance with Title 51, Chapter 7, State
6092 Money Management Act.

6093 Section 93. Section **78A-7-120** is amended to read:

6094 **78A-7-120. Disposition of fines.**

6095 (1) Except as otherwise specified by this section, fines and forfeitures collected by a
6096 justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the
6097 court and 1/2 to the treasurer of the local government which prosecutes or which would
6098 prosecute the violation. An interlocal agreement created pursuant to Title 11, Chapter 13,
6099 Interlocal Cooperation Act, related to justice courts may alter the ratio provided in this section
6100 if the parties agree.

6101 (2) (a) For violation of Title 23, Wildlife Resources Code of Utah, the court shall
6102 allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the city or
6103 county government responsible for the justice court.

6104 (b) For violation of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
6105 18, State Boating Act, the court shall allocate 85% to the Division of ~~Parks and~~ Recreation
6106 and 15% to the general fund of the city or county government responsible for the justice court.

6107 (c) Fines and forfeitures collected by the court for a violation of Section [41-6a-1302](#) in
6108 instances where evidence of the violation was obtained by an automated traffic enforcement
6109 safety device as described in Section [41-6a-1310](#) shall be remitted:

6110 (i) 20% to the school district or private school that owns or contracts for the use of the
6111 school bus; and

6112 (ii) 80% in accordance with Subsection (1).

6113 (3) The surcharge established by Section [51-9-401](#) shall be paid to the state treasurer
6114 and deposited into the General Fund.

6115 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice
6116 court for a violation of Section [72-7-404](#) or [72-7-406](#) regarding maximum weight limitations
6117 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial
6118 Council, shall be paid to the state treasurer and allocated to the Department of Transportation
6119 for class B and class C roads.

6120 (5) Revenue allocated for class B and class C roads pursuant to Subsection (4) is
 6121 supplemental to the money appropriated under Section [72-2-107](#) but shall be expended in the
 6122 same manner as other class B and class C road funds.

6123 (6) (a) Fines and forfeitures collected by the court for a second or subsequent violation
 6124 under Section [41-6a-1713](#) or Subsection [72-7-409\(6\)\(c\)](#) shall be remitted:

6125 (i) 60% to the state treasurer to be deposited in the Transportation Fund; and

6126 (ii) 40% in accordance with Subsection (1).

6127 (b) Fines and forfeitures collected by the court for a second or subsequent violation
 6128 under Subsection [72-7-409\(6\)\(d\)](#) shall be remitted:

6129 (i) 50% to the state treasurer to be deposited in the Transportation Fund; and

6130 (ii) 50% in accordance with Subsection (1).

6131 Section 94. Section **79-1-103** is enacted to read:

6132 **79-1-103. Coordination council.**

6133 (1) There is created a coordination council that consists of:

6134 (a) the executive director of the department;

6135 (b) the executive director of the Department of Environmental Quality; and

6136 (c) the commissioner of the Department of Agriculture and Food.

6137 (2) The coordination council shall:

6138 (a) rotate the position of chair among the members; and

6139 (b) meet at least monthly.

6140 (3) The coordination council shall discuss methods to enhance the coordination of
 6141 regulation and services of the three departments.

6142 Section 95. Section **79-2-201** is amended to read:

6143 **79-2-201. Department of Natural Resources created.**

6144 (1) There is created the Department of Natural Resources.

6145 (2) The department comprises the following:

6146 (a) Board of Water Resources, created in Section [73-10-1.5](#);

6147 (b) Board of Oil, Gas, and Mining, created in Section [40-6-4](#);

6148 (c) Board of Parks [~~and Recreation~~], created in Section [79-4-301](#);

6149 (d) Outdoor Adventure Advisory Commission, created in Section [79-7-302](#);

6150 [~~(e)~~] (e) Wildlife Board, created in Section [23-14-2](#);

6151 ~~(e)~~ (f) Board of the Utah Geological Survey, created in Section [79-3-301](#);

6152 ~~(f)~~ (g) Water Development Coordinating Council, created in Section [73-10c-3](#);

6153 ~~(g)~~ (h) Utah Outdoor Recreation Grant Advisory Committee, created in Section [79-8-204](#);

6154 ~~(h)~~ (i) Home Energy Information Advisory Committee, created in Section [79-6-805](#);

6155 ~~(i)~~ (j) Division of Water Rights, created in Section [73-2-1.1](#);

6156 ~~(j)~~ (k) Division of Water Resources, created in Section [73-10-18](#);

6157 ~~(k)~~ (l) Division of Forestry, Fire, and State Lands, created in Section [65A-1-4](#);

6158 ~~(l)~~ (m) Division of Oil, Gas, and Mining, created in Section [40-6-15](#);

6159 ~~(m)~~ (n) Division of Parks ~~[and Recreation]~~, created in Section [79-4-201](#);

6160 (o) Division of Recreation, created in Section [76-7-201](#);

6161 ~~(n)~~ (p) Division of Wildlife Resources, created in Section [23-14-1](#);

6162 ~~(o)~~ (q) Utah Geological Survey, created in Section [79-3-201](#);

6163 ~~(p)~~ (r) Heritage Trees Advisory Committee, created in Section [65A-8-306](#);

6164 ~~(q)~~ (s) Recreational Trails Advisory Council, authorized by Section [79-5-201](#);

6165 ~~(r)~~ (t) Boating Advisory Council, authorized by Section [73-18-3.5](#);

6166 ~~(s)~~ (u) Wildlife Board Nominating Committee, created in Section [23-14-2.5](#);

6167 ~~(t)~~ (v) Wildlife Regional Advisory Councils, created in Section [23-14-2.6](#);

6168 ~~(u)~~ (w) Utah Watersheds Council, created in Section [73-10g-304](#); and

6169 ~~(v)~~ (x) Utah Natural Resources Legacy Fund Board, created in Section [23-31-202](#).

6170 Section 96. Section **79-2-206** is enacted to read:

6171 **79-2-206. Transition -- Study.**

6172 (1) In accordance with this bill, the Department of Natural Resources assumes the

6173 policymaking functions, regulatory, and enforcement powers, rights, duties, and responsibilities

6174 of the Office of Energy Development existing on June 30, 2021.

6175 (2) (a) Rules issued by the Office of Energy Development that are in effect on June 30,

6176 2021, are not modified by this bill and remain in effect until modified by the Department of

6177 Natural Resources, except that the agency administrating the rule shall be transferred to the

6178 Department of Natural Resources in the same manner as the statutory responsibility is

6179 transferred under this bill.

6180 (b) Rules issued by the Board of Parks and Recreation that are in effect on June 30,

6181 2021, are not modified by this bill and remain in effect until modified by the appropriate entity

6182 within the Department of Natural Resources, except that the agency administrating the rule
6183 shall be transferred to the appropriate entity within the Department of Natural Resources in the
6184 same manner as the statutory responsibility is transferred under this bill.

6185 (3) A grant, contract, or agreement in effect on June 30, 2021, that is entered into by or
6186 issued by the Office of Energy Development remains in effect, except that:

6187 (a) the agency administrating the grant, contract, or agreement shall be transferred to
6188 the Department of Natural Resources in the same manner as the statutory responsibility is
6189 transferred under this bill; and

6190 (b) the grant, contract, or agreement may be terminated under the terms of the grant,
6191 contract, or agreement.

6192 (4) A grant that is entered into or issued by the Utah Office of Outdoor Recreation
6193 remains in effect, except that:

6194 (a) the agency administrating the grant shall be transferred to the Division of
6195 Recreation in the same manner as the statutory responsibility is transferred under this bill; and

6196 (b) the grant may be terminated under the terms of the grant.

6197 (5) The Governor's Office of Management and Budget jointly with the state planning
6198 coordinator shall submit recommendations to the Natural Resources, Agriculture, and
6199 Environment Interim Committee by no later than the November 2021 interim meeting of the
6200 committee regarding possible coordination with or consolidation into the Department of
6201 Natural Resources of the following:

6202 (a) the Department of Environmental Quality;

6203 (b) the Division of Public Utilities;

6204 (c) the Office of Consumer Services; and

6205 (d) the Office of Rural Development.

6206 Section 97. Section **79-4-101** is amended to read:

CHAPTER 4. STATE PARKS

Part 1. General Provisions

6209 **79-4-101. Title.**

6210 This chapter is known as "State Parks [~~and Recreation~~]."

6211 Section 98. Section **79-4-102** is amended to read:

6212 **79-4-102. Definitions.**

- 6213 (1) "Board" means the Board of Parks [~~and Recreation~~].
- 6214 (2) "Division" means the Division of Parks [~~and Recreation~~].
- 6215 Section 99. Section **79-4-201** is amended to read:
- 6216 **79-4-201. Division of Parks -- Creation -- Powers and authority.**
- 6217 (1) There is created within the department the Division of Parks [~~and Recreation~~].
- 6218 (2) The division is under:
- 6219 (a) the administration and general supervision of the executive director; and
- 6220 (b) the policy direction of the board.
- 6221 (3) The division is the parks [~~and recreation~~] authority for the state.
- 6222 Section 100. Section **79-4-202** is amended to read:
- 6223 **79-4-202. Director -- Qualifications -- Duties.**
- 6224 (1) The director is the executive and administrative head of the division.
- 6225 (2) The director shall demonstrate:
- 6226 (a) executive ability; and
- 6227 (b) actual experience and training in the conduct of park [~~and recreational~~] systems
- 6228 involving both physical development and program.
- 6229 (3) The director shall:
- 6230 (a) enforce the policies and rules of the board; and
- 6231 (b) perform the duties necessary to:
- 6232 (i) properly care for and maintain any property under the jurisdiction of the division;
- 6233 and
- 6234 (ii) carry out this chapter.
- 6235 (4) The director shall acquire, plan, protect, develop, operate, use, and maintain park
- 6236 area and facilities in accordance with the policies and rules of the board.
- 6237 Section 101. Section **79-4-203** is amended to read:
- 6238 **79-4-203. Powers and duties of division.**
- 6239 (1) As used in this section, "real property" includes land under water, upland, and all
- 6240 other property commonly or legally defined as real property.
- 6241 (2) The Division of Wildlife Resources shall retain the power and jurisdiction
- 6242 conferred upon [it] the Division of Wildlife Resources by law within state parks and on
- 6243 property controlled by the Division of Parks [~~and Recreation~~] with reference to fish and game.

6244 (3) The division shall permit multiple use of state parks and property controlled by [it]
6245 the division for purposes such as grazing, fishing, hunting, camping, mining, and the
6246 development and utilization of water and other natural resources.

6247 (4) (a) The division may acquire real and personal property in the name of the state by
6248 all legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange,
6249 or otherwise, subject to the approval of the executive director and the governor.

6250 (b) In acquiring any real or personal property, the credit of the state may not be pledged
6251 without the consent of the Legislature.

6252 (5) (a) Before acquiring any real property, the division shall notify the county
6253 legislative body of the county where the property is situated of its intention to acquire the
6254 property.

6255 (b) If the county legislative body requests a hearing within 10 days of receipt of the
6256 notice, the division shall hold a public hearing in the county concerning the matter.

6257 (6) Acceptance of gifts or devises of land or other property is at the discretion of the
6258 division, subject to the approval of the executive director and the governor.

6259 (7) The division shall acquire property by eminent domain in the manner authorized by
6260 Title 78B, Chapter 6, Part 5, Eminent Domain.

6261 (8) (a) The division may make charges for special services and use of facilities, the
6262 income from which is available for park [~~and recreation~~] purposes.

6263 (b) The division may conduct and operate those services necessary for the comfort and
6264 convenience of the public.

6265 (9) (a) The division may lease or rent concessions of all lawful kinds and nature in state
6266 parks and property to persons, partnerships, and corporations for a valuable consideration upon
6267 the recommendation of the board.

6268 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in
6269 selecting concessionaires.

6270 (10) The division shall proceed without delay to negotiate with the federal government
6271 concerning the Weber Basin and other recreation and reclamation projects.

6272 (11) The division shall receive and distribute voluntary contributions collected under
6273 Section [41-1a-422](#) in accordance with Section [79-4-404](#).

6274 Section 102. Section **79-4-204** is amended to read:

6275 **79-4-204. Division authorized to enter into contracts and agreements.**

6276 (1) The division, with the approval of the executive director and the governor, may
6277 enter into contracts and agreements with the United States, a United States agency, any other
6278 department or agency of the state, semipublic organizations, and with private individuals to:

6279 (a) improve and maintain state parks [~~and recreational grounds~~] and the areas
6280 administered by the division; and

6281 (b) secure labor, quarters, materials, services, or facilities according to procedures
6282 established by the Division of Finance.

6283 (2) All departments, agencies, officers, and employees of the state shall give to the
6284 division the consultation and assistance that the division may reasonably request.

6285 Section 103. Section **79-4-301** is amended to read:

6286 **79-4-301. Board of Parks -- Creation -- Functions.**

6287 (1) There is created within the department a Board of Parks [~~and Recreation~~].

6288 (2) The board is the policy-making body of the division.

6289 Section 104. Section **79-4-302** is amended to read:

6290 **79-4-302. Board appointment and terms of members -- Expenses.**

6291 (1) (a) The board is composed of nine members appointed in accordance with Title
6292 63G, Chapter 24, Part 2, Vacancies, by the governor, with the advice and consent of the Senate,
6293 to four-year terms.

6294 (b) In addition to the requirements of Section [79-2-203](#), the governor shall:

6295 (i) appoint one member from each judicial district and one member from the public at
6296 large;

6297 (ii) ensure that not more than five members are from the same political party; and

6298 (iii) appoint persons who have an understanding of and demonstrated interest in parks
6299 [~~and recreation~~].

6300 (c) Notwithstanding the term requirements of Subsection (1)(a), the governor may
6301 adjust the length of terms to ensure that the terms of board members are staggered so that
6302 approximately half of the board is appointed every two years.

