

HB0520

~~{Omitted text}~~ shows text that was in HB0520 but was omitted in HB0520S02

inserted text shows text that was not in HB0520 but was inserted into HB0520S02

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Water Entity Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor:Brady Brammer

LONG TITLE

General Description:

This bill addresses various water entities including their relationship with the Department of Natural Resources{.}

Highlighted Provisions:

This bill:

- ▶ { ~~addresses the powers and duties of the Division of Forestry, Fire, and State Lands in relation to Utah Lake;~~ }
- ▶ { ~~requires the Utah Lake Authority (lake authority) to coordinate with the Department of Natural Resources (department);~~ }
- ▶ { ~~requires the board of the lake authority to report regarding the coordination;~~ }
- ▶ removes certain water agencies from a definition of an independent entity;
- ▶ modifies provisions governing the water trust for the Great Salt Lake, including expanding the duties of the Great Salt Lake Trust Council;
- ▶ { ~~addresses the legislative auditor general's authority to audit the water trust;~~ }
- ▶

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requires the state water agent to coordinate with the { ~~department~~ } Department of Natural Resources (department);

- 18 ▶ { ~~removes certain water agencies from a definition of an independent entity;~~ }
- 19 ▶ moves the Great Salt Lake commissioner and the Office of the Great Salt Lake Commissioner to be within the department;
- 21 ▶ requires the { ~~approval of~~ } review by the Great Salt Lake Trust Council of certain expendituresof the Great Salt Lake commissioner; and
- 22 ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

AMENDS:

~~{11-65-205, as enacted by Laws of Utah 2022, Chapter 59, as enacted by Laws of Utah 2022, Chapter 59}~~

~~{11-65-206, as last amended by Laws of Utah 2024, Chapter 220, as last amended by Laws of Utah 2024, Chapter 220}~~

~~{11-65-603, as enacted by Laws of Utah 2022, Chapter 59, as enacted by Laws of Utah 2022, Chapter 59}~~

63H-9-101 , as enacted by Laws of Utah 2024, Chapter 370 , as enacted by Laws of Utah 2024, Chapter 370

65A-16-101 , as last amended by Laws of Utah 2023, Chapter 205 , as last amended by Laws of Utah 2023, Chapter 205

65A-16-202 , as last amended by Laws of Utah 2023, Chapter 205 , as last amended by Laws of Utah 2023, Chapter 205

65A-16-203 , as last amended by Laws of Utah 2024, Chapter 300 , as last amended by Laws of Utah 2024, Chapter 300

65A-16-301 , as last amended by Laws of Utah 2024, Chapter 300 , as last amended by Laws of Utah 2024, Chapter 300

73-10-18 , as last amended by Laws of Utah 2024, Chapter 522 , as last amended by Laws of Utah 2024, Chapter 522

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31 **73-10g-703** , as enacted by Laws of Utah 2024, Chapter 522 , as enacted by Laws of Utah 2024,
Chapter 522

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

33 **73-32-201** , as enacted by Laws of Utah 2023, Chapter 205 , as enacted by Laws of Utah 2023,
Chapter 205

34 **73-32-202** , as enacted by Laws of Utah 2023, Chapter 205 , as enacted by Laws of Utah 2023,
Chapter 205

35 **73-32-302** , as last amended by Laws of Utah 2024, Chapter 443 , as last amended by Laws of Utah
2024, Chapter 443

36 **73-32-303** , as last amended by Laws of Utah 2024, Chapter 25 , as last amended by Laws of Utah
2024, Chapter 25

37 **79-2-201** , as last amended by Laws of Utah 2024, Chapter 507 , as last amended by Laws of Utah
2024, Chapter 507

38 ENACTS:

46 ~~{11-65-207, Utah Code Annotated 1953, Utah Code Annotated 1953}~~

39 **65A-16-302** , Utah Code Annotated 1953 , Utah Code Annotated 1953

40 **73-32-102** , Utah Code Annotated 1953 , Utah Code Annotated 1953

REPEALS:

50 ~~{63M-14-101, as enacted by Laws of Utah 2021, Chapter 179, as enacted by Laws of Utah
2021, Chapter 179}~~

41

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

53 ~~{Section 1. Section 11-65-205 is amended to read: }~~

54 **11-65-205. Project for the improvement of Utah Lake -- Role of the Division of Forestry,
Fire, and State Lands -- Allowing the use of Utah Lake in exchange for the implementation of an
improvement project.**

57 (1) As used in this section:

58 (a) "Division" means the Division of Forestry, Fire, and State Lands created in Section 65A-1-4.

60 (b) "Improvement project" means a project for the improvement of Utah Lake as determined by the
board.

