

Casey Snider proposes the following substitute bill:

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;
- modifies provisions governing the water trust for the Great Salt Lake, including expanding the duties of the Great Salt Lake Trust Council;
- requires the state water agent to coordinate with the department;
- removes certain water agencies from a definition of an independent entity;
- moves the Great Salt Lake commissioner and the Office of the Great Salt Lake Commissioner to be within the department;
- requires the review by the Great Salt Lake Trust Council of certain expenditures of the Great Salt Lake commissioner; and
- makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 29 **11-65-205**, as enacted by Laws of Utah 2022, Chapter 59
- 30 **11-65-206**, as last amended by Laws of Utah 2024, Chapter 220
- 31 **11-65-603**, as enacted by Laws of Utah 2022, Chapter 59
- 32 **63H-9-101**, as enacted by Laws of Utah 2024, Chapter 370
- 33 **65A-16-101**, as last amended by Laws of Utah 2023, Chapter 205
- 34 **65A-16-202**, as last amended by Laws of Utah 2023, Chapter 205
- 35 **65A-16-203**, as last amended by Laws of Utah 2024, Chapter 300
- 36 **65A-16-301**, as last amended by Laws of Utah 2024, Chapter 300
- 37 **73-10-18**, as last amended by Laws of Utah 2024, Chapter 522
- 38 **73-10g-703**, as enacted by Laws of Utah 2024, Chapter 522
- 39 **73-32-101**, as enacted by Laws of Utah 2023, Chapter 205
- 40 **73-32-201**, as enacted by Laws of Utah 2023, Chapter 205
- 41 **73-32-202**, as enacted by Laws of Utah 2023, Chapter 205
- 42 **73-32-302**, as last amended by Laws of Utah 2024, Chapter 443
- 43 **73-32-303**, as last amended by Laws of Utah 2024, Chapter 25
- 44 **79-2-201**, as last amended by Laws of Utah 2024, Chapter 507

45 ENACTS:

- 46 **11-65-207**, Utah Code Annotated 1953
- 47 **65A-16-302**, Utah Code Annotated 1953
- 48 **73-32-102**, Utah Code Annotated 1953

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

51 Section 1. Section **11-65-205** is amended to read:

52 **11-65-205 . Project for the improvement of Utah Lake -- Role of the Division of**
 53 **Forestry, Fire, and State Lands -- Allowing the use of Utah Lake in exchange for the**
 54 **implementation of an improvement project.**

55 (1) As used in this section:

- 56 (a) "Division" means the Division of Forestry, Fire, and State Lands created in Section
57 65A-1-4.
- 58 (b) "Improvement project" means a project for the improvement of Utah Lake as
59 determined by the board.
- 60 (c) "Improvement project agreement" means an agreement under which an improvement
61 project contractor agrees to undertake an improvement project.
- 62 (d) "Improvement project contractor" means a person who executes a legally binding

- 63 improvement project agreement with the lake authority.
- 64 (2)(a) Subject to Subsection (2)(b), the lake authority is substituted in the place of the
65 division with respect to the management of Utah Lake.
- 66 (b) Subsection (2)(a) does not affect the division's role and responsibility relating to:
67 (i) the administration and issuance of permits, leases, rights of entry, or easements; or
68 (ii) the disposal of lake authority land.
- 69 (3) The lake authority may enter into an improvement project agreement if:
70 (a) the lake authority finds that the improvement project will fulfill the purposes listed in
71 Section 11-65-203;
72 (b) the proposed improvement project is consistent with the public trust doctrine and the
73 provisions of this chapter;
74 (c) the improvement project contractor obtains necessary permitting authorization from
75 the division to construct or implement the improvement project on lake authority
76 land; and
77 (d) at least 30 days before entering into the improvement project agreement, the lake
78 authority provides notice of the lake authority's intention to enter into the
79 improvement project agreement to each person that has requested notice under
80 Subsection 11-65-402(2)(c) of the lake authority's intention to enter into the
81 improvement project agreement.
- 82 (4)(a) An improvement project agreement may include a provision allowing the division
83 to permit a use of Utah Lake, consistent with the public trust doctrine, in exchange
84 for the implementation of the improvement project agreement, as provided in this
85 Subsection (4).
- 86 (b)(i) If provided for in an improvement project agreement, the lake authority may
87 recommend that the division allow the use of Utah Lake in exchange for the
88 implementation of the improvement project agreement.
- 89 (ii) In making a recommendation under Subsection (4)(b)(i), the lake authority shall
90 consider:
91 (A) the potential benefit to the citizens of the state from execution of an
92 improvement project, the desirability of the proposed use of Utah Lake and the
93 surrounding areas as a result of the improvement project, and the enhancement
94 of the usability and enjoyment of Utah Lake and lake authority land that will
95 accrue to the public because of the improvement project;
96 (B) the potential detriment to appropriated water rights in Utah Lake, in upstream

- 97 tributaries, and downstream of Utah Lake;
- 98 (C) the potential that the improvement project presents for additional revenue to
- 99 state and local government entities;
- 100 (D) the enhancement to state property resulting from the proposed use of Utah
- 101 Lake allowed to be used in exchange for the execution of the improvement
- 102 project;
- 103 (E) the proposed timetable for completion of the improvement project;
- 104 (F) the ability of the improvement project contractor to execute and complete the
- 105 improvement project satisfactorily; and
- 106 (G) the effects of the improvement project on lake ecology, including the ability to
- 107 avoid or mitigate negative impacts to wetlands and to migratory birds, fish
- 108 species, and other wildlife.