6303 (2) When vacancies occur because of death, resignation, or other cause, the governor,
6304 with the consent of the Senate, shall:

6305 (a) appoint a person to complete the unexpired term of the person whose office was

6306 vacated; and

6307 (b) if the person was appointed from a judicial district, appoint the replacement from
6308 the judicial district from which the person whose office has become vacant was appointed.

6309 (3) The board shall appoint its chair from its membership.

6310 (4) A member may not receive compensation or benefits for the member's service, but
6311 may receive per diem and travel expenses in accordance with:

6312 (a) Section [63A-3-106](#);

6313 (b) Section [63A-3-107](#); and

6314 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
6315 [63A-3-107](#).

6316 (5) A member shall comply with the conflict of interest provisions described in Title
6317 63G, Chapter 24, Part 3, Conflicts of Interest.

6318 Section 105. Section **79-4-401** is amended to read:

6319 **79-4-401. Funds to be appropriated -- Boating account expenses.**

6320 [(+) The Legislature shall appropriate [~~such funds~~] the money as from time to time
6321 necessary to carry out the purposes of this chapter to the division to be used by the division in
6322 the administration of the powers and duties and in carrying out the objective and purposes
6323 prescribed by this chapter.

6324 [~~(2) It is the intent of the Legislature that all departmental operating and administrative
6325 expenses for the administration of the boating account of the division shall be charged against
6326 that account.~~]

6327 Section 106. Section **79-4-501** is amended to read:

6328 **79-4-501. Protection of state parks.**

6329 (1) The division [~~has the duty~~] shall work with the Division of Recreation under
6330 Section [79-7-501](#) to:

6331 (a) protect state parks and park property from misuse or damage; and

6332 (b) preserve the peace within state parks.

6333 (2) Employees of the division who are POST certified peace officers and who are
6334 designated as park rangers by the division director, are law enforcement officers under Section
6335 [53-13-103](#) and have all the powers of law enforcement officers in the state, with the exception
6336 of the power to serve civil process.

6337 (3) The division has the authority to deputize persons who are peace officers or special
6338 function officers to assist park rangers on a seasonal temporary basis.

6339 Section 107. Section **79-4-502** is amended to read:

6340 **79-4-502. Violations of rules.**

6341 Unless otherwise provided in this title, a violation of any rule of the Board of Parks
6342 [~~and Recreation~~] is an infraction.

6343 Section 108. Section **79-5-102** is amended to read:

6344 **79-5-102. Definitions.**

6345 As used in this chapter:

6346 [~~(1) "Board" means the Board of Parks and Recreation.~~]

6347 (1) "Commission" means the Outdoor Adventure Advisory Commission.

6348 (2) "Council" means the Recreational Trails Advisory Council.

6349 (3) "Division" means the Division of [~~Parks and~~] Recreation.

6350 (4) "Recreational trail" or "trail" means a multi-use path used for:

6351 (a) muscle-powered activities, including:

6352 (i) bicycling;

6353 (ii) cross-country skiing;

6354 (iii) walking;

6355 (iv) jogging; and

6356 (v) horseback riding; and

6357 (b) uses compatible with the uses described in Subsection (4)(a), including the use of
6358 an electric assisted bicycle or motor assisted scooter, as defined in Section [41-6a-102](#).

6359 Section 109. Section **79-5-201** is amended to read:

6360 **79-5-201. Recreational Trails Advisory Council.**

6361 (1) The division shall establish a Recreational Trails Advisory Council.

6362 (2) The council shall advise and make recommendations to the [~~board and~~] division
6363 regarding:

6364 (a) trails to be established;

6365 (b) facilities to be constructed;

6366 (c) development costs;

6367 (d) modes of travel permitted;

- 6368 (e) law enforcement;
6369 (f) selection of rights-of-way;
6370 (g) interlocal agreements;
6371 (h) selection of signs and markers;
6372 (i) the general administration of trails;
6373 (j) distribution of matching funds pursuant to Section 79-5-501; and
6374 (k) future funding mechanisms for trail development.

6375 Section 110. Section 79-5-501 is amended to read:

6376 **79-5-501. Grants -- Matching funds requirements -- Rules.**

6377 (1) (a) The [board] division, after consultation with the commission, may give grants to
6378 federal government agencies, state agencies, or local governments for the planning, acquisition,
6379 and development of trails within the state's recreational trail system with funds appropriated by
6380 the Legislature for that purpose.

6381 (b) (i) Each grant recipient must provide matching funds having a value that is equal to
6382 or greater than the grant funds received.

6383 (ii) The [board] division may allow a grant recipient to provide property, material, or
6384 labor in lieu of money, provided the grant recipient's contribution has a value that is equal to or
6385 greater than the grant funds received.

6386 (2) The [board] division, after consultation with the commission, shall:

6387 (a) make rules setting forth procedures and criteria for the awarding of grants for
6388 recreational trails; and

6389 (b) determine to whom grant funds shall be awarded after considering the
6390 recommendations of and after consulting with the council and the division.

6391 (3) Rules for the awarding of grants for recreational trails shall provide that:

6392 (a) each grant applicant must solicit public comment on the proposed recreational trail
6393 and submit a summary of that comment to the division;

6394 (b) each trail project for which grant funds are awarded must conform to the criteria
6395 and guidelines specified in Sections 79-5-103, 79-5-301, and 79-5-302; and

6396 (c) trail proposals that include a plan to provide employment opportunities for youth,
6397 including at-risk youth, in the development of the trail is encouraged.

6398 (4) As used in this section, "at-risk youth" means youth who:

- 6399 (a) are subject to environmental forces, such as poverty or family dysfunction, that may
- 6400 make them vulnerable to family, school, or community problems;
- 6401 (b) perform poorly in school or have failed to complete high school;
- 6402 (c) exhibit behaviors that have the potential to harm themselves or others in the
- 6403 community, such as truancy, use of alcohol or drugs, and associating with delinquent peers; or
- 6404 (d) have already engaged in behaviors harmful to themselves or others in the
- 6405 community.

6406 Section 111. Section **79-6-101**, which is renumbered from Section 63M-4-101 is

6407 renumbered and amended to read:

6408 **CHAPTER 6. UTAH ENERGY ACT**

6409 **Part 1. General Provisions**

6410 ~~[63M-4-101]~~. **79-6-101. Title.**

6411 This chapter is known as the "Utah Energy Act."

6412 Section 112. Section **79-6-102**, which is renumbered from Section 63M-4-102 is

6413 renumbered and amended to read:

6414 ~~[63M-4-102]~~. **79-6-102. Definitions.**

6415 As used in this chapter:

6416 (1) "Appointing authority" means:

6417 (a) on and before June 30, 2029, the governor; and

6418 (b) on and after July 1, 2029, the executive director.

6419 ~~[(1)]~~ (2) "Energy advisor" means the ~~[governor's]~~ energy advisor appointed under

6420 Section ~~[63M-4-401]~~ 79-6-401.

6421 ~~[(2)]~~ (3) "Office" means the Office of Energy Development created in Section

6422 ~~[63M-4-401]~~ 79-6-401.

6423 ~~[(3)]~~ (4) "State agency" means an executive branch:

6424 (a) department;

6425 (b) agency;

6426 (c) board;

6427 (d) commission;

6428 (e) division; or

6429 (f) state educational institution.

6430 Section 113. Section **79-6-201**, which is renumbered from Section 63M-4-201 is
6431 renumbered and amended to read:

6432 **Part 2. Energy Advisor**

6433 ~~[63M-4-201]~~. 79-6-201. Advisor -- Duties.

6434 (1) (a) (i) ~~[The]~~ On and before June 30, 2029, the governor shall appoint an energy
6435 advisor.

6436 (ii) On and after July 1, 2029, the executive director shall appoint an energy advisor.

6437 (b) (i) The ~~[governor's]~~ energy advisor appointed by the governor serves at the pleasure
6438 of the governor.

6439 (ii) On and after July 1, 2029, the energy advisor serves at the pleasure of the executive
6440 director.

6441 (2) The ~~[governor's]~~ energy advisor shall:

6442 (a) advise the ~~[governor]~~ appointing authority on energy-related matters;

6443 (b) annually review and propose updates to the state's energy policy, as contained in
6444 Section ~~[63M-4-301]~~ 79-6-301;

6445 (c) promote as the ~~[governor's energy advisor]~~ appointing authority considers
6446 necessary:

6447 (i) the development of cost-effective energy resources both renewable and
6448 nonrenewable; and

6449 (ii) educational programs, including programs supporting conservation and energy
6450 efficiency measures;

6451 (d) coordinate across state agencies to assure consistency with state energy policy,
6452 including:

6453 (i) working with the State Energy Program to promote access to federal assistance for
6454 energy-related projects for state agencies and members of the public;

6455 (ii) working with the Division of Emergency Management to assist the governor in
6456 carrying out the governor's energy emergency powers under Title 53, Chapter 2a, Part 10,
6457 Energy Emergency Powers of the Governor Act;

6458 (iii) participating in the annual review of the energy emergency plan and the
6459 maintenance of the energy emergency plan and a current list of contact persons required by
6460 Section 53-2a-902; and

6461 (iv) identifying and proposing measures necessary to facilitate low-income consumers'
6462 access to energy services;

6463 (e) coordinate with the Division of Emergency Management ongoing activities
6464 designed to test an energy emergency plan to ensure coordination and information sharing
6465 among state agencies and political subdivisions in the state, public utilities and other energy
6466 suppliers, and other relevant public sector persons as required by Sections [53-2a-902](#),
6467 [53-2a-1004](#), [53-2a-1008](#), and [53-2a-1010](#);

6468 (f) coordinate with requisite state agencies to study:

6469 (i) the creation of a centralized state repository for energy-related information;

6470 (ii) methods for streamlining state review and approval processes for energy-related
6471 projects; and

6472 (iii) the development of multistate energy transmission and transportation
6473 infrastructure;

6474 (g) coordinate energy-related regulatory processes within the state;

6475 (h) compile, and make available to the public, information about federal, state, and
6476 local approval requirements for energy-related projects;

6477 (i) act as the state's advocate before federal and local authorities for energy-related
6478 infrastructure projects or coordinate with the appropriate state agency; and

6479 (j) help promote the Division of Facilities Construction and Management's measures to
6480 improve energy efficiency in state buildings.

6481 (3) The ~~[governor's]~~ energy advisor has standing to testify on behalf of the governor at
6482 the Public Service Commission created in Section [54-1-1](#).

6483 Section 114. Section **79-6-202**, which is renumbered from Section 63M-4-202 is
6484 renumbered and amended to read:

6485 ~~[63M-4-202]~~. **79-6-202. Agency cooperation.**

6486 A state agency shall provide the [state] energy [officer] advisor with any energy-related
6487 information requested by the [governor's] energy advisor if the [governor's] energy advisor's
6488 request is consistent with other law.

6489 Section 115. Section **79-6-203**, which is renumbered from Section 63M-4-203 is
6490 renumbered and amended to read:

6491 ~~[63M-4-203]~~. **79-6-203. Reports.**

- 6492 (1) The ~~[governor's]~~ energy advisor shall report annually to:
- 6493 (a) the ~~[governor]~~ appointing authority; and
- 6494 (b) the Natural Resources, Agriculture, and Environment Interim Committee.
- 6495 (2) The report required in Subsection (1) shall:
- 6496 (a) summarize the status and development of the state's energy resources;
- 6497 (b) summarize the activities and accomplishments of the Office of Energy
- 6498 Development;
- 6499 (c) address the ~~[governor's]~~ energy advisor's activities under this part; and
- 6500 (d) recommend any energy-related executive or legislative action the ~~[governor's]~~
- 6501 energy advisor considers beneficial to the state, including updates to the state energy policy
- 6502 under Section ~~[63M-4-301]~~ 79-6-301.

6503 Section 116. Section **79-6-301**, which is renumbered from Section 63M-4-301 is

6504 renumbered and amended to read:

6505 **Part 3. State Energy Policy**

6506 ~~[63M-4-301]~~. **79-6-301. State energy policy.**

- 6507 (1) It is the policy of the state that:
- 6508 (a) Utah shall have adequate, reliable, affordable, sustainable, and clean energy
- 6509 resources;
- 6510 (b) Utah will promote the development of:
- 6511 (i) nonrenewable energy resources, including natural gas, coal, oil, oil shale, and oil
- 6512 sands;
- 6513 (ii) renewable energy resources, including geothermal, solar, wind, biomass, biofuel,
- 6514 and hydroelectric;
- 6515 (iii) nuclear power generation technologies certified for use by the United States
- 6516 Nuclear Regulatory Commission including molten salt reactors producing medical isotopes;
- 6517 (iv) alternative transportation fuels and technologies;
- 6518 (v) infrastructure to facilitate energy development, diversified modes of transportation,
- 6519 greater access to domestic and international markets for Utah's resources, and advanced
- 6520 transmission systems;
- 6521 (vi) energy storage and other advanced energy systems; and
- 6522 (vii) increased refinery capacity;

6523 (c) Utah will promote the development of resources and infrastructure sufficient to
6524 meet the state's growing demand, while contributing to the regional and national energy supply,
6525 thus reducing dependence on international energy sources;

6526 (d) Utah will allow market forces to drive prudent use of energy resources, although
6527 incentives and other methods may be used to ensure the state's optimal development and use of
6528 energy resources in the short- and long-term;

6529 (e) Utah will pursue energy conservation, energy efficiency, and environmental quality;

6530 (f) (i) state regulatory processes should be streamlined to balance economic costs with
6531 the level of review necessary to ensure protection of the state's various interests; and

6532 (ii) where federal action is required, Utah will encourage expedited federal action and
6533 will collaborate with federal agencies to expedite review;

6534 (g) Utah will maintain an environment that provides for stable consumer prices that are
6535 as low as possible while providing producers and suppliers a fair return on investment,
6536 recognizing that:

6537 (i) economic prosperity is linked to the availability, reliability, and affordability of
6538 consumer energy supplies; and

6539 (ii) investment will occur only when adequate financial returns can be realized; and

6540 (h) Utah will promote training and education programs focused on developing a
6541 comprehensive understanding of energy, including:

6542 (i) programs addressing:

6543 (A) energy conservation;

6544 (B) energy efficiency;

6545 (C) supply and demand; and

6546 (D) energy related workforce development; and

6547 (ii) energy education programs in grades K-12.

