RECODIFICATION OF NATURAL RESOURCES CODE - CHAPTER 3

2009 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill renumbers and amends provisions relating to the Utah Geological Survey.

Highlighted Provisions:

This bill:

- amends and renumbers Title 63, Chapter 73, Geological Survey;
- deletes intent language;
- deletes a provision relating to employees under the University of Utah salary schedule; and
- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

59-7-614, as last amended by Laws of Utah 2008, Chapter 389

59-10-1014, as last amended by Laws of Utah 2008, Chapter 389

59-10-1106, as last amended by Laws of Utah 2008, Chapter 389

ENACTS:

79-3-101, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

79-3-102, (Renumbered from 63-73-1, as last amended by Laws of Utah 1996, Chapter 79)

79-3-201, (Renumbered from 63-73-5, as enacted by Laws of Utah 1988, Chapter 137)

79-3-202, (Renumbered from 63-73-6, as last amended by Laws of Utah 2008, Chapter

32 382)
33 **79-3-203**, (Renumbered from 63-73-7, as enacted by Laws of Utah 1988, Chapter 137)
34 **79-3-204**, (Renumbered from 63-73-8, as enacted by Laws of Utah 1988, Chapter 137)
35 **79-3-205**, (Renumbered from 63-73-9, as enacted by Laws of Utah 1988, Chapter 137)
36 **79-3-301**, (Renumbered from 63-73-2, as last amended by Laws of Utah 1991, Chapter
37 28)
38 **79-3-302**, (Renumbered from 63-73-3, as last amended by Laws of Utah 1996, Chapter
39 243)
40 **79-3-303**, (Renumbered from 63-73-4, as last amended by Laws of Utah 2008, Chapter
41 382)
42 **79-3-401**, (Renumbered from 63-73-10, as enacted by Laws of Utah 1988, Chapter 137)
43 **79-3-402**, (Renumbered from 63-73-21, as last amended by Laws of Utah 2002,
44 Chapter 256)
45 **79-3-501**, (Renumbered from 63-73-12, as enacted by Laws of Utah 1995, Chapter 170)
46 **79-3-502**, (Renumbered from 63-73-13, as enacted by Laws of Utah 1995, Chapter 170)
47 **79-3-503**, (Renumbered from 63-73-14, as enacted by Laws of Utah 1995, Chapter 170)
48 **79-3-504**, (Renumbered from 63-73-15, as enacted by Laws of Utah 1995, Chapter 170)
49 **79-3-505**, (Renumbered from 63-73-16, as enacted by Laws of Utah 1995, Chapter 170)
50 **79-3-506**, (Renumbered from 63-73-17, as enacted by Laws of Utah 1995, Chapter 170)
51 **79-3-507**, (Renumbered from 63-73-18, as enacted by Laws of Utah 1995, Chapter 170)
52 **79-3-508**, (Renumbered from 63-73-19, as enacted by Laws of Utah 1995, Chapter 170)
53 **79-3-509**, (Renumbered from 63-73-20, as last amended by Laws of Utah 1996,
54 Chapter 15)
55 **79-3-510**, (Renumbered from 63-73-11, as enacted by Laws of Utah 1995, Chapter 170)
56

---

57 *Be it enacted by the Legislature of the state of Utah:*
58 Section 1. Section **59-7-614** is amended to read:
59 **59-7-614. Renewable energy systems tax credit -- Definitions -- Limitations --**
60 **Certification -- Rulemaking authority.**
61 (1) As used in this section:
62 (a) "Active solar system":

63 (i) means a system of equipment capable of collecting and converting incident solar
64 radiation into thermal, mechanical, or electrical energy, and transferring these forms of energy
65 by a separate apparatus to storage or to the point of use; and
66 (ii) includes water heating, space heating or cooling, and electrical or mechanical
67 energy generation.
68 (b) "Biomass system" means any system of apparatus and equipment for use in
69 converting material into biomass energy, as defined in Section 59-12-102, and transporting that
70 energy by separate apparatus to the point of use or storage.
71 (c) "Business entity" means any sole proprietorship, estate, trust, partnership,
72 association, corporation, cooperative, or other entity under which business is conducted or
73 transacted.
74 (d) "Commercial energy system" means any active solar, passive solar, geothermal
75 electricity, direct-use geothermal, geothermal heat-pump system, wind, hydroenergy, or
76 biomass system used to supply energy to a commercial unit or as a commercial enterprise.
77 (e) "Commercial enterprise" means a business entity whose purpose is to produce
78 electrical, mechanical, or thermal energy for sale from a commercial energy system.
79 (f) (i) "Commercial unit" means any building or structure that a business entity uses to
80 transact its business.
81 (ii) Notwithstanding Subsection (1)(f)(i):
82 (A) in the case of an active solar system used for agricultural water pumping or a wind
83 system, each individual energy generating device shall be a commercial unit; and
84 (B) if an energy system is the building or structure that a business entity uses to
85 transact its business, a commercial unit is the complete energy system itself.
86 (g) "Direct-use geothermal system" means a system of apparatus and equipment
87 enabling the direct use of thermal energy, generally between 100 and 300 degrees Fahrenheit,
88 that is contained in the earth to meet energy needs, including heating a building, an industrial
89 process, and aquaculture.
90 (h) "Geothermal electricity" means energy contained in heat that continuously flows
91 outward from the earth that is used as a sole source of energy to produce electricity.
92 (i) "Geothermal heat-pump system" means a system of apparatus and equipment
93 enabling the use of thermal properties contained in the earth at temperatures well below 100

94 degrees Fahrenheit to help meet heating and cooling needs of a structure.
95 (j) "Hydroenergy system" means a system of apparatus and equipment capable of
96 intercepting and converting kinetic water energy into electrical or mechanical energy and
97 transferring this form of energy by separate apparatus to the point of use or storage.
98 (k) "Individual taxpayer" means any person who is a taxpayer as defined in Section
99 59-10-103 and an individual as defined in Section 59-10-103.
100 (l) "Passive solar system":
101 (i) means a direct thermal system that utilizes the structure of a building and its
102 operable components to provide for collection, storage, and distribution of heating or cooling
103 during the appropriate times of the year by utilizing the climate resources available at the site;
104 and
105 (ii) includes those portions and components of a building that are expressly designed
106 and required for the collection, storage, and distribution of solar energy.
107 (m) "Residential energy system" means any active solar, passive solar, biomass,
108 direct-use geothermal, geothermal heat-pump system, wind, or hydroenergy system used to
109 supply energy to or for any residential unit.
110 (n) "Residential unit" means any house, condominium, apartment, or similar dwelling
111 unit that serves as a dwelling for a person, group of persons, or a family but does not include
112 property subject to a fee under:
113 (i) Section 59-2-404;
114 (ii) Section 59-2-405;
115 (iii) Section 59-2-405.1;
116 (iv) Section 59-2-405.2; or
117 (v) Section 59-2-405.3.
118 (o) "Utah Geological Survey" means the Utah Geological Survey established in Section
119 [~~63-73-5~~] 79-3-201.
120 (p) "Wind system" means a system of apparatus and equipment capable of intercepting
121 and converting wind energy into mechanical or electrical energy and transferring these forms of
122 energy by a separate apparatus to the point of use, sale, or storage.
123 (2) (a) (i) For taxable years beginning on or after January 1, 2007, a business entity that
124 purchases and completes or participates in the financing of a residential energy system to