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- (c) "Improvement project agreement" means an agreement under which an improvement project contractor agrees to undertake an improvement project.
- (d) "Improvement project contractor" means a person who executes a legally binding improvement project agreement with the lake authority.
- (2)
- (a) Subject to Subsection (2)(b), the lake authority is substituted in the place of the division with respect to the management of Utah Lake.
- (b) Subsection (2)(a) does not affect the division's role and responsibility relating to:
- (i) the administration and issuance of permits, leases, rights of entry, or easements; or
- (ii) the disposal of lake authority land.
- (3) The lake authority may enter into an improvement project agreement if:
- (a) the lake authority finds that the improvement project will fulfill the purposes listed in Section 11-65-203;
- (b) the proposed improvement project is consistent with the public trust doctrine and the provisions of this chapter;
- (c) the improvement project contractor obtains necessary permitting authorization from the division to construct or implement the improvement project on lake authority land; and
- (d) at least 30 days before entering into the improvement project agreement, the lake authority provides notice of the lake authority's intention to enter into the improvement project agreement to each person that has requested notice under Subsection 11-65-402(2)(c) of the lake authority's intention to enter into the improvement project agreement.
- (4)
- (a) An improvement project agreement may include a provision allowing the division to permit a use of Utah Lake, consistent with the public trust doctrine, in exchange for the implementation of the improvement project agreement, as provided in this Subsection (4).
- (b)
- (i) If provided for in an improvement project agreement, the lake authority may recommend that the division allow the use of Utah Lake in exchange for the implementation of the improvement project agreement.
- (ii) In making a recommendation under Subsection (4)(b)(i), the lake authority shall consider:

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- (A) the potential benefit to the citizens of the state from execution of an improvement project, the desirability of the proposed use of Utah Lake and the surrounding areas as a result of the improvement project, and the enhancement of the usability and enjoyment of Utah Lake and lake authority land that will accrue to the public because of the improvement project;
- 98 (B) the potential detriment to appropriated water rights in Utah Lake, in upstream tributaries, and downstream of Utah Lake;
- 100 (C) the potential that the improvement project presents for additional revenue to state and local government entities;
- 102 (D) the enhancement to state property resulting from the proposed use of Utah Lake allowed to be used in exchange for the execution of the improvement project;
- 105 (E) the proposed timetable for completion of the improvement project;
- 106 (F) the ability of the improvement project contractor to execute and complete the improvement project satisfactorily; and
- 108 (G) the effects of the improvement project on lake ecology, including the ability to avoid or mitigate negative impacts to wetlands and to migratory birds, fish species, and other wildlife.
- 111 (c) The lake authority may not enter into an improvement project agreement that is conditioned on the division allowing or that requires the division to allow the use of Utah Lake unless:
- 114 (i) the lake authority provides the division notice of the intent to enter into the improvement project agreement at least 45 days before entering into the improvement project agreement; and
- 117 (ii) the division makes the findings described in Subsection (4)(d)(ii).
- 118 ~~[(e)]~~ (d) The division ~~[shall]~~ may issue a permit for the use of Utah Lake in accordance with a recommendation under Subsection (4)(b)(i) if:
- 120 (i) the authority makes a recommendation under Subsection (4)(b)(i); and
- 121 (ii) the division finds the proposed use to be consistent with:
- 122 (A) management plans applicable to Utah Lake; and
- 123 (B) the public trust doctrine.
- 124 ~~[(d)]~~ (e) Nothing in this Subsection (4) may be construed to allow the disposition of title to any land within the lake authority boundary in exchange for the implementation of an improvement project.

~~{Section 2. Section 11-65-206 is amended to read: }~~

11-65-206. Applicability of other law -- Cooperation of state and local governments -- Authority of other agencies not affected -- Attorney general to provide legal services.

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- (1) The lake authority is subject to and governed by Sections 63E-2-106, 63E-2-107, 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed by Title 63E, Independent Entities Code.
- (2) A department, division, or other agency of the state and a political subdivision of the state is encouraged, upon the board's request, to cooperate with the lake authority to provide the support, information, or other assistance reasonably necessary to help the lake authority fulfill the lake authority's duties and responsibilities under this chapter.
- (3) Nothing in this chapter may be construed to affect or impair:
- (a) the authority of the Department of Environmental Quality, created in Section 19-1-104, to regulate under Title 19, Environmental Quality Code, consistent with the purposes of this chapter;~~[-or]~~
- (b) the authority of the Division of Wildlife Resources, created in Section 23A-2-201, to regulate under Title 23A, Wildlife Resources Act, consistent with the purposes of this chapter~~[-]~~ ; or
- (c) the authority of the Division of Forestry, Fire, and State Lands, created in Section 65A-1-4, to oversee Utah Lake under the public trust doctrine.
- (4) In accordance with Utah Constitution, Article XVII, Section 1, nothing in this chapter may be construed to override, supersede, interfere with, or modify:
- (a) any water right in the state;
- (b) the operation of a water facility or project; or
- (c) the role or authority of the state engineer.
- (5)
- (a) Except as otherwise explicitly provided, nothing in this chapter may be construed to authorize the lake authority to interfere with or take the place of another governmental entity in that governmental entity's process of considering an application or request for a license, permit, or other regulatory or governmental permission for an action relating to water of Utah Lake or land within the lake authority boundary.
- (b) The lake authority shall respect and, if applicable and within the lake authority's powers, implement a license, permit, or other regulatory or governmental permission described in Subsection (5)(a).
- (6) The attorney general shall provide legal services to the board.

Section 3. Section 3 is enacted to read:

11-65-207. Coordination with the Department of Natural Resources.

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(1) The lake authority shall work cooperatively with and receive input from the relevant divisions within the Department of Natural Resources regarding the activities of the lake authority.