6548 (2) State agencies are encouraged to conduct agency activities consistent with
6549 Subsection (1).

6550 (3) A person may not file suit to challenge a state agency's action that is inconsistent
6551 with Subsection (1).

6552 Section 117. Section **79-6-302**, which is renumbered from Section 63M-4-302 is
6553 renumbered and amended to read:

6554 ~~[63M-4-302]~~. 79-6-302. **Legislative committee review.**

6555 The Natural Resources, Agriculture, and Environment Interim Committee and the
6556 Public Utilities, Energy, and Technology Interim Committee shall review the state energy
6557 policy annually and propose any changes to the Legislature.

6558 Section 118. Section **79-6-401**, which is renumbered from Section 63M-4-401 is
6559 renumbered and amended to read:

6560 **Part 4. Office of Energy Development**

6561 ~~[63M-4-401]~~. 79-6-401. **Office of Energy Development -- Creation --**
6562 **Director -- Purpose -- Rulemaking regarding confidential information -- Fees.**

6563 (1) There is created an Office of Energy Development.

6564 (2) (a) The [governor's] energy advisor shall serve as the director of the office or, on or
6565 before June 30, 2029, appoint a director of the office.

6566 (b) The director:

6567 (i) shall, if the [governor's] energy advisor appoints a director under Subsection (2)(a),
6568 report to the [governor's] energy advisor; and

6569 (ii) may appoint staff as funding within existing budgets allows.

6570 ~~[(c)]~~ (c) The office may consolidate energy staff and functions existing in the state
6571 energy program.

6572 (3) The purposes of the office are to:

6573 (a) serve as the primary resource for advancing energy and mineral development in the
6574 state;

6575 (b) implement:

6576 (i) the state energy policy under Section ~~[63M-4-301]~~ 79-6-301; and

6577 (ii) the governor's energy and mineral development goals and objectives;

6578 (c) advance energy education, outreach, and research, including the creation of
6579 elementary, higher education, and technical college energy education programs;

6580 (d) promote energy and mineral development workforce initiatives; and

6581 (e) support collaborative research initiatives targeted at Utah-specific energy and
6582 mineral development.

6583 (4) By following the procedures and requirements of Title 63J, Chapter 5, Federal
6584 Funds Procedures Act, the office may:

6585 (a) seek federal grants or loans;
6586 (b) seek to participate in federal programs; and
6587 (c) in accordance with applicable federal program guidelines, administer federally
6588 funded state energy programs.

6589 (5) The office shall perform the duties required by Sections [11-42a-106](#), [59-5-102](#),
6590 [59-7-614.7](#), [59-10-1029](#), Part 5, Alternative Energy Development Tax Credit Act, and Part 6,
6591 High Cost Infrastructure Development Tax Credit Act.

6592 (6) (a) For purposes of administering this section, the office may make rules, by
6593 following [~~the procedures and requirements of~~] Title 63G, Chapter 3, Utah Administrative
6594 Rulemaking Act, to maintain as confidential, and not as a public record, information that the
6595 office receives from any source.

6596 (b) The office shall maintain information the office receives from any source at the
6597 level of confidentiality assigned by the source.

6598 (7) The office may charge application, filing, and processing fees in amounts
6599 determined by the office in accordance with Section [63J-1-504](#) as dedicated credits for
6600 performing office duties described in this part.

6601 Section 119. Section ~~79-6-402~~, which is renumbered from Section 63M-4-402 is
6602 renumbered and amended to read:

6603 ~~[63M-4-402]~~. 79-6-402. In-state generator need -- Merchant electric
6604 transmission line.

6605 (1) As used in this section:

6606 (a) "Capacity allocation process" means the process outlined by the Federal Energy
6607 Regulatory Commission in its final policy statement dated January 17, 2013, "Allocation of
6608 Capacity on New Merchant Transmission Projects and New Cost-Based, Participant-Funded
6609 Transmission Projects, Priority Rights to New Participant-Funded Transmission," 142 F.E.R.C.
6610 P61,038 (2013).

6611 (b) "Certificate of in-state need" means a certificate issued by the office in accordance
6612 with this section identifying an in-state generator that meets the requirements and qualifications
6613 of this section.

6614 (c) "Expression of need" means a document prepared and submitted to the office by an
6615 in-state merchant generator that describes or otherwise documents the transmission needs of

6616 the in-state merchant generator in conformance with the requirements of this section.

6617 (d) "In-state merchant generator" means an electric power provider that generates
6618 power in Utah and does not provide service to retail customers within the boundaries of Utah.

6619 (e) "Merchant electric transmission line" means a transmission line that does not
6620 provide electricity to retail customers within the boundaries of Utah.

6621 (f) "Office" means the Office of Energy Development established in Section
6622 [~~63M-4-401~~] [79-6-401](#).

6623 (g) "Open solicitation notice" means a document prepared and submitted to the office
6624 by a merchant electric transmission line regarding the commencement of the line's open
6625 solicitation in compliance with 142 F.E.R.C. P61,038 (2013).

6626 (2) As part of the capacity allocation process, a merchant electric transmission line
6627 shall file an open solicitation notice with the office containing a description of the merchant
6628 electric transmission line, including:

6629 (a) the proposed capacity;

6630 (b) the location of potential interconnection for in-state merchant generators;

6631 (c) the planned date for commencement of construction; and

6632 (d) the planned commercial operations date.

6633 (3) Upon receipt of the open solicitation notice, the office shall:

6634 (a) publish the notice on the Utah Public Notice Website created under Section
6635 [63F-1-701](#);

6636 (b) include in the notice contact information; and

6637 (c) provide the deadline date for submission of an expression of need.

6638 (4) (a) In response to the open solicitation notice published by the office, and no later
6639 than 30 days after publication of the notice, an in-state merchant generator may submit an
6640 expression of need to the office.

6641 (b) An expression of need submitted under Subsection (4)(a) shall include:

6642 (i) a description of the in-state merchant generator; and

6643 (ii) a schedule of transmission capacity requirement provided in megawatts, by point of
6644 receipt and point of delivery and by operating year.

6645 (5) No later than 60 days after notice is published under Subsection (3), the office shall
6646 prepare a certificate of in-state need identifying the in-state merchant generators.

- 6647 (6) Within five days of preparing the certificate of in-state need, the office shall:
- 6648 (a) publish the certificate on the Utah Public Notice Website created under Section
- 6649 [63F-1-701](#); and
- 6650 (b) provide the certificate to the merchant electric transmission line for consideration in
- 6651 the capacity allocation process.
- 6652 (7) The merchant electric transmission line shall:
- 6653 (a) provide the Federal Energy Regulatory Commission with a copy of the certificate of
- 6654 in-state need; and
- 6655 (b) certify that the certificate is being provided to the Federal Energy Regulatory
- 6656 Commission in accordance with the requirements of this section, including a citation to this
- 6657 section.
- 6658 (8) At the conclusion of the capacity allocation process, and unless prohibited by a
- 6659 contractual obligation of confidentiality, the merchant electric transmission line shall report to
- 6660 the office whether a merchant in-state generator reflected on the certificate of in-state need has
- 6661 entered into a transmission service agreement with the merchant electric transmission line.
- 6662 (9) This section may not be interpreted to:
- 6663 (a) create an obligation of a merchant electric transmission line to pay for, or construct
- 6664 any portion of, the transmission line on behalf of an in-state merchant generator; or
- 6665 (b) preempt, supersede, or otherwise conflict with Federal Energy Regulatory
- 6666 Commission rules and regulations applicable to a commercial transmission agreement,
- 6667 including agreements, or terms of agreements, as to cost, terms, transmission capacity, or key
- 6668 rates.
- 6669 (10) Subsections (2) through (9) do not apply to a project entity as defined in Section
- 6670 [11-13-103](#).

6671 Section 120. Section **79-6-501**, which is renumbered from Section 63M-4-501 is

6672 renumbered and amended to read:

Part 5. Alternative Energy Development Tax Credit Act

~~63M-4-501~~. **79-6-501**. Title.

This part is known as the "Alternative Energy Development Tax Credit Act."

6676 Section 121. Section **79-6-502**, which is renumbered from Section 63M-4-502 is

6677 renumbered and amended to read:

6678 ~~[63M-4-502]~~. 79-6-502. Definitions.

6679 As used in this part:

6680 (1) "Alternative energy" ~~[is as]~~ means the same as that term is defined in Section
6681 59-12-102.

6682 (2) (a) "Alternative energy entity" means a person that:

6683 (i) conducts business within the state; and

6684 (ii) enters into an agreement with the office that qualifies the person to receive a tax
6685 credit.

6686 (b) "Alternative energy entity" includes a pass-through entity taxpayer, as defined in
6687 Section 59-10-1402, of a person described in Subsection (2)(a).

6688 (3) "Alternative energy project" means a project produced by an alternative energy
6689 entity if that project involves:

6690 (a) a new or expanding operation in the state; and

6691 (b) (i) utility-scale alternative energy generation; or

6692 (ii) the extraction of alternative fuels.

6693 (4) "New incremental job within the state" means, with respect to an alternative energy
6694 entity, an employment position that:

6695 (a) did not exist within the state before:

6696 (i) the alternative energy entity entered into an agreement with the office in accordance
6697 with Section ~~[63M-4-503]~~ 79-6-503; and

6698 (ii) the alternative energy project began;

6699 (b) is not shifted from one location in the state to another location in the state; and

6700 (c) is established to the satisfaction of the office, including by amounts paid or
6701 withheld by the alternative energy entity under Title 59, Chapter 10, Individual Income Tax
6702 Act.

6703 (5) "New state revenues" means an increased amount of tax revenues generated as a
6704 result of an alternative energy project by an alternative energy entity or a new incremental job
6705 within the state under the following:

6706 (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

6707 (b) Title 59, Chapter 10, Individual Income Tax Act; and

6708 (c) Title 59, Chapter 12, Sales and Use Tax Act.

6709 (6) "Office" [~~is as defined~~] means the Office of Energy Development created in Section
6710 [~~63M-4-401~~] 79-6-401.

6711 (7) "Tax credit" means a tax credit under Section 59-7-614.7 or 59-10-1029.

6712 (8) "Tax credit applicant" means an alternative energy entity that applies to the office
6713 to receive a tax credit certificate under this part.

6714 (9) "Tax credit certificate" means a certificate issued by the office that:

6715 (a) lists the name of the tax credit certificate recipient;

6716 (b) lists the tax credit certificate recipient's taxpayer identification number;

6717 (c) lists the amount of the tax credit certificate recipient's tax credits authorized under
6718 this part for a taxable year; and

6719 (d) includes other information as determined by the office.

6720 (10) "Tax credit certificate recipient" means an alternative energy entity that receives a
6721 tax credit certificate for a tax credit in accordance with this part.

6722 Section 122. Section **79-6-503**, which is renumbered from Section 63M-4-503 is
6723 renumbered and amended to read:

6724 ~~[63M-4-503].~~ **79-6-503. Tax credits.**

6725 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
6726 the office shall make rules establishing standards an alternative energy entity shall meet to
6727 qualify for a tax credit.

6728 (b) Before the office enters into an agreement described in Subsection (2) with an
6729 alternative energy entity, the office, in consultation with other state agencies as necessary, shall
6730 certify:

6731 (i) that the alternative energy entity plans to produce in the state at least:

6732 (A) two megawatts of electricity;

6733 (B) 1,000 barrels per day if the alternative energy project is a crude oil equivalent
6734 production; or

6735 (C) 250 barrels per day if the alternative energy project is a biomass energy fuel
6736 production;

6737 (ii) that the alternative energy project will generate new state revenues;

6738 (iii) the economic life of the alternative energy project produced by the alternative
6739 energy entity;

6740 (iv) that the alternative energy entity meets the requirements of Section [~~63M-4-504~~]
6741 ~~79-6-504~~; and

6742 (v) that the alternative energy entity has received a certificate of existence from the
6743 Division of Corporations and Commercial Code.

6744 (2) If an alternative energy entity meets the requirements of this part to receive a tax
6745 credit, the office shall enter into an agreement with the alternative energy entity to authorize the
6746 tax credit in accordance with Subsection (3).

6747 (3) (a) Subject to Subsection (3)(b), if the office expects that the time from the
6748 commencement of construction until the end of the economic life of the alternative energy
6749 project is 20 years or more:

6750 (i) the office shall grant a tax credit for the lesser of:

6751 (A) the economic life of the alternative energy project; or

6752 (B) 20 years; and

6753 (ii) the tax credit is equal to 75% of new state revenues generated by the alternative
6754 energy project.

6755 (b) For a taxable year, a tax credit under this section may not exceed the new state
6756 revenues generated by an alternative energy project during that taxable year.

6757 (4) An alternative energy entity that seeks to receive a tax credit or has entered into an
6758 agreement described in Subsection (2) with the office shall:

6759 (a) annually file a report with the office showing the new state revenues generated by
6760 the alternative energy project during the taxable year for which the alternative energy entity
6761 seeks to receive a tax credit under Section ~~59-7-614.7~~ or ~~59-10-1029~~;

6762 (b) subject to Subsection (5), annually file a report with the office prepared by an
6763 independent certified public accountant verifying the new state revenue described in
6764 Subsection (4)(a);

6765 (c) subject to Subsection (5), file a report with the office at least every four years
6766 prepared by an independent auditor auditing the new state revenue described in Subsection
6767 (4)(a);

6768 (d) provide the office with information required by the office to certify the economic
6769 life of the alternative energy project produced by the alternative energy entity, which may
6770 include a power purchase agreement, a lease, or a permit; and

6771 (e) retain records supporting a claim for a tax credit for at least four years after the
6772 alternative energy entity claims a tax credit under Section 59-7-614.7 or 59-10-1029.

6773 (5) An alternative energy entity for which a report is prepared under Subsection (4)(b)
6774 or (c) shall pay the costs of preparing the report.

