

Great Salt Lake Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jill Koford

Senate Sponsor: Scott D. Sandall

LONG TITLE**General Description:**

This bill addresses issues related to the Great Salt Lake.

Highlighted Provisions:

This bill:

- clarifies metalliferous compounds for purposes of severance tax issues;
- addresses an exception from procurement provisions;
- modifies requirements related to a feasibility assessment for activities on the Great Salt Lake;
- changes provision related to adaptive management berms;
- addresses powers and duties of the Great Salt Lake Commissioner; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

59-5-203, as last amended by Laws of Utah 2024, Chapter 25

63G-6a-107.6, as last amended by Laws of Utah 2024, Chapters 291, 522

65A-6-4, as last amended by Laws of Utah 2024, Chapter 25

65A-17-201, as renumbered and amended by Laws of Utah 2024, Chapter 25

73-32-101, as enacted by Laws of Utah 2023, Chapter 205

73-32-202, as enacted by Laws of Utah 2023, Chapter 205

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

Section 1. Section **59-5-203** is amended to read:

59-5-203 . Determining taxable value.

(1) Except as provided in Subsection (3), the basis for computing the gross proceeds, prior to those deductions or adjustments specified in this chapter, in determining the taxable value of the metals, metalliferous minerals, or metalliferous compounds, as defined in Subsection 59-5-202(5), sold or otherwise disposed of, in the order of priority, is as follows:

(a) If the metals, metalliferous mineral products, or metalliferous compounds are actually sold, the value of those metals, metalliferous mineral products, or metalliferous compounds shall be the gross amount the producer receives from that sale, provided that the metals, metalliferous mineral products, or metalliferous compounds are sold under a bona fide contract of sale between unaffiliated parties. In the case of a sale of uranium concentrates, gross proceeds shall be the gross amount the producer receives from the sale of processed uranium concentrate or "yellowcake," provided that the uranium concentrate is sold under a bona fide contract of sale between unaffiliated parties.

(b)(i) For purposes of a Great Salt Lake extraction operator, as defined in Section 59-5-202, if metals, metalliferous minerals, or metalliferous compounds are not sold, but are otherwise disposed of, the gross proceeds shall be the multiple of the recoverable units of finished or unfinished metals, or of the finished or unfinished metals contained in the metalliferous minerals or metalliferous compounds shipped, and the average daily price per unit of contained metals as quoted by an established authority for market prices of metals for the period during which the tax imposed by this chapter is due.

(ii) The established authority or authorities under this Subsection (1)(b) shall be designated by the commission by rule adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(c)(i) If the metals, metalliferous mineral products, or metalliferous compounds are not actually sold but are shipped, transported, or delivered out of state, the gross proceeds shall be the multiple of the recoverable units of finished metals, or of the finished metals contained in the metalliferous minerals or metalliferous compounds shipped, and the average daily price per unit of contained metals as quoted by an established authority for market prices of metals for the period during which the tax imposed by this chapter is due.

(ii) The established authority or authorities shall be designated by the commission by rule adopted in accordance with Title 63G, Chapter 3, Utah Administrative

Rulemaking Act.

(d) In the case of metals, metalliferous minerals, or metalliferous compounds not sold, but otherwise disposed of, for which there is no established authority for market prices of metals for the period during which the tax imposed by this chapter is due, gross proceeds is determined by allocating to the state the same proportion of the producer's total sales of metals, metalliferous minerals, or metalliferous compounds sold or otherwise disposed of as the producer's total Utah costs bear to the total costs associated with sale or disposal of the metal~~[-or]~~ , metalliferous mineral~~[-]~~ , or metalliferous compound.

(e) In the event of a sale of metals, metalliferous minerals, or metalliferous compounds between affiliated companies which is not a bona fide sale because the value received is not proportionate to the fair market value of the metals, metalliferous minerals, metalliferous compounds or in the event that Subsection (1)(a), (b), (c), or (d) are not applicable, the commission shall determine the value of such metals, metalliferous minerals, or metalliferous compounds in an equitable manner by reference to an objective standard as specified in a rule adopted in accordance with the provisions of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) For all metals except beryllium, the taxable value of the metalliferous mineral sold or otherwise disposed of is 30% of the gross proceeds received for the metals sold or otherwise disposed of by the producer of the metal.