(2) To accomplish the objective of Subsection (1), the lake authority shall coordinate with the executive director of the Department of Natural Resources at least monthly.

(3) The board shall annually report the lake authority's compliance with this section as part of the lake authority report required by Section 11-65-603.

~~{Section 4. Section 11-65-603 is amended to read: }~~

11-65-603. Lake authority report.

Before November 30 of each year, the board shall present a report to the Executive Appropriations Committee of the Legislature, as the Executive Appropriations Committee directs, that includes:

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

(2) an update about the progress of the management and implementation of the lake authority management plan under Subsection 11-65-202(2)(a), including the development and implementation of the environmental sustainability component of the plan; ~~and~~

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

(4) an explanation of the lake authority's coordination with the Department of Natural Resources in accordance with Section 11-65-307.

Section 1. Section **63H-9-101** is amended to read:

63H-9-101. Definitions.

As used in this chapter:

(1) "Best practices toolbox" means the collection of resources for governmental entities provided on the website of the Office of the Legislative Auditor General that includes a best practice self-assessment and other resources, tools, surveys, and reports designed to help government organizations better serve the citizens of the state.

(2) "Consensus group" means the Office of Legislative Research and General Counsel, the Office of the Legislative Auditor General, and the Office of the Legislative Fiscal Analyst.

(3)

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(a) "Independent entity" means an entity that:

- (i) has a public purpose relating to the state or its citizens;
- (ii) is individually created by the state;
- (iii) is separate from the judicial and legislative branches of state government; and
- (iv) is not under the direct supervisory control of the governor.

(b) "Independent entity" does not include an entity that is:

- (i) a county;
- (ii) a municipality as defined in Section 10-1-104;
- (iii) an institution of higher education as defined in Section 53B-2-102;
- (iv) a public school as defined in Section 53G-8-701;
- (v) a special district as defined in Section 17B-1-102;
- (vi) a special service district as defined in Section 17D-1-102;
- (vii) created by an interlocal agreement as described in Section 11-13-203; or
- (viii) an elective constitutional office, including the state auditor, the state treasurer, and the attorney general.

(c) Independent entities that are subject to the provisions of this chapter include the:

- (i) Career Service Review Office created in Section 67-19a-201;
- (ii) Capitol Preservation Board created in Section 63C-9-201;
- ~~[(iii) Colorado River Authority created in Section 63M-14-201;]~~
- ~~[(iv)]~~ (iii) Heber Valley Historic Railroad Authority created in Section 63H-4-102;
- ~~[(v)]~~ (iv) Military Installation Development Authority created in Section 63H-1-201;
- ~~[(vi) Office of the Great Salt Lake Commissioner created in Section 73-32-301;]~~
- ~~[(vii)]~~ (v) Office of Inspector General of Medicaid Services created in Section 63A-13-201;
- ~~[(viii)]~~ (vi) Point of the Mountain State Land Authority created in Section 11-59-201;
- ~~[(ix)]~~ (vii) Public Service Commission created in Section 54-1-1;
- ~~[(x)]~~ (viii) School and Institutional Trust Fund Office created in Section 53C-1-201;
- ~~[(xi)]~~ (ix) School and Institutional Trust Lands Administration created in Section 53D-1-201;
- ~~[(xii)]~~ (x) Utah Beef Council created in Section 4-21-103;
- ~~[(xiii)]~~ (xi) Utah Capital Investment Corporation created in Section 63N-6-301;
- ~~[(xiv)]~~ (xii) Utah Communications Authority created in Section 63H-7a-201;
- ~~[(xv)]~~ (xiii) Utah Dairy Commission created in Section 4-22-103;

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230 [~~(xvi)~~] (xiv) Utah Education and Telehealth Network created in Section 53B-17-105;
231 [~~(xvii)~~] (xv) Utah Housing Corporation created in Section 63H-8-201;
232 [~~(xviii)~~] (xvi) Utah Inland Port Authority created in Section 11-58-201;
233 [~~(xix)~~] (xvii) Utah Innovation Lab created in Section 63N-20-201;
234 [~~(xx)~~] (xviii) Utah Lake Authority created in Section 11-65-201;
235 [~~(xxi)~~] (xix) Utah Retirement Systems created in Section 49-11-201; and
236 [~~(xxii)~~] (xx) Utah State Fair Park Authority created in Section 11-68-201.

93 Section 2. Section **65A-16-101** is amended to read:

94 **65A-16-101. Definitions.**

As used in this chapter:

- 240 (1) "Commissioner" means the Great Salt Lake commissioner appointed under Section 73-32-201.
242 (2) "Conservation organization" means an institution, corporation, foundation, or association that is:
244 (a) private;
245 (b) nonprofit; and
246 (c) founded for the purpose of promoting conservation of natural resources.
247 (3) "Council" means the Great Salt Lake Advisory Council created in Section 73-32-302.
248 (4) "Division" means the Division of Forestry, Fire, and State Lands.
249 (5) "Eligible applicant" means two or more conservation organizations that submit a joint grant
application to the division under Section 65A-16-201 and meet the criteria listed in Subsection
65A-16-201(3)(a).
252 (6) "Grant money" means money awarded to an eligible applicant pursuant to this chapter.
253 (7) "Grantee" means an eligible applicant that receives a grant authorized under this chapter.
254 (8) "Great Salt Lake watershed" means the area comprised of the Great Salt Lake, the Bear River
watershed, the Jordan River watershed, the Utah Lake watershed, the Weber River watershed, and
the West Desert watershed.
257 (9) "Program" means the Great Salt Lake Watershed Enhancement Program created under Section
65A-16-201.
259 (10) "Trust council" means the Great Salt Lake Trust Council created in accordance with Section
65A-16-301.