6775 (6) The office shall annually certify the new state revenues generated by an alternative
6776 energy project for a taxable year for which an alternative energy entity seeks to receive a tax
6777 credit under Section 59-7-614.7 or 59-10-1029.

6778 Section 123. Section 79-6-504, which is renumbered from Section 63M-4-504 is
6779 renumbered and amended to read:

6780 ~~[63M-4-504]~~. 79-6-504. Qualifications for tax credit -- Procedure.

6781 (1) The office shall certify an alternative energy entity's eligibility for a tax credit as
6782 provided in this section.

6783 (2) A tax credit applicant shall provide the office with:

6784 (a) an application for a tax credit certificate;

6785 (b) documentation that the tax credit applicant meets the standards and requirements
6786 described in Section ~~[63M-4-503]~~ 79-6-503 to the satisfaction of the office for the taxable year
6787 for which the tax credit applicant seeks to claim a tax credit; and

6788 (c) documentation that expressly directs and authorizes the State Tax Commission to
6789 disclose to the office the tax credit applicant's returns and other information concerning the tax
6790 credit applicant that would otherwise be subject to confidentiality under Section 59-1-403 or
6791 Section 6103, Internal Revenue Code.

6792 (3) (a) The office shall submit the documentation described in Subsection (2)(c) to the
6793 State Tax Commission.

6794 (b) Upon receipt of the documentation described in Subsection (2)(c), the State Tax
6795 Commission shall provide the office with the documentation described in Subsection (2)(c)
6796 requested by the office that the tax credit applicant directed and authorized the State Tax
6797 Commission to provide to the office.

6798 (4) If, after the office reviews the documentation described in Subsections (2) and (3),
6799 the office determines that the documentation supporting the tax credit applicant's claim for a
6800 tax credit is not substantially accurate, the office shall:

6801 (a) deny the tax credit; or

6802 (b) inform the tax credit applicant that the documentation supporting the tax credit
6803 applicant's claim for a tax credit was inadequate and ask the tax credit applicant to submit new
6804 documentation.

6805 (5) If, after the office reviews the documentation described in Subsections (2) and (3),
6806 the office determines that the documentation supporting the tax credit applicant's claim for a
6807 tax credit is substantially accurate, the office shall, on the basis of that documentation:

6808 (a) enter into the agreement described in Section [~~63M-4-503~~] 79-6-503;

6809 (b) issue a tax credit certificate to the tax credit applicant; and

6810 (c) provide a duplicate copy of the tax credit certificate described in Subsection (5)(b)
6811 to the State Tax Commission.

6812 (6) An alternative energy entity may not claim a tax credit under this part unless the
6813 alternative energy entity is a tax credit certificate recipient.

6814 (7) A tax credit certificate recipient that claims a tax credit shall retain the tax credit
6815 certificate in accordance with Subsection [~~63M-4-503~~] 79-6-503(4).

6816 Section 124. Section **79-6-505**, which is renumbered from Section 63M-4-505 is
6817 renumbered and amended to read:

6818 ~~[63M-4-505]~~. **79-6-505. Report to the Legislature.**

6819 The office shall annually provide an electronic report to the Public Utilities, Energy,
6820 and Technology Interim Committee, the Natural Resources, Agriculture, and Environment
6821 Interim Committee, and the Revenue and Taxation Interim Committee describing:

6822 (1) its success in attracting alternative energy projects to the state and the resulting
6823 increase in new state revenues under this part;

6824 (2) the amount of tax credits the office has granted or will grant and the time period
6825 during which the tax credits have been or will be granted; and

6826 (3) the economic impact on the state by comparing new state revenues to tax credits
6827 that have been or will be granted under this part.

6828 Section 125. Section **79-6-601**, which is renumbered from Section 63M-4-601 is
6829 renumbered and amended to read:

6830 **Part 6. High Cost Infrastructure Development Tax Credit Act**

6831 ~~[63M-4-601]~~. **79-6-601. Title.**

6832 This part is known as the "High Cost Infrastructure Development Tax Credit Act."

6833 Section 126. Section **79-6-602**, which is renumbered from Section 63M-4-602 is
6834 renumbered and amended to read:

6835 ~~[63M-4-602]~~. **79-6-602. Definitions.**

6836 As used in this part:

6837 (1) "Applicant" means a person that conducts business in the state and that applies for a
6838 tax credit under this part.

6839 (2) "Fuel standard compliance project" means a project designed to retrofit a fuel
6840 refinery in order to make the refinery capable of producing fuel that complies with the United
6841 States Environmental Protection Agency's Tier 3 gasoline sulfur standard described in 40
6842 C.F.R. Sec. 79.54.

6843 (3) "High cost infrastructure project" means a project:

6844 (a) (i) that expands or creates new industrial, mining, manufacturing, or agriculture
6845 activity in the state, not including a retail business;

6846 (ii) that involves new investment of at least \$50,000,000 in an existing industrial,
6847 mining, manufacturing, or agriculture entity, by the entity; or

6848 (iii) for the construction of a plant or other facility, including a fueling station, for the
6849 storage, production, or distribution of hydrogen fuel used for transportation, electricity
6850 generation, or industrial use;

6851 (b) that requires or is directly facilitated by infrastructure construction; and

6852 (c) for which the cost of infrastructure construction to the entity creating the project is
6853 greater than:

6854 (i) 10% of the total cost of the project; or

6855 (ii) \$10,000,000.

6856 (4) "Infrastructure" means:

6857 (a) an energy delivery project as defined in Section [63H-2-102](#);

6858 (b) a railroad as defined in Section [54-2-1](#);

6859 (c) a fuel standard compliance project;

6860 (d) a road improvement project;

6861 (e) a water self-supply project;

6862 (f) a water removal system project;

6863 (g) a solution-mined subsurface salt cavern; or

6864 (h) a project that is designed to:

6865 (i) increase the capacity for water delivery to a water user in the state; or

6866 (ii) increase the capability of an existing water delivery system or related facility to
6867 deliver water to a water user in the state.

6868 (5) (a) "Infrastructure cost-burdened entity" means an applicant that enters into an
6869 agreement with the office that qualifies the applicant to receive a tax credit as provided in this
6870 part.

6871 (b) "Infrastructure cost-burdened entity" includes a pass-through entity taxpayer, as
6872 defined in Section [59-10-1402](#), of a person described in Subsection (5)(a).

6873 (6) "Infrastructure-related revenue" means an amount of tax revenue, for an entity
6874 creating a high cost infrastructure project, in a taxable year, that is directly attributable to a high
6875 cost infrastructure project, under:

6876 (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

6877 (b) Title 59, Chapter 10, Individual Income Tax Act; and

6878 (c) Title 59, Chapter 12, Sales and Use Tax Act.

6879 (7) "Office" means the Office of Energy Development created in Section [~~63M-4-401~~]
6880 [79-6-401](#).

6881 (8) "Tax credit" means a tax credit under Section [59-7-619](#) or [59-10-1034](#).

6882 (9) "Tax credit certificate" means a certificate issued by the office to an infrastructure
6883 cost-burdened entity that:

6884 (a) lists the name of the infrastructure cost-burdened entity;

6885 (b) lists the infrastructure cost-burdened entity's taxpayer identification number;

6886 (c) lists, for a taxable year, the amount of the tax credit authorized for the infrastructure
6887 cost-burdened entity under this part; and

6888 (d) includes other information as determined by the office.

6889 Section 127. Section **79-6-603**, which is renumbered from Section 63M-4-603 is
6890 renumbered and amended to read:

6891 ~~[63M-4-603]~~. **79-6-603. Tax credit -- Amount -- Eligibility -- Reporting.**

6892 (1) Before the office enters into an agreement described in Subsection (3) with an
6893 applicant regarding a project, the office, in consultation with the Utah Energy Infrastructure
6894 Authority Board created in Section [63H-2-202](#), and other state agencies as necessary, shall, in

6895 accordance with the procedures described in Section [~~63M-4-604~~] 79-6-604, certify:

6896 (a) that the project meets the definition of a high cost infrastructure project under this
6897 part;

6898 (b) that the high cost infrastructure project will generate infrastructure-related revenue;

6899 (c) the economic life of the high cost infrastructure project; and

6900 (d) that the applicant has received a certificate of existence from the Division of
6901 Corporations and Commercial Code.

6902 (2) (a) Before the office enters into an agreement described in Subsection (3) with an
6903 applicant regarding a project, the Utah Energy Infrastructure Authority Board shall evaluate the
6904 project's benefit to the state, based on whether the project:

6905 (i) is likely to increase the property tax revenue for the municipality or county where
6906 the project will be located;

6907 (ii) would provide new infrastructure for an area where the type of infrastructure the
6908 project would create is underdeveloped;

6909 (iii) would have a positive environmental impact on the state;

6910 (iv) would upgrade or improve an existing entity in order to ensure the entity's
6911 continued operation and economic viability; and

6912 (v) is less likely to be completed without a tax credit issued to the applicant under this
6913 part.

6914 (b) The Utah Energy Infrastructure Authority Board may recommend that the office
6915 deny an applicant a tax credit if the applicant's project does not, as determined by the Utah
6916 Energy Infrastructure Authority Board, sufficiently benefit the state based on the criteria
6917 described in Subsection (2)(a).

6918 (3) Subject to the procedures described in Section [~~63M-4-604~~] 79-6-604, if an
6919 applicant meets the requirements of Subsection (1) to receive a tax credit, and the applicant's
6920 project receives a favorable recommendation from the Utah Energy Infrastructure Authority
6921 Board under Subsection (2), the office shall enter into an agreement with the applicant to
6922 authorize the tax credit in accordance with this part.

6923 (4) The office shall grant a tax credit to an infrastructure cost-burdened entity, for a
6924 high cost infrastructure project, under an agreement described in Subsection (3):

6925 (a) for the lesser of:

- 6926 (i) the economic life of the high cost infrastructure project;
- 6927 (ii) 20 years; or
- 6928 (iii) a time period, the first taxable year of which is the taxable year when the
- 6929 construction of the high cost infrastructure project begins and the last taxable year of which is
- 6930 the taxable year in which the infrastructure cost-burdened entity has recovered, through the tax
- 6931 credit, an amount equal to:
- 6932 (A) 50% of the cost of the infrastructure construction associated with the high cost
- 6933 infrastructure project; or
- 6934 (B) if the high cost infrastructure project is a fuel standard compliance project, 30% of
- 6935 the cost of the infrastructure construction associated with the high cost infrastructure project.
- 6936 (b) except as provided in Subsections (4)(a) and (d), in a total amount equal to 30% of
- 6937 the high cost infrastructure project's total infrastructure-related revenue over the time period
- 6938 described in Subsection (4)(a);
- 6939 (c) for a taxable year, in an amount that does not exceed the high cost infrastructure
- 6940 project's infrastructure-related revenue during that taxable year; and
- 6941 (d) if the high cost infrastructure project is a fuel standard compliance project, in a total
- 6942 amount that is:
- 6943 (i) determined by the Utah Energy Infrastructure Authority Board, based on:
- 6944 (A) the applicant's likelihood of completing the high cost infrastructure project without
- 6945 a tax credit; and
- 6946 (B) how soon the applicant plans to complete the high cost infrastructure project; and
- 6947 (ii) equal to or less than 30% of the high cost infrastructure project's total
- 6948 infrastructure-related revenue over the time period described in Subsection (4)(a).
- 6949 (5) An infrastructure cost-burdened entity shall, for each taxable year:
- 6950 (a) file a report with the office showing the high cost infrastructure project's
- 6951 infrastructure-related revenue during the taxable year;
- 6952 (b) subject to Subsection (7), file a report with the office that is prepared by an
- 6953 independent certified public accountant that verifies the infrastructure-related revenue
- 6954 described in Subsection (5)(a); and
- 6955 (c) provide the office with information required by the office to certify the economic
- 6956 life of the high cost infrastructure project.

6957 (6) An infrastructure cost-burdened entity shall retain records supporting a claim for a
6958 tax credit for the same period of time during which a person is required to keep books and
6959 records under Section [59-1-1406](#).

6960 (7) An infrastructure cost-burdened entity for which a report is prepared under
6961 Subsection (5)(b) shall pay the costs of preparing the report.

6962 (8) The office shall certify, for each taxable year, the infrastructure-related revenue
6963 generated by an infrastructure cost-burdened entity.

6964 Section 128. Section ~~79-6-604~~, which is renumbered from Section 63M-4-604 is
6965 renumbered and amended to read:

6966 ~~[63M-4-604]~~. **79-6-604. Tax credit -- Application procedure.**

6967 (1) An applicant shall provide the office with:

6968 (a) an application for a tax credit certificate;

6969 (b) documentation that the applicant meets the requirements described in Subsection
6970 ~~[63M-4-603]~~ [79-6-603](#)(1), to the satisfaction of the office, for the taxable year for which the
6971 applicant seeks to claim a tax credit; and

6972 (c) documentation that expressly directs and authorizes the State Tax Commission to
6973 disclose to the office the applicant's returns and other information concerning the applicant that
6974 would otherwise be subject to confidentiality under Section [59-1-403](#) or Section 6103, Internal
6975 Revenue Code.

6976 (2) (a) The office shall, for an applicant, submit the documentation described in
6977 Subsection (1)(c) to the State Tax Commission.

6978 (b) Upon receipt of the documentation described in Subsection (1)(c), the State Tax
6979 Commission shall provide the office with the documentation described in Subsection (1)(c).

6980 (3) If, after the office reviews the documentation from the State Tax Commission
6981 under Subsection (2)(b) and the information the applicant submits to the office under Section
6982 ~~[63M-4-603]~~ [79-6-603](#), the office, in consultation with the Utah Energy Infrastructure
6983 Authority Board created in Section [63H-2-202](#), determines that the applicant is not eligible for
6984 the tax credit under Section ~~[63M-4-603]~~ [79-6-603](#), or that the applicant's documentation is
6985 inadequate, the office shall:

6986 (a) deny the tax credit; or

6987 (b) inform the applicant that the documentation supporting the applicant's claim for a

6988 tax credit was inadequate and request that the applicant supplement the applicant's
6989 documentation.