109 (c) The lake authority may not enter into an improvement project agreement that is

110 conditioned on the division allowing or that requires the division to allow the use of

111 Utah Lake unless:

- 112 (i) the lake authority provides the division notice of the intent to enter into the
- 113 improvement project agreement at least 45 days before entering into the
- 114 improvement project agreement; and
- 115 (ii) the division makes the findings described in Subsection (4)(d)(ii).

116 [(e)] (d) The division [shall] may issue a permit for the use of Utah Lake in accordance

117 with a recommendation under Subsection (4)(b)(i) if:

- 118 (i) the authority makes a recommendation under Subsection (4)(b)(i); and
- 119 (ii) the division finds the proposed use to be consistent with:

- 120 (A) management plans applicable to Utah Lake; and
- 121 (B) the public trust doctrine.

122 [(d)] (e) Nothing in this Subsection (4) may be construed to allow the disposition of title

123 to any land within the lake authority boundary in exchange for the implementation of

124 an improvement project.

125 Section 2. Section **11-65-206** is amended to read:

126 **11-65-206 . Applicability of other law -- Cooperation of state and local**

127 **governments -- Authority of other agencies not affected -- Attorney general to provide**

128 **legal services.**

129 (1) The lake authority is subject to and governed by Sections 63E-2-106, 63E-2-107,

130 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or

- 131 governed by Title 63E, Independent Entities Code.
- 132 (2) A department, division, or other agency of the state and a political subdivision of the
 133 state is encouraged, upon the board's request, to cooperate with the lake authority to
 134 provide the support, information, or other assistance reasonably necessary to help the
 135 lake authority fulfill the lake authority's duties and responsibilities under this chapter.
- 136 (3) Nothing in this chapter may be construed to affect or impair:
- 137 (a) the authority of the Department of Environmental Quality, created in Section
 138 19-1-104, to regulate under Title 19, Environmental Quality Code, consistent with
 139 the purposes of this chapter;~~[-or]~~
- 140 (b) the authority of the Division of Wildlife Resources, created in Section 23A-2-201, to
 141 regulate under Title 23A, Wildlife Resources Act, consistent with the purposes of this
 142 chapter~~[-]~~ ; or
- 143 (c) the authority of the Division of Forestry, Fire, and State Lands, created in Section
 144 65A-1-4, to oversee Utah Lake under the public trust doctrine.
- 145 (4) In accordance with Utah Constitution, Article XVII, Section 1, nothing in this chapter
 146 may be construed to override, supersede, interfere with, or modify:
- 147 (a) any water right in the state;
- 148 (b) the operation of a water facility or project; or
- 149 (c) the role or authority of the state engineer.
- 150 (5)(a) Except as otherwise explicitly provided, nothing in this chapter may be construed
 151 to authorize the lake authority to interfere with or take the place of another
 152 governmental entity in that governmental entity's process of considering an
 153 application or request for a license, permit, or other regulatory or governmental
 154 permission for an action relating to water of Utah Lake or land within the lake
 155 authority boundary.
- 156 (b) The lake authority shall respect and, if applicable and within the lake authority's
 157 powers, implement a license, permit, or other regulatory or governmental permission
 158 described in Subsection (5)(a).
- 159 (6) The attorney general shall provide legal services to the board.
- 160 Section 3. Section **11-65-207** is enacted to read:
- 161 **11-65-207 . Coordination with the Department of Natural Resources.**
- 162 (1) The lake authority shall work cooperatively with and receive input from the relevant
 163 divisions within the Department of Natural Resources regarding the activities of the lake
 164 authority.

- 165 (2) To accomplish the objective of Subsection (1), the lake authority shall coordinate with
 166 the executive director of the Department of Natural Resources at least monthly.
 167 (3) The board shall annually report the lake authority's compliance with this section as part
 168 of the lake authority report required by Section 11-65-603.

169 Section 4. Section **11-65-603** is amended to read:

170 **11-65-603 . Lake authority report.**

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

- 174 (1) an accounting of how lake authority funds have been spent, including funds spent on the
 175 environmental sustainability component of the lake authority management plan under
 176 Subsection 11-65-202(2)(a);
 177 (2) an update about the progress of the management and implementation of the lake
 178 authority management plan under Subsection 11-65-202(2)(a), including the
 179 development and implementation of the environmental sustainability component of the
 180 plan;~~and~~
 181 (3) an explanation of the lake authority's progress in achieving the policies and objectives
 182 described in Section 11-65-203~~[-]~~ ; and
 183 (4) an explanation of the lake authority's coordination with the Department of Natural
 184 Resources in accordance with Section 11-65-307.

