

**Representative Brady Brammer** proposes the following substitute bill:

**UTAH LAKE AUTHORITY**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brady Brammer**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill enacts provisions relating to the Utah Lake Authority.

**Highlighted Provisions:**

This bill:

- ▶ creates the Utah Lake Authority;
- ▶ defines the status of the Utah Lake Authority and provides for the Authority's purposes, powers, duties, policies, and objectives;
- ▶ establishes a board to govern the Utah Lake Authority and provides for board membership, appointment, terms, duties, and responsibilities;
- ▶ authorizes the board to appoint nonvoting members, board officers, and advisory committees;
- ▶ prohibits certain individuals from serving as a member of the board or executive director and prohibits board members and the executive director from receiving certain benefits;
- ▶ provides for the hiring of an executive director, defines the executive director's role, and provides for the qualifications and duties of the executive director;
- ▶ requires the attorney general to provide legal services to the lake authority;
- ▶ provides a process for the adoption and amendment of a project area plan and a



26 project area budget;

27       ▶ provides for the Utah Lake Authority to be paid certain sales tax revenue and other  
28 sources of revenue, and provides for the allowable uses of revenue;

29       ▶ authorizes the Utah Lake Authority to issue bonds and includes provisions related to  
30 bonds;

31       ▶ requires the Utah Lake Authority board to adopt an annual budget and provides a  
32 process for preparing and adopting or amending a budget;

33       ▶ requires the Utah Lake Authority to provide reports and requires the Authority to  
34 comply with audit requirements;

35       ▶ provides limits on the dissolution of the Utah Lake Authority and requirements if a  
36 dissolution occurs; and

37       ▶ repeals provisions relating to the authority of the Division of Forestry, Fire, and  
38 State Lands for the restoration of Utah Lake and gives some of that authority to the  
39 Utah Lake Authority.

40 **Money Appropriated in this Bill:**

41       None

42 **Other Special Clauses:**

43       This bill provides a coordination clause.

44 **Utah Code Sections Affected:**

45 AMENDS:

46       **59-12-205**, as last amended by Laws of Utah 2019, Chapters 17, 136, and 399

47       **63I-1-263**, as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230,  
48 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws  
49 of Utah 2020, Chapter 360

50       **63J-1-602.2**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

51 ENACTS:

52       **11-65-101**, Utah Code Annotated 1953

53       **11-65-102**, Utah Code Annotated 1953

54       **11-65-103**, Utah Code Annotated 1953

55       **11-65-104**, Utah Code Annotated 1953

56       **11-65-201**, Utah Code Annotated 1953

- 57 11-65-202, Utah Code Annotated 1953
- 58 11-65-203, Utah Code Annotated 1953
- 59 11-65-204, Utah Code Annotated 1953
- 60 11-65-205, Utah Code Annotated 1953
- 61 11-65-206, Utah Code Annotated 1953
- 62 11-65-207, Utah Code Annotated 1953
- 63 11-65-208, Utah Code Annotated 1953
- 64 11-65-301, Utah Code Annotated 1953
- 65 11-65-302, Utah Code Annotated 1953
- 66 11-65-303, Utah Code Annotated 1953
- 67 11-65-304, Utah Code Annotated 1953
- 68 11-65-305, Utah Code Annotated 1953
- 69 11-65-401, Utah Code Annotated 1953
- 70 11-65-402, Utah Code Annotated 1953
- 71 11-65-403, Utah Code Annotated 1953
- 72 11-65-404, Utah Code Annotated 1953
- 73 11-65-405, Utah Code Annotated 1953
- 74 11-65-501, Utah Code Annotated 1953
- 75 11-65-502, Utah Code Annotated 1953
- 76 11-65-503, Utah Code Annotated 1953
- 77 11-65-504, Utah Code Annotated 1953
- 78 11-65-505, Utah Code Annotated 1953
- 79 11-65-506, Utah Code Annotated 1953
- 80 11-65-601, Utah Code Annotated 1953
- 81 11-65-602, Utah Code Annotated 1953
- 82 11-65-603, Utah Code Annotated 1953
- 83 11-65-604, Utah Code Annotated 1953
- 84 11-65-605, Utah Code Annotated 1953
- 85 11-65-606, Utah Code Annotated 1953
- 86 11-65-701, Utah Code Annotated 1953

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

88 [11-65-208](#), Utah Code Annotated 1953

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

91 Section 1. Section **11-65-101** is enacted to read:

92 **CHAPTER 65. UTAH LAKE AUTHORITY ACT**

93 **Part 1. General Provisions**

94 **11-65-101. Title.**

95 This chapter is known as the "Utah Lake Authority Act."

96 Section 2. Section **11-65-102** is enacted to read:

97 **11-65-102. Definitions.**

98 As used in this chapter:

99 (1) "Adjacent political subdivision" means a political subdivision of the state with a  
100 boundary that abuts the lake authority boundary or includes lake authority land.

101 (2) "Board" means the lake authority's governing body, created in Section [11-65-301](#).

102 (3) "Lake authority" means the Utah Lake Authority, created in Section [11-65-201](#).

103 (4) "Lake authority boundary" means the boundary around Utah Lake defined by the  
104 line of compromise at 4,489 feet above sea level.

105 (5) "Lake authority land" means all land, whether or not submerged under the waters of  
106 Utah Lake, within the lake authority boundary and to which the state has acquired title.

107 (6) "Management" means:

108 (a) work to rehabilitate and improve the quality of Utah Lake and the water of Utah  
109 Lake;

110 (b) the excavation, dredging, importation, movement, or other work on land to  
111 reconfigure the contours of land or of a lake bed;

112 (c) the demolition, construction, reconstruction, modification, expansion, or  
113 improvement of a building, utility, infrastructure, landscape, parking lot, park, trail,  
114 recreational amenity, or other facility, including publicly owned infrastructure and  
115 improvements; and

116 (d) the planning of, arranging for, or participation in any of the activities listed in  
117 Subsection (6)(a), (b), or (c).

118 (7) "Management plan" means a plan to conceptualize, design, facilitate, encourage,

119 and bring about the management of the lake authority land to achieve the policies and  
120 objectives described in Section [11-65-203](#).

121 (8) "Nonvoting member" means an individual appointed as a member of the board  
122 under Subsection [11-65-302\(6\)](#) who does not have the power to vote on matters of lake  
123 authority business.

124 (9) "Project area" means an area that is identified in a project area plan as the area of  
125 lake authority land where the management described in the project area plan will occur.

126 (10) "Project area budget" means a multiyear projection of annual or cumulative  
127 revenues and expenses and other fiscal matters pertaining to the project area.

128 (11) "Project area plan" means a written plan that, after the plan's effective date, guides  
129 and controls management within a project area and within any adjacent areas that are included  
130 within the scope of a management plan.

131 (12) "Public entity" means:

132 (a) the state, including each department, division, or other agency of the state; or

133 (b) a county, city, town, metro township, school district, local district, special service  
134 district, interlocal cooperation entity, community reinvestment agency, or other political  
135 subdivision of the state.

136 (13) "Publicly owned infrastructure and improvements":

137 (a) means infrastructure, improvements, facilities, or buildings that:

138 (i) benefit the public; and

139 (ii) (A) are owned by a public entity or a utility; or

140 (B) are publicly maintained or operated by a public entity;

141 (b) includes:

142 (i) facilities, lines, or systems that provide:

143 (A) water, chilled water, or steam; or

144 (B) sewer, storm drainage, natural gas, electricity, energy storage, renewable energy,  
145 microgrids, or telecommunications service; and

146 (ii) streets, roads, curbs, gutters, sidewalks, walkways, solid waste facilities, parking  
147 facilities, and public transportation facilities.

148 (14) "Voting member" means an individual appointed as a member of the board under  
149 Subsection [11-65-302\(2\)](#).

150 Section 3. Section 11-65-103 is enacted to read:

151 **11-65-103. Severability.**

152 If a court determines that any provision of this chapter, or the application of any  
153 provision of this chapter, is invalid, the remainder of this chapter shall be given effect without  
154 the invalid provision or application.

155 Section 4. Section 11-65-104 is enacted to read:

156 **11-65-104. Nonlapsing funds.**

157 Money the lake authority receives from legislative appropriations is nonlapsing.

158 Section 5. Section 11-65-201 is enacted to read:

159 **Part 2. Utah Lake Authority**

160 **11-65-201. Creation of Utah Lake Authority -- Status and purposes.**

161 (1) Under the authority of Article XI, Section 8 of the Utah Constitution, there is  
162 created the Utah Lake Authority.

163 (2) The lake authority is:

164 (a) an independent, nonprofit, separate body corporate and politic, with perpetual  
165 succession;

166 (b) a political subdivision of the state; and

167 (c) a public corporation, as defined in Section [63E-1-102](#).

168 (3) (a) The statewide public purpose of the lake authority is to work in concert with  
169 applicable federal, state, and local government entities, property owners, owners of water  
170 rights, private parties, and stakeholders to encourage, facilitate, and implement:

171 (i) the rehabilitation of Utah Lake and the waters of Utah Lake; and

172 (ii) the management of the lake authority land to maximize the long-term viability and  
173 health of Utah Lake and to produce economic, aesthetic, recreational, and other benefits for the  
174 state, consistent with the strategies, policies, and objectives described in this chapter.

175 (b) The duties and responsibilities of the lake authority under this chapter are beyond  
176 the scope and capacity of any local government entity, which has many other responsibilities  
177 and functions that appropriately command the attention and resources of the local government  
178 entity, and are not functions of purely local concern but are matters of regional and statewide  
179 concern, importance, interest, and impact, due to multiple factors, including:

180 (i) the importance and benefit to the region and state of a healthy, vibrant, and

181 ecologically sound Utah Lake; and

182 (ii) the enormous potential for regional and statewide economic, aesthetic, recreational,  
183 and other benefit that can come from the rehabilitation of Utah Lake and its waters and the  
184 appropriate management of the lake authority land.