117 Section 3. Section **65A-16-202** is amended to read:

118 **65A-16-202. Oversight.**

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- 263 (1)
- (a) The division shall oversee whether a grantee and the water trust that the grantee establishes comply with this chapter.
- 265 (b) In overseeing a grantee under this chapter, the division shall consult with the commissioner.
- 267 (c) The trust council shall oversee expenditures of grant money in accordance with Section 65A-16-302.
- 269 (2)
- (a) The division, in consultation with the council and the Division of Water Quality, shall establish by rule made in accordance with Section 65A-16-102, interventions for a grantee or water trust that fails to comply with this chapter.
- 272 (b) The rules establishing interventions under Subsection (2)(a) shall include, among other actions, requiring the grantee or water trust to return unexpended grant money to the division for failure to comply with this chapter.
- 275 (3) This section may not be construed as limiting the state auditor's enforcement authority under Section 51-2a-201.5.
- 277 {~~(4)~~}
- {~~(a) Subject to the prioritization of the Audit Subcommittee created in Section 36-12-8, the Office of the Legislative Auditor General may review the practices of the grantee and water trust for compliance with this chapter.~~}
- 280 {~~(b) Following a review described in Subsection (4)(a), the Office of the Legislative Auditor General shall prepare and submit a report to the Audit Subcommittee that describes the Office of the Legislative Auditor General's findings and recommendations.~~}
- 133 Section 4. Section **65A-16-203** is amended to read:
- 134 **65A-16-203. Grantee requirements.**
- 286 (1) A grantee that receives grant money under this chapter shall:
- 287 [~~(1)~~] (a) comply with Section 51-2a-201.5, Title 63G, Chapter 6b, State Grants, and other applicable laws, regulations, ordinances, or rules; and
- 289 [~~(2)~~] (b) use grant money to:
- 290 (i) {~~[f]~~} carry out the objectives of Subsection 65A-16-201(1), subject to approval by the trust council in accordance with Section 65A-16-302; {~~accordance with Section 65A-16-302;~~} and {~~[f]~~} [to]
- 141 (ii) {~~[f]~~}
- 292 {~~(ii)~~} operate the water trust in a manner required by Section 65A-16-301[, provided that {~~[f]~~} {~~:~~}

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{(2)} ~~Notwithstanding Subsection (1),~~ ~~this~~ 1.

(2) This chapter may not be construed as limiting the grantee's ability to obtain funding from other public and private sources to assist in the establishment, operation, and administration of the water trust.

Section 5. Section **65A-16-301** is amended to read:

65A-16-301. Water trust -- Powers and duties -- Advisory councils.

(1) The grantee under this chapter shall establish a water trust that:

(a) is organized:

(i) as a private nonprofit organization; or

(ii) as an agreement between two or more conservation organizations; and

(b) complies with this section.

(2) A water trust created under this section shall:

(a) use a fiduciary to hold and administer grant money appropriated under this chapter;

(b) subject to Subsection (6):

(i) register with the lieutenant governor as a limited purpose entity pursuant to Section 51-2a-201.5;

(ii) file with the state auditor on or before June 30 of each year the accounting report that:

(A) satisfies Subsection 51-2a-201.5(2);

(B) includes an itemized accounting of the in-kind contributions and other monetary contributions described in Subsection (4); and

(C) includes an itemized accounting of the costs incurred under Subsection (3)(a);

(iii) provide a copy of the accounting report described in Subsection (2)(b)(ii) to:

(A) the division;

(B) the commissioner;

(C) the Division of Water Quality;

(D) the council; and

(E) the Natural Resources, Agriculture, and Environment Quality Appropriations Subcommittee;

(iv) file with the division on or before January 31 of each year a report that satisfies the requirements of Subsection 51-2a-201.5(4); and

(v) provide a copy of the report described in Subsection (2)(b)(iv) to:

(A) the Division of Water Quality;