125 supply all or part of the energy required for a residential unit owned or used by the business
126 entity and situated in Utah is entitled to a nonrefundable tax credit as provided in this
127 Subsection (2)(a).
128 (ii) (A) A business entity is entitled to a tax credit equal to 25% of the reasonable costs
129 of each residential energy system installed with respect to each residential unit it owns or uses,
130 including installation costs, against any tax due under this chapter for the taxable year in which
131 the energy system is completed and placed in service.
132 (B) The total amount of each credit under this Subsection (2)(a) may not exceed $2,000
133 per residential unit.
134 (C) The credit under this Subsection (2)(a) is allowed for any residential energy system
135 completed and placed in service on or after January 1, 2007.
136 (iii) If a business entity sells a residential unit to an individual taxpayer before making
137 a claim for the tax credit under this Subsection (2)(a), the business entity may:
138 (A) assign its right to this tax credit to the individual taxpayer; and
139 (B) if the business entity assigns its right to the tax credit to an individual taxpayer
140 under Subsection (2)(a)(iii)(A), the individual taxpayer may claim the tax credit as if the
141 individual taxpayer had completed or participated in the costs of the residential energy system
142 under Section 59-10-1014.
143 (b) (i) For taxable years beginning on or after January 1, 2007, a business entity that
144 purchases or participates in the financing of a commercial energy system situated in Utah is
145 entitled to a refundable tax credit as provided in this Subsection (2)(b) if the commercial
146 energy system does not use wind, geothermal electricity, or biomass equipment capable of
147 producing a total of 660 or more kilowatts of electricity, and:
148 (A) the commercial energy system supplies all or part of the energy required by
149 commercial units owned or used by the business entity; or
150 (B) the business entity sells all or part of the energy produced by the commercial
151 energy system as a commercial enterprise.
152 (ii) (A) A business entity is entitled to a tax credit of up to 10% of the reasonable costs
153 of any commercial energy system installed, including installation costs, against any tax due
154 under this chapter for the taxable year in which the commercial energy system is completed and
155 placed in service.

156 (B) Notwithstanding Subsection (2)(b)(ii)(A), the total amount of the credit under this
157 Subsection (2)(b) may not exceed $50,000 per commercial unit.
158 (C) The credit under this Subsection (2)(b) is allowed for any commercial energy
159 system completed and placed in service on or after January 1, 2007.
160 (iii) A business entity that leases a commercial energy system installed on a
161 commercial unit is eligible for the tax credit under this Subsection (2)(b) if the lessee can
162 confirm that the lessor irrevocably elects not to claim the credit.
163 (iv) Only the principal recovery portion of the lease payments, which is the cost
164 incurred by a business entity in acquiring a commercial energy system, excluding interest
165 charges and maintenance expenses, is eligible for the tax credit under this Subsection (2)(b).
166 (v) A business entity that leases a commercial energy system is eligible to use the tax
167 credit under this Subsection (2)(b) for a period no greater than seven years from the initiation
168 of the lease.
169 (vi) A tax credit allowed by this Subsection (2)(b) may not be carried forward or
170 carried back.
171 (c) (i) For taxable years beginning on or after January 1, 2007, a business entity that
172 owns a commercial energy system situated in Utah using wind, geothermal electricity, or
173 biomass equipment capable of producing a total of 660 or more kilowatts of electricity is
174 entitled to a refundable tax credit as provided in this Subsection (2)(c) if:
175 (A) the commercial energy system supplies all or part of the energy required by
176 commercial units owned or used by the business entity; or
177 (B) the business entity sells all or part of the energy produced by the commercial
178 energy system as a commercial enterprise.
179 (ii) (A) A business entity is entitled to a tax credit under this section equal to the
180 product of:
181 (I) 0.35 cents; and
182 (II) the kilowatt hours of electricity produced and either used or sold during the taxable
183 year.
184 (B) (I) The credit calculated under Subsection (2)(c)(ii)(A) may be claimed for
185 production occurring during a period of 48 months beginning with the month in which the
186 commercial energy system is placed in commercial service.

187 (II) The credit allowed by this Subsection (2)(c) for each year may not be carried
188 forward or carried back.
189 (C) The credit under this Subsection (2)(c) is allowed for any commercial energy
190 system completed and placed in service on or after January 1, 2007.
191 (iii) A business entity that leases a commercial energy system installed on a
192 commercial unit is eligible for the tax credit under this Subsection (2)(c) if the lessee can
193 confirm that the lessor irrevocably elects not to claim the credit.
194 (d) (i) A tax credit under Subsection (2)(a) or (b) may be claimed for the taxable year
195 in which the energy system is completed and placed in service.
196 (ii) Additional energy systems or parts of energy systems may be claimed for
197 subsequent years.
198 (iii) If the amount of a tax credit under Subsection (2)(a) exceeds a business entity's tax
199 liability under this chapter for a taxable year, the amount of the credit exceeding the liability
200 may be carried forward for a period which does not exceed the next four taxable years.
201 (3) (a) Except as provided in Subsection (3)(b), the tax credits provided for under
202 Subsection (2) are in addition to any tax credits provided under the laws or rules and
203 regulations of the United States.
204 (b) A purchaser of one or more solar units that claims a tax credit under Section
205 59-7-614.3 for the purchase of the one or more solar units may not claim a tax credit under this
206 section for that purchase.
207 (c) (i) The Utah Geological Survey may set standards for residential and commercial
208 energy systems claiming a credit under Subsections (2)(a) and (b) that cover the safety,
209 reliability, efficiency, leasing, and technical feasibility of the systems to ensure that the systems
210 eligible for the tax credit use the state's renewable and nonrenewable energy resources in an
211 appropriate and economic manner.
212 (ii) The Utah Geological Survey may set standards for residential and commercial
213 energy systems that establish the reasonable costs of an energy system, as used in Subsections
214 (2)(a)(ii)(A) and (2)(b)(ii)(A), as an amount per unit of energy production.
215 (iii) A tax credit may not be taken under Subsection (2) until the Utah Geological
216 Survey has certified that the energy system has been completely installed and is a viable system
217 for saving or production of energy from renewable resources.