185 (c) The lake authority is the mechanism the state chooses to focus resources and efforts  
186 on behalf of the state to ensure that the regional and statewide interests, concerns, and purposes  
187 described in this Subsection (3) are properly addressed from more of a statewide perspective  
188 than any local government entity can provide.

189 (4) (a) The lake authority supplants and replaces the Utah Lake Commission,  
190 established by interlocal agreement.

191 (b) The Utah Lake Commission shall:

192 (i) cooperate with the lake authority to transition, as soon as practicable, Utah Lake  
193 Commission functions to the lake authority, to the extent consistent with this chapter; and

194 (ii) take all necessary actions to dissolve the Utah Lake Commission no later than May  
195 1, 2022.

196 (c) The lake authority may, by majority vote of the board, succeed to the position of the  
197 Utah Lake Commission in any contract in which the Utah Lake Commission is a party.

198 (d) (i) As part of the transition from the Utah Lake Commission to the lake authority,  
199 the lake authority shall offer an employee of the Utah Lake Commission employment with the  
200 lake authority in the same or a comparable position and with the same or comparable  
201 compensation as the employee had as an employee of the Utah Lake Commission.

202 (ii) Subsection (4)(d)(i) may not be construed to affect the at-will status of an  
203 individual who becomes an employee of the lake authority.

204 (e) After the authority board is constituted, an advisory or technical committee  
205 established by the Utah Lake Commission shall continue to function under the direction of the  
206 board as a subcommittee of the lake authority until the board modifies or discontinues the  
207 subcommittee.

208 Section 6. Section **11-65-202** is enacted to read:

209 **11-65-202. Lake authority powers and duties.**

210 (1) (a) The lake authority has responsibility over planning and coordinating activities  
211 relating to the waters of Utah Lake and lake authority land, consistent with the Clean Water

212 Act, 33 U.S.C. Sec. 1251 et seq., and Title 19, Chapter 5, Water Quality Act.

213 (b) The lake authority has exclusive land use authority over the lake authority land.

214 (c) The lake authority shall work with other government entities with jurisdiction over  
215 the watershed affecting Utah Lake water to preserve and enhance the quality of water flowing  
216 into and out of Utah Lake, subject to and consistent with Title 73, Water and Irrigation.

217 (d) The lake authority:

218 (i) may make recommendations and provide advice to an adjacent political subdivision  
219 relating to issues affecting both the lake authority and the adjacent political subdivision; and

220 (ii) has no jurisdictional control or power over an adjacent political subdivision except  
221 as provided in an agreement between the lake authority and the adjacent political subdivision.

222 (2) The lake authority may coordinate the efforts of all applicable state and local  
223 government entities, property owners, owners of water rights, and other private parties, and  
224 other stakeholders to:

225 (a) develop and implement a management plan for the lake authority land, including:

226 (i) an environmental sustainability component, developed in conjunction with the Utah  
227 Department of Environmental Quality, incorporating strategies and best practices to meet  
228 applicable federal and state standards, including:

229 (A) water quality monitoring and reporting; and

230 (B) strategies that use the best available technology to mitigate environmental impacts  
231 from management and uses on the lake authority land;

232 (ii) strategies that preserve:

233 (A) upstream and downstream water use;

234 (B) the use of appropriated water rights; and

235 (C) the quantity and quality of water in tributaries upstream of Utah Lake;

236 (iii) strategies that maximize the aesthetic qualities and recreational use and enjoyment  
237 of Utah Lake; and

238 (iv) strategies that maximize economic development on lake authority land;

239 (b) plan and facilitate the management of Utah Lake uses on lake authority land; and

240 (c) manage any land owned or leased by the lake authority.

241 (3) The lake authority may:

242 (a) develop, facilitate, oversee, and implement a plan for the restoration and



243 rehabilitation of Utah Lake and its waters to:

244 (i) restore the clarity and quality of the water in Utah Lake;

245 (ii) conserve water resources in and around Utah Lake;

246 (iii) preserve the water storage and water supply functions of Utah Lake;

247 (iv) remove invasive plant and animal species, including phragmites and carp, from  
248 Utah Lake;

249 (v) restore littoral zone and other plant communities in and around Utah Lake;

250 (vi) restore and conserve native fish and other aquatic species in Utah Lake, including

251 Bonneville cutthroat trout and June Sucker;

252 (vii) increase the suitability of Utah Lake and its surrounding areas for shore birds,  
253 waterfowl, and other avian species;

254 (viii) improve navigability of Utah Lake;

255 (ix) maximize, enhance, and ensure recreational access and opportunities on Utah  
256 Lake;

257 (x) in accordance with Article XVII, Section 1 of the Utah Constitution, preserve  
258 current water rights related to water associated with Utah Lake; and

259 (xi) otherwise improve the use of Utah Lake for residents and visitors;

260 (b) facilitate and bring about the management of uses on lake authority land, including  
261 engaging in marketing and business recruitment activities and efforts to encourage and  
262 facilitate:

263 (i) the improvement of water and environmental quality;

264 (ii) the use of Utah Lake and lake authority land for recreation;

265 (iii) the improvement of economic development on lake authority land; and

266 (iv) other development of the lake authority land consistent with the policies and  
267 objectives described in Subsection (2);

268 (c) facilitate and provide funding for the management of the lake authority land,  
269 including the development of publicly owned infrastructure and improvements and other  
270 infrastructure and improvements on or related to the lake authority land;

271 (d) engage in marketing activities and efforts to encourage and facilitate management  
272 of the lake authority land;

273 (e) apply for and take all other necessary actions to acquire any available federal funds

274 to accomplish the policies and objectives described in Subsection (2);

275 (f) as the lake authority considers necessary or advisable to carry out any of its duties or  
276 responsibilities under this chapter:

277 (i) buy, obtain an option upon, or otherwise acquire any interest in real or personal  
278 property;

279 (ii) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or  
280 personal property; or

281 (iii) enter into a lease agreement on real or personal property, either as lessee or lessor;

282 (g) sue and be sued;

283 (h) enter into contracts generally;

284 (i) provide funding for the development of publicly owned infrastructure and  
285 improvements or other infrastructure and improvements on or related to the lake authority land;

286 (j) exercise powers and perform functions under a contract, as authorized in the  
287 contract;

288 (k) accept financial or other assistance from any public or private source for the lake  
289 authority's activities, powers, and duties, and expend any funds so received for any of the  
290 purposes of this chapter;

291 (l) borrow money, contract with, or accept financial or other assistance from the federal  
292 government, a public entity, or any other source for any of the purposes of this chapter and  
293 comply with any conditions of the loan, contract, or assistance;

294 (m) issue bonds to finance the undertaking of any management objectives of the lake  
295 authority, including bonds under this chapter, bonds under Chapter 17, Utah Industrial  
296 Facilities and Development Act, bonds under Chapter 42, Assessment Area Act, and bonds  
297 under Chapter 42a, Commercial Property Assessed Clean Energy Act;

298 (n) hire employees, including contract employees;

299 (o) transact other business and exercise all other powers provided for in this chapter;

300 (p) engage one or more consultants to advise or assist the lake authority in the  
301 performance of the lake authority's duties and responsibilities;

302 (q) work with adjacent political subdivisions and neighboring property owners and  
303 communities to mitigate potential negative impacts from the management of lake authority  
304 land;

305 (r) help to facilitate development in a municipality or community reinvestment agency  
306 whose boundary abuts the lake authority boundary if the development also benefits the lake  
307 authority or the management of lake authority land;

308 (s) own and operate one or more marina facilities if the lake authority considers the  
309 lake authority's ownership and operation to be necessary or desirable;

310 (t) subject to Subsection (4), own and operate publicly owned infrastructure and  
311 improvements in a project area outside the lake authority land; and

312 (u) exercise powers and perform functions that the lake authority is authorized by  
313 statute to exercise or perform.

314 (4) Notwithstanding Subsection (3)(u), the lake authority may not provide service  
315 through publicly owned infrastructure and improvements to an area outside the lake authority  
316 boundary.

317 (5) The lake authority may consult, coordinate, enter into agreements, or engage in  
318 mutually beneficial projects or other activities with a municipality, community reinvestment  
319 agency, or adjacent political subdivision, as the board considers appropriate.

320 (6) The lake authority shall:

321 (a) no later than December 31, 2021, prepare an accurate digital map of the lake  
322 authority boundary, subject to any later changes to the boundary enacted by the Legislature; and

323 (b) maintain the digital map of the lake authority boundary that is easily accessible by  
324 the public.

325 (7) (a) The lake authority may establish a community enhancement program designed  
326 to address the impacts that management or uses within the lake authority boundary have on  
327 adjacent communities.

328 (b) (i) The lake authority may use lake authority money to support the community  
329 enhancement program and to pay for efforts to address the impacts described in Subsection  
330 (7)(a).

331 (ii) Lake authority money designated for use under Subsection (7)(b)(i) is exempt from  
332 execution or any other process in the collection of a judgment against or debt or other  
333 obligation of the lake authority arising out of the lake authority's activities with respect to the  
334 community enhancement program.

335 (c) On or before October 31, 2022, the lake authority shall report on the lake authority's

336 actions under this Subsection (7) to:

337 (i) the Infrastructure and General Government Appropriations Subcommittee of the  
338 Legislature;

339 (ii) the Natural Resources, Agriculture, and Environmental Quality Appropriations  
340 Subcommittee of the Legislature; and

341 (iii) the Natural Resources, Agriculture, and Environment Interim Committee of the  
342 Legislature.