185 Section 5. Section **63H-9-101** is amended to read:

186 **63H-9-101 . Definitions.**

187 As used in this chapter:

- 188 (1) "Best practices toolbox" means the collection of resources for governmental entities
 189 provided on the website of the Office of the Legislative Auditor General that includes a
 190 best practice self-assessment and other resources, tools, surveys, and reports designed to
 191 help government organizations better serve the citizens of the state.
 192 (2) "Consensus group" means the Office of Legislative Research and General Counsel, the
 193 Office of the Legislative Auditor General, and the Office of the Legislative Fiscal
 194 Analyst.
 195 (3)(a) "Independent entity" means an entity that:
 196 (i) has a public purpose relating to the state or its citizens;
 197 (ii) is individually created by the state;
 198 (iii) is separate from the judicial and legislative branches of state government; and

- 199 (iv) is not under the direct supervisory control of the governor.
- 200 (b) "Independent entity" does not include an entity that is:
- 201 (i) a county;
- 202 (ii) a municipality as defined in Section 10-1-104;
- 203 (iii) an institution of higher education as defined in Section 53B-2-102;
- 204 (iv) a public school as defined in Section 53G-8-701;
- 205 (v) a special district as defined in Section 17B-1-102;
- 206 (vi) a special service district as defined in Section 17D-1-102;
- 207 (vii) created by an interlocal agreement as described in Section 11-13-203; or
- 208 (viii) an elective constitutional office, including the state auditor, the state treasurer,
- 209 and the attorney general.
- 210 (c) Independent entities that are subject to the provisions of this chapter include the:
- 211 (i) Career Service Review Office created in Section 67-19a-201;
- 212 (ii) Capitol Preservation Board created in Section 63C-9-201;
- 213 [~~(iii) Colorado River Authority created in Section 63M-14-201;~~]
- 214 [~~(iv)~~] (iii) Heber Valley Historic Railroad Authority created in Section 63H-4-102;
- 215 [~~(v)~~] (iv) Military Installation Development Authority created in Section 63H-1-201;
- 216 [~~(vi) Office of the Great Salt Lake Commissioner created in Section 73-32-301;~~]
- 217 [~~(vii)~~] (v) Office of Inspector General of Medicaid Services created in Section
- 218 63A-13-201;
- 219 [~~(viii)~~] (vi) Point of the Mountain State Land Authority created in Section 11-59-201;
- 220 [~~(ix)~~] (vii) Public Service Commission created in Section 54-1-1;
- 221 [~~(x)~~] (viii) School and Institutional Trust Fund Office created in Section 53C-1-201;
- 222 [~~(xi)~~] (ix) School and Institutional Trust Lands Administration created in Section
- 223 53D-1-201;
- 224 [~~(xii)~~] (x) Utah Beef Council created in Section 4-21-103;
- 225 [~~(xiii)~~] (xi) Utah Capital Investment Corporation created in Section 63N-6-301;
- 226 [~~(xiv)~~] (xii) Utah Communications Authority created in Section 63H-7a-201;
- 227 [~~(xv)~~] (xiii) Utah Dairy Commission created in Section 4-22-103;
- 228 [~~(xvi)~~] (xiv) Utah Education and Telehealth Network created in Section 53B-17-105;
- 229 [~~(xvii)~~] (xv) Utah Housing Corporation created in Section 63H-8-201;
- 230 [~~(xviii)~~] (xvi) Utah Inland Port Authority created in Section 11-58-201;
- 231 [~~(xix)~~] (xvii) Utah Innovation Lab created in Section 63N-20-201;
- 232 [~~(xx)~~] (xviii) Utah Lake Authority created in Section 11-65-201;

233 [~~(xxi)~~] (xix) Utah Retirement Systems created in Section 49-11-201; and
 234 [~~(xxii)~~] (xx) Utah State Fair Park Authority created in Section 11-68-201.

235 Section 6. Section **65A-16-101** is amended to read:

236 **65A-16-101 . Definitions.**

237 As used in this chapter:

- 238 (1) "Commissioner" means the Great Salt Lake commissioner appointed under Section
 239 73-32-201.
- 240 (2) "Conservation organization" means an institution, corporation, foundation, or
 241 association that is:
 242 (a) private;
 243 (b) nonprofit; and
 244 (c) founded for the purpose of promoting conservation of natural resources.
- 245 (3) "Council" means the Great Salt Lake Advisory Council created in Section 73-32-302.
- 246 (4) "Division" means the Division of Forestry, Fire, and State Lands.
- 247 (5) "Eligible applicant" means two or more conservation organizations that submit a joint
 248 grant application to the division under Section 65A-16-201 and meet the criteria listed in
 249 Subsection 65A-16-201(3)(a).
- 250 (6) "Grant money" means money awarded to an eligible applicant pursuant to this chapter.
- 251 (7) "Grantee" means an eligible applicant that receives a grant authorized under this chapter.
- 252 (8) "Great Salt Lake watershed" means the area comprised of the Great Salt Lake, the Bear
 253 River watershed, the Jordan River watershed, the Utah Lake watershed, the Weber River
 254 watershed, and the West Desert watershed.
- 255 (9) "Program" means the Great Salt Lake Watershed Enhancement Program created under
 256 Section 65A-16-201.
- 257 (10) "Trust council" means the Great Salt Lake Trust Council created in accordance with
 258 Section 65A-16-301.

