

Brady Brammer proposes the following substitute bill:

Utah Lake Authority Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

House Sponsor: Stephanie Gricius

LONG TITLE

General Description:

This bill amends provisions related to the Utah Lake Authority (lake authority).

Highlighted Provisions:

This bill:

- modifies certain definitions;
- establishes the lake authority's funding sources;
- establishes a Utah Lake nature and research center with Utah Valley University;
- restructures the appointment process for certain lake authority board members;
- creates requirements for when and how lake authority project area plans must be prepared; and
- makes technical changes and corrections.

Money Appropriated in this Bill:

This bill appropriates \$2,152,000 in operating and capital budgets for fiscal year 2025, all of which is from the General Fund.

This bill appropriates \$2,152,000 in transfers to unrestricted funds for fiscal year 2025, all of which is from the General Fund.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-65-101, as last amended by Laws of Utah 2024, Chapters 53, 438

11-65-103, as enacted by Laws of Utah 2022, Chapter 59

11-65-302, as last amended by Laws of Utah 2023, Chapter 204

11-65-401, as enacted by Laws of Utah 2022, Chapter 59

ENACTS:

29 **11-65-207**, Utah Code Annotated 1953

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

32 Section 1. Section **11-65-101** is amended to read:

33 **11-65-101 . Definitions.**

34 As used in this chapter:

- 35 (1) "Adjacent political subdivision" means a political subdivision of the state with a
36 boundary that abuts the lake authority boundary or includes lake authority land.
- 37 (2) "Board" means the lake authority's governing body, created in Section 11-65-301.
- 38 (3) "Lake authority" means the Utah Lake Authority, created in Section 11-65-201.
- 39 (4) "Lake authority boundary" means the boundary:
40 (a) defined by recorded boundary settlement agreements between private landowners
41 and the Division of Forestry, Fire, and State Lands; and
42 (b) that separates privately owned land from Utah Lake sovereign land.
- 43 (5) "Lake authority land" means land on the lake side of the lake authority boundary.
- 44 (6) "Management" means work to coordinate and facilitate the improvement of Utah Lake,
45 including work to enhance the long-term viability and health of Utah Lake and to
46 produce economic, aesthetic, recreational, environmental, and other benefits for the
47 state, consistent with the strategies, policies, and objectives described in this chapter.
- 48 (7) "Management plan" means a plan to conceptualize, design, facilitate, coordinate,
49 encourage, and bring about the management of the lake authority land to achieve the
50 policies and objectives described in Section 11-65-203.
- 51 (8) "Nonvoting member" means an individual appointed as a member of the board under
52 Subsection 11-65-302(6) who does not have the power to vote on matters of lake
53 authority business.
- 54 (9) "Project area" means ~~[an area that is identified in a project area plan as the area where~~
55 ~~the management described in the project area plan will occur.]~~ the geographic area
56 described in a project area plan or draft project area plan where rehabilitation,
57 development, or improvement may occur.
- 58 (10) "Project area budget" means a multiyear projection of annual or cumulative revenues
59 and expenses and other fiscal matters pertaining to a project area.
- 60 (11) "Project area plan" means a written plan that, after the plan's effective date, manages
61 activity within a project area within the scope of a management plan.
- 62 (12) "Public entity" means:

- (a) the state, including each department, division, or other agency of the state; or
- (b) a county, city, town, school district, special district, special service district, interlocal cooperation entity, community reinvestment agency, or other political subdivision of the state.

(13) "Publicly owned infrastructure and improvements":

- (a) means infrastructure, improvements, facilities, or buildings that:
- (i) benefit the public; and
- (ii)(A) are owned by a public entity or a utility; or
- (B) are publicly maintained or operated by a public entity; and
- (b) includes:
- (i) facilities, lines, or systems that provide:
- (A) water, chilled water, or steam; or
- (B) sewer, storm drainage, natural gas, electricity, energy storage, clean energy, microgrids, or telecommunications service; and
- (ii) streets, roads, curbs, gutters, sidewalks, walkways, solid waste facilities, parking facilities, and public transportation facilities.

(14) "Sovereign land" means land:

- (a) lying below the ordinary high water mark of a navigable body of water at the date of statehood; and
- (b) owned by the state by virtue of the state's sovereignty.

(15) "Utah Lake" includes all waters of Utah Lake and all land, whether or not submerged under water, within the lake authority boundary.

(16) "Voting member" means an individual appointed as a member of the board under Subsection 11-65-302(2).

Section 16. Section **11-65-103** is amended to read:

11-65-103 . Nonlapsing funds.

~~[Money the lake authority receives from legislative appropriations is nonlapsing]~~ Direct award grants authorized under Section 63G-6b-301 intended for the Utah Lake Authority provided to the Department of Natural Resources are nonlapsing.

Section 5. Section **11-65-207** is enacted to read:

11-65-207 . Nature center and research funding.

- (1) As used in this section, "center" means a Utah Lake nature or research center described in this section.
- (2) The lake authority's offices shall be housed at a center affiliated with Utah Valley

University in space provided by Utah Valley University.

(3) The lake authority shall oversee the planning, development, and management of the center as agreed upon between the lake authority and Utah Valley University.

(4) The lake authority shall partner with Utah Valley University to:

(a) select research the center sponsors or conducts; and

(b) award and provide oversight of any applied research funds associated with the center to advance research at Utah Lake.

Section 7. Section **11-65-302** is amended to read:

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

(1) The lake authority's board shall consist of 15 members, as provided in Subsection (2).