343 (8) A marina facility owned by the lake authority is subject to a privilege tax under  
344 Title 59, Chapter 4, Privilege Tax.

345 Section 7. Section **11-65-203** is enacted to read:

346 **11-65-203. Policies and objectives of the lake authority -- Additional duties of the**  
347 **lake authority.**

348 (1) The policies and objectives of the lake authority are to:

349 (a) (i) protect and improve:

350 (A) the quality of Utah Lake's water, consistent with the Clean Water Act, 33 U.S.C.  
351 Sec. 1251 et seq., and Title 19, Chapter 5, Water Quality Act;

352 (B) the beneficial uses of the water of Utah Lake; and

353 (C) Utah Lake's environmental quality; and

354 (ii) the quality of Utah Lake's lakebed and sediments;

355 (b) maximize the recreational opportunities afforded by Utah Lake, consistent with  
356 existing appropriated water rights in Utah Lake, in tributaries to Utah Lake, and in waters  
357 downstream from Utah Lake;

358 (c) maximize long-term economic benefits to the area, the region, and the state;

359 (d) respect and maintain sensitivity to the unique natural environment of areas in and  
360 around the lake authority boundary;

361 (e) improve air quality and minimize resource use;

362 (f) comply with existing land use and other agreements and arrangements between  
363 property owners and applicable governmental authorities;

364 (g) promote and encourage management and uses that are compatible with or  
365 complement uses in areas in proximity to lake authority land;

366 (h) take advantage of the lake authority land's strategic location and other features that

367 make the lake authority land attractive:

368 (i) to residents for recreational purposes;

369 (ii) for tourism and leisure;

370 (iii) for business opportunities; and

371 (iv) for meeting housing needs;

372 (i) encourage the development and use of cost-efficient renewable energy in project  
373 areas;

374 (j) support and promote land uses on the lake authority land and land in adjacent  
375 political subdivisions that generate economic development, including rural economic  
376 development;

377 (k) respect and maintain water rights associated with Utah Lake; and

378 (l) protect and preserve all appropriated water rights in the waters of Utah Lake, in  
379 waters tributary to Utah Lake, and in waters downstream from Utah Lake.

380 (2) In fulfilling its duties and responsibilities relating to the management of the lake  
381 authority land and to achieve and implement the management policies and objectives under  
382 Subsection (1), the lake authority shall:

383 (a) work to identify funding sources, including federal, state, and local government  
384 funding and private funding, for capital improvement projects in and around the lake authority  
385 land;

386 (b) review and identify land use and zoning policies and practices to recommend to  
387 land use policymakers and administrators of adjoining municipalities that are consistent with  
388 and will help to achieve the policies and objectives stated in Subsection (1);

389 (c) consult and coordinate with other applicable governmental entities to improve and  
390 enhance transportation and other infrastructure and facilities in order to maximize the potential  
391 of the lake authority land to attract, retain, and service users who will help maximize the  
392 long-term economic benefit to the state; and

393 (d) pursue policies that the board determines are designed to avoid or minimize  
394 negative environmental impacts of management.

395 (3) The lake authority shall respect:

396 (a) a permit issued by a governmental entity applicable to lake authority land;

397 (b) a governmental entity's easement or other interest affecting lake authority land; and

398 (c) an agreement between governmental entities, including between a state agency and  
399 the federal government, relating to lake authority land.

400 (4) (a) The lake authority may use lake authority money to encourage, incentivize,  
401 fund, or require development that:

402 (i) mitigates noise, air pollution, light pollution, surface and groundwater pollution,  
403 and other negative environmental impacts;

404 (ii) mitigates traffic congestion; or

405 (iii) uses high efficiency building construction and operation.

406 (b) In consultation with the municipality in which management is expected to occur,  
407 the lake authority shall establish minimum mitigation and environmental standards for  
408 management occurring on lake authority land.

409 Section 8. Section **11-65-204** is enacted to read:

410 **11-65-204. Management plan.**

411 (1) (a) The board shall prepare, adopt, and, subject to Subsection (1)(b), implement a  
412 management plan.

413 (b) The lake authority may not begin to implement a management plan until April 1,  
414 2022.

415 (2) In preparing a management plan, the board shall:

416 (a) consult with and seek and consider input from the legislative or governing body of  
417 each adjacent political subdivision; and

418 (b) consider how the interests of adjacent political subdivisions would be affected by  
419 implementation of the management plan.

420 (3) A management plan shall:

421 (a) describe in general terms the lake authority's:

422 (i) vision and plan for achieving and implementing the policies and objectives stated in  
423 Section [11-65-203](#); and

424 (ii) overall plan for the management of lake authority land, including an anticipated  
425 timetable and any anticipated phases of management;

426 (b) accommodate and advance, without sacrificing the policies and objectives stated in  
427 Section [11-65-203](#), the compatible interests of adjacent political subdivisions;

428 (c) describe in general terms how the lake authority anticipates cooperating with

429 adjacent political subdivisions to pursue mutually beneficial goals in connection with the  
430 management of lake authority land; and

431 (d) identify the anticipated sources of revenue for implementing the management plan.

432 (4) (a) Before adopting a management plan, the board shall provide a copy of the  
433 proposed management plan to each adjacent political subdivision.

434 (b) An adjacent political subdivision may submit to the board comments or suggestions  
435 relating to the proposed management plan.

436 (c) The board shall establish a deadline for submitting comments or suggestions under  
437 Subsection (4)(b) that is at least 30 days after the board provides a copy of the proposed  
438 management plan under Subsection (4)(a).

439 (d) Before adopting a management plan, the board shall consider comments and  
440 suggestions that are submitted by the deadline established under Subsection (4)(c).

441 Section 9. Section **11-65-205** is enacted to read:

442 **11-65-205. Succeeding to Division of Forestry, Fire, and State Lands in lake**  
443 **restoration project.**

444 (1) As used in this section:

445 (a) "Division" means the Division of Forestry, Fire, and State Lands created in Section  
446 [65A-1-4](#).

447 (b) "Restoration project" means a project for the comprehensive restoration of Utah  
448 Lake, as provided in Laws of Utah 2018, Chapter 381.

449 (c) "Restoration project agreement" means an agreement under which a restoration  
450 project contractor agrees to undertake a restoration project.

451 (d) "Restoration project contractor" means a person who executes a legally binding  
452 restoration project agreement with the lake authority.

453 (2) (a) The lake authority:

454 (i) subject to Subsection (2)(b), is substituted in the place of the division with respect  
455 to efforts and proceedings undertaken by the division for the establishment of a restoration  
456 project agreement; and

457 (ii) may enter into a restoration project agreement if:

458 (A) the lake authority finds that the restoration project will fulfill the purposes of the  
459 restoration project listed in Subsection [11-65-202](#)(3)(a); and

460 (B) the restoration project agreement is consistent with the provisions of this chapter.

461 (b) In cooperation and consultation with the lake authority, the division shall continue  
462 in the division's current role with respect to permit applications and requests for proposal  
463 submitted before May 5, 2021 related to the lake authority land.

464 (3) (a) To the extent consistent with applicable provisions of the Utah Constitution and  
465 subject to Subsection (4), a restoration project agreement may provide for the lake authority to  
466 dispose of lake authority land as compensation for the execution of a restoration project under  
467 the restoration project agreement.

468 (b) In determining whether to agree to the disposition of lake authority land in  
469 exchange for the execution of a restoration project, the lake authority shall consider:

470 (i) the potential benefit to the citizens of the state from execution of a restoration  
471 project, the desirability of the proposed use of Utah Lake and the surrounding areas as a result  
472 of the restoration project, and the enhancement in the usability and enjoyment of Utah Lake  
473 and lake authority land that will accrue to the public because of the restoration project;

474 (ii) the potential detriment to appropriated water rights in the waters of Utah Lake, in  
475 upstream tributaries, and downstream of Utah Lake;

476 (iii) the potential that the restoration project presents for additional revenue to state and  
477 local government entities;

478 (iv) the ability of the proposed use of the lake authority land given in exchange for the  
479 execution of the restoration project to enhance state property;

480 (v) the proposed timetable for completion of the restoration project; and

481 (vi) the ability of the restoration project contractor to execute and complete the  
482 restoration project satisfactorily.

483 (4) (a) Any disposition of lake authority land pursuant to a restoration project  
484 agreement under Subsection (3) is subject to the approval of the Legislative Management  
485 Committee, as provided in this Subsection (4).

486 (b) Upon the work under a restoration project agreement reaching an applicable  
487 benchmark under the restoration project agreement for the disposition of lake authority land,  
488 the lake authority shall notify the Legislative Management Committee and request approval for  
489 the disposition.

490 (c) The Legislative Management Committee shall approve the disposition of lake



491 authority land if the lake authority demonstrates that:

492 (i) the disposition:

493 (A) is consistent with the terms of the restoration project agreement; and

494 (B) preserves and protects appropriated water rights and storage capacity in Utah Lake;

495 and

496 (ii) the restoration project has fulfilled or is adequately fulfilling the purposes of the

497 restoration project listed in Subsection [11-65-202\(3\)\(a\)](#).

498 (5) Upon the lake authority transferring ownership of lake authority land to a private

499 party in exchange for and in furtherance of the execution of a restoration project, the land

500 becomes subject to, as applicable:

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

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

503 Section 10. Section **11-65-206** is enacted to read:

504 **11-65-206. Recommendation to the Legislature.**

505 (1) The lake authority shall work with adjacent political subdivisions to develop

506 recommendations to present to the Legislature.