259 Section 7. Section **65A-16-202** is amended to read:

260 **65A-16-202 . Oversight.**

- 261 (1)(a) The division shall oversee whether a grantee and the water trust that the grantee
 262 establishes comply with this chapter.
- 263 (b) In overseeing a grantee under this chapter, the division shall consult with the
 264 commissioner.
- 265 (c) The trust council shall oversee expenditures of grant money in accordance with
 266 Section 65A-16-302.

- 267 (2)(a) The division, in consultation with the council and the Division of Water Quality,
 268 shall establish by rule made in accordance with Section 65A-16-102, interventions
 269 for a grantee or water trust that fails to comply with this chapter.
- 270 (b) The rules establishing interventions under Subsection (2)(a) shall include, among
 271 other actions, requiring the grantee or water trust to return unexpended grant money
 272 to the division for failure to comply with this chapter.
- 273 (3) This section may not be construed as limiting the state auditor's enforcement authority
 274 under Section 51-2a-201.5.

275 Section 8. Section **65A-16-203** is amended to read:

276 **65A-16-203 . Grantee requirements.**

- 277 (1) A grantee that receives grant money under this chapter shall:
- 278 ~~[(1)]~~ (a) comply with Section 51-2a-201.5, Title 63G, Chapter 6b, State Grants, and other
 279 applicable laws, regulations, ordinances, or rules; and
- 280 ~~[(2)]~~ (b) use grant money to:
- 281 (i) carry out the objectives of Subsection 65A-16-201(1), subject to approval by the
 282 trust council in accordance with Section 65A-16-302; and ~~[(t)]~~
- 283 (ii) operate the water trust in a manner required by Section 65A-16-301~~[- provided~~
 284 ~~that this-]~~ .
- 285 (2) This chapter may not be construed as limiting the grantee's ability to obtain funding
 286 from other public and private sources to assist in the establishment, operation, and
 287 administration of the water trust.

288 Section 9. Section **65A-16-301** is amended to read:

289 **65A-16-301 . Water trust -- Powers and duties -- Advisory councils.**

- 290 (1) The grantee under this chapter shall establish a water trust that:
- 291 (a) is organized:
- 292 (i) as a private nonprofit organization; or
- 293 (ii) as an agreement between two or more conservation organizations; and
- 294 (b) complies with this section.
- 295 (2) A water trust created under this section shall:
- 296 (a) use a fiduciary to hold and administer grant money appropriated under this chapter;
- 297 (b) subject to Subsection (6):
- 298 (i) register with the lieutenant governor as a limited purpose entity pursuant to
 299 Section 51-2a-201.5;
- 300 (ii) file with the state auditor on or before June 30 of each year the accounting report

- 301 that:
- 302 (A) satisfies Subsection 51-2a-201.5(2);
- 303 (B) includes an itemized accounting of the in-kind contributions and other
- 304 monetary contributions described in Subsection (4); and
- 305 (C) includes an itemized accounting of the costs incurred under Subsection (3)(a);
- 306 (iii) provide a copy of the accounting report described in Subsection (2)(b)(ii) to:
- 307 (A) the division;
- 308 (B) the commissioner;
- 309 (C) the Division of Water Quality;
- 310 (D) the council; and
- 311 (E) the Natural Resources, Agriculture, and Environment Quality Appropriations
- 312 Subcommittee;
- 313 (iv) file with the division on or before January 31 of each year a report that satisfies
- 314 the requirements of Subsection 51-2a-201.5(4); and
- 315 (v) provide a copy of the report described in Subsection (2)(b)(iv) to:
- 316 (A) the Division of Water Quality;
- 317 (B) the council; and
- 318 (C) the Natural Resources, Agriculture, and Environment Quality Appropriations
- 319 Subcommittee; and
- 320 (c) comply with applicable laws, regulations, ordinances, and rules.
- 321 (3) A water trust established by a grantee under this section:
- 322 (a) may use grant money for costs to establish, operate, or administer the water trust,
- 323 including the hiring of staff or contractors;
- 324 (b) shall use no less than 25% of the grant money to protect and restore wetlands and
- 325 habitats in the Great Salt Lake's surrounding ecosystem to benefit the hydrology of
- 326 the Great Salt Lake; and
- 327 (c) may invest grant money the water trust receives under this chapter or any private
- 328 money the water trust may receive, except that the water trust shall:
- 329 (i) invest and account for grant money and private money separately; and
- 330 (ii) use the earnings received from the investment of grant money to carry out the
- 331 purposes described in Subsection 65A-16-201(1).
- 332 (4) The water trust shall provide a significant match of in-kind contributions or other
- 333 monetary contributions to support the water trust's operations and for the purposes
- 334 described in Subsection 65A-16-201(1).