218 (d) The Utah Geological Survey and the commission may make rules in accordance
219 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that are necessary to
220 implement this section.
221 (4) (a) On or before October 1, 2012, and every five years thereafter, the Utah Tax
222 Review Commission shall review each tax credit provided by this section and make
223 recommendations to the Revenue and Taxation Interim Committee concerning whether the
224 credit should be continued, modified, or repealed.
225 (b) The Utah Tax Review Commission's report under Subsection (4)(a) shall include
226 information concerning the cost of the credit, the purpose and effectiveness of the credit, and
227 the state's benefit from the credit.
228 Section 2. Section **59-10-1014** is amended to read:
229 **59-10-1014. Renewable energy systems tax credit -- Definitions -- Limitations --**
230 **Certification -- Rulemaking authority.**
231 (1) As used in this part:
232 (a) "Active solar system":
233 (i) means a system of equipment capable of collecting and converting incident solar
234 radiation into thermal, mechanical, or electrical energy, and transferring these forms of energy
235 by a separate apparatus to storage or to the point of use; and
236 (ii) includes water heating, space heating or cooling, and electrical or mechanical
237 energy generation.
238 (b) "Biomass system" means any system of apparatus and equipment for use in
239 converting material into biomass energy, as defined in Section 59-12-102, and transporting that
240 energy by separate apparatus to the point of use or storage.
241 (c) "Business entity" means any entity under which business is conducted or transacted.
242 (d) "Direct-use geothermal system" means a system of apparatus and equipment
243 enabling the direct use of thermal energy, generally between 100 and 300 degrees Fahrenheit,
244 that is contained in the earth to meet energy needs, including heating a building, an industrial
245 process, and aquaculture.
246 (e) "Geothermal electricity" means energy contained in heat that continuously flows
247 outward from the earth that is used as a sole source of energy to produce electricity.
248 (f) "Geothermal heat-pump system" means a system of apparatus and equipment

249 enabling the use of thermal properties contained in the earth at temperatures well below 100
250 degrees Fahrenheit to help meet heating and cooling needs of a structure.
251 (g) "Hydroenergy system" means a system of apparatus and equipment capable of
252 intercepting and converting kinetic water energy into electrical or mechanical energy and
253 transferring this form of energy by separate apparatus to the point of use or storage.
254 (h) "Passive solar system":
255 (i) means a direct thermal system that utilizes the structure of a building and its
256 operable components to provide for collection, storage, and distribution of heating or cooling
257 during the appropriate times of the year by utilizing the climate resources available at the site;
258 and
259 (ii) includes those portions and components of a building that are expressly designed
260 and required for the collection, storage, and distribution of solar energy.
261 (i) "Residential energy system" means any active solar, passive solar, biomass,
262 direct-use geothermal, geothermal heat-pump system, wind, or hydroenergy system used to
263 supply energy to or for any residential unit.
264 (j) "Residential unit" means any house, condominium, apartment, or similar dwelling
265 unit that serves as a dwelling for a person, group of persons, or a family but does not include
266 property subject to a fee under:
267 (i) Section 59-2-404;
268 (ii) Section 59-2-405;
269 (iii) Section 59-2-405.1;
270 (iv) Section 59-2-405.2; or
271 (v) Section 59-2-405.3.
272 (k) "Utah Geological Survey" means the Utah Geological Survey established in Section
273 [~~63-73-5~~] 79-3-201.
274 (l) "Wind system" means a system of apparatus and equipment capable of intercepting
275 and converting wind energy into mechanical or electrical energy and transferring these forms of
276 energy by a separate apparatus to the point of use or storage.
277 (2) For taxable years beginning on or after January 1, 2007, a claimant, estate, or trust
278 may claim a nonrefundable tax credit as provided in this section if:
279 (a) a claimant, estate, or trust that is not a business entity purchases and completes or

280 participates in the financing of a residential energy system to supply all or part of the energy for
281 the claimant's, estate's, or trust's residential unit in the state; or
282 (b) (i) a claimant, estate, or trust that is a business entity sells a residential unit to
283 another claimant, estate, or trust that is not a business entity before making a claim for a tax
284 credit under Subsection (6) or Section 59-7-614; and
285 (ii) the claimant, estate, or trust that is a business entity assigns its right to the tax credit
286 to the claimant, estate, or trust that is not a business entity as provided in Subsection (6)(c) or
287 Subsection 59-7-614(2)(a)(iii).
288 (3) (a) The tax credit described in Subsection (2) is equal to 25% of the reasonable
289 costs of each residential energy system, including installation costs, against any income tax
290 liability of the claimant, estate, or trust under this chapter for the taxable year in which the
291 residential energy system is completed and placed in service.
292 (b) The total amount of each tax credit under this section may not exceed $2,000 per
293 residential unit.
294 (c) The tax credit under this section is allowed for any residential energy system
295 completed and placed in service on or after January 1, 2007.
296 (4) (a) The tax credit provided for in this section shall be claimed in the return for the
297 taxable year in which the residential energy system is completed and placed in service.
298 (b) Additional residential energy systems or parts of residential energy systems may be
299 similarly claimed in returns for subsequent taxable years as long as the total amount claimed
300 does not exceed $2,000 per residential unit.
301 (c) If the amount of the tax credit under this section exceeds the income tax liability of
302 the claimant, estate, or trust claiming the tax credit under this section for that taxable year, then
303 the amount not used may be carried over for a period that does not exceed the next four taxable
304 years.
305 (5) (a) A claimant, estate, or trust that is not a business entity that leases a residential
306 energy system installed on a residential unit is eligible for the residential energy tax credit if
307 that claimant, estate, or trust confirms that the lessor irrevocably elects not to claim the tax
308 credit.
309 (b) Only the principal recovery portion of the lease payments, which is the cost
310 incurred by the claimant, estate, or trust in acquiring the residential energy system excluding

311 interest charges and maintenance expenses, is eligible for the tax credits.
312 (c) A claimant, estate, or trust described in this Subsection (5) may use the tax credits
313 for a period that does not exceed seven years from the initiation of the lease.
314 (6) (a) A claimant, estate, or trust that is a business entity that purchases and completes
315 or participates in the financing of a residential energy system to supply all or part of the energy
316 required for a residential unit owned or used by the claimant, estate, or trust that is a business
317 entity and situated in Utah is entitled to a nonrefundable tax credit as provided in this
318 Subsection (6).
319 (b) (i) For taxable years beginning on or after January 1, 2007, a claimant, estate, or
320 trust that is a business entity is entitled to a nonrefundable tax credit equal to 25% of the
321 reasonable costs of a residential energy system installed with respect to each residential unit it
322 owns or uses, including installation costs, against any tax due under this chapter for the taxable
323 year in which the energy system is completed and placed in service.
324 (ii) The total amount of the tax credit under this Subsection (6) may not exceed $2,000
325 per residential unit.
326 (iii) The tax credit under this Subsection (6) is allowed for any residential energy
327 system completed and placed in service on or after January 1, 2007.
328 (c) If a claimant, estate, or trust that is a business entity sells a residential unit to a
329 claimant, estate, or trust that is not a business entity before making a claim for the tax credit
330 under this Subsection (6), the claimant, estate, or trust that is a business entity may:
331 (i) assign its right to this tax credit to the claimant, estate, or trust that is not a business
332 entity; and
333 (ii) if the claimant, estate, or trust that is a business entity assigns its right to the tax
334 credit to a claimant, estate, or trust that is not a business entity under Subsection (6)(c)(i), the
335 claimant, estate, or trust that is not a business entity may claim the tax credit as if that claimant,
336 estate, or trust that is not a business entity had completed or participated in the costs of the
337 residential energy system under this section.
338 (7) (a) A tax credit under this section may be claimed for the taxable year in which the
339 residential energy system is completed and placed in service.
340 (b) Additional residential energy systems or parts of residential energy systems may be
341 claimed for subsequent years.