507 (2) The recommendations developed under this section shall address:

508 (a) how the lake authority management plan should coordinate with the land use and

509 development plans of adjacent political subdivisions;

510 (b) alternatives for the authority to generate revenue to fund lake authority operations,

511 including:

512 (i) taxing authority;

513 (ii) the ability to impose fees and how to make any fee proportionate and equitable to

514 individuals and entities affected by the fee;

515 (iii) the ability to receive a portion of property tax revenue from land in adjacent

516 political subdivisions through agreement or otherwise; and

517 (iv) the sharing of revenue with other political subdivisions; and

518 (c) potential proposals to encourage the participation of adjacent political subdivisions

519 in a coordinated plan for the management of lake authority land and adjacent land in adjacent

520 political subdivisions.

521 (3) No later than November 30, 2021, the board shall present the recommendations

522 developed under this section to the Natural Resources, Agriculture, and Environment Interim  
523 Committee and the Revenue and Taxation Interim Committee.

524 Section 11. Section 11-65-207 is enacted to read:

525 **11-65-207. Applicability of other law -- Cooperation of state and local**  
526 **governments -- Authority of other agencies not affected -- Attorney general to provide**  
527 **legal services.**

528 (1) The lake authority is subject to and governed by Sections 63E-2-106, 63E-2-107,  
529 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed  
530 by Title 63E, Independent Entities Code.

531 (2) A department, division, or other agency of the state and a political subdivision of  
532 the state shall, upon the board's request, cooperate with the lake authority to provide the  
533 support, information, or other assistance reasonably necessary to help the lake authority fulfill  
534 its duties and responsibilities under this chapter.

535 (3) Nothing in this chapter may be construed to affect or impair the authority of the  
536 Department of Environmental Quality, created in Section 19-1-104, to regulate under Title 19,  
537 Environmental Quality Code, consistent with the purposes of this chapter.

538 (4) In accordance with Article XVII, Section 1 of the Utah Constitution, nothing in this  
539 chapter may be construed to override, supersede, or modify:

540 (a) any water right in the state; or

541 (b) the role or authority of the state engineer.

542 (5) (a) Except as otherwise explicitly provided, nothing in this chapter may be  
543 construed to authorize the lake authority to interfere with or take the place of another  
544 governmental entity in that entity's process of considering a request for a license, permit, or  
545 other regulatory or governmental permission for an action relating to water of Utah Lake or  
546 land within the lake authority boundary.

547 (b) The lake authority shall respect and, if applicable and within the lake authority's  
548 powers, implement a license, permit, or other regulatory or governmental permission described  
549 in Subsection (5)(a).

550 (6) The attorney general shall provide legal services to the lake authority and board.

551 Section 12. Section 11-65-208 is enacted to read:

552 **11-65-208. Recommendations for lake authority role and functions.**

553 (1) As used in this section:

554 (a) "Applicable state agency" means a department, division, or other agency of state  
555 government that, in the absence of the authority granted to the lake authority under this chapter,  
556 has authority or jurisdiction over the water, wildlife, land, recreation, or environment  
557 associated with the lake authority land.

558 (b) "Applicable state agency" includes:

559 (i) the Department of Environmental Quality;

560 (ii) the Division of Forestry, Fire, and State Lands;

561 (iii) the Division of Wildlife Resources;

562 (iv) the Division of Parks and Recreation;

563 (v) the Division of Water Resources;

564 (vi) the Division of Water Rights; and

565 (vii) the Department of Agriculture and Food.

566 (2) The lake authority and applicable state agencies shall:

567 (a) consult, cooperate, and work together to develop recommendations to present to the  
568 Legislative Management Committee, as provided in this section; and

569 (b) present the recommendations to the Legislative Management Committee no later  
570 than November 30, 2023.

571 (3) In developing recommendations under this section, the lake authority and  
572 applicable state agencies shall consider and work together to implement the intent of the  
573 Legislature, as expressed in this chapter, to establish the lake authority as the central focal point  
574 and repository of responsibility and authority for advancing and achieving the policies and  
575 objectives stated in Section [11-65-203](#).

576 (4) The recommendations developed under Subsection (2) shall address how best to  
577 prudently consolidate in the lake authority, as much as possible, the authority now held and  
578 functions now performed by applicable state agencies in order to advance and achieve the  
579 policies and objectives listed in Section [11-65-203](#) to the greatest extent possible, without  
580 sacrificing benefits to the public derived from the performance of functions by the various  
581 applicable state agencies in their specific areas of expertise and responsibility.

582 Section 13. Section **11-65-301** is enacted to read:

583 **Part 3. Lake Authority Board**

584 **11-65-301. Utah Lake Authority board -- Delegation of power.**

585 (1) The lake authority shall be governed by a board which shall manage and conduct  
586 the business and affairs of the lake authority and shall determine all questions of lake authority  
587 policy.

588 (2) All powers of the lake authority are exercised through the board or, as provided in  
589 Section [11-65-305](#), the executive director.

590 (3) The board may by resolution delegate powers to lake authority staff.

591 Section 14. Section **11-65-302** is enacted to read:

592 **11-65-302. Number of board members -- Appointment -- Vacancies.**

593 (1) The lake authority's board shall consist of 14 members, as provided in Subsection

594 (2).

595 (2) (a) The governor shall appoint two board members, at least one of whom shall be  
596 from the Governor's Office of Economic Development.

597 (b) The president of the Senate shall appoint one board member.

598 (c) The speaker of the House of Representatives shall appoint one board member.

599 (d) The legislative body of Utah County shall appoint one board member.

600 (e) (i) The Utah County Council of Governments shall appoint four board members, at  
601 least one of whom shall be an individual designated by a chamber of commerce in Utah  
602 County.

603 (ii) The initial members appointed by the Utah County Council of Governments shall  
604 be:

605 (A) an individual designated by the legislative body of the city of Lehi;

606 (B) an individual designated by the legislative body of the city of Lindon;

607 (C) an individual designated by the legislative body of the city of Springville; and

608 (D) an individual designated by the Utah Valley Chamber of Commerce.

609 (f) The mayor of the city of Provo shall appoint one board member.

610 (g) The legislative body of the city of Orem shall appoint one board member.

611 (h) The legislative body of the city of Vineyard shall appoint one board member.

612 (i) The legislative body of the city of Saratoga Springs shall appoint one board  
613 member.

614 (j) The executive director of the Department of Natural Resources shall appoint one

615 board member.

616 (3) Appointments required under Subsection (2) shall be made no later than June 1,  
617 2021.

618 (4) (a) A vacancy in the board shall be filled in the same manner under this section as  
619 the appointment of the member whose vacancy is being filled.

620 (b) A person appointed to fill a vacancy shall serve the remaining unexpired term of  
621 the member whose vacancy the person is filling.

622 (5) A member of the board appointed by the governor, president of the Senate, or  
623 speaker of the House of Representatives serves at the pleasure of and may be removed and  
624 replaced at any time, with or without cause, by the governor, president of the Senate, or speaker  
625 of the House of Representatives, respectively.

626 (6) The lake authority may appoint nonvoting members of the board and set terms for  
627 those nonvoting members.

628 (7) Upon a vote of a majority of all board members, the board may appoint a board  
629 chair and any other officer of the board.

630 (8) The board:

631 (a) may appoint one or more advisory committees that may include individuals from  
632 impacted public entities, community organizations, environmental organizations, business  
633 organizations, or other organizations or associations; and

634 (b) shall appoint an advisory committee to advise on recreation and water fowl  
635 activities on Utah Lake.

636 Section 15. Section **11-65-303** is enacted to read:

637 **11-65-303. Term of board members -- Quorum -- Compensation.**

638 (1) The term of a board member appointed under Subsection [11-65-302\(2\)](#) is four  
639 years, except that the initial term is two years for:

640 (a) one of the two members appointed under Subsection [11-65-302\(2\)\(a\)](#), as designated  
641 by the governor;

642 (b) two of the four members appointed under Subsection [11-65-302\(2\)\(e\)](#), as  
643 designated by the Utah County Council of Governments; and

644 (c) the members appointed under Subsections [11-65-302\(2\)\(c\)](#), (d), (g), and (i).

645 (2) Each board member shall serve until a successor is duly appointed and qualified.

646 (3) A board member may serve multiple terms if duly appointed to serve each term  
647 under Subsection 11-65-302(2).

648 (4) A majority of board members constitutes a quorum, and the action of a majority of  
649 a quorum constitutes action of the board.

650 (5) (a) A board member who is not a legislator may not receive compensation or  
651 benefits for the member's service on the board, but may receive per diem and reimbursement  
652 for travel expenses incurred as a board member as allowed in:

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

654 (ii) rules made by the Division of Finance according to Sections 63A-3-106 and  
655 63A-3-107.

656 (b) Compensation and expenses of a board member who is a legislator are governed by  
657 Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

658 Section 16. Section 11-65-304 is enacted to read:

659 **11-65-304. Limitations on board members and executive director.**

660 (1) As used in this section:

661 (a) "Direct financial benefit":

662 (i) means any form of financial benefit that accrues to an individual directly, including:

663 (A) compensation, commission, or any other form of a payment or increase of money;

664 and

665 (B) an increase in the value of a business or property; and

666 (ii) does not include a financial benefit that accrues to the public generally.

667 (b) "Family member" means a parent, spouse, sibling, child, or grandchild.

668 (2) An individual may not serve as a voting member of the board or as executive

669 director if the individual or a family member of the individual owns an interest in, is directly

670 affiliated with, or is an employee or officer of a private firm, private company, or other private

671 entity that the individual reasonably believes is likely to participate in or receive a direct

672 financial benefit from the management of the lake authority land.

673 (3) Before taking office as a voting member of the board or accepting employment as

674 executive director, an individual shall submit to the lake authority a statement verifying that the

675 individual's service as a board member or employment as executive director does not violate

676 Subsection (2).

677 (4) (a) A voting member or nonvoting member of the board or an employee of the lake  
678 authority may not receive a direct financial benefit from the management of lake authority land.