(B) the council; and

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- 327 (C) the Natural Resources, Agriculture, and Environment Quality Appropriations Subcommittee; and
329 (c) comply with applicable laws, regulations, ordinances, and rules.
- 330 (3) A water trust established by a grantee under this section:
- 331 (a) may use grant money for costs to establish, operate, or administer the water trust, including the
hiring of staff or contractors;
- 333 (b) shall use no less than 25% of the grant money to protect and restore wetlands and habitats in the
Great Salt Lake's surrounding ecosystem to benefit the hydrology of the Great Salt Lake; and
- 336 (c) may invest grant money the water trust receives under this chapter or any private money the water
trust may receive, except that the water trust shall:
- 338 (i) invest and account for grant money and private money separately; and
- 339 (ii) use the earnings received from the investment of grant money to carry out the purposes described in
Subsection 65A-16-201(1).
- 341 (4) The water trust shall provide a significant match of in-kind contributions or other monetary
contributions to support the water trust's operations and for the purposes described in Subsection
65A-16-201(1).
- 344 (5)
- (a) A water trust established under this section shall create and consult with one or more advisory
councils on matters related to the mission and objectives of the water trust.
- 347 (b) ~~[At least one]~~ One of the advisory councils shall be known as the "Great Salt Lake Trust Council"
and ~~{be known as the "Great Salt Lake Trust Council" and }~~ consist of ~~[nine]~~ 10 members ~~[with]~~ :
- 198 (i) the commissioner or the commissioner's designee; and
- 199 (ii) a representative from the following:
- 350 [(i)] (A) {the commissioner who:}
- 351 {(A) chairs the trust council; and}
- 352 {(B) {is nonvoting, except in the case of a tie vote;}}
- 353 {(ii)} agriculture;
- 354 [(ii)] {(iii)} (B) a private land owner adjacent to the Great Salt Lake;
- 355 [(iii)] {(iv)} (C) a conservation organization dedicated to the preservation of migratory waterfowl;
- 357 [(iv)] {(v)} (D) a conservation organization dedicated to the protection of non-game avian species;
- 359 [(v)] {(vi)} (E) another conservation organization working on Great Salt Lake issues;
- 360 [(vi)] {(vii)} (F) aquaculture;

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361 [(vii)] {~~(viii)~~} (G) mineral extraction;

362 [(viii)] {~~(ix)~~} (H) a water conservancy district; and

363 [(ix)] {~~(x)~~} (I) wastewater treatment facilities.

364 (6) The duties of the water trust under Subsection (2)(b) apply to the water trust notwithstanding whether the holdings, revenues, or expenditures of the water trust include grant money or other money from the state.

214 Section 6. Section 6 is enacted to read:

215 **65A-16-302. Coordination -- Great Salt Lake Trust Council powers and duties.**

369 (1) The {~~trust council~~} commissioner shall coordinate {~~between~~} with the water trust {~~and the commissioner~~} concerning projects designed to meet the objectives of Subsection 65A-16-201(1) or to acquire or lease water or water rights for the Great Salt Lake.

372 {(2) }

{~~(a)~~} (2) The trust council shall set a threshold for expenditures above which the trust council shall review and may approve an expenditure by the grantee or the water trust of grant money if the trust council finds that the expenditure meets the purposes described in Subsection 65A-16-201(1).

375 {(b) {~~The grantee or the water trust may not expend grant money unless the expenditure is reviewed and approved by the trust council.~~}}

377 (3) In {~~addition to the trust council reviewing and approving expenditures of the grantee or the water trust, in~~} accordance with Subsection 73-32-202(3), the trust council shall review {~~and may approve~~} the expenditure of money by the commissioner for a project designed to acquire or lease water or water rights for the Great Salt Lake and may make recommendations regarding the expenditure.

381 (4) By no later than July 1, 2025, the division, in cooperation with the grantee, shall modify the Great Salt Lake Watershed Enhancement Trust Grant Agreement, signed January 1, 2023, to comply with the requirements imposed under this section and Section 65A-16-301.

231 Section 7. Section **73-10-18** is amended to read:

232 **73-10-18. Division of Water Resources -- Creation -- Power and authority.**

387 (1) There is created the Division of Water Resources, which shall be within the Department of Natural Resources under the administration and general supervision of the executive director of the Department of Natural Resources and under the policy direction of the Board of Water Resources.

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(2) Except for the waters of the Colorado River system that are governed by Title 63M, Chapter 14, Colorado River Authority of Utah Act, or state representation under the Bear River Compact or Columbia Interstate Compact, the Division of Water Resources shall:

(a) be the water resource authority for the state; and

(b) assume all of the functions, powers, duties, rights, and responsibilities of the Utah water and power board except those which are delegated to the board by this act and is vested with such other functions, powers, duties, rights and responsibilities as provided in this act and other law.

(3) Notwithstanding Subsection (2), the Utah water agent, appointed under Section 73-10g-702, has authority over out-of-state negotiations related to water importation in accordance with [~~Chapter 10g, Part 6, Utah Water Agent~~] Chapter 10g, Part 7, Utah Water Agent, except when limited by Section 73-10g-703.

Section 8. Section **73-10g-703** is amended to read:

73-10g-703. Powers and duties of water agent.