(3) Notwithstanding Subsection (1) or (4), the taxable value of beryllium sold or otherwise disposed of by the producer of the beryllium is equal to 125% of the direct mining costs incurred in mining the beryllium.

(4) Except as provided in Subsection (3), if the metalliferous mineral sold or otherwise disposed of is sold or shipped out of state in the form of ore, then the taxable value is 80% of the gross proceeds.

Section 2. Section **63G-6a-107.6** is amended to read:

63G-6a-107.6 . Exemptions from chapter.

(1) Except for this Subsection (1), ~~[the provisions of this chapter do]~~ this chapter does not apply to:

(a) a public entity's acquisition of a procurement item from another public entity; or

(b) a public entity that is not a procurement unit, including the Colorado River Authority of Utah as provided in Section 63M-14-210.

(2) Unless otherwise provided by statute and except for this Subsection (2), ~~[the provisions~~

of this chapter do] this chapter does not apply to the acquisition or disposal of real property or an interest in real property, including the acquisition or lease of water or water rights for the Great Salt Lake.

- (3) Except for this Subsection (3) and Part 24, Unlawful Conduct and Penalties, [the provisions of this chapter do] this chapter does not apply to:
- (a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art Act;
 - (b) a grant;
 - (c) medical supplies or medical equipment, including service agreements for medical equipment, obtained by the University of Utah Hospital or the Department of Health and Human Services through a purchasing consortium if:
 - (i) the consortium uses a competitive procurement process; and
 - (ii) the chief administrative officer of the hospital or the executive director of the Department of Health and Human Services, as the case may be, makes a written finding that the prices for purchasing medical supplies and medical equipment through the consortium are competitive with market prices;
 - (d) the purchase of firefighting supplies or equipment by the Division of Forestry, Fire, and State Lands, created in Section 65A-1-4, through the federal General Services Administration or the National Fire Cache system;
 - (e) supplies purchased for resale to the public;
 - (f) activities related to the management of investments by a public entity granted investment authority by law; or
 - (g) activities of the Utah water agent appointed under Section 73-10g-702.
- (4) This chapter does not supersede the requirements for retention or withholding of construction proceeds and release of construction proceeds as provided in Section 13-8-5.
- (5) Except for this Subsection (5), [~~the provisions of this chapter do~~] this chapter does not apply to a procurement unit's hiring a mediator, arbitrator, or arbitration panel member to participate in the procurement unit's dispute resolution efforts.

Section 3. Section **65A-6-4** is amended to read:

65A-6-4 . Mineral leases -- Multiple leases on same land -- Rentals and royalties -- Lease terms -- Great Salt Lake.

(1) As used in this section:

- (a) "Great Salt Lake element or mineral" means:
 - (i) a rare earth element;

- 133 (ii) a trace element or mineral; or
134 (iii) a chemical compound that includes a rare earth element or trace element or
135 mineral.
- 136 (b) "Operator" means, for purposes of provisions applicable to the extraction of a Great
137 Salt Lake element or mineral, a person qualified to do business in the state who is
138 pursuing the extraction of a Great Salt Lake element or mineral.
- 139 (c) "Rare earth element" is one of the following ores, minerals, or elements located in
140 the brines or the sovereign lands of the Great Salt Lake:
- 141 (i) lanthanum;
142 (ii) cerium;
143 (iii) praseodymium;
144 (iv) neodymium;
145 (v) samarium;
146 (vi) europium;
147 (vii) gadolinium;
148 (viii) terbium;
149 (ix) dysprosium;
150 (x) holmium;
151 (xi) erbium;
152 (xii) thulium;
153 (xiii) ytterbium;
154 (xiv) lutetium; and
155 (xv) yttrium.
- 156 (d) "Trace element or mineral" means an element or mineral that is located in the brines
157 or the sovereign lands of the Great Salt Lake that is not in production by July 1, 2020,
158 and for which the state has not received a royalty payment by July 1, 2020.
- 159 (2)(a) Mineral leases, including oil, gas, and hydrocarbon leases, may be issued for
160 prospecting, exploring, developing, and producing minerals covering any portion of
161 state lands or the reserved mineral interests of the state.
- 162 (b)(i) Leases may be issued for different types of minerals on the same land.
163 (ii) If leases are issued for different types of minerals on the same land, the leases
164 shall include stipulations for simultaneous operations, except that for leases
165 related to the Great Salt Lake the leases shall include stipulations for simultaneous
166 operations that will not interfere with, impede, limit, or require changes to