- 335 (5)(a) A water trust established under this section shall create and consult with one or
 336 more advisory councils on matters related to the mission and objectives of the water
 337 trust.
- 338 (b) ~~[At least one]~~ One of the advisory councils shall be known as the "Great Salt Lake
 339 Trust Council" and consist of ~~[nine]~~ 10 members~~[-with]~~ :
- 340 (i) the commissioner or the commissioner's designee; and
 341 (ii) a representative from the following:
- 342 (i) ~~(A)~~ (A) agriculture;
 343 (ii) ~~(B)~~ (B) a private land owner adjacent to the Great Salt Lake;
 344 (iii) ~~(C)~~ (C) a conservation organization dedicated to the preservation of migratory
 345 waterfowl;
 346 (iv) ~~(D)~~ (D) a conservation organization dedicated to the protection of non-game
 347 avian species;
 348 (v) ~~(E)~~ (E) another conservation organization working on Great Salt Lake issues;
 349 (vi) ~~(F)~~ (F) aquaculture;
 350 (vii) ~~(G)~~ (G) mineral extraction;
 351 (viii) ~~(H)~~ (H) a water conservancy district; and
 352 (ix) ~~(I)~~ (I) wastewater treatment facilities.
- 353 (6) The duties of the water trust under Subsection (2)(b) apply to the water trust
 354 notwithstanding whether the holdings, revenues, or expenditures of the water trust
 355 include grant money or other money from the state.
- 356 Section 10. Section **65A-16-302** is enacted to read:
- 357 **65A-16-302 . Coordination -- Great Salt Lake Trust Council powers and duties.**
- 358 (1) The commissioner shall coordinate with the water trust concerning projects designed to
 359 meet the objectives of Subsection 65A-16-201(1) or to acquire or lease water or water
 360 rights for the Great Salt Lake.
- 361 (2) The trust council shall set a threshold for expenditures above which the trust council
 362 shall review and may approve an expenditure by the grantee or the water trust of grant
 363 money if the trust council finds that the expenditure meets the purposes described in
 364 Subsection 65A-16-201(1).
- 365 (3) In accordance with Subsection 73-32-202(3), the trust council shall review the
 366 expenditure of money by the commissioner for a project designed to acquire or lease
 367 water or water rights for the Great Salt Lake and may make recommendations regarding
 368 the expenditure.

369 (4) By no later than July 1, 2025, the division, in cooperation with the grantee, shall modify
 370 the Great Salt Lake Watershed Enhancement Trust Grant Agreement, signed January 1,
 371 2023, to comply with the requirements imposed under this section and Section
 372 65A-16-301.

373 Section 11. Section **73-10-18** is amended to read:

374 **73-10-18 . Division of Water Resources -- Creation -- Power and authority.**

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

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

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

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

388 (3) Notwithstanding Subsection (2), the Utah water agent, appointed under Section
 389 73-10g-702, has authority over out-of-state negotiations related to water importation in
 390 accordance with [~~Chapter 10g, Part 6, Utah Water Agent~~] Chapter 10g, Part 7, Utah
 391 Water Agent, except when limited by Section 73-10g-703.

392 Section 12. Section **73-10g-703** is amended to read:

393 **73-10g-703 . Powers and duties of water agent.**

394 (1)(a) Subject to Subsection (1)(b) and in consultation with the speaker of the House of
 395 Representatives, president of the Senate, and governor, the water agent shall explore
 396 and negotiate with officials of other states, tribes, and other government entities
 397 regarding possible water importation projects, including:

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

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

402 (iii) working with the council and division to match the water resources described in

- 403 Subsection (1)(a)(ii) to needs identified by the council or division;
- 404 (iv) establishing a strategy to designate what out-of-state water resources to pursue
405 and how to execute that strategy;
- 406 (v) negotiating directly with out-of-state partners to execute the strategy described in
407 Subsection (1)(a)(iv);
- 408 (vi) represent the state in interstate conferences between the state and one or more
409 sister states held for the purpose of entering into compacts between such states for
410 the division of the waters of interstate rivers, lakes, or other sources of water
411 supply, and to represent the state upon commissions or other governing bodies
412 provided for by any compacts that have been or may be entered into between the
413 state and one or more sister states, except that a compact is not binding on the
414 state until the compact is ratified and approved by the Legislature and the
415 legislatures of other states that are parties to the compact;
- 416 (vii) recommending to the Legislature and to the council actions that may assist in the
417 development of, strategies for, and execution of water importation projects; and
- 418 (viii) annually reporting findings and recommendations to:
- 419 (A) the governor;
- 420 (B) the president of the Senate;
- 421 (C) the speaker of the House of Representatives;
- 422 (D) the Legislative Water Development Commission created in Section 73-27-102;
- 423 (E) the Natural Resources, Agriculture, and Environment Interim Committee; and
- 424 (F) the Board of Water Resources created in Section 73-10-1.5.
- 425 (b) The water agent may not act under this section in relation to interests governed by
426 interstate compacts in which Utah is a party, such as the 1922 and 1948 Colorado
427 River Compacts and the 1980 Amended Bear River Compact.
- 428 (2) The water agent shall consult and work with the council, state entities, the Colorado
429 River Authority of Utah, and other bodies established by the state for interstate water
430 negotiations.
- 431 (3) Subject to Title 63G, Chapter 2, Government Records Access and Management Act,
432 upon request of the water agent, a state or local entity shall provide to the water agent a
433 document, report, or information available within the state or local entity.
- 434 (4) The water agent may negotiate with tribes in accordance with this section, except to the
435 extent that the water at issue comes from the Colorado River.
- 436 (5) This chapter may not be interpreted to override, substitute, or modify a water right

437 within the state or the role and authority of the state engineer.