(1)

(a) Subject to ~~{{Subsection (1)(b)}} the other provisions of this section~~ and in consultation with the speaker of the House of Representatives, president of the Senate, and governor, the water agent shall explore and negotiate with officials of other states, tribes, and other government entities regarding possible water importation projects, including:

(i) for the citizens of Utah, representing the state concerning waters of out-of-state rivers, lakes, and other sources of supply of waters except when representation is otherwise provided in statute;

(ii) identifying potential out-of-state water resources;

(iii) working with the council and division to match the water resources described in Subsection (1)(a)(ii) to needs identified by the council or division;

(iv) establishing a strategy to designate what out-of-state water resources to pursue and how to execute that strategy;

(v) negotiating directly with out-of-state partners to execute the strategy described in Subsection (1)(a)(iv);

(vi) represent the state in interstate conferences between the state and one or more sister states held for the purpose of entering into compacts between such states for the division of the waters of interstate rivers, lakes, or other sources of water supply, and to represent the state upon commissions or other governing bodies provided for by any compacts that have been or may be

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entered into between the state and one or more sister states, except that a compact is not binding on the state until the compact is ratified and approved by the Legislature and the legislatures of other states that are parties to the compact;

(vii) recommending to the Legislature and to the council actions that may assist in the development of, strategies for, and execution of water importation projects; and

(viii) annually reporting findings and recommendations to:

(A) the governor;

(B) the president of the Senate;

(C) the speaker of the House of Representatives;

(D) the Legislative Water Development Commission created in Section 73-27-102;

(E) the Natural Resources, Agriculture, and Environment Interim Committee; and

(F) the Board of Water Resources created in Section 73-10-1.5.

(b) The water agent may not act under this section in relation to interests governed by interstate compacts in which Utah is a party, such as the 1922 and 1948 Colorado River Compacts and the 1980 Amended Bear River Compact.

(2) The water agent shall consult and work with the council, state entities, the Colorado River Authority of Utah, and other bodies established by the state for interstate water negotiations.

(3) Subject to Title 63G, Chapter 2, Government Records Access and Management Act, upon request of the water agent, a state or local entity shall provide to the water agent a document, report, or information available within the state or local entity.

(4) The water agent may negotiate with tribes in accordance with this section, except to the extent that the water at issue comes from the Colorado River.

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

(6) In implementing this part, the water agent shall at least monthly coordinate with and receive input from the relevant divisions within the Department of Natural Resources regarding the water agent's activities.

Section 9. 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.

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- (2) "Commissioner" means the Great Salt Lake commissioner appointed under Section 73-32-201.
- (3) "Council" means the Great Salt Lake Advisory Council created in Section 73-32-302.
- (4) "Department" means the Department of Natural Resources.
- (5) "Executive director" means the executive director of the department.
- ~~[(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 10. Section **10** is enacted to read:

73-32-102. Transition to department.

- (1) The commissioner shall cooperate with the department to transition, to the extent consistent with this chapter, the commissioner's functions as a part of the department.
- (2) The department shall succeed to any contract in which the commissioner is a party.

Section 11. Section **73-32-201** is amended to read:

73-32-201. Great Salt Lake commissioner appointment.

- (1)
- (a) The governor shall appoint a Great Salt Lake commissioner with the advice and consent of the Senate. The commissioner shall serve within the department and report to the executive director.
- (b) Before the governor appoints the commissioner under this section, the governor shall consult with the speaker of the House of Representatives and the president of the Senate concerning the selection of potential candidates for the position of commissioner.
- (2) The commissioner shall serve a term of six years and may be appointed to more than one term, but shall be subject to removal at the pleasure of the governor.
- (3) The governor shall establish the commissioner's compensation within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Section 12. Section **73-32-202** is amended to read:

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

- (1) The commissioner, under the administrative oversight of the executive director, 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;

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- 493 (b) oversee the execution of the strategic plan by other state agencies as provided in Section 73-32-203;
495 (c) maintain information that measures Great Salt Lake levels, salinity, and overall health;
497 (d) meet regularly with the executive director [~~of the department~~] and with the executive director of the
Department of Environmental Quality;
499 (e) consult with the Division of Forestry, Fire, and State Lands regarding Title 65A, Chapter 16, Great
Salt Lake Watershed Enhancement Program;
501 (f) monitor the integrated water assessment conducted under Chapter 10g, Part 4, Great Salt Lake
Watershed Integrated Water Assessment;
503 (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;
506 (h) at least annually report to the Executive Appropriations Committee regarding the expenditure of
money under this chapter;
353 (i) work cooperatively with and receive input and recommendations from the Great Salt Lake Trust
Council created under Section 65A-16-301 in accordance with Section 65A-16-302;
508 ~~[(i)]~~ (j) coordinate and work collaboratively with water conservancy districts that serve water users
within the Great Salt Lake watershed; and
510 ~~[(j)]~~ (k) annually report to the Natural Resources, Agriculture, and Environment Interim Committee
regarding the activities of the commissioner.
512 (2) The commissioner may:
513 (a) access information from other state or federal agencies related to the Great Salt Lake;
514 (b) develop cooperative agreements between the state, political subdivisions, and agencies of the federal
government for involvement in the strategic plan;
516 (c) produce research, documents, maps, studies, analysis, or other information that supports the strategic
plan for the Great Salt Lake;
518 (d) facilitate and coordinate the exchange of information, comments, and recommendations on Great
Salt Lake policies between and among:
520 (i) state agencies;
521 (ii) political subdivisions;
522 (iii) institutions of higher education that conduct research relevant to the Great Salt Lake;
524 (iv) nonprofit entities; and