6990 (4) Except as provided in Subsection (5), if, after the office reviews the documentation
6991 described in Subsection (2)(b) and the information described in Subsection [~~63M-4-603~~
6992 79-6-603](6), the office, in consultation with the Utah Energy Infrastructure Authority Board
6993 created in Section 63H-2-202, determines that the documentation supporting an applicant's
6994 claim for a tax credit adequately demonstrates that the applicant is eligible for the tax credit
6995 under Section [~~63M-4-603~~] 79-6-603, the office shall, on the basis of the documentation:

6996 (a) enter, with the applicant, into the agreement described in Subsection [~~63M-4-603~~]
6997 79-6-603(3);

6998 (b) issue a tax credit certificate to the applicant; and

6999 (c) provide a duplicate copy of the tax credit certificate described in Subsection (4)(b)
7000 to the State Tax Commission.

7001 (5) The office may deny an applicant a tax credit based on the recommendation of the
7002 Utah Energy Infrastructure Authority Board, as provided in Subsection [~~63M-4-603~~]
7003 79-6-603(2).

7004 (6) An infrastructure cost-burdened entity may not claim a tax credit under Section
7005 59-7-619 or 59-10-1034 unless the infrastructure cost-burdened entity receives a tax credit
7006 certificate from the office.

7007 (7) An infrastructure cost-burdened entity that claims a tax credit shall retain the tax
7008 credit certificate in accordance with Subsection [~~63M-4-603~~] 79-6-603(7).

7009 (8) Except for the information that is necessary for the office to disclose in order to
7010 make the report described in Section [~~63M-4-605~~] 79-6-605, the office shall treat a document
7011 an applicant or infrastructure cost-burdened entity provides to the office as a protected record
7012 under Section 63G-2-305.

7013 Section 129. Section **79-6-605**, which is renumbered from Section 63M-4-605 is
7014 renumbered and amended to read:

7015 [~~63M-4-605~~]. **79-6-605. Report to the Legislature.**

7016 The office shall report annually to the Public Utilities, Energy, and Technology Interim
7017 Committee, the Natural Resources, Agriculture, and Environment Interim Committee, and the
7018 Revenue and Taxation Interim Committee describing:

7019 (1) the office's success in attracting high cost infrastructure projects to the state and the
7020 resulting increase in infrastructure-related revenue under this part;

7021 (2) the amount of tax credits the office has granted or will grant and the time period
7022 during which the tax credits have been or will be granted; and

7023 (3) the economic impact on the state by comparing infrastructure-related revenue to tax
7024 credits that have been or will be granted under this part.

7025 Section 130. Section **79-6-606**, which is renumbered from Section 63M-4-606 is
7026 renumbered and amended to read:

7027 ~~[63M-4-606]~~. **79-6-606. Administrative rules.**

7028 The office may establish, by rule made in accordance with Title 63G, Chapter 3, Utah
7029 Administrative Rulemaking Act, requirements and procedures for the implementation of this
7030 part.

7031 Section 131. Section **79-6-701**, which is renumbered from Section 63M-4-701 is
7032 renumbered and amended to read:

7033 **Part 7. Refiner Gasoline Sulfur Standard Sales and Use Tax Exemption Reporting**
7034 ~~[63M-4-701]~~. **79-6-701. Definitions.**

7035 As used in this part:

7036 (1) "Blending stock," "blendstock," or "component" means any liquid compound that is
7037 blended with other liquid compounds to produce gasoline.

7038 (2) "Refiner" means any person who owns, leases, operates, controls, or supervises a
7039 refinery.

7040 (3) "Refiner tax exemption certification" means a certification issued by the office in
7041 accordance with Section ~~[63M-4-702]~~ 79-6-702.

7042 (4) "Refinery" means a facility where gasoline or diesel fuel is produced, including a
7043 facility at which blendstocks are combined to produce gasoline or diesel fuel, or at which
7044 blendstock is added to gasoline or diesel fuel.

7045 Section 132. Section **79-6-702**, which is renumbered from Section 63M-4-702 is
7046 renumbered and amended to read:

7047 ~~[63M-4-702]~~. **79-6-702. Refiner gasoline standard reporting -- Office of**
7048 **Energy Development certification of sales and use tax exemption eligibility.**

7049 (1) (a) A refiner that seeks to be eligible for a sales and use tax exemption under

7050 Subsection 59-12-104(86) on or after July 1, 2021, shall annually report to the office whether
7051 the refiner's facility that is located within the state:

7052 (i) had an average gasoline sulfur level of 10 parts per million (ppm) or less using the
7053 formulas prescribed in 40 C.F.R. Sec. 80.1603, excluding the offset for credit use and transfer
7054 as prescribed in 40 C.F.R. Sec. 80.1616, during the previous calendar year; or

7055 (ii) for an annual report covering a period before January 1, 2023, if a refiner's facility
7056 did not have an average gasoline sulfur level described in Subsection (1)(a)(i) during the
7057 previous calendar year, the progress the refiner made during the previous calendar year toward
7058 complying with the average gasoline sulfur level described in Subsection (1)(a)(i).

7059 (b) Fuels for which a final destination outside Utah can be demonstrated or that are not
7060 subject to the standards and requirements of 40 C.F.R. Sec. 80.1603 as specified in 40 C.F.R.
7061 Sec. 80.1601 are not subject to the reporting provisions under Subsection (1)(a).

7062 (2) The office shall issue a refiner tax exemption certification to a refiner on a form
7063 prescribed by the State Tax Commission:

7064 (a) beginning July 1, 2021, and ending December 31, 2022, if:

7065 (i) the refiner's refinery that is located within the state had an average gasoline sulfur
7066 level described in Subsection (1)(a)(i) during the previous calendar year; or

7067 (ii) (A) on or before July 1, 2021, the refiner certifies in writing to the office that the
7068 refiner's refinery that is located within the state will have an average gasoline sulfur level
7069 described in Subsection (1)(a)(i) after December 31, 2024; and

7070 (B) the office determines that the refiner made satisfactory progress during the previous
7071 calendar year toward satisfying the refiner's certification described in Subsection (2)(a)(ii)(A);
7072 or

7073 (b) after December 31, 2022, if the refiner's refinery that is located within the state had
7074 an average gasoline sulfur level described in Subsection (1)(a)(i) during the previous calendar
7075 year.

7076 (3) (a) Within 30 days after the day on which the office receives a complete annual
7077 report described in Subsection (1)(a), the office shall:

7078 (i) issue a refiner tax exemption certification to the refiner; or

7079 (ii) notify the refiner in writing that the office has determined the refiner does not
7080 qualify for a refiner tax exemption certification and the basis for the office's determination.

7081 (b) A refiner tax exemption certification is valid for one year after the day on which the
7082 office issues the refiner tax exemption certification.

7083 (4) The office:

7084 (a) shall accept a copy of a report submitted by a refiner to the Environmental
7085 Protection Agency under 40 C.F.R. Sec. 80.1652 as sufficient evidence of the refiner's average
7086 gasoline sulfur level; or

7087 (b) may establish another reporting mechanism through rules made under Subsection
7088 (5).

7089 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
7090 office may make rules to implement this section.

7091 Section 133. Section ~~79-6-801~~, which is renumbered from Section 63M-4-801 is
7092 renumbered and amended to read:

7093 **Part 8. Voluntary Home Energy Information Pilot Program Act**

7094 ~~[63M-4-801]~~. 79-6-801. Title.

7095 This part is known as the "Voluntary Home Energy Information Pilot Program Act."

7096 Section 134. Section ~~79-6-802~~, which is renumbered from Section 63M-4-802 is
7097 renumbered and amended to read:

7098 ~~[63M-4-802]~~. 79-6-802. Definitions.

7099 As used in this part:

7100 (1) "Advisory committee" means the committee created in Subsection ~~[63M-4-805]~~

7101 79-6-805(1).

7102 (2) "Asset rating" means a representation of a residential building's energy efficiency or
7103 energy use generated by modeling under standardized weather and occupancy conditions.

7104 (3) "Home" means a single-family detached or single-family attached enclosed
7105 structure created for permanent use as a residence.

7106 (4) "Home energy assessment" means the evaluation or testing of components or
7107 systems in a residential building for the purpose of identifying options for increasing energy
7108 conservation and energy efficiency.

7109 (5) "Home energy assessor" means a qualified person who:

7110 (a) conducts home energy assessments on residential buildings;

7111 (b) assigns residential buildings a home energy performance score; and

7112 (c) prepares a home energy performance report for residential buildings.

7113 (6) "Home energy performance report" means a report prepared by a home energy
7114 assessor that identifies a residential building's home energy performance score, an explanation
7115 of the score, an estimate of the total energy used in the home, and other information required to
7116 be included in the report under Section [~~63M-4-804~~] [79-6-804](#).

7117 (7) "Home energy performance score" means a score assigned to a residential building
7118 using the home energy performance score system created by the office pursuant to Section
7119 [~~63M-4-804~~] [79-6-804](#).

7120 (8) "Home energy performance score system" means a technical and administrative
7121 framework for producing and reporting metrics that describe the energy consumption,
7122 generation, and efficiency of a building.

7123 (9) "Program" means the voluntary home energy information pilot program for which
7124 model rules are created in Section [~~63M-4-803~~] [79-6-803](#).

7125 (10) "Residential building" means a home.

7126 Section 135. Section **79-6-803**, which is renumbered from Section 63M-4-803 is
7127 renumbered and amended to read:

7128 [~~63M-4-803~~]. **79-6-803. Voluntary Home Energy Information Pilot**
7129 **Program.**

7130 (1) The office shall develop model rules for a voluntary home energy information pilot
7131 program.

7132 (2) The model rules shall be designed to:

7133 (a) provide widespread information to home buyers and sellers about a home's energy
7134 efficiency, cost savings, and air quality impacts; and

7135 (b) empower consumers to ask about the energy efficiency performance of homes and
7136 increase market demand for energy efficient homes and home energy efficiency upgrades.

7137 (3) The office may use appropriated funds to develop model rules for a home energy
7138 performance score system described in Section [~~63M-4-804~~] [79-6-804](#) for homes.

7139 (4) Model rules to implement the program may include:

7140 (a) proposed application procedures to receive a reimbursement from the program for a
7141 home energy assessment and home energy performance report;

7142 (b) the criteria used by the office to determine whether a reimbursement request is

- 7143 approved;
- 7144 (c) the administratively best method and form for making a reimbursement;
- 7145 (d) the criteria used by the office to determine the amount of a reimbursement;
- 7146 (e) the information that an applicant or applicant's designee will be required to report to
- 7147 the office to receive a reimbursement;
- 7148 (f) specifications for the procedures and requirements for conducting a home energy
- 7149 assessment;
- 7150 (g) the requirements for a home energy performance report; and
- 7151 (h) the qualifications for home energy assessors.
- 7152 (5) The office shall administer or contract for the administration of the advisory
- 7153 committee and the development of model rules.
- 7154 ~~[(6) The office shall provide a report to the Legislature's Business and Labor Interim~~
- 7155 ~~Committee and Public Utilities, Energy, and Technology Interim Committee no later than~~
- 7156 ~~November 30, 2020 on:]~~
- 7157 ~~[(a) the status of the model rules; and]~~
- 7158 ~~[(b) recommendations for implementing a pilot program based on the model rules.]~~
- 7159 Section 136. Section **79-6-804**, which is renumbered from Section 63M-4-804 is
- 7160 renumbered and amended to read:
- 7161 ~~[63M-4-804].~~ **79-6-804. Home energy performance score system.**
- 7162 (1) In consultation with the advisory committee, the office shall create a home energy
- 7163 performance score system that shall:
- 7164 (a) have the capability to generate a home energy performance score that meets the
- 7165 requirements of Subsection (2);
- 7166 (b) have the capability to generate a home energy performance report that meets the
- 7167 requirements of Subsection (3);
- 7168 (c) have the capability to incorporate building energy assessment software, the output
- 7169 of which is to be used to derive the information presented on the home energy performance
- 7170 report; and
- 7171 (d) specify training requirements for home energy assessors.
- 7172 (2) A home energy performance score under Subsection (1)(a) shall:
- 7173 (a) be an asset rating that is based on physical inspection of the home or design

7174 documents used for the home's construction; and

7175 (b) use one or a combination of the following approaches for home energy scoring:

7176 (i) the issuance of a home energy score by the United States Department of Energy; or

7177 (ii) the issuance of a home energy rating system by the Residential Energy Services

7178 Network.

7179 (3) A home energy performance report described in Subsection (1)(b) shall include:

7180 (a) the home energy performance score described in Subsection (1)(a) and an

7181 explanation of the score;

7182 (b) an estimate of the total energy used in the home in retail units of energy, by fuel

7183 type;

7184 (c) an estimate of the annual energy costs for operating the home;

7185 (d) an estimate of the annual emissions resulting from energy used in the home;

7186 (e) a list of recommended home improvements to reduce energy use in the home; and

7187 (f) other information the office, in consultation with the advisory committee,

7188 determines is appropriate to include in the model rules.

7189 Section 137. Section **79-6-805**, which is renumbered from Section 63M-4-805 is

7190 renumbered and amended to read:

7191 ~~**[63M-4-805]**~~. **79-6-805. Home energy information advisory committee.**

7192 (1) There is created a home energy information advisory committee.

7193 (2) The advisory committee shall be composed of the following 12 members:

7194 (a) an individual who is an expert in residential real estate, as recommended by the

7195 Utah Association of Realtors;

7196 (b) an individual who is an expert in residential construction as recommended by the

7197 Utah Home Builders Association;

7198 (c) an individual who is an expert in land development for residential communities but

7199 is not a home builder;

7200 (d) an individual who is a nonprofit energy efficiency or air quality advocate;

7201 (e) an individual who is an expert in residential home energy assessments;

7202 (f) an individual who is an expert in residential home inspections;

7203 (g) an individual who is an expert in public education and marketing;

7204 (h) an individual who is an expert in residential appraisals, as recommended by the

7205 Utah Association of Appraisers;

7206 (i) an individual who is an expert in electric utility energy efficiency programs;

7207 (j) an individual who is an expert in natural gas utility energy efficiency programs;

7208 (k) an individual who is an expert in residential architecture, as recommended by the

7209 Utah Chapter of the American Institute of Architects; and

7210 (1) the director of the [~~Governor's Office of Energy Development~~] office or the
7211 director's designee.