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

441 Section 13. Section **73-32-101** is amended to read:

442 **73-32-101 . Definitions.**

443 As used in this chapter:

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

445 (2) "Commissioner" means the Great Salt Lake commissioner appointed under Section
 446 73-32-201.

447 (3) "Council" means the Great Salt Lake Advisory Council created in Section 73-32-302.

448 (4) "Department" means the Department of Natural Resources.

449 (5) "Executive director" means the executive director of the department.

450 [~~(5)~~] (6) "Office" means the Office of the Great Salt Lake Commissioner created in Section
 451 73-32-301.

452 [~~(6)~~] (7) "State agency" means a department, division, board, council, committee, institution,
 453 office, bureau, or other similar administrative unit of the executive branch of state
 454 government.

455 [~~(7)~~] (8) "Strategic plan" means the plan prepared by the commissioner under Sections
 456 73-32-202 and 73-32-204.

457 Section 14. Section **73-32-102** is enacted to read:

458 **73-32-102 . Transition to department.**

459 (1) The commissioner shall cooperate with the department to transition, to the extent
 460 consistent with this chapter, the commissioner's functions as a part of the department.

461 (2) The department shall succeed to any contract in which the commissioner is a party.

462 Section 15. Section **73-32-201** is amended to read:

463 **73-32-201 . Great Salt Lake commissioner appointment.**

464 (1)(a) The governor shall appoint a Great Salt Lake commissioner with the advice and
 465 consent of the Senate. The commissioner shall serve within the department and report
 466 to the executive director.

467 (b) Before the governor appoints the commissioner under this section, the governor shall
 468 consult with the speaker of the House of Representatives and the president of the
 469 Senate concerning the selection of potential candidates for the position of
 470 commissioner.

- 471 (2) The commissioner shall serve a term of six years and may be appointed to more than
472 one term, but shall be subject to removal at the pleasure of the governor.
- 473 (3) The governor shall establish the commissioner's compensation within the salary range
474 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

475 Section 16. Section **73-32-202** is amended to read:

476 **73-32-202 . Duties and authorizations of the commissioner.**

- 477 (1) The commissioner, under the administrative oversight of the executive director, shall:
- 478 (a) subject to Section 73-32-204, prepare an approved strategic plan for the long-term
479 health of the Great Salt Lake and update the strategic plan regularly;
- 480 (b) oversee the execution of the strategic plan by other state agencies as provided in
481 Section 73-32-203;
- 482 (c) maintain information that measures Great Salt Lake levels, salinity, and overall
483 health;
- 484 (d) meet regularly with the executive director [~~of the department~~] and with the executive
485 director of the Department of Environmental Quality;
- 486 (e) consult with the Division of Forestry, Fire, and State Lands regarding Title 65A,
487 Chapter 16, Great Salt Lake Watershed Enhancement Program;
- 488 (f) monitor the integrated water assessment conducted under Chapter 10g, Part 4, Great
489 Salt Lake Watershed Integrated Water Assessment;
- 490 (g) inform the governor, the president of the Senate, and the speaker of the House of
491 Representatives, at least annually, about the status of the strategic plan and the
492 progress regarding implementation of the strategic plan;
- 493 (h) at least annually report to the Executive Appropriations Committee regarding the
494 expenditure of money under this chapter;
- 495 (i) work cooperatively with and receive input and recommendations from the Great Salt
496 Lake Trust Council created under Section 65A-16-301 in accordance with Section
497 65A-16-302;
- 498 [(+) (j)] coordinate and work collaboratively with water conservancy districts that serve
499 water users within the Great Salt Lake watershed; and
- 500 [(+) (k)] annually report to the Natural Resources, Agriculture, and Environment Interim
501 Committee regarding the activities of the commissioner.
- 502 (2) The commissioner may:
- 503 (a) access information from other state or federal agencies related to the Great Salt Lake;
- 504 (b) develop cooperative agreements between the state, political subdivisions, and