- 167 pre-existing rights.
- 168 (c) No more than one lease may be issued for the same resource on the same land.
- 169 (d) The division shall require a separate royalty agreement for extraction of Great Salt
170 Lake elements or minerals from brines of the Great Salt Lake when:
- 171 (i) a mineral lease, a royalty agreement, or both that are in effect before the operator
172 seeks to extract a particular Great Salt Lake element or mineral do not expressly
173 include the right to extract the particular Great Salt Lake element or mineral; or
- 174 (ii) the proposed operation will use brines from the Great Salt Lake, but will not
175 occupy sovereign lands for the direct production of Great Salt Lake elements or
176 minerals other than for incidental structures such as pumps and intake and outflow
177 pipelines.
- 178 (3)(a) Each mineral lease issued by the division shall provide for an annual rental of not
179 less than \$1 per acre per year, except that a mineral lease issued by the division
180 involving the extraction of a Great Salt Lake element or mineral from brines in the
181 Great Salt Lake shall provide for an annual rental of not less than \$100 per acre per
182 year.
- 183 (b) However, a lease may provide for a rental credit, minimum rental, or minimum
184 royalty upon commencement of production, as prescribed by rule.
- 185 (4) The primary term of a mineral lease may not exceed:
- 186 (a) 20 years for oil shale and tar sands; and
- 187 (b) 10 years for oil and gas and any other mineral.
- 188 (5)(a) In addition to the requirements of Chapter 17, Part 3, Mineral or Element
189 Extraction, and subject to the other provisions of this Subsection (5), for a mineral
190 lease or royalty agreement involving the extraction of Great Salt Lake elements and
191 minerals from brines in the Great Salt Lake, the division shall ensure that the
192 following terms, as applicable, are included:
- 193 (i) an extraction operation or extraction method shall adhere to commercially viable
194 technologies that minimize water depletion;
- 195 (ii) a provision authorizing the division to curtail or limit Great Salt Lake element or
196 mineral production at any time the condition of the Great Salt Lake reaches the
197 emergency trigger, as defined in Section 65A-17-101;
- 198 (iii) a provision authorizing the division to withdraw lands, operations, extraction
199 methods, or technologies from Great Salt Lake element or mineral production or
200 Great Salt Lake element or mineral operations;

(iv) a provision allowing the division to require an existing operator to use commercially viable, innovative technologies to minimize water depletions caused by the planned mineral extraction as a condition of continued operations if the technology:

(A) has been successfully implemented on a commercial scale in similar circumstances;

(B) has been shown to be economically viable; and

(C) is reasonably compatible with the operator's overall extraction process; and

(v) a provision that provides for the reductions of the following after the primary term of a mineral lease or royalty agreement:

(A) the acreage subject to the mineral lease by the acreage the operator does not use to extract a Great Salt Lake element or mineral during the primary term of the mineral lease under conditions that do not constitute waste, as defined in Section 65A-17-101; and

(B) the volume of water that the operator may divert from the Great Salt Lake, by the volume of water that the operator does not use during the longer of the primary term of the mineral lease or seven years if the operator fails to use the volume of water for a beneficial use, except if the failure to use the volume of water is as a result of a reduction of water usage under Section 73-33-201 or is excused under Section 73-1-4.

(b) If under Subsection (5)(a)(iv) the division requires an existing operator to use a commercially viable, innovative technology, the division may not require use of a technology not yet proven to be commercially viable on the Great Salt Lake and may not require implementation of the technology to begin until after a reasonable period determined by the division that is at least five years but does not exceed seven years.

(c)(i) If the volume of water that the operator may divert from the Great Salt Lake is reduced under Subsection (5)(a)(v), the division shall pursue a judicial action to declare all or a portion of the water right forfeited under Subsection 73-1-4(2).