342 (c) If the amount of a tax credit under this section exceeds the tax liability of the
343 claimant, estate, or trust claiming the tax credit under this section for a taxable year, the amount
344 of the tax credit exceeding the tax liability may be carried over for a period which does not
345 exceed the next four taxable years.
346 (8) (a) Except as provided in Subsection (8)(b), tax credits provided for under this
347 section are in addition to any tax credits provided under the laws or rules and regulations of the
348 United States.
349 (b) A purchaser of one or more solar units that claims a tax credit under Section
350 59-10-1024 for the purchase of the one or more solar units may not claim a tax credit under this
351 section for that purchase.
352 (9) (a) The Utah Geological Survey may set standards for residential energy systems
353 that cover the safety, reliability, efficiency, leasing, and technical feasibility of the systems to
354 ensure that the systems eligible for the tax credit use the state's renewable and nonrenewable
355 energy resources in an appropriate and economic manner.
356 (b) The Utah Geological Survey may set standards for residential and commercial
357 energy systems that establish the reasonable costs of an energy system, as used in Subsections
358 (3)(a) and (6)(b)(i), as an amount per unit of energy production.
359 (c) A tax credit may not be taken under this section until the Utah Geological Survey
360 has certified that the energy system has been completely installed and is a viable system for
361 saving or production of energy from renewable resources.
362 (10) The Utah Geological Survey and the commission may make rules in accordance
363 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that are necessary to
364 implement this section.
365 (11) (a) On or before October 1, 2012, and every five years thereafter, the Utah Tax
366 Review Commission shall review each tax credit provided by this section and make
367 recommendations to the Revenue and Taxation Interim Committee concerning whether the
368 credit should be continued, modified, or repealed.
369 (b) The Utah Tax Review Commission's report under Subsection (11)(a) shall include
370 information concerning the cost of the credit, the purpose and effectiveness of the credit, and
371 the state's benefit from the credit.
372 Section 3. Section **59-10-1106** is amended to read:

373 **59-10-1106. Refundable renewable energy tax credit.**
374 (1) As used in this section:
375 (a) "Active solar system" is as defined in Section 59-10-1014.
376 (b) "Biomass system" is as defined in Section 59-10-1014.
377 (c) "Business entity" is as defined in Section 59-10-1014.
378 (d) "Commercial energy system" means any active solar, passive solar, geothermal
379 electricity, direct-use geothermal, geothermal heat-pump system, wind, hydroenergy, or
380 biomass system used to supply energy to a commercial unit or as a commercial enterprise.
381 (e) "Commercial enterprise" means a business entity that:
382 (i) is a claimant, estate, or trust; and
383 (ii) has the purpose of producing electrical, mechanical, or thermal energy for sale from
384 a commercial energy system.
385 (f) (i) "Commercial unit" means any building or structure that a business entity that is a
386 claimant, estate, or trust uses to transact its business.
387 (ii) Notwithstanding Subsection (1)(f)(i):
388 (A) in the case of an active solar system used for agricultural water pumping or a wind
389 system, each individual energy generating device shall be a commercial unit; and
390 (B) if an energy system is the building or structure that a business entity that is a
391 claimant, estate, or trust uses to transact its business, a commercial unit is the complete energy
392 system itself.
393 (g) "Direct-use geothermal system" is as defined in Section 59-10-1014.
394 (h) "Geothermal electricity" is as defined in Section 59-10-1014.
395 (i) "Geothermal heat-pump system" is as defined in Section 59-10-1014.
396 (j) "Hydroenergy system" is as defined in Section 59-10-1014.
397 (k) "Passive solar system" is as defined in Section 59-10-1014.
398 (l) "Utah Geological Survey" means the Utah Geological Survey established in Section
399 [~~63-73-5~~] 79-3-201.
400 (m) "Wind system" is as defined in Section 59-10-1014.
401 (2) (a) (i) A business entity that is a claimant, estate, or trust that purchases or
402 participates in the financing of a commercial energy system situated in Utah is entitled to a
403 refundable tax credit as provided in this Subsection (2)(a) if the commercial energy system

404 does not use wind, geothermal electricity, or biomass equipment capable of producing a total of
405 660 or more kilowatts of electricity and:
406 (A) the commercial energy system supplies all or part of the energy required by
407 commercial units owned or used by the business entity that is a claimant, estate, or trust; or
408 (B) the business entity that is a claimant, estate, or trust sells all or part of the energy
409 produced by the commercial energy system as a commercial enterprise.
410 (ii) (A) A business entity that is a claimant, estate, or trust is entitled to a tax credit of
411 up to 10% of the reasonable costs of any commercial energy system installed, including
412 installation costs, against any tax due under this chapter for the taxable year in which the
413 commercial energy system is completed and placed in service.
414 (B) Notwithstanding Subsection (2)(a)(ii)(A), the total amount of the credit under this
415 Subsection (2)(a) may not exceed $50,000 per commercial unit.
416 (C) The credit under this Subsection (2)(a) is allowed for any commercial energy
417 system completed and placed in service on or after January 1, 2007.
418 (iii) A business entity that is a claimant, estate, or trust that leases a commercial energy
419 system installed on a commercial unit is eligible for the tax credit under this Subsection (2)(a)
420 if the lessee can confirm that the lessor irrevocably elects not to claim the credit.
421 (iv) Only the principal recovery portion of the lease payments, which is the cost
422 incurred by a business entity that is a claimant, estate, or trust in acquiring a commercial energy
423 system, excluding interest charges and maintenance expenses, is eligible for the tax credit
424 under this Subsection (2)(a).
425 (v) A business entity that is a claimant, estate, or trust that leases a commercial energy
426 system is eligible to use the tax credit under this Subsection (2)(a) for a period no greater than
427 seven years from the initiation of the lease.
428 (b) (i) A business entity that is a claimant, estate, or trust that owns a commercial
429 energy system situated in Utah using wind, geothermal electricity, or biomass equipment
430 capable of producing a total of 660 or more kilowatts of electricity is entitled to a refundable
431 tax credit as provided in this section if:
432 (A) the commercial energy system supplies all or part of the energy required by
433 commercial units owned or used by the business entity that is a claimant, estate, or trust; or
434 (B) the business entity that is a claimant, estate, or trust sells all or part of the energy

435 produced by the commercial energy system as a commercial enterprise.
436 (ii) A business entity that is a claimant, estate, or trust is entitled to a tax credit under
437 this Subsection (2)(b) equal to the product of:
438 (A) 0.35 cents; and
439 (B) the kilowatt hours of electricity produced and either used or sold during the taxable
440 year.
441 (iii) The credit allowed by this Subsection (2)(b):
442 (A) may be claimed for production occurring during a period of 48 months beginning
443 with the month in which the commercial energy system is placed in service; and
444 (B) may not be carried forward or back.
445 (iv) A business entity that is a claimant, estate, or trust that leases a commercial energy
446 system installed on a commercial unit is eligible for the tax credit under this section if the
447 lessee can confirm that the lessor irrevocably elects not to claim the credit.
448 (3) The tax credits provided for under this section are in addition to any tax credits
449 provided under the laws or rules and regulations of the United States.
450 (4) (a) The Utah Geological Survey may set standards for commercial energy systems
451 claiming a tax credit under Subsection (2)(a) that cover the safety, reliability, efficiency,
452 leasing, and technical feasibility of the systems to ensure that the systems eligible for the tax
453 credit use the state's renewable and nonrenewable energy resources in an appropriate and
454 economic manner.
455 (b) A tax credit may not be taken under this section until the Utah Geological Survey
456 has certified that the commercial energy system has been completely installed and is a viable
457 system for saving or production of energy from renewable resources.
458 (5) The Utah Geological Survey and the commission may make rules in accordance
459 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that are necessary to
460 implement this section.
461 (6) (a) On or before October 1, 2012, and every five years thereafter, the Utah Tax
462 Review Commission shall review each tax credit provided by this section and make
463 recommendations to the Revenue and Taxation Interim Committee concerning whether the
464 credit should be continued, modified, or repealed.
465 (b) The Utah Tax Review Commission's report under Subsection (6)(a) shall include