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- 525 (v) private business;
- 526 (e) communicate with the Great Salt Lake Watershed Council created under Chapter 10g, Part 3, Watershed Councils Act; and
- 528 (f) perform other duties that the commissioner considers necessary or expedient to carry out the purposes of this chapter.
- 530 (3)
- (a) The commissioner may not expend money for the purpose of acquiring or leasing water or water rights without first obtaining a review and { approval of } recommendations regarding the expenditure { by } from the Great Salt Lake Trust Council created in accordance with Section 65A-16-301.
- 533 (b) The Great Salt Lake Trust Council shall review { and may approve } an expenditure described in Subsection (3)(a) and may make a favorable recommendation if the Great Salt Lake Trust Council finds that the expenditure is consistent with:
- 536 (i) the strategic plan; and
- 537 (ii) activities of the water trust created in Title 65A, Chapter 16, Great Salt Lake Watershed Enhancement Program.
- 539 [(3)] (4) In fulfilling the duties under this chapter, the commissioner shall consult and coordinate, as necessary, with:
- 541 (a) divisions within the department;
- 542 (b) the Department of Agriculture and Food;
- 543 (c) the Department of Environmental Quality;
- 544 (d) other applicable state agencies;
- 545 (e) political subdivisions of the state;
- 546 (f) federal agencies;
- 547 (g) elected officials; and
- 548 (h) local tribal officials.
- 398 Section 13. Section **73-32-302** is amended to read:
- 399 **73-32-302. Advisory council created -- Staffing -- Per diem and travel expenses -- Annual conflict of interest disclosure statement -- Exception -- Penalties.**
- 552 (1) There is created an advisory council known as the "Great Salt Lake Advisory Council" consisting of 11 members listed in Subsection (2).

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- 554 (2)
- (a) The governor shall appoint the following members, with the advice and consent of the Senate:
- 556 (i) one representative of industry representing the extractive industry;
- 557 (ii) one representative of industry representing aquaculture;
- 558 (iii) one representative of conservation interests;
- 559 (iv) one representative of a migratory bird protection area as defined in Section 23A-13-101;
- 561 (v) one representative who is an elected official from municipal government, or the elected
official's designee;
- 563 (vi) five representatives who are elected officials from county government, or the elected official's
designee, one each representing:
- 565 (A) Box Elder County;
- 566 (B) Davis County;
- 567 (C) Salt Lake County;
- 568 (D) Tooele County; and
- 569 (E) Weber County; and
- 570 (vii) one representative of a publicly owned treatment works.
- 571 (3)
- (a) Except as required by Subsection (3)(b), each member shall serve a four-year term.
- 572 (b) Notwithstanding Subsection (3)(a), at the time of appointment or reappointment, the governor
shall adjust the length of terms of voting members to ensure that the terms of council members are
staggered so that approximately half of the council is appointed every two years.
- 576 (c) When a vacancy occurs in the membership for any reason, the governor shall appoint a replacement
for the unexpired term with the advice and consent of the Senate.
- 578 (d) A member shall hold office until the member's successor is appointed and qualified.
- 579 (4) The council shall determine:
- 580 (a) the time and place of meetings; and
- 581 (b) any other procedural matter not specified in this chapter.
- 582 (5)
- (a) Attendance of six members at a meeting of the council constitutes a quorum.
- 583 (b) A vote of the majority of the members present at a meeting when a quorum is present constitutes an
action of the council.

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- 585 (6) A member may not receive compensation or benefits for the member's service, but may receive per
diem and travel expenses in accordance with:
- 587 (a) Section 63A-3-106;
- 588 (b) Section 63A-3-107; and
- 589 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- 591 (7) The ~~[office, the-]~~department, and the Department of Environmental Quality shall coordinate and
provide necessary staff assistance to the council.
- 593 (8) Except as provided in Subsection (14), a council member shall, no sooner than January 1 and no
later than January 31 of each year during which the council member holds office on the council:
- 596 (a) prepare a written conflict of interest disclosure statement that contains a response to each item of
information described in Subsection 20A-11-1604(6); and
- 598 (b) submit the written disclosure statement to the administrator or clerk of the council.
- 599 (9)
- (a) No later than 10 business days after the date on which the council member submits the written
disclosure statement described in Subsection (8) to the administrator or clerk of the council, the
administrator or clerk shall:
- 602 (i) post an electronic copy of the written disclosure statement on the council's website; and
- 604 (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (9)
(a)(i).
- 606 (b) The administrator or clerk of the council shall ensure that the council member's written disclosure
statement remains posted on the council's website until the council member leaves office.
- 609 (10) The administrator or clerk of the council shall take the action described in Subsection (11) if:
- 611 (a) a council member fails to timely file the written disclosure statement described in Subsection (8); or
- 613 (b) a submitted written disclosure statement does not comply with the requirements of Subsection
20A-11-1604(6).
- 615 (11) If a circumstance described in Subsection (10) occurs, the administrator or clerk of the council
shall, within five days after the day on which the administrator or clerk determines that a violation
occurred, notify the council member of the violation and direct the council member to submit an
amended written disclosure statement correcting the problem.
- 620 (12)