(ii) If the division secures the reduction under this Subsection (5)(c), the division shall petition the state engineer to order a reversal of the application approval in accordance with the terms of the reduction or forfeiture of the water right.

(iii) Nothing in this Subsection (5) modifies or otherwise affects Section 73-1-4 or 73-3-30.

(6)(a) Before issuing a royalty agreement under Subsection (2)(d), the division may

require an operator to engage in a feasibility assessment and may issue a royalty agreement without compliance of Subsection (5)(a) if the agreement:

- (i) has a term of 12 months or less; and
- (ii) ~~[limits use of]~~ requires a minimum use of five acre-feet of brines from the Great Salt Lake~~[-to a maximum of five acre-feet]~~ during the term of the agreement.

Ĥ→ (b) Subsection (6)(a)(ii) requiring a minimum use of five acre-feet of brines from the Great Salt Lake does not apply to an operator who filed an application with the division for a feasibility assessment before January 1, 2025.

~~[(b)] (c) ←Ĥ~~ The division may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for implementing this Subsection (6).

(7)(a) Upon nomination from a prospective operator, the division shall by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish a royalty rate and calculation methodology for a Great Salt Lake element or mineral that:

- (i) provides for a full and fair return to the state from the production of the Great Salt Lake element or mineral;
- (ii) is consistent with market royalty rates applicable to the production of the Great Salt Lake element or mineral or of the production of oil and gas;
- (iii) provides a base royalty rate;
- (iv) provides a reduced royalty rate from the royalty rate under Subsection (7)(a)(iii) if the royalty agreement:
 - (A) relates to a non-evaporative method of producing the Great Salt Lake element or mineral; or
 - (B) provides an incentive to use commercially viable, innovative technology to minimize water depletion and evaporation as determined by the division;
- (v) provides a reduced royalty rate from the royalty rate under Subsection (7)(a)(iii) if the prospective operator for the extraction of lithium demonstrates to the satisfaction of the division that the prospective operator has an agreement with a person who will process or manufacture a product in this state, exclusive of any primary or secondary lithium processing or manufacturing, using the lithium extracted by the prospective operator; and
- (vi) subject to Subsection (7)(e), provides for a royalty rate that is based on the highest market value prevailing at the time of the sale or disposal of the following:

- (A) the Great Salt Lake element or mineral; or
- (B) a product the lessee produces from the Great Salt Lake element or mineral.
- (b) Before entering into a royalty agreement permitting the extraction of Great Salt Lake elements or minerals, the operator shall:
- (i) demonstrate the proposed operation's commercial viability;
 - (ii) certify before operation begins that the operator is not negatively impacting the biota or chemistry of the Great Salt Lake; and
 - (iii) obtain the approval of the division and the Department of Environmental Quality that the certification supports a finding that the operation will not negatively impact the biota or chemistry of the Great Salt Lake.
- (c) A new mineral lease for a Great Salt Lake element or mineral in production in the Great Salt Lake as of May 3, 2023, is subject to new royalty rates due to emergent technologies.
- (d) An operator who as of July 1, 2020, had a mineral lease with the division but not a royalty agreement and who is subject to a severance tax under Subsection 59-5-202
- (5)
- shall pay a royalty under this section in addition to the severance tax.
- (e) The royalty rate described in Subsection (7)(a)(vi) may not be reassessed during the primary term of an initial royalty agreement issued under this section, but may be reassessed upon the conclusion of the primary term.
- (8)(a) Except as provided in Subsection (8)(b), an operator who extracts a Great Salt Lake element or mineral from tailings from the production of Great Salt Lake elements or minerals from brines in the Great Salt Lake is subject to this section to the same extent as an operator producing a Great Salt Lake element or mineral from brines in the Great Salt Lake.
- (b) An operator that, as of May 3, 2023, has an agreement to recover a Great Salt Lake element or mineral from existing tailings, discarded material, end-use products, or waste products produced from the evaporation and processing of Great Salt Lake brines is not subject to this section, except as to the payment of royalties set by the division under Subsection (7)(a). The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the issuance and termination of a royalty agreement for mineral extraction from tailings, discarded material, end-use products, or waste products produced from the evaporation and processing of Great Salt Lake brines.