466 information concerning the cost of the credit, the purpose and effectiveness of the credit, and
467 the state's benefit from the credit.
468 Section 4. Section **79-3-101** is enacted to read:
469 **CHAPTER 3. UTAH GEOLOGICAL SURVEY**
470 **Part 1. General Provisions**
471 **79-3-101. Title.**
472 This chapter is known as "Utah Geological Survey."
473 Section 5. Section **79-3-102**, which is renumbered from Section 63-73-1 is renumbered
474 and amended to read:
475 **[~~63-73-1~~]. 79-3-102. Definitions.**
476 As used in this chapter:
477 (1) "Agency" means a department, division, office, bureau, board, commission, or
478 other administrative unit of the state.
479 (2) "Board" means the Board of the Utah Geological Survey.
480 (3) "Collection" means a specimen and the associated records documenting the
481 specimen and its recovery.
482 (4) "Critical paleontological resources" means vertebrate fossils and other exceptional
483 fossils that are designated state paleontological landmarks as provided for in Section
484 [~~63-73-16~~] 79-3-505.
485 (5) "Curation" means:
486 (a) management and care of collections according to standard professional museum
487 practice, which may include inventorying, accessioning, labeling, cataloging, identifying,
488 evaluating, documenting, storing, maintaining, periodically inspecting, cleaning, stabilizing,
489 conserving, exhibiting, exchanging, or otherwise disposing of original collections or
490 reproductions[~~,~~]; and
491 (b) providing access to and facilities for studying collections.
492 (6) "Curation facility" is as defined [~~as provided~~] in Section 53B-17-603.
493 [~~(7) "Department" means the Department of Natural Resources.~~]
494 [~~(8)~~] (7) "Director" means the director of the [~~Utah Geological Survey~~] survey.
495 [~~(9)~~] (8) "Excavate" means the recovery of critical paleontological resources.
496 [~~(10)~~] (9) "Museum" means the Utah Museum of Natural History.

497 [~~(11)~~] (10) "Paleontological resources" means remains of prehistoric life pertaining to
498 the natural history of the state.
499 [~~(12)~~] (11) "Repository" is defined as provided in Section 53B-17-603.
500 [~~(13)~~] (12) "School and institutional land grants" means the transfer of properties
501 pursuant to Sections 6 and 8 of the Utah Enabling Act and Utah Constitution Article XX.
502 [~~(14)~~] (13) "School and institutional trust lands" are those properties defined in Section
503 53C-1-103.
504 [~~(15)~~] (14) "Site" means any paleontological deposit or other location that is the source
505 of [~~specimens~~] a specimen.
506 [~~(16)~~] (15) "Specimen" means remains of a critical paleontological nature found on or
507 below the surface of the earth.
508 [~~(17)~~] (16) "State Paleontological Register" means a register of paleontological sites
509 and localities.
510 [~~(18)~~] (17) "Survey" means the Utah Geological Survey.
511 Section 6. Section **79-3-201**, which is renumbered from Section 63-73-5 is renumbered
512 and amended to read:
513 **Part 2. Utah Geological Survey**
514 **[~~63-73-5~~]. 79-3-201. Establishment of survey within the department -- General**
515 **supervision of the survey.**
516 The survey is established within the department under:
517 (1) the administration and general supervision of the executive director [~~of the~~
518 ~~department~~]; and [~~under~~]
519 (2) the policy direction of the board.
520 Section 7. Section **79-3-202**, which is renumbered from Section 63-73-6 is renumbered
521 and amended to read:
522 **[~~63-73-6~~]. 79-3-202. Powers and duties of survey.**
523 (1) The survey shall:
524 (a) assist and advise state and local [~~governmental~~] agencies and state educational
525 institutions on geologic, paleontologic, and mineralogic subjects;
526 (b) collect and distribute reliable information regarding the mineral industry and
527 mineral resources, topography, paleontology, and geology of the state;

528 (c) survey the geology of the state, including mineral occurrences and the ores of
529 metals, energy resources, industrial minerals and rocks, mineral-bearing waters, and surface
530 and ground water resources, with special reference to their economic contents, values, uses,
531 kind, and availability in order to facilitate their economic use;
532 (d) investigate the kind, amount, and availability of mineral substances contained in
533 lands owned and controlled by the state, to contribute to the most effective and beneficial
534 administration of these lands for the state;
535 (e) determine and investigate areas of geologic and topographic hazards that could
536 affect the safety of, or cause economic loss to, the citizens of the state;
537 (f) assist local and state [~~government~~] agencies in their planning, zoning, and building
538 regulation functions by publishing maps, delineating appropriately wide special earthquake risk
539 areas, and, at the request of state agencies or other governmental agencies, review the siting of
540 critical facilities;
541 (g) cooperate with state agencies, political subdivisions of the state,
542 quasi-governmental agencies, federal agencies, schools of higher education, and others in fields
543 of mutual concern, which may include field investigations and preparation, publication, and
544 distribution of reports and maps;
545 (h) collect and preserve data pertaining to mineral resource exploration and
546 development programs and construction activities, such as claim maps, location of drill holes,
547 location of surface and underground workings, geologic plans and sections, drill logs, and
548 assay and sample maps, including the maintenance of a sample library of cores and cuttings;
549 (i) study and analyze other scientific, economic, or aesthetic problems as, in the
550 judgment of the board, should be undertaken by the survey to serve the needs of the state and to
551 support the development of natural resources and utilization of lands within the state;
552 (j) prepare, publish, distribute, and sell maps, reports, and bulletins, embodying the
553 work accomplished by the survey, directly or in collaboration with others, and collect and
554 prepare exhibits of the geological and mineral resources of this state and interpret their
555 significance;
556 (k) collect, maintain, and preserve data and information in order to accomplish the
557 purposes of this section and act as a repository for information concerning the geology of this
558 state;