679 (b) For purposes of Subsection (4)(a), a direct financial benefit does not include:

680 (i) expense reimbursements;

681 (ii) per diem pay for board member service, if applicable; or

682 (iii) an employee's compensation or benefits from employment with the lake authority.

683 (5) Nothing in this section may be construed to affect the application or effect of any  
684 other code provision applicable to a board member or employee relating to ethics or conflicts  
685 of interest.

686 Section 17. Section **11-65-305** is enacted to read:

687 **11-65-305. Executive director.**

688 (1) On or before December 31, 2022, the board shall hire a full-time executive director.

689 (2) (a) The executive director is the chief executive officer of the lake authority.

690 (b) The role of the executive director is to:

691 (i) manage and oversee the day-to-day operations of the lake authority;

692 (ii) fulfill the executive and administrative duties and responsibilities of the lake  
693 authority; and

694 (iii) perform other functions, as directed by the board.

695 (3) The executive director shall have the education, experience, and training necessary  
696 to perform the executive director's duties in a way that maximizes the potential for successfully  
697 achieving and implementing the strategies, policies, and objectives stated in Section [11-65-203](#).

698 (4) An executive director is an at-will employee who serves at the pleasure of the board  
699 and may be removed by the board at any time.

700 (5) The board shall establish the duties, compensation, and benefits of an executive  
701 director.

702 Section 18. Section **11-65-401** is enacted to read:

703 **Part 4. Project Area Plan and Budget**

704 **11-65-401. Preparation of project area plan -- Required contents of project area**  
705 **plan.**

706 (1) (a) The lake authority board's adoption of a project area plan is governed by this  
707 part.

708 (b) In order to adopt a project area plan, the lake authority board shall:  
709 (i) prepare a draft project area plan;  
710 (ii) give notice as required under Subsection [11-65-402\(2\)](#);  
711 (iii) hold the public meetings required under Subsection [11-65-402\(1\)](#) at least 30 days  
712 apart; and  
713 (iv) after holding the required public meetings and subject to Subsection (1)(c), adopt  
714 the draft project area plan as the project area plan.

715 (c) (i) The lake authority board may not adopt the project area plan until at least 30  
716 days after the last public meeting under Section [11-65-402](#).

717 (ii) Before adopting a draft project area plan as the project area plan, the lake authority  
718 board may make modifications to the draft project area plan that the board considers necessary  
719 or appropriate.

720 (d) (i) A lease or development agreement that the lake authority enters before the  
721 creation of a project area shall provide that the board is not required to create a project area.

722 (ii) The lake authority may not be required to pay any amount or incur any loss or  
723 penalty for the board's failure to create a project area.

724 (2) Each project area plan and draft project area plan shall contain:

725 (a) a legal description of the boundary of the project area that is the subject of the  
726 project area plan;

727 (b) the lake authority's purposes and intent with respect to the project area;

728 (c) a description of any management proposed to occur within the project area; and

729 (d) the board's findings and determination that:

730 (i) there is a need to effectuate a public purpose;

731 (ii) there is a public benefit to the proposed management project;

732 (iii) it is economically sound and feasible to adopt and carry out the project area plan;

733 and

734 (iv) carrying out the project area plan will promote the purposes of the lake authority,  
735 as stated in Section [11-65-203](#).

736 Section 19. Section **11-65-402** is enacted to read:

737 **11-65-402. Public meeting to consider and discuss draft project area plan -- Notice**  
738 **-- Adoption of plan.**



- 739 (1) The lake authority board shall hold at least two public meetings to:  
740 (a) receive public comment on the draft project area plan; and  
741 (b) consider and discuss the draft project area plan.  
742 (2) At least 10 days before holding a public meeting under Subsection (1), the lake  
743 authority board shall:  
744 (a) (i) post notice of the public meeting on the Utah Public Notice Website created in  
745 Section [63F-1-701](#); and  
746 (ii) maintain the posting on the Utah Public Notice Website until the day of the public  
747 meeting; and  
748 (b) provide notice of the public meeting to a public entity that has entered into an  
749 agreement with the lake authority for sharing property tax revenue.  
750 (3) Following consideration and discussion of the project area plan, the board may  
751 adopt the draft project area plan as the project area plan.  
752 Section 20. Section **11-65-403** is enacted to read:  
753 **11-65-403. Notice of project area plan adoption -- Effective date of plan --**  
754 **Contesting the formation of the plan.**  
755 (1) Upon the board's adoption of a project area plan, the board shall provide notice as  
756 provided in Subsection (1)(b) by publishing or causing to be published legal notice as required  
757 by Section [45-1-101](#).  
758 (2) (a) A notice under Subsection (1) shall include:  
759 (i) the board resolution adopting the project area plan or a summary of the resolution;  
760 and  
761 (ii) a statement that the project area plan is available for general public inspection and  
762 the hours for inspection.  
763 (b) The statement required under Subsection (2)(a)(ii) may be included in the board  
764 resolution or summary described in Subsection (2)(a)(i).  
765 (3) The project area plan becomes effective on the date designated in the board  
766 resolution adopting the project area plan.  
767 (4) The lake authority shall make the adopted project area plan available to the general  
768 public at the lake authority's office during normal business hours.  
769 (5) Within 10 days after the day on which a project area plan is adopted that establishes

770 a project area, or after an amendment to a project area plan is adopted under which the  
771 boundary of a project area is modified, the lake authority shall send notice of the establishment  
772 or modification of the project area and an accurate map or plat of the project area to:

773 (a) the State Tax Commission;

774 (b) the Automated Geographic Reference Center created in Section [63F-1-506](#); and

775 (c) the assessor and recorder of each county where the project area is located.

776 (6) A legal action or other challenge to a project area plan or a project area described in  
777 a project area plan is barred unless brought within 90 days after the effective date of the project  
778 area plan.

779 Section 21. Section **11-65-404** is enacted to read:

780 **11-65-404. Amendment to a project area plan.**

781 (1) The lake authority may amend a project area plan by following the same procedure  
782 under this part as applies to the adoption of a project area plan.

783 (2) The provisions of this part apply to the lake authority's adoption of an amendment  
784 to a project area plan to the same extent as they apply to the adoption of a project area plan.

785 (3) An amendment to a project area plan does not affect the base taxable value  
786 determination for property already within the project area before the amendment.

787 Section 22. Section **11-65-405** is enacted to read:

788 **11-65-405. Project area budget.**

789 (1) Before the lake authority may use authority funds to implement the management  
790 plan, the authority board shall prepare and adopt a project area budget.

791 (2) The lake authority board may amend an adopted project area budget as and when  
792 the lake authority board considers an amendment appropriate.

793 (3) If the lake authority adopts a budget under Part 6, Authority Budget and Reports,  
794 that also meets the requirements of this part, the lake authority need not separately adopt a  
795 budget under this part.

796 Section 23. Section **11-65-501** is enacted to read:

797 **Part 5. Lake Authority Bonds**

798 **11-65-501. Resolution authorizing issuance of lake authority bonds --**

799 **Characteristics of bonds.**

800 (1) The lake authority may not issue bonds under this part unless the board first adopts

801 a resolution authorizing issuance of the bonds.

802 (2) (a) As provided in the lake authority resolution authorizing the issuance of bonds  
803 under this part or the trust indenture under which the bonds are issued, bonds issued under this  
804 part may be issued in one or more series and may be sold at public or private sale and in the  
805 manner provided in the resolution or indenture.

806 (b) Bonds issued under this part shall bear the date, be payable at the time, bear interest  
807 at the rate, be in the denomination and in the form, carry the conversion or registration  
808 privileges, have the rank or priority, be executed in the manner, be subject to the terms of  
809 redemption or tender, with or without premium, be payable in the medium of payment and at  
810 the place, and have other characteristics as provided in the lake authority resolution authorizing  
811 the issuance of the bonds or the trust indenture under which the bonds are issued.

812 (3) Upon the board's adoption of a resolution providing for the issuance of bonds, the  
813 board may provide for the publication of the resolution as required in Section [45-1-101](#).

814 (4) In lieu of publishing the entire resolution, the board may publish notice of bonds  
815 that contains the information described in Subsection [11-14-316\(2\)](#).

816 (5) For a period of 30 days after the publication, any person in interest may contest:

817 (a) the legality of the resolution or proceeding;

818 (b) any bonds that may be authorized by the resolution or proceeding; or

819 (c) any provisions made for the security and payment of the bonds.

820 (6) (a) A person may contest the matters set forth in Subsection (5) by filing a verified  
821 written complaint, within 30 days after the publication under Subsection (5), in the district  
822 court of the county in which the person resides.

823 (b) A person may not contest the matters set forth in Subsection (5), or the regularity,  
824 formality, or legality of the resolution or proceeding, for any reason, after the 30-day period for  
825 contesting provided in Subsection (6)(a).

826 Section 24. Section **11-65-502** is enacted to read:

827 **11-65-502. Sources from which bonds may be made payable -- Lake authority**  
828 **powers regarding bonds.**

829 (1) The principal and interest on bonds issued by the lake authority may be made  
830 payable from:

831 (a) the income and revenues of the projects financed with the proceeds of the bonds;

832 (b) the income and revenues of certain designated projects whether or not they were  
833 financed in whole or in part with the proceeds of the bonds;

834 (c) the income, proceeds, revenues, property, and funds the lake authority derives from  
835 or holds in connection with its undertaking and carrying out management of lake authority  
836 land;

837 (d) lake authority revenues generally;

838 (e) a contribution, loan, grant, or other financial assistance from the federal  
839 government or a public entity in aid of the lake authority; or

840 (f) funds derived from any combination of the methods listed in Subsections (1)(a)  
841 through (e).