(c) An operator that, as of May 3, 2023, has an underlying agreement to recover a Great Salt Lake element or mineral shall obtain an additional agreement for any additional Great Salt Lake element or mineral produced from the tailings, discarded material, end-use products, or waste products newly produced under the underlying agreement. The additional agreement is subject to this section.

(9) The division shall annually report to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee regarding the amount of money collected under this section from royalties provided for in Subsection (7).

(10)(a) In the issuance of royalty agreements for the extraction of lithium from the Great Salt Lake, the division shall prioritize applicants that do not use evaporative concentration of Great Salt Lake brines in any stage of the extractive process.

(b) The division may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, creating a process for implementing this Subsection (10).

(11) Except in relationship to mineral leases related to the Great Salt Lake, the division shall make rules regarding the continuation of a mineral lease after the primary term has expired, which shall provide that a mineral lease shall continue so long as:

(a) the mineral covered by the lease is being produced in paying quantities from:

(i) the leased premises;

(ii) lands pooled, communitized, or unitized with the leased premises; or

(iii) lands constituting an approved mining or drilling unit with respect to the leased premises; or

(b)(i) the lessee is engaged in diligent operations, exploration, research, or development which is reasonably calculated to advance development or production of the mineral covered by the lease from:

(A) the leased premises;

(B) lands pooled, communitized, or unitized with the leased premises; or

(C) lands constituting an approved mining or drilling unit with respect to the leased premises; and

(ii) the lessee pays a minimum royalty.

(12) For the purposes of Subsection (11), diligent operations with respect to oil, gas, and other hydrocarbon leases may include cessation of operations not in excess of 90 days in duration.

(13)(a) The division shall study and analyze each mineral lease and mineral royalty

agreement issued on the Great Salt Lake and compare and evaluate whether the mineral leases and royalty agreements are representative of current market conditions. As part of this study, the division shall:

(i) make the following determinations for mineral leases:

(A) whether the entire surface area described within the mineral lease is being used; and

(B) whether the annual lease payments are representative of current market conditions; and

(ii) for royalty agreements, perform studies and comparative analyses to determine whether the state is receiving royalty rates consistent with current market conditions.

(b) By no later than the 2023 November interim meeting, the division shall report the division's findings of the study required by this Subsection (13) to the Natural Resources, Agriculture, and Environment Interim Committee.

(14) The division may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for implementing this section.

(15) The provisions in this section related to extraction of a Great Salt Lake element or mineral under a mineral lease or royalty agreement apply to a mineral lease or royalty agreement in effect on May 1, 2024, and any mineral lease or royalty agreement entered into after May 1, 2024.

Section 4. Section **65A-17-201** is amended to read:

65A-17-201 . Great Salt Lake -- Management responsibilities of the division.

The division has the following powers and duties:

(1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the management of the Great Salt Lake that recognize the division's duty to manage public trust assets and balance the following public interest benefits and policies:

(a) strategies to effectively and efficiently manage the Great Salt Lake based on the Great Salt Lake's fluctuating lake levels;

(b) development of the Great Salt Lake that balances, in a manner that promotes a healthy physical and ecological condition:

(i) migratory and shorebirds habitats;

(ii) wetlands;

(iii) brines, minerals or elements, chemicals, and petro-chemicals;