559 (l) stimulate research, study, and activities in the field of paleontology;
560 (m) mark, protect, and preserve critical paleontological sites;
561 (n) collect, preserve, and administer critical paleontological specimens until [~~they~~] the
562 specimens are placed in a repository or curation facility;
563 (o) administer critical paleontological site excavation records;
564 (p) edit and publish critical paleontological records and reports; and
565 (q) by following the procedures and requirements of Title 63J, Chapter 5, Federal
566 Funds Procedures, seek federal grants, loans, or participation in federal programs, and, in
567 accordance with applicable federal program guidelines, administer federally funded state
568 programs regarding:
569 (i) renewable energy;
570 (ii) energy efficiency; and
571 (iii) energy conservation.
572 (2) (a) The survey may maintain as confidential, and not as a public record,
573 information provided to the survey by any source.
574 (b) The board shall adopt rules in order to determine whether to accept [~~such~~] the
575 information described in Subsection (2)(a) and to maintain the confidentiality of the accepted
576 information.
577 (c) The survey shall maintain information received from any source at the level of
578 confidentiality assigned to it by the source.
579 (3) Upon approval of the board, the survey shall undertake other activities consistent
580 with Subsection (1).
581 (4) (a) Subject to the authority granted to the department, the survey may enter into
582 cooperative agreements with the entities specified in Subsection (1)(g), if approved by the
583 board, and may accept or commit allocated or budgeted funds in connection with those
584 agreements.
585 (b) The survey may undertake joint projects with private entities if:
586 (i) the action is approved by the board;
587 (ii) the projects are not inconsistent with the state's objectives; and
588 (iii) the results of the projects are available to the public.
589 Section 8. Section **79-3-203**, which is renumbered from Section 63-73-7 is renumbered

590 and amended to read:

591 **[~~63-73-7~~]. 79-3-203. Director of survey -- Designation as state geologist --**
592 **Qualifications -- Duties and authority.**

593 (1) The director is:

594 (a) the executive and administrative head of the survey; and [~~is~~]

595 (b) designated the state geologist.

596 (2) The director's qualifications shall include:

597 (a) graduation from a recognized university; and

598 (b) demonstrated competency in:

599 (i) the science of geology; and [~~in~~]

600 (ii) administration.

601 (3) (a) The director administers the survey for the benefit of the public.

602 (b) A person may not call upon or require the director or his associates to enter upon
603 any special survey for the benefit of that person.

604 (4) The director, subject to review by the board and approval by the executive director
605 of the department, may initiate cooperative agreements with private companies or parties or
606 state or federal agencies to carry out the provisions of this chapter.

607 Section 9. Section **79-3-204**, which is renumbered from Section 63-73-8 is renumbered
608 and amended to read:

609 **[~~63-73-8~~]. 79-3-204. Personnel of survey -- Employment -- Restrictions --**
610 **Salaries and benefits.**

611 (1) The director, after consultation with the board and approval by the executive
612 director [~~of the department~~], shall select, employ, or contract for qualified individuals and
613 services required to carry out the provisions of this chapter within the authorized programs and
614 within the allocated and budgeted funds.

615 (2) (a) Persons retained on a contract basis act in the capacity of independent
616 contractors and are not subject to the Utah State Personnel Management Act.

617 (b) Each contract written for [~~these~~] the services [~~shall specify this fact~~] described in
618 Subsection (1) shall include the information in Subsection (2).

619 (3) (a) An employee of the survey may not:

620 (i) have an interest in lands within the state [~~which~~] that creates a conflict of interest

621 harmful to the goals and objectives of the survey[~~. An employee may not~~]; or
622 (ii) obtain financial gain by reason of information obtained through work as an
623 employee of the survey.
624 (b) The board shall resolve questions regarding potential conflicts and financial gain.
625 (c) For permanent employees, [~~this restriction is lifted at~~] the restriction in Subsection
626 (3)(a) is terminated at the end of a two-year period following termination of service or, with
627 respect to information which is confidential and not a public record, for however long the
628 information is classified as confidential and not a public record, whichever period of time is
629 longer. [~~Similar~~]
630 (d) The time periods established in Subsection (3)(c), which can be modified only after
631 publication of the data, apply to contractors or consultants employed on special problems.
632 (4) (a) A survey employee may not engage in outside or private work which is or can
633 be in conflict with the operations, goals, and objectives of the survey. [~~Situations in dispute~~
634 ~~that arise in this field are resolved by the board.~~]
635 (b) The board shall resolve issues regarding outside or private work by a survey
636 employee.
637 (5) Survey personnel are paid in accordance with state salary schedules and are subject
638 to state benefit and retirement programs. [~~Survey employees under the University of Utah~~
639 ~~salary schedules and enrolled under the university's employee benefit and retirement programs~~
640 ~~have the option of remaining in the university's retirement system but are paid in accordance~~
641 ~~with state salary schedules.~~]
642 Section 10. Section **79-3-205**, which is renumbered from Section 63-73-9 is
643 renumbered and amended to read:
644 **[~~63-73-9~~]. 79-3-205. Investigatory powers and immunities of survey personnel.**
645 (1) Authorized survey personnel, after providing reasonable notification and
646 identification, have the right to enter all lands subject to the police power of the state for the
647 purpose of securing geologic, topographic, and mineral and water resource information or
648 specimens and samples required by the survey in fulfillment of its objectives.
649 (2) Survey personnel are immune from trespass while engaged on official business.
650 Section 11. Section **79-3-301**, which is renumbered from Section 63-73-2 is
651 renumbered and amended to read:

652 **Part 3. Board of Utah Geological Survey**

653 **[~~63-73-2~~]. 79-3-301. Board of Utah Geological Survey created.**

654 (1) There is created within the [~~Department of Natural Resources~~] department the
655 Board of the Utah Geological Survey.

656 (2) The board is the policymaking body for the survey.

657 Section 12. Section **79-3-302**, which is renumbered from Section 63-73-3 is
658 renumbered and amended to read:

659 **[~~63-73-3~~]. 79-3-302. Members of board -- Qualifications and appointment --**
660 **Vacancies -- Organization -- Meetings -- Financial gain prohibited -- Expenses.**

661 (1) The board consists of seven members appointed by the governor, with the consent
662 of the Senate.

663 (2) [~~The~~] In addition to the requirements of Section 79-2-203, the members shall have
664 the following qualifications:

665 (a) one member knowledgeable in the field of geology as applied to the practice of civil
666 engineering;

667 (b) four members knowledgeable and representative of various segments of the mineral
668 industry throughout the state, such as hydrocarbons, solid fuels, metals, and industrial minerals;

669 (c) one member knowledgeable of the economic or scientific interests of the mineral
670 industry in the state; and

671 (d) one member who is interested in the goals of the survey and from the public at
672 large.

673 (3) The director of the School and Institutional Trust Lands Administration is an ex
674 officio member of the board but without any voting privileges.

675 (4) (a) Except as required by Subsection (4)(b), members are appointed for terms of
676 four years.

677 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
678 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
679 board members are staggered so that approximately half of the board is appointed every two
680 years.

681 (c) No more than four members may be of the same political party.