842 (2) In connection with the issuance of lake authority bonds, the lake authority may:

843 (a) pledge all or any part of the lake authority's gross or net rents, fees, or revenues to  
844 which the lake authority then has the right or to which the lake authority may thereafter acquire  
845 a right;

846 (b) encumber by mortgage, deed of trust, or otherwise all or any part of the lake  
847 authority's real or personal property, then owned or thereafter acquired; and

848 (c) make the covenants and take the action that may be necessary, convenient, or  
849 desirable to secure the lake authority's bonds, or, except as otherwise provided in this chapter,  
850 that will tend to make the bonds more marketable, even though such covenants or actions are  
851 not specifically enumerated in this chapter.

852 Section 25. Section **11-65-503** is enacted to read:

853 **11-65-503. Purchase of lake authority bonds.**

854 (1) Any person, firm, corporation, association, political subdivision of the state, or  
855 other entity or public or private officer may purchase bonds issued by the lake authority under  
856 this part with funds owned or controlled by the purchaser.

857 (2) Nothing in this section may be construed to relieve a purchaser of lake authority  
858 bonds of any duty to exercise reasonable care in selecting securities.

859 Section 26. Section **11-65-504** is enacted to read:

860 **11-65-504. Those executing bonds not personally liable -- Limitation of**  
861 **obligations under bonds -- Negotiability.**

862 (1) A member of the board or other person executing a lake authority bond is not liable

863 personally on the bond.

864 (2) (a) A bond issued by the lake authority is not a general obligation or liability of the  
865 state or any of the state's political subdivisions and does not constitute a charge against the  
866 general credit or taxing powers of the state or any of the state's political subdivisions.

867 (b) A bond issued by the lake authority is not payable out of any funds or properties  
868 other than those of the lake authority.

869 (c) The state and the state's political subdivisions are not and may not be held liable on  
870 a bond issued by the lake authority.

871 (d) A bond issued by the lake authority does not constitute indebtedness within the  
872 meaning of any constitutional or statutory debt limitation.

873 (3) A bond issued by the lake authority under this part is fully negotiable.

874 Section 27. Section **11-65-505** is enacted to read:

875 **11-65-505. Obligee rights -- Board may confer other rights.**

876 (1) In addition to all other rights that are conferred on an obligee of a bond issued by  
877 the lake authority under this part, and subject to contractual restrictions binding on the obligee,  
878 an obligee may:

879 (a) by mandamus, suit, action, or other proceeding, compel the lake authority and the  
880 lake authority's board, officers, agents, or employees to perform every term, provision, and  
881 covenant contained in any contract of the lake authority with or for the benefit of the obligee,  
882 and require the lake authority to carry out the covenants and agreements of the lake authority  
883 and to fulfill all duties imposed on the lake authority by this part; and

884 (b) by suit, action, or proceeding in equity, enjoin any acts or things that may be  
885 unlawful or violate the rights of the obligee.

886 (2) (a) In a board resolution authorizing the issuance of bonds or in a trust indenture,  
887 mortgage, lease, or other contract, the board may confer upon an obligee holding or  
888 representing a specified amount in bonds, the rights described in Subsection (2)(b), to accrue  
889 upon the happening of an event or default prescribed in the resolution, indenture, mortgage,  
890 lease, or other contract, and to be exercised by suit, action, or proceeding in any court of  
891 competent jurisdiction.

892 (b) (i) The rights that the board may confer under Subsection (2)(a) are the rights to:

893 (A) cause possession of all or part of a development project to be surrendered to an

894 obligee;

895 (B) obtain the appointment of a receiver of all or part of a lake authority's development  
896 project and of the rents and profits from it; and

897 (C) require the lake authority and its board and employees to account as if the lake  
898 authority and the board and employees were the trustees of an express trust.

899 (ii) If a receiver is appointed through the exercise of a right granted under Subsection  
900 (2)(b)(i)(B), the receiver:

901 (A) may enter and take possession of the development project or any part of the  
902 development project, operate and maintain the development project, and collect and receive all  
903 fees, rents, revenues, or other charges arising from the development project after the receiver's  
904 appointment; and

905 (B) shall keep money collected as receiver for the lake authority in separate accounts  
906 and apply the money pursuant to the lake authority obligations as the court directs.

907 Section 28. Section **11-65-506** is enacted to read:

908 **11-65-506. Bonds exempt from taxes -- Lake authority may purchase its own**  
909 **bonds.**

910 (1) A bond issued by the lake authority under this part is issued for an essential public  
911 and governmental purpose and is, together with interest on and income from the bond, exempt  
912 from all state taxes except the corporate franchise tax.

913 (2) The lake authority may purchase the lake authority's own bonds at a price that the  
914 board determines.

915 (3) Nothing in this section may be construed to limit the right of an obligee to pursue a  
916 remedy for the enforcement of a pledge or lien given under this part by the lake authority on the  
917 lake authority's rents, fees, grants, properties, or revenues.

918 Section 29. Section **11-65-601** is enacted to read:

919 **Part 6. Lake Authority Budget, Reporting, and Audits**

920 **11-65-601. Annual lake authority budget -- Fiscal year -- Public hearing required**  
921 **-- Auditor forms -- Requirement to file annual budget.**

922 (1) The board shall prepare and adopt for the lake authority an annual budget of  
923 revenues and expenditures for each fiscal year.

924 (2) An annual lake authority budget shall be adopted before June 22, except that the

925 lake authority's initial budget shall be adopted as soon as reasonably practicable after the  
926 organization of the board and the beginning of lake authority operations.

927 (3) The lake authority's fiscal year shall be the period from July 1 to the following June  
928 30.

929 (4) (a) Before adopting an annual budget, the board shall hold a public hearing on the  
930 annual budget.

931 (b) The lake authority shall provide notice of the public hearing on the annual budget  
932 by publishing notice on the Utah Public Notice Website created in Section 63F-1-701, for at  
933 least one week immediately before the public hearing.

934 (c) The lake authority shall make the annual budget available for public inspection at  
935 least three days before the date of the public hearing.

936 (5) The state auditor shall prescribe the budget forms and the categories to be contained  
937 in each lake authority budget, including:

938 (a) revenues and expenditures for the budget year;

939 (b) legal fees; and

940 (c) administrative costs, including rent, supplies, and other materials, and salaries of  
941 lake authority personnel.

942 (6) Within 30 days after adopting an annual budget, the board shall file a copy of the  
943 annual budget with the auditor of each county in which lake authority land is located, the State  
944 Tax Commission, and the state auditor.

945 Section 30. Section **11-65-602** is enacted to read:

946 **11-65-602. Amending the lake authority annual budget.**

947 (1) The board may by resolution amend an annual lake authority budget.

948 (2) An amendment of the annual lake authority budget that would increase the total  
949 expenditures may be made only after a public hearing following notice published as required  
950 for initial adoption of the annual budget.

951 (3) The lake authority may not make expenditures in excess of the total expenditures  
952 established in the annual budget as the budget is adopted or amended.

953 Section 31. Section **11-65-603** is enacted to read:

954 **11-65-603. Lake authority report.**

955 Before November 30 of each year, the board shall present a report to the Executive

956 Appropriations Committee of the Legislature, as the Executive Appropriations Committee  
957 directs, that includes:

958 (1) an accounting of how lake authority funds have been spent, including funds spent  
959 on the environmental sustainability component of the lake authority management plan under  
960 Subsection [11-65-202\(2\)\(a\)](#);

961 (2) an update about the progress of the management and implementation of the lake  
962 authority management plan under Subsection [11-65-202\(2\)\(a\)](#), including the development and  
963 implementation of the environmental sustainability component of the plan; and

964 (3) an explanation of the lake authority's progress in achieving the policies and  
965 objectives described in Section [11-65-203](#).

966 Section 32. Section **11-65-604** is enacted to read:

967 **11-65-604. Audit requirements.**

968 The lake authority shall comply with the audit requirements of Title 51, Chapter 2a,  
969 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local  
970 Entities Act.

971 Section 33. Section **11-65-605** is enacted to read:

972 **11-65-605. Audit report.**

973 (1) The lake authority shall, within 180 days after the end of the lake authority's fiscal  
974 year, file a copy of the audit report with the county auditor and the state auditor.

975 (2) Each audit report under Subsection (1) shall include:

976 (a) the outstanding principal amount of bonds issued or other loans incurred to finance  
977 the costs associated with the lake authority's projects; and

978 (b) the actual amount expended for:

979 (i) acquisition of property;

980 (ii) site improvements or site preparation costs;

981 (iii) installation of public utilities or other public improvements; and

982 (iv) administrative costs of the lake authority.

983 Section 34. Section **11-65-606** is enacted to read:

984 **11-65-606. Lake authority chief financial officer is a public treasurer -- Certain**  
985 **lake authority funds are public funds.**

986 (1) The lake authority's chief financial officer:



987 (a) is a public treasurer, as defined in Section [51-7-3](#); and

988 (b) shall invest the lake authority funds specified in Subsection (2) as provided in that  
989 subsection.

990 (2) Notwithstanding Subsection [63E-2-110\(2\)\(a\)](#), appropriations that the lake authority  
991 receives from the state:

992 (a) are public funds; and

993 (b) shall be invested as provided in Title 51, Chapter 7, State Money Management Act.  
994 Section 35. Section **11-65-701** is enacted to read:

995 **Part 7. Lake Authority Dissolution**

996 **11-65-701. Dissolution of lake authority -- Restrictions -- Notice of dissolution --**  
997 **Disposition of lake authority property -- Lake authority records -- Dissolution expenses.**

998 (1) The lake authority may not be dissolved unless the lake authority has no  
999 outstanding bonded indebtedness, other unpaid loans, indebtedness, or advances, and no legally  
1000 binding contractual obligations with persons or entities other than the state.