- 366 (iv) brine shrimp;
- 367 (v) the protection of wildlife and wildlife habitat;
- 368 (vi) the protection of recreational access and facilities; and
- 369 (vii) search and rescue efforts;
- 370 (c) promote water quality management for the Great Salt Lake and the Great Salt Lake's
- 371 tributary streams;
- 372 (d) public access to the Great Salt Lake for recreation, hunting, and fishing;
- 373 (e) temperature moderation, a stable role in the water cycle, and dust mitigation;
- 374 (f) maintain the Great Salt Lake's flood plain as a hazard zone;
- 375 (g) maintain the Great Salt Lake and the marshes as important shorebirds, waterfowl,
- 376 and other waterbird flyway system;
- 377 (h) promote and maintain recreation areas on and surrounding the Great Salt Lake; and
- 378 (i) maintain and protect state, federal, and private marshlands, rookeries, and wildlife
- 379 refuges.
- 380 (2)(a) The division shall prepare and maintain a comprehensive management plan for the
- 381 Great Salt Lake that is consistent with:
- 382 (i) the management duty and public interest benefits described in Subsection (1);
- 383 (ii) policies established by rule made under Subsection (1); and
- 384 (iii) the Great Salt Lake strategic plan adopted under Section 73-32-204.
- 385 (b) The comprehensive management plan described in this section shall integrate the
- 386 land within the Great Salt Lake meander line regardless of whether the land has been
- 387 excluded from water within the Great Salt Lake because of a berm or other
- 388 infrastructure on sovereign land associated with the Great Salt Lake.
- 389 (c) The division shall prepare the comprehensive management plan in consultation with
- 390 the Great Salt Lake commissioner.
- 391 (3) The division may employ personnel and purchase equipment and supplies that the
- 392 Legislature authorizes through appropriations for the purposes of this chapter and
- 393 Chapter 10, Management of Sovereign Lands.
- 394 (4) The division may initiate studies of the Great Salt Lake and the Great Salt Lake's related
- 395 resources.
- 396 (5) The division may publish scientific and technical information concerning the Great Salt
- 397 Lake.
- 398 (6) The division shall define the Great Salt Lake's flood plain.
- 399 (7) The division may qualify for, accept, and administer grants, gifts, or other funds from

the federal government and other sources, for carrying out any functions under this chapter and Chapter 10, Management of Sovereign Lands.

(8) The division shall determine the need for public works and utilities for the lake area.

(9) The division may implement the comprehensive plan described in Subsection (2) through state and local entities or agencies.

(10) The division shall coordinate the activities of the various divisions within the Department of Natural Resources with respect to the Great Salt Lake.

(11) The division shall retain and encourage the continued activity of the Great Salt Lake technical team.

(12) The division shall administer Chapter 16, Great Salt Lake Watershed Enhancement Program.

(13) The division shall administer Section 65A-17-202 when the Great Salt Lake emergency trigger is reached.

(14)(a) The division shall manage the adaptive management berm in the UP causeway breach to keep salinity of Gilbert Bay within target ranges, raising and lowering the adaptive management berm as needed to achieve that goal.

(b) In pursuing the goal described in Subsection (14)(a), the division shall:

(i) consider the other management objectives enumerated in this section, including the preservation of Gunnison Bay;

(ii) raise the adaptive management berm if the Great Salt Lake elevation is 4,190 feet or lower; and

(iii) comply with a plan and schedule required by Subsection (14)(c).

(c) Before raising the adaptive management berm, the division shall have a plan and schedule to lower the adaptive management berm by no later than ~~nine~~ 18 months after raising the adaptive management berm, with an objective of equalizing the elevations of Gilbert Bay and Gunnison Bay to be within two feet of each other.

(d) The division will consult with the Great Salt Lake commissioner:

(i) before modifying the adaptive management berm; and

(ii) concerning the adoption of the plan and schedule described in Subsection (14)(c).

(15) Notwithstanding a statute to the contrary and except for activities that interfere with the authority granted the state engineer under Title 73, Water and Irrigation, the division may construct, operate, modify, or maintain infrastructure related to protecting the Great Salt Lake and adjacent wetlands and may engage in planning and provide staff to manage the infrastructure.

(16) The division may perform acts other than those described in Subsections (1) through (15) that are reasonably necessary to carry out this chapter and Chapter 10, Management of Sovereign Lands.

(17) The division shall complete an analysis to determine the infrastructure and engineering needs related to salinity management within the Great Salt Lake meander line.

(18) The division shall consult with the Division of Wildlife Resources to identify projects on sovereign lands that benefit wildlife habitat through the improved flow of water and management of both native and invasive plant species.

(19) This chapter may not be interpreted to override, supersede, or modify any water right within the state, or the role and authority of the state engineer.

Section 5. Section **73-32-101** is amended to read:

73-32-101 . Definitions.

As used in this chapter:

(1) "Account" means the Great Salt Lake Account created in Section 73-32-304.

(2) "Agricultural water" means water placed to beneficial use on land in agricultural use as defined under Section 59-2-502.