- 505 agencies of the federal government for involvement in the strategic plan;
- 506 (c) produce research, documents, maps, studies, analysis, or other information that
- 507 supports the strategic plan for the Great Salt Lake;
- 508 (d) facilitate and coordinate the exchange of information, comments, and
- 509 recommendations on Great Salt Lake policies between and among:
- 510 (i) state agencies;
- 511 (ii) political subdivisions;
- 512 (iii) institutions of higher education that conduct research relevant to the Great Salt
- 513 Lake;
- 514 (iv) nonprofit entities; and
- 515 (v) private business;
- 516 (e) communicate with the Great Salt Lake Watershed Council created under Chapter
- 517 10g, Part 3, Watershed Councils Act; and
- 518 (f) perform other duties that the commissioner considers necessary or expedient to carry
- 519 out the purposes of this chapter.
- 520 (3)(a) The commissioner may not expend money for the purpose of acquiring or leasing
- 521 water or water rights without first obtaining a review and recommendations regarding
- 522 the expenditure from the Great Salt Lake Trust Council created in accordance with
- 523 Section 65A-16-301.
- 524 (b) The Great Salt Lake Trust Council shall review an expenditure described in
- 525 Subsection (3)(a) and may make a favorable recommendation if the Great Salt Lake
- 526 Trust Council finds that the expenditure is consistent with:
- 527 (i) the strategic plan; and
- 528 (ii) activities of the water trust created in Title 65A, Chapter 16, Great Salt Lake
- 529 Watershed Enhancement Program.
- 530 [~~3~~] (4) In fulfilling the duties under this chapter, the commissioner shall consult and
- 531 coordinate, as necessary, with:
- 532 (a) divisions within the department;
- 533 (b) the Department of Agriculture and Food;
- 534 (c) the Department of Environmental Quality;
- 535 (d) other applicable state agencies;
- 536 (e) political subdivisions of the state;
- 537 (f) federal agencies;
- 538 (g) elected officials; and

539 (h) local tribal officials.

540 Section 17. Section **73-32-302** is amended to read:

541 **73-32-302 . Advisory council created -- Staffing -- Per diem and travel expenses --**
542 **Annual conflict of interest disclosure statement -- Exception -- Penalties.**

543 (1) There is created an advisory council known as the "Great Salt Lake Advisory Council"
544 consisting of 11 members listed in Subsection (2).

545 (2)(a) The governor shall appoint the following members, with the advice and consent of
546 the Senate:

547 (i) one representative of industry representing the extractive industry;

548 (ii) one representative of industry representing aquaculture;

549 (iii) one representative of conservation interests;

550 (iv) one representative of a migratory bird protection area as defined in Section
551 23A-13-101;

552 (v) one representative who is an elected official from municipal government, or the
553 elected official's designee;

554 (vi) five representatives who are elected officials from county government, or the
555 elected official's designee, one each representing:

556 (A) Box Elder County;

557 (B) Davis County;

558 (C) Salt Lake County;

559 (D) Tooele County; and

560 (E) Weber County; and

561 (vii) one representative of a publicly owned treatment works.

562 (3)(a) Except as required by Subsection (3)(b), each member shall serve a four-year term.

563 (b) Notwithstanding Subsection (3)(a), at the time of appointment or reappointment, the
564 governor shall adjust the length of terms of voting members to ensure that the terms
565 of council members are staggered so that approximately half of the council is
566 appointed every two years.

567 (c) When a vacancy occurs in the membership for any reason, the governor shall appoint
568 a replacement for the unexpired term with the advice and consent of the Senate.

569 (d) A member shall hold office until the member's successor is appointed and qualified.

570 (4) The council shall determine:

571 (a) the time and place of meetings; and

572 (b) any other procedural matter not specified in this chapter.

- 573 (5)(a) Attendance of six members at a meeting of the council constitutes a quorum.
574 (b) A vote of the majority of the members present at a meeting when a quorum is present
575 constitutes an action of the council.
- 576 (6) A member may not receive compensation or benefits for the member's service, but may
577 receive per diem and travel expenses in accordance with:
578 (a) Section 63A-3-106;
579 (b) Section 63A-3-107; and
580 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
581 63A-3-107.
- 582 (7) The [~~office, the~~]department, and the Department of Environmental Quality shall
583 coordinate and provide necessary staff assistance to the council.
- 584 (8) Except as provided in Subsection (14), a council member shall, no sooner than January
585 1 and no later than January 31 of each year during which the council member holds
586 office on the council:
587 (a) prepare a written conflict of interest disclosure statement that contains a response to
588 each item of information described in Subsection 20A-11-1604(6); and
589 (b) submit the written disclosure statement to the administrator or clerk of the council.
- 590 (9)(a) No later than 10 business days after the date on which the council member
591 submits the written disclosure statement described in Subsection (8) to the
592 administrator or clerk of the council, the administrator or clerk shall:
593 (i) post an electronic copy of the written disclosure statement on the council's
594 website; and
595 (ii) provide the lieutenant governor with a link to the electronic posting described in
596 Subsection (9)(a)(i).
597 (b) The administrator or clerk of the council shall ensure that the council member's
598 written disclosure statement remains posted on the council's website until the council
599 member leaves office.
- 600 (10) The administrator or clerk of the council shall take the action described in Subsection
601 (11) if:
602 (a) a council member fails to timely file the written disclosure statement described in
603 Subsection (8); or
604 (b) a submitted written disclosure statement does not comply with the requirements of
605 Subsection 20A-11-1604(6).
- 606 (11) If a circumstance described in Subsection (10) occurs, the administrator or clerk of the

607 council shall, within five days after the day on which the administrator or clerk
608 determines that a violation occurred, notify the council member of the violation and
609 direct the council member to submit an amended written disclosure statement correcting
610 the problem.