7212 (3) The director of the office shall appoint the members of the advisory committee
7213 which shall assist the director in developing model rules for a home energy performance score
7214 system described in Section [~~63M-4-804~~] 79-6-804.

7215 (4) The director of the office, or the director's designee, shall act as chair of the
7216 advisory committee.

7217 (5) An advisory committee member may not receive compensation or benefits for the
7218 member's service on the advisory committee.

7219 Section 138. Section **79-7-101** is enacted to read:

7220 **CHAPTER 7. RECREATION ACT**

7221 **Part 1. General Provisions**

7222 **79-7-101. Title.**

7223 This chapter is known as "Recreation Act."

7224 Section 139. Section **79-7-102** is enacted to read:

7225 **79-7-102. Definitions.**

7226 As used in this chapter:

7227 (1) "Advisory commission" means the Outdoor Adventure Advisory Commission
7228 created in Section [79-7-302](#).

7229 (2) "Division" means the Division of Recreation.

7230 Section 140. Section **79-7-201** is enacted to read:

7231 **Part 2. Division Creation and Administration**

7232 **79-7-201. Division of Recreation -- Creation -- Powers and authority.**

7233 (1) (a) There is created within the department the Division of Recreation.

7234 (b) The division has the purpose of providing, maintaining, and coordinating motorized
7235 and nonmotorized recreation within the state.

7236 (2) (a) The division is under the administration and general supervision of the
7237 executive director.

7238 (b) The division shall consult with the advisory commission.

7239 (3) The division is the recreation authority for the state.

7240 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7241 the division may make rules when expressly authorized by this chapter.

7242 (b) The division shall make rules governing the collection of charges under Subsection
7243 79-7-203(8).

7244 Section 141. Section **79-7-202** is enacted to read:

7245 **79-7-202. Director -- Qualifications -- Duties.**

7246 (1) The director is the executive and administrative head of the division.

7247 (2) The director shall demonstrate:

7248 (a) executive ability; and

7249 (b) actual experience and training in the conduct of recreational systems involving both
7250 physical development and program.

7251 (3) The director shall:

7252 (a) enforce the policies and rules of the division; and

7253 (b) perform the duties necessary to:

7254 (i) properly care for and maintain any property under the jurisdiction of the division;
7255 and

7256 (ii) carry out this chapter.

7257 Section 142. Section **79-7-203** is enacted to read:

7258 **79-7-203. Powers and duties of division.**

7259 (1) As used in this section, "real property" includes land under water, upland, and all
7260 other property commonly or legally defined as real property.

7261 (2) The Division of Wildlife Resources shall retain the power and jurisdiction
7262 conferred upon the Division of Wildlife Resources by law on property controlled by the
7263 division with reference to fish and game.

7264 (3) The division shall permit multiple use of property controlled by the division for
7265 purposes such as grazing, fishing, hunting, camping, mining, and the development and use of
7266 water and other natural resources.

7267 (4) (a) The division may acquire real and personal property in the name of the state by
7268 legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or
7269 otherwise, subject to the approval of the executive director and the governor.

7270 (b) In acquiring real or personal property, the credit of the state may not be pledged
7271 without the consent of the Legislature.

7272 (5) (a) Before acquiring any real property, the division shall notify the county
7273 legislative body of the county where the property is situated of the division's intention to
7274 acquire the property.

7275 (b) If the county legislative body requests a hearing within 10 days of receipt of the
7276 notice, the division shall hold a public hearing in the county concerning the matter.

7277 (6) Acceptance of gifts or devises of land or other property is at the discretion of the
7278 division, subject to the approval of the executive director and the governor.

7279 (7) The division shall acquire property by eminent domain in the manner authorized by
7280 Title 78B, Chapter 6, Part 5, Eminent Domain.

7281 (8) (a) The division may make charges for special services and use of facilities, the
7282 income from which is available for recreation purposes.

7283 (b) The division may conduct and operate those services necessary for the comfort and
7284 convenience of the public.

7285 (9) (a) The division may lease or rent concessions of lawful kinds and nature on
7286 property to persons, partnerships, and corporations for a valuable consideration after consulting
7287 with the advisory commission.

7288 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in
7289 selecting concessionaires.

7290 (10) The division shall proceed without delay to negotiate with the federal government
7291 concerning the Weber Basin and other recreation and reclamation projects.

7292 (11) The division shall coordinate with and annually report to the following regarding
7293 land acquisition and development and grants administered under Chapter 8, Outdoor
7294 Recreation Grants:

7295 (a) the Office of Outdoor Recreation;

7296 (b) the Division of Parks; and

7297 (c) the Office of Rural Development.

7298 Section 143. Section **79-7-204** is enacted to read:

7299 **79-7-204. Division authorized to enter into contracts and agreements.**

7300 (1) The division, with the approval of the executive director and the governor, may
7301 enter into contracts and agreements with the United States, a United States agency, any other
7302 department or agency of the state, semipublic organizations, and with private individuals to:

7303 (a) improve and maintain recreational grounds and the areas administered by the
7304 division; and

7305 (b) secure labor, quarters, materials, services, or facilities according to procedures
7306 established by the Division of Finance.

7307 (2) A department, agency, officer, or employee of the state shall give to the division the
7308 consultation and assistance that the division may reasonably request.

7309 Section 144. Section **79-7-205** is enacted to read:

7310 **79-7-205. Support of a nonprofit corporation or foundation.**

7311 The division may provide administrative support to a nonprofit corporation or
7312 foundation that assists the division in attaining the objectives outlined in the strategic or
7313 operational plan.

7314 Section 145. Section **79-7-301**, which is renumbered from Section 63C-21-102 is
7315 renumbered and amended to read:

7316 **Part 3. Advisory Commission**

7317 **[63C-21-102]. 79-7-301. Definitions.**

7318 As used in this [chapter] part:

7319 (1) [~~Commission~~] "Advisory commission" means the Outdoor Adventure Advisory
7320 Commission created in Section [~~63C-21-201~~] 79-7-302.

7321 (2) "Strategic plan" means the strategic plan developed in Section [~~63C-21-202~~]
7322 79-7-303.

7323 Section 146. Section **79-7-302**, which is renumbered from Section 63C-21-201 is
7324 renumbered and amended to read:

7325 **[63C-21-201]. 79-7-302. Outdoor Adventure Advisory Commission created.**

7326 (1) There is created the Outdoor Adventure Advisory Commission consisting of the
7327 following 14 members:

7328 (a) one member of the Senate, appointed by the president of the Senate;

- 7329 (b) one member of the House of Representatives, appointed by the speaker of the
7330 House of Representatives;
- 7331 (c) the director of the Utah Office of Outdoor Recreation, or the director's designee;
- 7332 (d) the managing director of the Utah Office of Tourism, or the managing director's
7333 designee;
- 7334 (e) the director of the Division of [~~Parks and~~] Recreation, or the director's designee;
- 7335 (f) the director of the School and Institutional Trust Lands Administration, or the
7336 director's designee;
- 7337 (g) the coordinator of the Off-Highway Vehicle and Recreational Trails Program
7338 within the Division of [~~Parks and~~] Recreation;
- 7339 (h) a representative of the agriculture industry appointed jointly by the president of the
7340 Senate and the speaker of the House of Representatives;
- 7341 (i) a representative of the natural resources development industry appointed jointly by
7342 the president of the Senate and the speaker of the House of Representatives;
- 7343 (j) one representative of the Utah League of Cities and Towns appointed by the Utah
7344 League of Cities and Towns;
- 7345 (k) one representative of the Utah Association of Counties appointed by the Utah
7346 Association of Counties;
- 7347 (l) one individual appointed jointly by the Utah League of Cities and Towns and the
7348 Utah Association of Counties;
- 7349 (m) a representative of conservation interests appointed jointly by the president of the
7350 Senate and the speaker of the House of Representatives; and
- 7351 (n) a representative of the outdoor recreation industry appointed jointly by the president
7352 of the Senate and the speaker of the House of Representatives.
- 7353 [~~(2)(a) The senator appointed under Subsection (1)(a) is a cochair of the commission.]~~
7354 [~~(b) The representative appointed under Subsection (1)(b) is a cochair of the advisory~~
7355 ~~commission.]~~
- 7356 (2) The advisory commission shall annually select one of its members to be the chair of
7357 the advisory commission.
- 7358 (3) (a) If a vacancy occurs in the membership of the advisory commission appointed
7359 under Subsection (1)(a) or (b), or Subsections (1)(h) through (n), the member shall be replaced

7360 in the same manner in which the original appointment was made.

7361 (b) A member appointed under Subsections (1)(h) through (n) serves until the
7362 member's successor is appointed and qualified.

7363 (4) (a) Eight advisory commission members constitutes a quorum.

7364 (b) The action of a majority of a quorum constitutes an action of the advisory
7365 commission.

7366 (5) (a) The salary and expenses of [a] an advisory commission member who is a
7367 legislator shall be paid in accordance with Section 36-2-2, Legislative Joint Rules, Title 5,
7368 Chapter 2, Lodging, Meal, and Transportation Expenses, and Legislative Joint Rules, Title 5,
7369 Chapter 3, Legislator Compensation.

7370 (b) [A] An advisory commission member who is not a legislator may not receive
7371 compensation or benefits for the member's service on the advisory commission, but may
7372 receive per diem and reimbursement for travel expenses incurred as [a] an advisory
7373 commission member at the rates established by the Division of Finance under:

7374 (i) Sections 63A-3-106 and 63A-3-107; and

7375 (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
7376 63A-3-107.

7377 (6) The Department of Transportation shall serve as a technical advisor to the advisory
7378 commission.

7379 (7) The [~~Office of Legislative Research and General Counsel and the Office of the~~
7380 ~~Legislative Fiscal Analyst~~] division shall provide staff support to the advisory commission.

7381 Section 147. Section 79-7-303, which is renumbered from Section 63C-21-202 is
7382 renumbered and amended to read:

7383 ~~[63C-21-202].~~ **79-7-303. Strategic plan -- Advisory Commission powers and**
7384 **duties -- Consultant -- Reports.**

7385 (1) (a) The advisory commission shall gather information on recreation assets from
7386 state and local agencies and other sources and develop a strategic plan aimed at meeting the
7387 future needs of outdoor recreation within the state [~~in order~~] to enhance the quality of life of
7388 Utah residents. Asset lists received from state and local agencies shall include:

7389 (i) common data points, to be established by the Office of Outdoor Recreation that can
7390 be uniformly compared with other recreation assets within the state, such as asset type, size,

7391 unique characteristics, vegetation, land ownership, and similar items;
7392 (ii) any specific needs, challenges, or limitations on recreation use of the assets; and
7393 (iii) a ranking of potential enhancements to the assets related to recreation use.
7394 (b) The strategic plan shall address:
7395 (i) outdoor recreation as a major contributor to residents' quality of life;
7396 (ii) the needs and impacts of residents who engage in outdoor recreation;
7397 (iii) the impact on local communities related to outdoor recreation, including the costs
7398 associated with emergency services and infrastructure;
7399 (iv) outdoor recreation as a means to retain and attract an exceptional workforce to
7400 provide for a sustainable economy;
7401 (v) impacts to the environment, wildlife, and natural resources and measures to
7402 preserve the natural beauty of the state as more people engage in outdoor recreation;
7403 (vi) identify opportunities for sustainable revenue sources to provide for maintenance
7404 and future needs;
7405 (vii) the interface with public lands that are federally managed and private lands; and
7406 (viii) other items determined by the advisory commission.
7407 (2) The advisory commission shall:
7408 (a) engage one or more consultants to:
7409 (i) manage the strategic planning process in accordance with Subsection (3); and
7410 (ii) conduct analytical work in accordance with Subsection (3);
7411 (b) guide the analytical work of a consultant described in Subsection (2)(a) and review
7412 the results of the work;
7413 (c) coordinate with a consultant described in Subsection (2)(a) to engage in a process
7414 and create a strategic plan;
7415 (d) conduct regional meetings to gather stakeholder input during the strategic planning
7416 process;
7417 (e) seek input from federal entities including the United States Department of the
7418 Interior, the United States Department of Agriculture, and Utah's congressional delegation; and
7419 (f) produce a final report including a strategic plan and any recommendations.
7420 (3) The advisory commission by contract with a consultant engaged under Subsection
7421 (2)(a) shall direct the consultant to:

- 7422 (a) conduct an inventory of existing outdoor recreation resources, programs, and
7423 information;
- 7424 (b) conduct an analysis of what is needed to develop and implement an effective
7425 outdoor recreation strategy aimed at enhancing the quality of life of Utah residents;
- 7426 (c) collect and analyze data related to the future projected conditions of the outdoor
7427 recreation resources, programs, and information, including the affordability and financing of
7428 outdoor recreation;
- 7429 (d) develop alternatives to the projection described in Subsection (3)(c) by modeling
7430 potential changes to the outdoor recreation industry and economic growth;
- 7431 (e) in coordination with the advisory commission, engage in extensive local
7432 stakeholder involvement to better understand the needs of, concerns of, and opportunities for
7433 different communities and outdoor recreation user types;
- 7434 (f) recommend accountability or performance measures to assess the effectiveness of
7435 the outdoor recreation system;
- 7436 (g) based on the data described in this Subsection (3), make comparisons between
7437 outdoor recreation in Utah and outdoor recreation in other states or countries;
- 7438 (h) in coordination with the advisory commission, conduct the regional meetings
7439 described in Subsection (2)(d) to share information and seek input from a range of
7440 stakeholders;
- 7441 (i) recommend changes to the governance system for outdoor recreation that would
7442 facilitate implementation of the strategic plan;
- 7443 (j) engage in any other data collection or analysis requested by the advisory
7444 commission; and
- 7445 (k) produce for the advisory commission:
- 7446 (i) a draft report of findings, observations, and strategic priorities, including:
- 7447 (A) a statewide vision and strategy for outdoor recreation;
- 7448 (B) a strategy for how to meaningfully engage stakeholders throughout the state;
- 7449 (C) funding needs related to outdoor recreation; and
- 7450 (D) recommendations for the steps the state should take to implement a statewide
7451 vision and strategy for outdoor recreation; and
- 7452 (ii) a final report, incorporating feedback from the advisory commission on the draft

7453 report described in Subsection (3)(k)(i), regarding the future of the outdoor recreation in the
7454 state.