1001 (2) Upon the dissolution of the lake authority:

1002 (a) the Governor's Office of Economic Development shall publish a notice of  
1003 dissolution as required in Section [45-1-101](#); and

1004 (b) all title to property owned by the lake authority vests in the state.

1005 (3) The books, documents, records, papers, and seal of the dissolved lake authority  
1006 shall be deposited for safekeeping and reference with the state auditor.

1007 (4) The lake authority shall pay all expenses of the deactivation and dissolution.

1008 Section 36. Section **59-12-205** is amended to read:

1009 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**  
1010 **tax revenue -- Determination of population.**

1011 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section  
1012 [59-12-204](#), a county, city, or town shall adopt amendments to the county's, city's, or town's  
1013 sales and use tax ordinances:

1014 (a) within 30 days of the day on which the state makes an amendment to an applicable  
1015 provision of Part 1, Tax Collection; and

1016 (b) as required to conform to the amendments to Part 1, Tax Collection.

1017 (2) Except as provided in Subsections (3) through (5) and subject to Subsection (6):

1018 (a) 50% of each dollar collected from the sales and use tax authorized by this part shall  
1019 be distributed to each county, city, and town on the basis of the percentage that the population  
1020 of the county, city, or town bears to the total population of all counties, cities, and towns in the  
1021 state; and

1022 (b) (i) except as provided in Subsections (2)(b)(ii) [~~and~~], (iii), and (iv), 50% of each  
1023 dollar collected from the sales and use tax authorized by this part shall be distributed to each  
1024 county, city, and town on the basis of the location of the transaction as determined under  
1025 Sections 59-12-211 through 59-12-215;

1026 (ii) 50% of each dollar collected from the sales and use tax authorized by this part  
1027 within a project area described in a project area plan adopted by the military installation  
1028 development authority under Title 63H, Chapter 1, Military Installation Development  
1029 Authority Act, shall be distributed to the military installation development authority created in  
1030 Section 63H-1-201; [~~and~~]

1031 (iii) 50% of each dollar collected from the sales and use tax authorized by this part  
1032 within a project area under Title 11, Chapter 58, Utah Inland Port Authority Act, shall be  
1033 distributed to the Utah Inland Port Authority, created in Section 11-58-201[-]; and

1034 (iv) 50% of each dollar collected from the sales and use tax authorized by this part  
1035 within the lake authority boundary, as defined in Section 11-65-102, shall be distributed to the  
1036 Utah Lake Authority, created in Section 11-65-201, beginning the next full calendar quarter  
1037 following the creation of the Utah Lake Authority.

1038 (3) (a) Beginning on July 1, 2017, and ending on June 30, 2022, the commission shall  
1039 distribute annually to a county, city, or town the distribution required by this Subsection (3) if:

1040 (i) the county, city, or town is a:

1041 (A) county of the third, fourth, fifth, or sixth class;

1042 (B) city of the fifth class; or

1043 (C) town;

1044 (ii) the county, city, or town received a distribution under this section for the calendar  
1045 year beginning on January 1, 2008, that was less than the distribution under this section that the  
1046 county, city, or town received for the calendar year beginning on January 1, 2007;

1047 (iii) (A) for a county described in Subsection (3)(a)(i)(A), the county had located  
1048 within the unincorporated area of the county for one or more days during the calendar year

1049 beginning on January 1, 2008, an establishment described in NAICS Industry Group 2121,  
1050 Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North  
1051 American Industry Classification System of the federal Executive Office of the President,  
1052 Office of Management and Budget; or

1053 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection  
1054 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during  
1055 the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry  
1056 Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the  
1057 2002 North American Industry Classification System of the federal Executive Office of the  
1058 President, Office of Management and Budget; and

1059 (iv) (A) for a county described in Subsection (3)(a)(i)(A), at least one establishment  
1060 described in Subsection (3)(a)(iii)(A) located within the unincorporated area of the county for  
1061 one or more days during the calendar year beginning on January 1, 2008, was not the holder of  
1062 a direct payment permit under Section [59-12-107.1](#); or

1063 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection  
1064 (3)(a)(i)(C), at least one establishment described in Subsection (3)(a)(iii)(B) located within a  
1065 city or town for one or more days during the calendar year beginning on January 1, 2008, was  
1066 not the holder of a direct payment permit under Section [59-12-107.1](#).

1067 (b) The commission shall make the distribution required by this Subsection (3) to a  
1068 county, city, or town described in Subsection (3)(a):

1069 (i) from the distribution required by Subsection (2)(a); and

1070 (ii) before making any other distribution required by this section.

1071 (c) (i) For purposes of this Subsection (3), the distribution is the amount calculated by  
1072 multiplying the fraction calculated under Subsection (3)(c)(ii) by \$333,583.

1073 (ii) For purposes of Subsection (3)(c)(i):

1074 (A) the numerator of the fraction is the difference calculated by subtracting the  
1075 distribution a county, city, or town described in Subsection (3)(a) received under this section  
1076 for the calendar year beginning on January 1, 2008, from the distribution under this section that  
1077 the county, city, or town received for the calendar year beginning on January 1, 2007; and

1078 (B) the denominator of the fraction is \$333,583.

1079 (d) A distribution required by this Subsection (3) is in addition to any other distribution

1080 required by this section.

1081 (4) (a) As used in this Subsection (4):

1082 (i) "Eligible county, city, or town" means a county, city, or town that:

1083 (A) for fiscal year 2012-13, received a tax revenue distribution under Subsection (4)(b)  
1084 equal to the amount described in Subsection (4)(b)(ii); and

1085 (B) does not impose a sales and use tax under Section 59-12-2103 on or before July 1,  
1086 2016.

1087 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue  
1088 distributions an eligible county, city, or town received from a tax imposed in accordance with  
1089 this part for fiscal year 2004-05.

1090 (b) An eligible county, city, or town shall receive a tax revenue distribution for a tax  
1091 imposed in accordance with this part equal to the greater of:

1092 (i) the payment required by Subsection (2); or

1093 (ii) the minimum tax revenue distribution.

1094 (5) (a) For purposes of this Subsection (5):

1095 (i) "Annual local contribution" means the lesser of \$200,000 or an amount equal to  
1096 1.8% of the participating local government's tax revenue distribution amount under Subsection  
1097 (2)(a) for the previous fiscal year.

1098 (ii) "Participating local government" means a county or municipality, as defined in  
1099 Section 10-1-104, that is not an eligible municipality or grant eligible entity certified in  
1100 accordance with Section 35A-8-609.

1101 (b) For revenue collected from the tax authorized by this part that is distributed on or  
1102 after January 1, 2019, the commission, before making a tax revenue distribution under  
1103 Subsection (2)(a) to a participating local government, shall:

1104 (i) subtract one-twelfth of the annual local contribution for each participating local  
1105 government from the participating local government's tax revenue distribution under  
1106 Subsection (2)(a); and

1107 (ii) deposit the amount described in Subsection (5)(b)(i) into the Homeless Shelter  
1108 Cities Mitigation Restricted Account created in Section 35A-8-606.

1109 (c) For a participating local government that qualifies to receive a distribution  
1110 described in Subsection (3) or (4), the commission shall apply the provisions of this Subsection

- 1111 (5) after the commission applies the provisions of Subsections (3) and (4).
- 1112 (6) (a) Population figures for purposes of this section shall be based on the most recent  
1113 official census or census estimate of the United States Bureau of the Census.
- 1114 (b) If a needed population estimate is not available from the United States Bureau of  
1115 the Census, population figures shall be derived from the estimate from the Utah Population  
1116 Committee.
- 1117 (c) The population of a county for purposes of this section shall be determined only  
1118 from the unincorporated area of the county.
- 1119 Section 37. Section **63I-1-263** is amended to read:
- 1120 **63I-1-263. Repeal dates, Titles 63A to 63N.**
- 1121 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:
- 1122 (a) Subsection **63A-1-201**(1) is repealed;
- 1123 (b) Subsection **63A-1-202**(2)(c), the language "using criteria established by the board"  
1124 is repealed;
- 1125 (c) Section **63A-1-203** is repealed;
- 1126 (d) Subsections **63A-1-204**(1) and (2), the language "After consultation with the board,  
1127 and" is repealed; and
- 1128 (e) Subsection **63A-1-204**(1)(b), the language "using the standards provided in  
1129 Subsection **63A-1-203**(3)(c)" is repealed.
- 1130 (2) Subsection **63A-5b-405**(5), relating to prioritizing and allocating capital  
1131 improvement funding, is repealed July 1, 2024.
- 1132 (3) Section **63A-5b-1003**, State Facility Energy Efficiency Fund, is repealed July 1,  
1133 2023.
- 1134 (4) Sections **63A-9-301** and **63A-9-302**, related to the Motor Vehicle Review  
1135 Committee, are repealed July 1, 2023.
- 1136 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July  
1137 1, 2028.
- 1138 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,  
1139 2025.
- 1140 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,  
1141 2024.