~~[(2)]~~ (3) "Commissioner" means the Great Salt Lake commissioner appointed under Section 73-32-201.

~~[(3)]~~ (4) "Council" means the Great Salt Lake Advisory Council created in Section 73-32-302.

~~[(4)]~~ (5) "Department" means the Department of Natural Resources.

~~[(5)]~~ (6) "Office" means the Office of the Great Salt Lake Commissioner created in Section 73-32-301.

~~[(6)]~~ (7) "State agency" means a department, division, board, council, committee, institution, office, bureau, or other similar administrative unit of the executive branch of state government.

~~[(7)]~~ (8) "Strategic plan" means the plan prepared by the commissioner under Sections 73-32-202 and 73-32-204.

Section 6. Section **73-32-202** is amended to read:

73-32-202 . Duties and authorizations of the commissioner.

(1) The commissioner shall:

(a) subject to Section 73-32-204, prepare an approved strategic plan for the long-term health of the Great Salt Lake and update the strategic plan regularly;

(b) oversee the execution of the strategic plan by other state agencies as provided in

Section 73-32-203;

- (c) maintain information that measures Great Salt Lake levels, salinity, and overall health;
- (d) meet regularly with the executive director of the department and with the executive director of the Department of Environmental Quality;
- (e) consult with the Division of Forestry, Fire, and State Lands regarding Title 65A, Chapter 16, Great Salt Lake Watershed Enhancement Program;
- (f) monitor the integrated water assessment conducted under Chapter 10g, Part 4, Great Salt Lake Watershed Integrated Water Assessment;
- (g) inform the governor, the president of the Senate, and the speaker of the House of Representatives, at least annually, about the status of the strategic plan and the progress regarding implementation of the strategic plan;
- (h) at least annually report to the Executive Appropriations Committee regarding the expenditure of money under this chapter;
- (i) coordinate and work collaboratively with water conservancy districts that serve water users within the Great Salt Lake watershed; ~~and~~
- (j) consult on projects funded by state appropriations that are designed to acquire or lease water or water rights for the Great Salt Lake to ensure the project is consistent with the strategic plan; and
- ~~[(j)]~~ (k) annually report to the Natural Resources, Agriculture, and Environment Interim Committee regarding the activities of the commissioner.

(2) The commissioner may:

- (a) access information from other state or federal agencies related to the Great Salt Lake;
- (b) develop cooperative agreements between the state, political subdivisions, and agencies of the federal government for involvement in the strategic plan;
- (c) produce research, documents, maps, studies, analysis, or other information that supports the strategic plan for the Great Salt Lake;
- (d) facilitate and coordinate the exchange of information, comments, and recommendations on Great Salt Lake policies between and among:
 - (i) state agencies;
 - (ii) political subdivisions;
 - (iii) institutions of higher education that conduct research relevant to the Great Salt Lake;
 - (iv) nonprofit entities; and

- (v) private business;
- (e) communicate with the Great Salt Lake Watershed Council created under Chapter 10g, Part 3, Watershed Councils Act; ~~and~~
- (f) subject to Subsection (3), negotiate agreements, leases, or other means to acquire or lease water or water rights for the Great Salt Lake pursuant to the exemption under Subsection 63G-6a-107.6(2); and
- ~~[(f)]~~ (g) perform other duties that the commissioner considers necessary or expedient to carry out the purposes of this chapter.
- ~~(3)(a)~~ A change application for a water right acquired or leased under Subsection (2)(f) for use on sovereign lands in the Great Salt Lake shall be administered in accordance with Section 73-3-30.
- ~~(b)~~ The commissioner shall consult with the commissioner of the Department of Agriculture and Food regarding terms and conditions for leasing agricultural water for the Great Salt Lake.
- ~~[(3)]~~ (4) In fulfilling the duties under this chapter, the commissioner shall consult and coordinate, as necessary, with:
- (a) the department;
- (b) the Department of Agriculture and Food;
- (c) the Department of Environmental Quality;
- (d) other applicable state agencies;
- (e) political subdivisions of the state;
- (f) federal agencies;
- (g) elected officials; and
- (h) local tribal officials.

Section 7. **Effective Date.**

This bill takes effect on May 7, 2025.