7455 (4) The advisory commission may facilitate or encourage public-private partnerships to
7456 provide for outdoor recreation resources, programs, or information.

7457 Section 148. Section **79-7-401** is enacted to read:

7458 **Part 4. Finances**

7459 **79-7-401. Money to be appropriated -- Boating account expenses.**

7460 (1) The Legislature shall appropriate the money from time to time necessary to carry
7461 out the purposes of this chapter to the division to be used by the division in the administration
7462 of the powers and duties and in carrying out the objective and purposes prescribed by this
7463 chapter.

7464 (2) Departmental operating and administrative expenses for the administration of the
7465 boating account of the division shall be charged against that account.

7466 Section 149. Section **79-7-402**, which is renumbered from Section 79-2-402 is
7467 renumbered and amended to read:

7468 ~~[79-2-402].~~ **79-7-402. Outdoor recreation facilities -- Participation in federal**
7469 **programs -- Comprehensive plan.**

7470 (1) The executive director may, by following the procedures and requirements of Title
7471 63J, Chapter 5, Federal Funds Procedures Act, seek a federal grant or loan or participation in a
7472 federal program to plan and develop an outdoor recreation resource, including:

- 7473 (a) acquiring land or water; or
- 7474 (b) acquiring an interest in land or water.

7475 (2) (a) The executive director, in cooperation with the state planning coordinator and
7476 the state agency or political subdivision responsible for planning, acquisition, and development
7477 of outdoor recreation resources, may prepare, maintain, and update a comprehensive plan for
7478 the outdoor recreation resources of the state.

7479 (b) The executive director shall submit the plan and any plan amendment to the
7480 governor for the governor's review and approval.

7481 (3) By following the procedures and requirements of Title 63J, Chapter 5, Federal
7482 Funds Procedures Act, the executive director may:

- 7483 (a) apply to a United States agency for participation in or the receipt of aid from a

7484 federal program regarding outdoor recreation;

7485 (b) in cooperation with other state agencies, enter into a contract or agreement with the
7486 United States or a United States agency;

7487 (c) keep financial and other records; and

7488 (d) furnish necessary reports to the United States official or agency.

7489 (4) In connection with obtaining the benefits of an outdoor recreation program, the
7490 executive director shall coordinate the department's activities with and represent the interests of
7491 all state agencies and political subdivisions having an interest in the planning, development,
7492 and maintenance of the outdoor recreation resource or facility.

7493 (5) The department may act as the agent of the state or a political subdivision to receive
7494 and to disburse federal money in accordance with the comprehensive plan.

7495 (6) The executive director may not make a commitment or enter into an agreement as
7496 authorized by this section and neither shall the governor approve a commitment or agreement
7497 unless sufficient funds are available to the department for meeting the state's share, if any, of
7498 project costs.

7499 (7) To the extent necessary to assure the proper operation and maintenance of areas and
7500 facilities acquired or developed pursuant to a program participated in by the state under this
7501 section, the areas and facilities shall be publicly maintained for outdoor recreation purposes.

7502 (8) The executive director may enter into and administer an agreement with the United
7503 States or a United States agency with the governor's approval for planning, acquisition, and
7504 development projects involving participating federal-aid funds on behalf of a political
7505 subdivision, if the political subdivision gives necessary assurance to the executive director that:

7506 (a) the political subdivision has available sufficient funds to meet the political
7507 subdivision's share, if any, of the cost of the project; and

7508 (b) the political subdivision will operate and maintain an acquired or developed area at
7509 the expense of the political subdivision for public outdoor recreation use.

7510 Section 150. Section **79-7-501** is enacted to read:

7511 **Part 5. Enforcement**

7512 **79-7-501. Cooperation with Division of Parks.**

7513 The division shall coordinate with the Division of Parks to:

7514 (1) protect state parks and park property from misuse or damage; and

7515 (2) preserve the peace within state parks.

7516 Section 151. Section **79-7-502** is enacted to read:

7517 **79-7-502. Violations of rules.**

7518 Unless otherwise provided in this title, a violation of a rule of the division is an
7519 infraction.

7520 Section 152. Section **79-8-101** is enacted to read:

7521 **CHAPTER 8. OUTDOOR RECREATION GRANTS**

7522 **Part 1. General Provisions**

7523 **79-8-101. Title.**

7524 This chapter is known as "Outdoor Recreation Grants."

7525 Section 153. Section **79-8-102** is enacted to read:

7526 **79-8-102. Definitions.**

7527 As used in this chapter:

7528 (1) "Accessible to the general public," in relation to the awarding of an infrastructure
7529 grant, means:

7530 (a) the public may use the infrastructure in accordance with federal and state
7531 regulations; and

7532 (b) no community or group retains exclusive rights to access the infrastructure.

7533 (2) "Children," in relation to the awarding of a UCORE grant, means individuals who
7534 are six years old or older and 18 years old or younger.

7535 (3) "Director" means the director of the Division of Recreation.

7536 (4) "Division" means the Division of Recreation.

7537 (5) "Executive director" means the executive director of the Department of Natural
7538 Resources.

7539 (6) "Infrastructure grant" means an outdoor recreational infrastructure grant described
7540 in Section [79-8-202](#).

7541 (7) (a) "Recreational infrastructure project" means an undertaking to build or improve
7542 the approved facilities and installations needed for the public to access and enjoy the state's
7543 outdoors.

7544 (b) "Recreational infrastructure project" may include the:

7545 (i) establishment, construction, or renovation of a trail, trail infrastructure, or trail

- 7546 facilities;
- 7547 (ii) construction of a project for water-related outdoor recreational activities;
- 7548 (iii) development of a project for wildlife watching opportunities, including bird
- 7549 watching;
- 7550 (iv) development of a project that provides winter recreation amenities;
- 7551 (v) construction or improvement of a community park that has amenities for outdoor
- 7552 recreation; and
- 7553 (vi) construction or improvement of a naturalistic and accessible playground.
- 7554 (8) "UCORE grant" means a children's outdoor recreation and education grant
- 7555 described in Section [79-8-402](#).
- 7556 (9) (a) "Underserved or underprivileged community" means a group of people,
- 7557 including a municipality, county, or American Indian tribe, that is economically disadvantaged.
- 7558 (b) "Underserved or underprivileged community" includes an economically
- 7559 disadvantaged community where:
- 7560 (i) in relation to awarding an infrastructure grant, the people of the community have
- 7561 limited access to or have demonstrated a low level of use of recreational infrastructure; and
- 7562 (ii) in relation to awarding a UCORE grant, the children of the community, including
- 7563 children with disabilities, have limited access to outdoor recreation or education programs.
- 7564 Section 154. Section **79-8-103** is enacted to read:
- 7565 **79-8-103. Outdoor recreation grants.**
- 7566 To the extent money is available, the division shall administer outdoor recreation grants
- 7567 for the state, including grants that address:
- 7568 (1) outdoor recreation in general;
- 7569 (2) recreational trails;
- 7570 (3) off-highway vehicle incentives;
- 7571 (4) boat access and clean vessels; and
- 7572 (5) land, water, and conservation.
- 7573 Section 155. Section **79-8-104** is enacted to read:
- 7574 **79-8-104. Annual report.**
- 7575 The director shall prepare an annual written report on the activities of the division under
- 7576 this chapter, including a description and the amount of any awarded infrastructure grants and

7577 any awarded UCORE grants.

7578 Section 156. Section **79-8-201**, which is renumbered from Section 63N-9-201 is
7579 renumbered and amended to read:

7580 **Part 2. Outdoor Recreational Infrastructure Grant Program**

7581 ~~[63N-9-201].~~ **79-8-201. Title.**

7582 This part is known as the "Outdoor Recreational Infrastructure Grant Program."

7583 Section 157. Section **79-8-202**, which is renumbered from Section 63N-9-202 is
7584 renumbered and amended to read:

7585 ~~[63N-9-202].~~ **79-8-202. Creation and purpose of infrastructure grant**
7586 **program.**

7587 (1) There is created the Outdoor Recreational Infrastructure Grant Program
7588 administered by the ~~[outdoor recreation office]~~ division.

7589 (2) The ~~[outdoor recreation office]~~ division may seek to accomplish the following
7590 objectives in administering the infrastructure grant program:

7591 (a) build, maintain, and promote recreational infrastructure to provide greater access to
7592 low-cost outdoor recreation for the state's citizens;

7593 (b) encourage residents and nonresidents of the state to take advantage of the beauty of
7594 Utah's outdoors;

7595 (c) encourage individuals and businesses to relocate to the state;

7596 (d) promote outdoor exercise; and

7597 (e) provide outdoor recreational opportunities to an underserved or underprivileged
7598 community in the state.

7599 Section 158. Section **79-8-203**, which is renumbered from Section 63N-9-203 is
7600 renumbered and amended to read:

7601 ~~[63N-9-203].~~ **79-8-203. Rulemaking and requirements for awarding an**
7602 **infrastructure grant.**

7603 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
7604 ~~[outdoor recreation office]~~ division shall make rules establishing the eligibility and reporting
7605 criteria for an entity to receive an infrastructure grant, including:

7606 (a) the form and process of submitting an application to the ~~[outdoor recreation office]~~
7607 division for an infrastructure grant;

- 7608 (b) which entities are eligible to apply for an infrastructure grant;
- 7609 (c) specific categories of recreational infrastructure projects that are eligible for an
7610 infrastructure grant;
- 7611 (d) the method and formula for determining grant amounts; and
- 7612 (e) the reporting requirements of grant recipients.
- 7613 (2) In determining the award of an infrastructure grant, the [~~outdoor recreation office~~]
7614 division may prioritize a recreational infrastructure project that will serve an underprivileged or
7615 underserved community.
- 7616 (3) An infrastructure grant may only be awarded by the executive director after
7617 consultation with the director and the [~~board~~] Outdoor Adventure Advisory Commission.
- 7618 (4) The following entities may not receive an infrastructure grant under this part:
- 7619 (a) a federal government entity;
- 7620 (b) a state agency; and
- 7621 (c) a for-profit entity.
- 7622 (5) An infrastructure grant may only be awarded under this part:
- 7623 (a) for a recreational infrastructure project that is accessible to the general public; and
7624 (b) subject to Subsections (6) and (7), if the grant recipient agrees to provide matching
7625 funds having a value equal to or greater than the amount of the infrastructure grant.
- 7626 (6) Up to 50% of the grant recipient match described in Subsection (5)(b) may be
7627 provided through an in-kind contribution by the grant recipient, if:
- 7628 (a) approved by the executive director after consultation with the director and the
7629 [~~board~~] Outdoor Adventure Advisory Commission; and
- 7630 (b) the in-kind donation does not include real property.
- 7631 (7) An infrastructure grant may not be awarded under this part if the grant, or the grant
7632 recipient match described in Subsection (5)(b), will be used for the purchase of real property or
7633 for the purchase or transfer of a conservation easement.
- 7634 Section 159. Section **79-8-204**, which is renumbered from Section 63N-9-204 is
7635 renumbered and amended to read:
- 7636 ~~[63N-9-204]~~. **79-8-204. Utah Outdoor Recreation Grant Advisory**
7637 **Committee -- Membership -- Duties -- Expenses.**
- 7638 (1) As used in this section, "advisory committee" means the Utah Outdoor Recreation

7639 Grant Advisory Committee created in Subsection (2).

7640 (2) There is created in the [~~outdoor recreation office~~] division the Utah Outdoor
7641 Recreation Grant Advisory Committee, composed of the following 14 members:

7642 (a) five members representing state or federal government as follows:

7643 (i) the director;

7644 (ii) the director of the Division of Parks [~~and Recreation~~] created in Section 79-4-201
7645 or the director's designee;

7646 [~~(iii) one member who is an employee of the outdoor recreation office engaged in the~~
7647 ~~duties described in Section 63N-7-201, appointed by the executive director;~~]

7648 (iii) the director of the Utah Office of Outdoor Recreation, or the director's designee;

7649 (iv) one member representing the Bureau of Land Management, appointed by the
7650 executive director; and

7651 (v) one member representing the National Park Service Rivers, Trails, and
7652 Conservation Assistance Program, appointed by the executive director;

7653 (b) nine members representing local government, the private sector, or the public that
7654 are knowledgeable about outdoor recreation activities or tourism-based economic development,
7655 appointed by the executive director as follows:

7656 (i) one member representing municipal government, recommended by the Utah League
7657 of Cities and Towns;

7658 (ii) one member representing county government, recommended by the Utah
7659 Association of Counties;

7660 (iii) two members representing the outdoor industry;

7661 (iv) one member representing the Utah Tourism Industry Association;

7662 (v) one member representing the Utah Hotel and Lodging Association;

7663 (vi) one member representing the health care industry;

7664 (vii) one member representing multi-ability groups or programs; and

7665 (viii) one member representing a university outdoor recreation, parks, or tourism
7666 department; and

7667 (c) one of the members appointed under Subsection (2)(b)(i) or (ii) shall represent rural
7668 interests.

7669 (3) The advisory committee shall advise and make recommendations to the [~~outdoor~~

7670 ~~recreation office]~~ division regarding infrastructure grants and grants issued under Part 3,
7671 Restoration Recreation Infrastructure Grant Program.

7672 (4) (a) Except as required by Subsection (4)(b), as terms of appointed advisory
7673 committee members expire, the executive director shall appoint each new member or
7674 reappointed member to a four-year term.