682 (d) When a vacancy occurs in the membership for any reason, the replacement shall be

683 appointed for the unexpired term by the governor with the consent of the Senate.
684 (5) The board shall select from its members a chair and such officers and committees
685 as it considers necessary.
686 (6) (a) The board shall hold meetings at least quarterly on such dates as may be set by
687 its chair.
688 (b) Special meetings may be held upon notice of the chair or by a majority of its
689 members.
690 (c) A majority of the members of the board present at a meeting constitutes a quorum
691 for the transaction of business.
692 (7) Members of the board may not obtain financial gain by reason of information
693 obtained during the course of their official duties.
694 (8) (a) (i) [~~Members~~] A member who [~~are~~] is not a government [~~employees shall~~]
695 employee may not receive [~~no~~] compensation or benefits for [~~their services~~] the member's
696 service, but may receive per diem and expenses incurred in the performance of the member's
697 official duties at the rates established by the Division of Finance under Sections 63A-3-106 and
698 63A-3-107.
699 (ii) [~~Members~~] A member may decline to receive per diem and expenses for [~~their~~] the
700 member's service.
701 (b) (i) [~~State~~] A state government officer and employee [~~members~~] member who [~~do~~]
702 does not receive salary, per diem, or expenses from [~~their~~] the agency the member represents
703 for [~~their~~] the member's service may receive per diem and expenses incurred in the
704 performance of [~~their~~] the member's official duties [~~from the board~~] at the rates established by
705 the Division of Finance under Sections 63A-3-106 and 63A-3-107.
706 (ii) [~~State~~] A state government officer and employee [~~members~~] member may decline
707 to receive per diem and expenses for [~~their~~] the member's service.
708 Section 13. Section **79-3-303**, which is renumbered from Section 63-73-4 is
709 renumbered and amended to read:
710 **[~~63-73-4~~]. 79-3-303. Responsibilities of board.**
711 The board has the following responsibilities:
712 (1) establish and review policies, programs, and priorities;
713 (2) review and recommend budgets;

714 (3) assess the needs of the community with regard to development and use of geologic
715 resources;
716 (4) keep the director advised concerning survey policies; and
717 (5) enact rules in accordance with Title 63G, Chapter 3, the Utah Administrative
718 Rulemaking Act, that are necessary to carry out the purposes of this chapter.
719 Section 14. Section **79-3-401**, which is renumbered from Section 63-73-10 is
720 renumbered and amended to read:
721 **Part 4. Finances**
722 **[~~63-73-10~~]. 79-3-401. Disposition of survey income -- Sources of funds.**
723 (1) Income to the survey is deposited with the state treasurer and credited by the
724 treasurer to the General Fund as a nonlapsing restrictive account for use by the survey.
725 (2) In addition to those funds that are available to the survey under Subsection (1), the
726 Legislature shall provide such funds by appropriation as are reasonably necessary to meet the
727 requirements of the survey in the performance of its duties and obligations.
728 Section 15. Section **79-3-402**, which is renumbered from Section 63-73-21 is
729 renumbered and amended to read:
730 **[~~63-73-21~~]. 79-3-402. Utah Geological Survey Sample Library Fund.**
731 (1) There is created a restricted special revenue fund known as the "Utah Geological
732 Survey Sample Library Fund."
733 (2) The fund consists of monies from the following revenue sources:
734 (a) donations or contributions from individuals, companies, organizations, or
735 government entities; and
736 (b) interest generated by the fund.
737 (3) The director shall administer the fund.
738 (4) (a) Donations and other contributions to the fund and unallocated interest as
739 provided in Subsection (5)(d) shall constitute the fund's principal.
740 (b) The principal may be expended only with the concurrence of the board.
741 (5) (a) Interest generated by the fund may be expended to support the sample library as
742 provided in Subsections (5)(b) [~~through (d)~~] and (c).
743 [~~(b) For the first two years of the fund's existence, interest generated by the fund shall~~
744 ~~accrue to the fund and may not be expended.~~]

745 [~~(c) After two years, an~~]
746 (b) An amount of money equal to or less than the interest generated by the fund in the
747 previous fiscal year may be expended annually in support of the sample library.
748 [~~(d)~~] (c) Funds that are eligible to be spent, but remain unallocated at the end of any
749 fiscal year, revert to the fund and become part of the fund's principle.
750 Section 16. Section **79-3-501**, which is renumbered from Section 63-73-12 is
751 renumbered and amended to read:
752 **Part 5. Paleontology**
753 **[~~63-73-12~~]. 79-3-501. Permit required to excavate critical paleontological**
754 **resources on state lands -- Removal of specimen or site.**
755 (1) (a) Before excavating for critical paleontological resources on lands owned or
756 controlled by the state or its subdivisions, except as provided in Section [~~63-73-13~~] 79-3-502, a
757 person must obtain a permit from the survey.
758 (b) Application for a permit shall be made on a form furnished by the survey.
759 (c) The survey shall make rules for the issuance of permits specifying or requiring:
760 (i) the minimum permittee qualifications;
761 (ii) the duration of the permit;
762 (iii) proof of permission from the land owner that the permittee may enter the property
763 for purposes specified in the permit;
764 (iv) research designs that provide for the maximum recovery of scientific,
765 paleontological, and educational information, in addition to the physical recovery of specimens
766 and the reporting of paleontological information meeting current standards of scientific rigor;
767 (v) the need, if any, to submit data obtained in the course of field investigations to the
768 survey;
769 (vi) proof of consultation with the designated museum representative regarding
770 curation of collections;
771 (vii) proof of consultation with other agencies that may manage other legal interests in
772 the land; and
773 (viii) other information the survey considers necessary.
774 (2) All paleontological work shall be carried out under the supervision of the director,
775 or assigned staff.

776 (3) A person may not remove from the state, prior to placement in a repository or
777 curation facility, a specimen, site, or portion of a specimen or site from lands owned or
778 controlled by the state or its subdivisions, except as provided in Section [~~63-73-13~~] 79-3-502,
779 without permission from the survey, and without prior consultation with the landowner or other
780 agencies managing other interests in the land.
781 Section 17. Section **79-3-502**, which is renumbered from Section 63-73-13 is
782 renumbered and amended to read:
783 **[~~63-73-13~~]. 79-3-502. Permit required to excavate critical paleontological**
784 **resources on school and institutional trust lands -- Removal of specimen or site.**
785 (1) (a) Before excavating for critical paleontological resources on school or
786 institutional trust lands, a person must obtain a permit from the School and Institutional Trust
787 Lands Administration.
788 (b) The School and Institutional Trust Lands Administration may, by rule, delegate the
789 authority to issue excavation permits for critical paleontological resources to the [~~Utah~~
790 ~~Geological Survey~~] survey.
791 (c) Application for a permit shall be made on a form furnished by the School and
792 Institutional Trust Lands Administration.
793 (d) Prior to issuing a permit, the school and institutional trust lands administration shall
794 consult with the survey director, or assigned staff, pursuant to Section [~~63-73-19~~] 79-3-508.
795 (e) The School and Institutional Trust Lands Administration shall enact rules for the
796 issuance of permits specifying or requiring:
797 (i) the minimum permittee qualifications;
798 (ii) the duration of the permit;
799 (iii) the need, if any, to submit data obtained in the course of field investigations to the
800 administration;
801 (iv) proof of consultation with the designated museum representative regarding
802 curation of collections; and
803 (v) other information the School and Institutional Trust Lands Administration
804 considers necessary.
805 (2) A person may not remove from the state, prior to placement in a repository or
806 curation facility, a specimen, site, or portion of a specimen or site from school and institutional