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- (a) It is unlawful for a council member to fail to submit or amend a written disclosure statement within seven days after the day on which the council member receives the notice described in Subsection (11).
- 623 (b) A council member who violates Subsection (12)(a) is guilty of a class B misdemeanor.
- 625 (c) The administrator or clerk of the council shall report a violation of Subsection (12)(a) to the attorney general.
- 627 (d) In addition to the criminal penalty described in Subsection (12)(b), the administrator or clerk of the council shall impose a civil fine of \$100 against a council member who violates Subsection (12)(a).
- 630 (13) The administrator or clerk of the council shall deposit a fine collected under this section into the council's account to pay for the costs of administering this section.
- 632 (14) For an individual appointed to the council under Subsection (2)(a)(v) or (vi):
- 633 (a) Subsection (8) does not apply; and
- 634 (b) the administrator or clerk of the council shall, instead:
- 635 (i) post an electronic link on the council's website to the written disclosure statement the council member made in the council member's capacity as an elected officer of:
- 637 (A) a county, under Section 17-16a-13; or
- 638 (B) a municipality, under Section 10-3-1313; and
- 639 (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (14)(b)(i).
- 490 Section 14. Section **73-32-303** is amended to read:
- 491 **73-32-303. Duties of the council.**
- 643 (1)
- (a) The council shall advise the persons listed in Subsection (1)(b) on the sustainable use, protection, and development of the Great Salt Lake in terms of balancing:
- 645 (i) sustainable use;
- 646 (ii) environmental health; and
- 647 (iii) reasonable access for existing and future development.
- 648 (b) The council shall advise, as provided in Subsection (1)(a):
- 649 (i) the governor;
- 650 (ii) the [~~Department of Natural Resources~~] department;
- 651 (iii) the Department of Environmental Quality; and

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- 652 (iv) the commissioner.
- 653 (2) The council shall assist the Division of Forestry, Fire, and State Lands in the Division of Forestry,
Fire, and State Land's responsibilities for the Great Salt Lake described in Sections 65A-17-201 and
65A-17-202.
- 656 (3) The council:
- 657 (a) may recommend appointments to the Great Salt Lake technical team created by the Division of
Forestry, Fire, and State Lands; and
- 659 (b) shall receive and use technical support from the Great Salt Lake technical team.
- 660 (4) The council shall assist the department, the Department of Environmental Quality, and their
applicable boards in accomplishing their responsibilities for the Great Salt Lake.
- 662 (5) The council shall report annually to the Natural Resources, Agriculture, and Environmental Quality
Appropriations Subcommittee on the council's activities.
- 513 Section 15. Section **79-2-201** is amended to read:
- 514 **79-2-201. Department of Natural Resources created.**
- 666 (1) There is created the Department of Natural Resources.
- 667 (2) The department comprises the following:
- 668 (a) Board of Water Resources, created in Section 73-10-1.5;
- 669 (b) Board of Oil, Gas, and Mining, created in Section 40-6-4;
- 670 (c) Office of Energy Development, created in Section 79-6-401;
- 671 (d) Wildlife Board, created in Section 23A-2-301;
- 672 (e) Board of the Utah Geological Survey, created in Section 79-3-301;
- 673 (f) Water Development Coordinating Council, created in Section 73-10c-3;
- 674 (g) Division of Water Rights, created in Section 73-2-1.1;
- 675 (h) Division of Water Resources, created in Section 73-10-18;
- 676 (i) Division of Forestry, Fire, and State Lands, created in Section 65A-1-4;
- 677 (j) Division of Oil, Gas, and Mining, created in Section 40-6-15;
- 678 (k) Division of State Parks, created in Section 79-4-201;
- 679 (l) Division of Outdoor Recreation, created in Section 79-7-201;
- 680 (m) Division of Wildlife Resources, created in Section 23A-2-201;
- 681 (n) Utah Geological Survey, created in Section 79-3-201;
- 682 (o) Utah Outdoor Recreation Infrastructure Advisory Committee, created in Section 79-7-206;

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- 684 (p)
- (i) an advisory council that includes in the advisory council's duties advising on state boating policy,
authorized by Section 73-18-3.5; or
- 686 (ii) an advisory council that includes in the advisory council's duties advising on off-highway vehicle
use, authorized by Section 41-22-10;
- 688 (q) Wildlife Board Nominating Committee, created in Section 23A-2-302;
- 689 (r) Wildlife Regional Advisory Councils, created in Section 23A-2-303;
- 690 (s) Utah Watersheds Council, created in Section 73-10g-304;
- 691 (t) Utah Natural Resources Legacy Fund Board, created in Section 23A-3-305;[-and]
- 692 (u) Public Lands Policy Coordinating Office created in Section 63L-11-201[-] ; and
- 693 (v) the Great Salt Lake commissioner, appointed under Section 73-32-201, and the Office of the Great
Salt Lake Commissioner, created in Section 73-32-301.
- 695 [~~(3) The department shall provide office space, furnishings, and supplies to the Great Salt Lake
commissioner appointed under Section 73-32-201, the Office of the Great Salt Lake Commissioner
created in Section 73-32-301, and support staff for the Office of the Great Salt Lake Commissioner.]~~
- 548 Section 16. **Effective date.**
Effective Date.
This bill takes effect on July 1, 2025.
- Section 22. **Repealer.**
- This Bill Repeals:
- 701 Section **63M-14-101, Title.**
- 3-6-25 11:00 AM