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

(b) The president of the Senate shall appoint as one board member an individual who holds office as a member of the Senate and whose Senate district includes an area within Utah County.

(c) The speaker of the House of Representatives shall appoint as one board member an individual who holds office as a member of the House of Representatives and whose House of Representatives district includes an area within Utah County.

(d) The legislative body of Utah County shall appoint a member of the legislative body of Utah County as a board member.

~~[(e)(i) The Utah County Council of Governments shall appoint eight board members, at least one of whom shall be an individual selected from among individuals designated by chambers of commerce in Utah County, each of which may recommend an individual for appointment to the board.]~~

~~[(ii) Except for a member appointed as designated by a chamber of commerce in Utah County, all members appointed by the Utah County Council of Governments shall be elected officials from municipalities whose boundaries are no more than one half mile from the lake authority boundary.]~~

~~[(iii) The initial members appointed by the Utah County Council of Governments shall include:]~~

~~[(A) an individual designated by the legislative body of the city of Lehi;]~~

~~[(B) an individual designated by the legislative body of the city of Lindon;]~~

~~[(C) an individual designated by the legislative body of the city of Spanish Fork;]~~

~~[(D) an individual who is an elected officer of the city of Provo, designated by the~~

mayor of the city of Provo;]

~~[(E) an individual who is an elected officer of the city of Orem, designated by the legislative body of the city of Orem;]~~

~~[(F) an individual who is an elected officer of the city of Vineyard, designated by the legislative body of the city of Vineyard; and]~~

~~[(G) an individual who is an elected officer of the city of Saratoga Springs, designated by the legislative body of the city of Saratoga Springs.]~~

(e) The Utah County Council of Governments shall appoint eight board members as follows:

(i) at least one board member shall be a member of a Utah County chamber of commerce chosen by the council from recommendations received by the chambers of commerce in Utah County; and

(ii) except as provided in Subsection (2)(e)(iii), the remaining board members who shall be elected officials appointed by the legislative bodies of municipalities within a half-mile of the lake authority boundary, including elected officials from the cities of:

(A) Lehi;

(B) Lindon;

(C) Spanish Fork;

(D) Provo;

(E) Orem;

(F) Vineyard;

(G) Saratoga Springs;

(H) American Fork;

(I) ~~§~~ → **Springville**; ← ~~§~~ and

~~{(I)}~~ (J) Genola; and

(iii) notwithstanding Subsection (2)(e)(ii), for an individual representing Provo City, an individual who is an elected officer of the city of Provo, designated by the mayor of the city of Provo.

(f) The executive director of the Department of Natural Resources shall appoint one board member.

(g) The executive director of the Department of Environmental Quality shall appoint one board member.

(3) Appointments required under Subsection (2) shall be made no later than June 1[, 2022]

of each appointing year, in accordance with this section.

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

(b) An individual appointed to fill a vacancy shall serve the remaining unexpired term of the member whose vacancy the individual is filling.

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

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

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

(8) The board:

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

(b) shall appoint an advisory committee to advise on:

(i) water rights, water projects, and water facilities associated with Utah Lake; and

(ii) recreation and avian and other wildlife activities on Utah Lake.

Section 9. Section **11-65-401** is amended to read:

11-65-401 . Determination when a project area plan is required -- Preparation of project area plan -- Required contents of project area plan.

(1) The lake authority shall prepare a project area plan when:

(a) the project will be funded in whole or in part by property tax revenue;

(b) the project meets or exceeds a minimum acreage of land threshold the lake authority sets; and

(c) the land for the project area is owned by multiple parties.

(2) The lake authority shall ensure a project plan:

(a) effectuates a public purpose;

(b) provides a public benefit;

(c) is economically sound and feasible; and

(d) aligns with the lake authority's goals.

~~[(4)]~~ (3)(a) The lake authority board's adoption of a project area plan is governed by this

part.

(b) In order to adopt a project area plan, the lake authority board shall:

(i) prepare a draft project area plan;

(ii) give notice as required under Subsection 11-65-402(2);

(iii) hold the public meetings required under Subsection 11-65-402(1) at least 30 days apart; and

(iv) after holding the required public meetings and subject to Subsection (1)(c), adopt the draft project area plan as the project area plan.

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

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

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

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

~~[(2)]~~ (4) Each project area plan and draft project area plan shall contain:

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

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

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

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

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

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

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

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

Section 18. **FY 2025 Appropriations.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2024, and ending June 30, 2025. These are additions to amounts previously appropriated for fiscal year 2025.

232 Subsection 6(a). **Operating and Capital Budgets**

233 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
234 Legislature appropriates the following sums of money from the funds or accounts indicated for
235 the use and support of the government of the state of Utah.

236 ITEM 1 To Utah Valley University - Special Projects

237 From General Fund, One-time 2,152,000

238 Schedule of Programs:

239 Utah Lake Nature and Research Center 2,152,000

240 Subsection 6(b). **Transfers to Unrestricted Funds**

241 The Legislature authorizes the State Division of Finance to transfer the following
242 amounts to the unrestricted General Fund, Income Tax Fund, or Uniform School Fund, as
243 indicated, from the restricted funds or accounts indicated. Expenditures and outlays from the
244 General Fund, Income Tax Fund, or Uniform School Fund must be authorized by an
245 appropriation.

246 ITEM 2 To General Fund

247 From Nonlapsing Balances - Department of Natural
248 Resources - DNR Pass Through, One-time 2,152,000

249 Schedule of Programs:

250 General Fund, One-time 2,152,000

251 Section 19. **Effective Date.**

252 This bill takes effect on May 7, 2025.