- 1142 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is  
1143 repealed July 1, 2021.
- 1144 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed  
1145 July 1, 2023.
- 1146 (10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1, 2025.
- 1147 (11) Title 63F, Chapter 2, Data Security Management Council, is repealed July 1,  
1148 2025.
- 1149 (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities  
1150 Advisory Board, is repealed July 1, 2026.
- 1151 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,  
1152 2025.
- 1153 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,  
1154 2024.
- 1155 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 1156 (16) Subsection [63J-1-602.1\(14\)](#), Nurse Home Visiting Restricted Account is repealed  
1157 July 1, 2026.
- 1158 (17) (a) Subsection [63J-1-602.1\(58\)](#), relating to the Utah Statewide Radio System  
1159 Restricted Account, is repealed July 1, 2022.
- 1160 (b) When repealing Subsection [63J-1-602.1\(58\)](#), the Office of Legislative Research and  
1161 General Counsel shall, in addition to the office's authority under Subsection [36-12-12\(3\)](#), make  
1162 necessary changes to subsection numbering and cross references.
- 1163 (18) Subsection [63J-1-602.2\(4\)](#), referring to dedicated credits to the Utah Marriage  
1164 Commission, is repealed July 1, 2023.
- 1165 (19) Subsection [63J-1-602.2\[\(5\)\]\(7\)](#), referring to the Trip Reduction Program, is  
1166 repealed July 1, 2022.
- 1167 (20) Subsection [63J-1-602.2\[\(25\)\]\(26\)](#), related to the Utah Seismic Safety  
1168 Commission, is repealed January 1, 2025.
- 1169 (21) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is  
1170 repealed July 1, 2027.
- 1171 (22) Subsection [63J-4-608\(3\)](#), which creates the Federal Land Application Advisory  
1172 Committee, is repealed on July 1, 2021.

- 1173 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on  
1174 January 1, 2023:
- 1175 (a) Sections [63M-7-301](#), [63M-7-302](#), [63M-7-303](#), [63M-7-304](#), and [63M-7-306](#) are  
1176 repealed;
- 1177 (b) Section [63M-7-305](#), the language that states "council" is replaced with  
1178 "commission";
- 1179 (c) Subsection [63M-7-305](#)(1) is repealed and replaced with:  
1180 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and  
1181 (d) Subsection [63M-7-305](#)(2) is repealed and replaced with:  
1182 "(2) The commission shall:  
1183 (a) provide ongoing oversight of the implementation, functions, and evaluation of the  
1184 Drug-Related Offenses Reform Act; and  
1185 (b) coordinate the implementation of Section [77-18-1.1](#) and related provisions in  
1186 Subsections [77-18-1](#)(5)(b)(iii) and (iv).".
- 1187 (24) The Crime Victim Reparations and Assistance Board, created in Section  
1188 [63M-7-504](#), is repealed July 1, 2027.
- 1189 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July  
1190 1, 2022.
- 1191 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.
- 1192 (27) Subsection [63N-1-301](#)(4)(c), related to the Talent Ready Utah Board, is repealed  
1193 January 1, 2023.
- 1194 (28) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating  
1195 Council, is repealed July 1, 2024.
- 1196 (29) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 1197 (30) Section [63N-2-512](#) is repealed July 1, 2021.
- 1198 (31) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed  
1199 January 1, 2021.
- 1200 (b) Section [59-9-107](#) regarding tax credits against premium taxes is repealed for  
1201 calendar years beginning on or after January 1, 2021.
- 1202 (c) Notwithstanding Subsection (31)(b), an entity may carry forward a tax credit in  
1203 accordance with Section [59-9-107](#) if:

1204 (i) the person is entitled to a tax credit under Section [59-9-107](#) on or before December  
1205 31, 2020; and

1206 (ii) the qualified equity investment that is the basis of the tax credit is certified under  
1207 Section [63N-2-603](#) on or before December 31, 2023.

1208 (32) Subsections [63N-3-109\(2\)\(e\)](#) and [63N-3-109\(2\)\(f\)\(i\)](#) are repealed July 1, 2023.

1209 (33) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed  
1210 July 1, 2023.

1211 (34) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,  
1212 2025.

1213 (35) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,  
1214 is repealed January 1, 2023.

1215 (36) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1,  
1216 2023.

1217 Section 38. Section **63J-1-602.2** is amended to read:

1218 **63J-1-602.2. List of nonlapsing appropriations to programs.**

1219 Appropriations made to the following [~~programs~~] are nonlapsing:

1220 (1) The Legislature and the Legislature's committees.

1221 (2) The State Board of Education, including all appropriations to agencies, line items,  
1222 and programs under the jurisdiction of the State Board of Education, in accordance with  
1223 Section [53F-9-103](#).

1224 (3) The Percent-for-Art Program created in Section [9-6-404](#).

1225 (4) The LeRay McAllister Critical Land Conservation Program created in Section  
1226 [11-38-301](#).

1227 (5) The Utah Lake Authority created in Section [11-65-201](#).

1228 [~~(5)~~] (6) Dedicated credits accrued to the Utah Marriage Commission as provided  
1229 under Subsection [17-16-21\(2\)\(d\)\(ii\)](#).

1230 [~~(6)~~] (7) The Trip Reduction Program created in Section [19-2a-104](#).

1231 [~~(7)~~] (8) The Division of Wildlife Resources for the appraisal and purchase of lands  
1232 under the Pelican Management Act, as provided in Section [23-21a-6](#).

1233 [~~(8)~~] (9) The emergency medical services grant program in Section [26-8a-207](#).

1234 [~~(9)~~] (10) The primary care grant program created in Section [26-10b-102](#).



- 1235            [~~(10)~~] (11) Sanctions collected as dedicated credits from Medicaid provider under  
1236 Subsection [26-18-3](#)(7).
- 1237            [~~(11)~~] (12) The Utah Health Care Workforce Financial Assistance Program created in  
1238 Section [26-46-102](#).
- 1239            [~~(12)~~] (13) The Rural Physician Loan Repayment Program created in Section  
1240 [26-46a-103](#).
- 1241            [~~(13)~~] (14) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).
- 1242            [~~(14)~~] (15) Funds that the Department of Alcoholic Beverage Control retains in  
1243 accordance with Subsection [32B-2-301](#)(8)(a) or (b).
- 1244            [~~(15)~~] (16) The General Assistance program administered by the Department of  
1245 Workforce Services, as provided in Section [35A-3-401](#).
- 1246            [~~(16)~~] (17) A new program or agency that is designated as nonlapsing under Section  
1247 [36-24-101](#).
- 1248            [~~(17)~~] (18) The Utah National Guard, created in Title 39, Militia and Armories.
- 1249            [~~(18)~~] (19) The State Tax Commission under Section [41-1a-1201](#) for the:
- 1250            (a) purchase and distribution of license plates and decals; and
- 1251            (b) administration and enforcement of motor vehicle registration requirements.
- 1252            [~~(19)~~] (20) The Search and Rescue Financial Assistance Program, as provided in  
1253 Section [53-2a-1102](#).
- 1254            [~~(20)~~] (21) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 1255            [~~(21)~~] (22) The Utah Board of Higher Education for teacher preparation programs, as  
1256 provided in Section [53B-6-104](#).
- 1257            [~~(22)~~] (23) The Medical Education Program administered by the Medical Education  
1258 Council, as provided in Section [53B-24-202](#).
- 1259            [~~(23)~~] (24) The Division of Services for People with Disabilities, as provided in  
1260 Section [62A-5-102](#).
- 1261            [~~(24)~~] (25) The Division of Fleet Operations for the purpose of upgrading underground  
1262 storage tanks under Section [63A-9-401](#).
- 1263            [~~(25)~~] (26) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 1264            [~~(26)~~] (27) Appropriations to the Department of Technology Services for technology  
1265 innovation as provided under Section [63F-4-202](#).

1266            [~~(27)~~] (28) The Office of Administrative Rules for publishing, as provided in Section  
1267 [63G-3-402](#).

1268            [~~(28)~~] (29) The Governor's Office of Economic Development to fund the Enterprise  
1269 Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

1270            [~~(29)~~] (30) Appropriations to fund the Governor's Office of Economic Development's  
1271 Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural  
1272 Employment Expansion Program.

1273            [~~(30)~~] (31) Appropriations to fund programs for the Jordan River Recreation Area as  
1274 described in Section [65A-2-8](#).

1275            [~~(31)~~] (32) The Department of Human Resource Management user training program, as  
1276 provided in Section [67-19-6](#).

1277            [~~(32)~~] (33) A public safety answering point's emergency telecommunications service  
1278 fund, as provided in Section [69-2-301](#).

1279            [~~(33)~~] (34) The Traffic Noise Abatement Program created in Section [72-6-112](#).

1280            [~~(34)~~] (35) The Judicial Council for compensation for special prosecutors, as provided  
1281 in Section [77-10a-19](#).

1282            [~~(35)~~] (36) A state rehabilitative employment program, as provided in Section  
1283 [78A-6-210](#).

1284            [~~(36)~~] (37) The Utah Geological Survey, as provided in Section [79-3-401](#).

1285            [~~(37)~~] (38) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).

1286            [~~(38)~~] (39) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#),  
1287 and [78B-6-144.5](#).

1288            [~~(39)~~] (40) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent  
1289 Defense Commission.

1290            [~~(40)~~] (41) The program established by the Division of Facilities Construction and  
1291 Management under Section [63A-5b-703](#) under which state agencies receive an appropriation  
1292 and pay lease payments for the use and occupancy of buildings owned by the Division of  
1293 Facilities Construction and Management.

1294            Section 39. **Coordinating H.B. 364 with H.B. 346 -- Substantive and technical**  
1295 **amendment.**

1296            If this H.B. 364 and H.B. 346, Natural Resources Entities Amendments, both pass and

1297 become law, it is the intent of the Legislature that the Office of Legislative Research and  
1298 General Counsel shall prepare the Utah Code database for publication by amending Subsection  
1299 11-65-208(1)(b), as enacted in this H.B. 364, to read:

- 1300 "(b) "Applicable state agency" includes:  
1301 (i) the Department of Environmental Quality;  
1302 (ii) the Division of Forestry, Fire, and State Lands;  
1303 (iii) the Division of Wildlife Resources;  
1304 (iv) the Division of Parks;  
1305 (v) the Division of Recreation;  
1306 (vi) the Division of Water Resources;  
1307 (vii) the Division of Water Rights; and  
1308 (viii) the Department of Agriculture and Food."