7675 (b) Notwithstanding the requirements of Subsection (4)(a), the executive director shall,
7676 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
7677 of appointed advisory committee members are staggered so that approximately half of the
7678 appointed advisory committee members are appointed every two years.

7679 (5) The director shall serve as chair of the advisory committee.

7680 (6) The advisory committee shall elect annually a vice chair from the advisory
7681 committee's members.

7682 (7) When a vacancy occurs in the membership for any reason, the executive director
7683 shall appoint the replacement for the unexpired term.

7684 (8) A majority of the advisory committee constitutes a quorum for the purpose of
7685 conducting advisory committee business and the action of a majority of a quorum constitutes
7686 the action of the advisory committee.

7687 (9) The [~~outdoor recreation office]~~ division shall provide administrative staff support
7688 for the advisory committee.

7689 (10) A member may not receive compensation or benefits for the member's service, but
7690 a member appointed under Subsection (2)(b) may receive per diem and travel expenses in
7691 accordance with:

7692 (a) Section [63A-3-106](#);

7693 (b) Section [63A-3-107](#); and

7694 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
7695 [63A-3-107](#).

7696 (11) The advisory committee, as a governmental entity, has all the rights, privileges,
7697 and immunities of a governmental entity of the state and the advisory committee meetings are
7698 subject to Title 52, Chapter 4, Open and Public Meetings Act.

7699 Section 160. Section **79-8-205**, which is renumbered from Section 63N-9-205 is
7700 renumbered and amended to read:

7701 ~~[63N-9-205].~~ 79-8-205. Utah Outdoor Recreation Infrastructure Account

7702 -- Uses -- Costs.

7703 (1) There is created an expendable special revenue fund known as the "Outdoor
7704 Recreation Infrastructure Account," which the [~~outdoor recreation office~~] division shall use to
7705 fund the Outdoor Recreational Infrastructure Grant Program created in Section [~~63N-9-202~~]
7706 79-8-202 and the Recreation Restoration Infrastructure Grant Program created in Section
7707 [~~63N-9-302~~] 79-8-302.

7708 (2) The account consists of:

7709 (a) distributions to the account under Section 59-28-103;

7710 (b) interest earned on the account;

7711 (c) appropriations made by the Legislature;

7712 (d) money from a cooperative agreement entered into with the United States

7713 Department of Agriculture or the United States Department of the Interior; and

7714 (e) private donations, grants, gifts, bequests, or money made available from any other
7715 source to implement this part.

7716 (3) The [~~outdoor recreation office~~] division shall, with the advice of the Utah Outdoor
7717 Recreation Grant Advisory Committee created in Section [~~63N-9-204~~] 79-8-204, administer
7718 the account.

7719 (4) (a) The cost of administering the account shall be paid from money in the account.

7720 (b) The cost of two full-time positions in the Utah Office of Outdoor Recreation in an
7721 amount agreed to by the division of the Utah Office of Outdoor Recreation shall be paid from
7722 money in the account.

7723 (5) Interest accrued from investment of money in the account shall remain in the
7724 account.

7725 Section 161. Section **79-8-301**, which is renumbered from Section 63N-9-301 is
7726 renumbered and amended to read:

7727 **Part 3. Recreation Restoration Infrastructure Grant Program**

7728 ~~[63N-9-301].~~ 79-8-301. Definitions.

7729 As used in this part:

7730 (1) "Advisory committee" means the Utah Outdoor Recreation Grant Advisory

7731 Committee created in Section [~~63N-9-204~~] 79-8-204.

7732 (2) "Grant program" means the Recreation Restoration Infrastructure Grant Program
7733 created in Section [~~63N-9-302~~] [79-8-302](#).

7734 (3) "High demand outdoor recreation amenity" means infrastructure necessary for a
7735 campground, picnic area, or water recreation structure such as a dock, pier, or boat ramp that
7736 receives or has received heavy use by the public.

7737 (4) "High priority trail" means a motorized or nonmotorized recreation summer-use
7738 trail and related infrastructure that is prioritized by the advisory committee for restoration or
7739 rehabilitation to maintain usability and sustainability of trails that receive or have received high
7740 use by the public.

7741 (5) "Public lands" includes local, state, and federal lands.

7742 (6) "Rehabilitation or restoration" means returning an outdoor recreation structure or
7743 trail that has been degraded, damaged, or destroyed to its previously useful state by means of
7744 repair, modification, or alteration.

7745 Section 162. Section **79-8-302**, which is renumbered from Section 63N-9-302 is
7746 renumbered and amended to read:

7747 ~~[63N-9-302]~~. **79-8-302. Creation of grant program.**

7748 (1) (a) There is created a supplemental grant program within the Outdoor Recreational
7749 Infrastructure Grant Program, created in Section [~~63N-9-202~~] [79-8-202](#), known as the
7750 "Recreation Restoration Infrastructure Grant Program" administered by the [~~outdoor recreation~~
7751 ~~office~~] division.

7752 (b) Subject to Subsection (1)(c), 5% percent of the unencumbered amount in the Utah
7753 Outdoor Recreation Account, created in Section [~~63N-9-205~~] [79-8-205](#), at the beginning of
7754 each fiscal year may be used for the grant program.

7755 (c) The percentage outlined in Subsection (1)(b) may be increased or decreased at the
7756 beginning of a fiscal year if approved by the executive director after consultation with the
7757 director and the advisory committee.

7758 (2) The [~~outdoor recreation office~~] division may seek to accomplish the following
7759 objectives in administering the grant program:

7760 (a) rehabilitate or restore high priority trails for both motorized and nonmotorized uses;

7761 (b) rehabilitate or restore high demand recreation areas on public lands; and

7762 (c) encourage the public land entities to engage with volunteer groups to aid with

7763 portions of needed trail work.

7764 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
7765 [~~outdoor recreation office~~] division shall make rules establishing the eligibility and reporting
7766 criteria for an entity to receive a recreation restoration infrastructure grant, including:

7767 (a) the form and process of submitting annual project proposals to the [~~outdoor~~
7768 ~~recreation office~~] division for a recreation restoration infrastructure grant;

7769 (b) which entities are eligible to apply for a recreation restoration infrastructure grant;

7770 (c) specific categories of recreation restoration projects that are eligible for a recreation
7771 restoration infrastructure grant;

7772 (d) the method and formula for determining recreation restoration infrastructure grant
7773 amounts; and

7774 (e) the reporting requirements of a recipient of a recreation restoration infrastructure
7775 grant.

7776 Section 163. Section **79-8-303**, which is renumbered from Section 63N-9-303 is
7777 renumbered and amended to read:

7778 ~~[63N-9-303]~~. **79-8-303. Award of recreation restoration infrastructure**
7779 **grants.**

7780 (1) In determining the award of a recreation restoration infrastructure grant, the
7781 advisory committee shall prioritize projects that the advisory committee considers to be high
7782 demand outdoor recreation amenities or high priority trails.

7783 (2) The [~~outdoor recreation office~~] division may give special consideration to projects
7784 from qualified applicants within rural counties to ensure geographic parity of the awarded
7785 money.

7786 (3) (a) An applicant shall use a recreation restoration infrastructure grant to leverage
7787 private and other nonstate public money and the [~~outdoor recreation office~~] division may give
7788 priority to projects that exceed a 50% match from the applicant.

7789 (b) Leverage includes cash, resources, goods, or services necessary to complete a
7790 project.

7791 (c) The [~~outdoor recreation office~~] division shall apply money from a cooperative
7792 agreement entered into with the United States Department of Agriculture or the United States
7793 Department of the Interior as a portion of the applicant's match.

7794 (4) A recreation restoration infrastructure grant may only be awarded by the executive
7795 director after consultation with the director and the advisory committee.

7796 (5) A recreation restoration infrastructure grant is available for rehabilitation or
7797 restoration projects for high demand outdoor recreation amenities and high priority trails that
7798 relate directly to the visitor including:

7799 (a) a trail, trail head infrastructure, signage, and crossing infrastructure, for both
7800 nonmotorized and motorized recreation;

7801 (b) a campground or picnic area;

7802 (c) water recreation infrastructure, including a pier, dock, or boat ramp; and

7803 (d) recreation facilities that are accessible to visitors with disabilities.

7804 (6) The following are not eligible for a recreation restoration infrastructure grant:

7805 (a) general facility operations and administrative costs;

7806 (b) land acquisitions;

7807 (c) visitor facilities, as defined by the [~~outdoor recreation office~~] division by rule made
7808 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

7809 (d) water and utility systems; and

7810 (e) employee housing.

7811 (7) The [~~outdoor recreation office~~] division shall compile data and report to the
7812 Business, Economic Development, and Labor Appropriations Subcommittee on the:

7813 (a) effectiveness of the grant program in addressing the deferred maintenance and
7814 repair backlog of trails, campgrounds, and other recreation amenities on public lands;

7815 (b) estimated value of the rehabilitation or restoration projects;

7816 (c) number of miles of trails that are rehabilitated or restored; and

7817 (d) leverage of state money to federal and private money and in-kind services such as
7818 volunteer labor.

7819 Section 164. Section **79-8-401**, which is renumbered from Section 63N-9-401 is
7820 renumbered and amended to read:

7821 **Part 4. Utah Children's Outdoor Recreation and Education Grant Program**

7822 [~~63N-9-401~~]. **79-8-401. Title.**

7823 This part is known as the "Utah Children's Outdoor Recreation and Education Grant
7824 Program."

7825 Section 165. Section **79-8-402**, which is renumbered from Section 63N-9-402 is
7826 renumbered and amended to read:

7827 ~~[63N-9-402]~~. **79-8-402. Creation and purpose of the UCORE grant**
7828 **program.**

7829 (1) There is created the Utah Children's Outdoor Recreation and Education Grant
7830 Program administered by the [~~outdoor recreation office~~] division.

7831 (2) The [~~outdoor recreation office~~] division may seek to accomplish the following
7832 objectives in administering the UCORE grant program:

7833 (a) promote the health and social benefits of outdoor recreation to the state's children;

7834 (b) encourage children to develop the skills and confidence to be physically active for
7835 life;

7836 (c) provide outdoor recreational opportunities to underserved or underprivileged
7837 communities in the state; and

7838 (d) encourage hands-on outdoor or nature-based learning and play to prepare children
7839 for achievement in science, technology, engineering, and math.

7840 Section 166. Section **79-8-403**, which is renumbered from Section 63N-9-403 is
7841 renumbered and amended to read:

7842 ~~[63N-9-403]~~. **79-8-403. Rulemaking and requirements for awarding a**
7843 **UCORE grant.**

7844 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
7845 [~~outdoor recreation office~~] division shall make rules establishing the eligibility and reporting
7846 criteria for an entity to receive a UCORE grant, including:

7847 (a) the form and process of submitting an application to the [~~outdoor recreation office~~]
7848 division for a UCORE grant;

7849 (b) which entities are eligible to apply for a UCORE grant;

7850 (c) specific categories of children's programs that are eligible for a UCORE grant;

7851 (d) the method and formula for determining grant amounts; and

7852 (e) the reporting requirements of grant recipients.

7853 (2) In determining the award of a UCORE grant, the [~~outdoor recreation office~~]
7854 division may prioritize a children's program that will serve an underprivileged or underserved
7855 community in the state.

7856 (3) A UCORE grant may only be awarded by the executive director after consultation
7857 with the director and the ~~[board]~~ Outdoor Adventure Advisory Commission.

7858 (4) The following entities may not receive a UCORE grant under this part:

7859 (a) a federal government entity;

7860 (b) a state agency, except for public schools and institutions of higher education; and

7861 (c) a for-profit entity.

7862 (5) In awarding UCORE grants, consideration shall be given to entities that implement
7863 programs that:

7864 (a) contribute to healthy and active lifestyles through outdoor recreation; and

7865 (b) include one or more of the following attributes in their programs or initiatives:

7866 (i) serve children with the greatest needs in rural, suburban, and urban areas of the
7867 state;

7868 (ii) provide students with opportunities to directly experience nature;

7869 (iii) maximize the number of children who can participate;

7870 (iv) commit matching and in-kind resources;

7871 (v) create partnerships with public and private entities;

7872 (vi) include ongoing program evaluation and assessment;

7873 (vii) utilize veterans in program implementation;

7874 (viii) include outdoor or nature-based programming that incorporates concept learning
7875 in science, technology, engineering, or math; or

7876 (ix) utilize educated volunteers in program implementation.

7877 Section 167. Section ~~79-8-404~~, which is renumbered from Section 63N-9-404 is
7878 renumbered and amended to read:

7879 ~~[63N-9-404]~~. **79-8-404. Utah Children's Outdoor Recreation and**
7880 **Education Fund -- Uses -- Costs.**

7881 (1) There is created an expendable special revenue fund known as the "Utah Children's
7882 Outdoor Recreation and Education Fund," which the ~~[office]~~ division shall use to fund the Utah
7883 Children's Outdoor Recreation and Education Grant Program created in Section ~~[63N-9-402]~~
7884 79-8-402.

7885 (2) The fund consists of:

7886 (a) appropriations made by the Legislature;

7887 (b) interest earned on the account; and
7888 (c) private donations, grants, gifts, bequests, or money made available from any other
7889 source to implement this part.

7890 (3) The [~~office~~] division shall, with the advice of the Utah Outdoor Recreation Grant
7891 Advisory Committee created in Section [~~63N-9-204~~] 79-8-204, administer the account.

7892 (4) The cost of administering the account shall be paid from money in the account.

7893 (5) Interest accrued from investment of money in the account shall remain in the
7894 account.

7895 Section 168. **Repealer.**

7896 This bill repeals:

7897 Section **63C-21-203, Public-private partnerships.**

7898 Section **63C-21-101, Title.**

7899 Section 169. **Effective date.**

7900 This bill takes effect on July 1, 2021.

7901 Section 170. **Revisor instructions.**

7902 The Legislature intends that the Office of Legislative Research and General Counsel, in
7903 preparing the Utah Code database for publication replace the references in Section 79-2-206
7904 from "this bill" to the bill's designated chapter number in the Laws of Utah.