807 trust lands without permission from the School and Institutional Trust Lands Administration,
808 granted after consultation with the [~~Utah Geological Survey~~] survey.
809 Section 18. Section **79-3-503**, which is renumbered from Section 63-73-14 is
810 renumbered and amended to read:
811 **[~~63-73-14~~]. 79-3-503. Ownership of collections and resources.**
812 (1) Collections recovered from lands owned or controlled by the state or its
813 subdivisions, except as provided in Subsection (2), shall be owned by the state.
814 (2) Collections recovered from school and institutional trust lands shall be owned by
815 the respective trust.
816 (3) Paleontological resources, other than critical paleontological resources, recovered
817 from school and institutional trust lands, shall be owned by the respective trust and shall be
818 managed pursuant to statutory authority of the School and Institutional Trust Lands
819 Administration.
820 (4) The repository or curation facility for collections from lands owned or controlled by
821 the state or its subdivisions shall be designated pursuant to Section 53B-17-603.
822 (5) Specimens found on lands owned or controlled by the state or its subdivisions may
823 not be sold.
824 Section 19. Section **79-3-504**, which is renumbered from Section 63-73-15 is
825 renumbered and amended to read:
826 **[~~63-73-15~~]. 79-3-504. Revocation or suspension of permits -- Criminal penalties.**
827 (1) A permitting agency under Section [~~63-73-12 or 63-73-13~~] 79-3-501 or 79-3-502
828 may revoke or suspend a permit if the permittee fails to conduct the excavation pursuant to the
829 law, the rules enacted by the permitting agency, or permit provisions.
830 (2) (a) A person violating any provision of Section [~~63-73-12 or 63-73-13~~] 79-3-501 or
831 79-3-502 is guilty of a class B misdemeanor.
832 (b) A person convicted of violating any provision of Section [~~63-73-12 or 63-73-13~~]
833 79-3-501 or 79-3-502, or the rules promulgated by the [~~Utah Geological Survey~~] survey or the
834 School and Institutional Trust Lands Administration under those sections, shall forfeit to the
835 state or the respective trust all paleontological resources discovered by or through the person's
836 efforts, in addition to any penalties imposed.
837 Section 20. Section **79-3-505**, which is renumbered from Section 63-73-16 is

838 renumbered and amended to read:

839 **[~~63-73-16~~]. 79-3-505. Paleontological landmarks.**

840 (1) (a) Sites of significance or sites with exceptional fossils may be recommended to
841 and approved by the board as state paleontological landmarks.

842 (b) No privately owned site or site on school or institutional trust lands may be so
843 designated without the written consent of the owner or the trust.

844 (2) A person may not excavate on a privately owned designated landmark without a
845 permit from the survey.

846 (3) Before an alteration is commenced on a designated landmark, three months notice
847 of intent to alter the site shall be given the survey.

848 Section 21. Section **79-3-506**, which is renumbered from Section 63-73-17 is
849 renumbered and amended to read:

850 **[~~63-73-17~~]. 79-3-506. Report of discovery on state or private lands.**

851 (1) A person who discovers any paleontological resources on privately owned lands or
852 on lands owned or controlled by the state or its subdivisions shall promptly report the discovery
853 to the survey.

854 (2) Field investigations shall be discouraged except in accordance with this chapter.

855 (3) Nothing in this section may be construed to authorize a person to excavate for
856 paleontological resources.

857 Section 22. Section **79-3-507**, which is renumbered from Section 63-73-18 is
858 renumbered and amended to read:

859 **[~~63-73-18~~]. 79-3-507. State paleontological register -- Survey duties.**

860 (1) The survey shall establish a state paleontological register for the orderly
861 identification and recognition of the state's paleontological resources.

862 (2) The board shall notify owners of sites and localities before placing those sites or
863 localities on the State Paleontological Register.

864 Section 23. Section **79-3-508**, which is renumbered from Section 63-73-19 is
865 renumbered and amended to read:

866 **[~~63-73-19~~]. 79-3-508. Agency responsibilities -- Allowing director reasonable**
867 **opportunity to comment.**

868 (1) Before expending state funds or approving an undertaking, each state agency shall:

869 (a) take into account the effect of the undertaking on a specimen that is included in or
870 eligible for inclusion in the State Paleontological Register; and
871 (b) allow the director or assigned staff a reasonable opportunity to comment regarding
872 the undertaking or expenditure.
873 (2) The director or assigned staff shall advise on ways to maximize the amount of
874 scientific, paleontological, and educational information recovered, in addition to the physical
875 recovery of specimens and the reporting of paleontological information, at current standards of
876 scientific rigor.
877 Section 24. Section **79-3-509**, which is renumbered from Section 63-73-20 is
878 renumbered and amended to read:
879 **[~~63-73-20~~]. 79-3-509. Curriculum and materials for the training of volunteers**
880 **who assist paleontologists.**
881 (1) The survey shall develop a curriculum and materials for the training of volunteers
882 who assist paleontologists in the field and laboratory.
883 (2) [~~A qualified employee of the survey shall be appointed by the survey~~] The director
884 shall appoint a qualified survey employee to develop the curriculum and materials under this
885 section.
886 (3) The survey may request input and assistance from any interested organization in
887 developing the curriculum and materials.
888 (4) The survey may collect fees to cover the costs of the materials and updating of the
889 curriculum.
890 Section 25. Section **79-3-510**, which is renumbered from Section 63-73-11 is
891 renumbered and amended to read:
892 **[~~63-73-11~~]. 79-3-510. Protection of school and institutional trust land interests**
893 **relating to paleontological resources.**
894 [~~(1) The Legislature declares that the general public and beneficiaries of the school and~~
895 ~~institutional trust lands have an interest in the preservation and protection of the state's~~
896 ~~paleontological resources and a right to the knowledge derived and gained from the scientific~~
897 ~~study of those resources.~~]
898 [~~(2) The Legislature finds that:~~]
899 [~~(a)~~] (1) The School and Institutional Trust Lands Administration shall develop

900 policies and procedures for the excavation of critical paleontological resources from school and
901 institutional trust lands that:
902 (a) are consistent with the provisions of the school and institutional land grants[~~, if~~
903 ~~these policies and procedures~~]; and
904 (b) insure that primary consideration is given, on a site or project specific basis, [~~to the~~
905 ~~purpose of~~] for the support [~~for~~] of the beneficiaries of the school and institutional land
906 grants[~~;~~].
907 [~~(b) the preservation, placement in repository, curation, and exhibition of~~]
908 (2) Consistent with the provisions of the school and institutional land grants, the
909 School and Institutional Trust Lands Administration may:
910 (a) in a coordinated, professional, and organized manner, preserve, place in a
911 repository, curate, and exhibit specimens found on school or institutional trust lands for
912 scientific and educational purposes [~~are consistent with the provisions of the school and~~
913 ~~institutional land grants~~];
914 [~~(c) the preservation and development of~~]
915 (b) preserve and develop sites found on school and institutional trust lands for
916 scientific or educational purposes[~~, or~~]; and
917 (c) provide for the disposition of sites found on school and institutional trust lands,
918 after the appropriate level of data recovery, for preservation, development, or economic
919 purposes[~~, are consistent with the provisions of the school and institutional land grants; and~~].
920 [~~(d) the excavation, curation, study, and exhibition of the state's paleontological~~
921 ~~resources should be undertaken in a coordinated, professional, and organized manner for the~~
922 ~~general welfare of both the public and the beneficiaries.~~]