- 611 (12)(a) It is unlawful for a council member to fail to submit or amend a written
612 disclosure statement within seven days after the day on which the council member
613 receives the notice described in Subsection (11).
- 614 (b) A council member who violates Subsection (12)(a) is guilty of a class B
615 misdemeanor.
- 616 (c) The administrator or clerk of the council shall report a violation of Subsection (12)(a)
617 to the attorney general.
- 618 (d) In addition to the criminal penalty described in Subsection (12)(b), the administrator
619 or clerk of the council shall impose a civil fine of \$100 against a council member
620 who violates Subsection (12)(a).

621 (13) The administrator or clerk of the council shall deposit a fine collected under this
622 section into the council's account to pay for the costs of administering this section.

623 (14) For an individual appointed to the council under Subsection (2)(a)(v) or (vi):

- 624 (a) Subsection (8) does not apply; and
- 625 (b) the administrator or clerk of the council shall, instead:
- 626 (i) post an electronic link on the council's website to the written disclosure statement
627 the council member made in the council member's capacity as an elected officer of:
- 628 (A) a county, under Section 17-16a-13; or
629 (B) a municipality, under Section 10-3-1313; and
- 630 (ii) provide the lieutenant governor with a link to the electronic posting described in
631 Subsection (14)(b)(i).

632 Section 18. Section **73-32-303** is amended to read:

633 **73-32-303 . Duties of the council.**

- 634 (1)(a) The council shall advise the persons listed in Subsection (1)(b) on the sustainable
635 use, protection, and development of the Great Salt Lake in terms of balancing:
- 636 (i) sustainable use;
- 637 (ii) environmental health; and
- 638 (iii) reasonable access for existing and future development.
- 639 (b) The council shall advise, as provided in Subsection (1)(a):
- 640 (i) the governor;

- 641 (ii) the [~~Department of Natural Resources~~] department;
- 642 (iii) the Department of Environmental Quality; and
- 643 (iv) the commissioner.
- 644 (2) The council shall assist the Division of Forestry, Fire, and State Lands in the Division of
- 645 Forestry, Fire, and State Land's responsibilities for the Great Salt Lake described in
- 646 Sections 65A-17-201 and 65A-17-202.
- 647 (3) The council:
- 648 (a) may recommend appointments to the Great Salt Lake technical team created by the
- 649 Division of Forestry, Fire, and State Lands; and
- 650 (b) shall receive and use technical support from the Great Salt Lake technical team.
- 651 (4) The council shall assist the department, the Department of Environmental Quality, and
- 652 their applicable boards in accomplishing their responsibilities for the Great Salt Lake.
- 653 (5) The council shall report annually to the Natural Resources, Agriculture, and
- 654 Environmental Quality Appropriations Subcommittee on the council's activities.

655 Section 19. Section **79-2-201** is amended to read:

656 **79-2-201 . Department of Natural Resources created.**

- 657 (1) There is created the Department of Natural Resources.
- 658 (2) The department comprises the following:
- 659 (a) Board of Water Resources, created in Section 73-10-1.5;
- 660 (b) Board of Oil, Gas, and Mining, created in Section 40-6-4;
- 661 (c) Office of Energy Development, created in Section 79-6-401;
- 662 (d) Wildlife Board, created in Section 23A-2-301;
- 663 (e) Board of the Utah Geological Survey, created in Section 79-3-301;
- 664 (f) Water Development Coordinating Council, created in Section 73-10c-3;
- 665 (g) Division of Water Rights, created in Section 73-2-1.1;
- 666 (h) Division of Water Resources, created in Section 73-10-18;
- 667 (i) Division of Forestry, Fire, and State Lands, created in Section 65A-1-4;
- 668 (j) Division of Oil, Gas, and Mining, created in Section 40-6-15;
- 669 (k) Division of State Parks, created in Section 79-4-201;
- 670 (l) Division of Outdoor Recreation, created in Section 79-7-201;
- 671 (m) Division of Wildlife Resources, created in Section 23A-2-201;
- 672 (n) Utah Geological Survey, created in Section 79-3-201;
- 673 (o) Utah Outdoor Recreation Infrastructure Advisory Committee, created in Section
- 674 79-7-206;

- 675 (p)(i) an advisory council that includes in the advisory council's duties advising on
676 state boating policy, authorized by Section 73-18-3.5; or
677 (ii) an advisory council that includes in the advisory council's duties advising on
678 off-highway vehicle use, authorized by Section 41-22-10;
- 679 (q) Wildlife Board Nominating Committee, created in Section 23A-2-302;
- 680 (r) Wildlife Regional Advisory Councils, created in Section 23A-2-303;
- 681 (s) Utah Watersheds Council, created in Section 73-10g-304;
- 682 (t) Utah Natural Resources Legacy Fund Board, created in Section 23A-3-305;~~and~~
- 683 (u) Public Lands Policy Coordinating Office created in Section 63L-11-201~~[-]~~ ; and
- 684 (v) the Great Salt Lake commissioner, appointed under Section 73-32-201, and the
685 Office of the Great Salt Lake Commissioner, created in Section 73-32-301.
- 686 [~~3) The department shall provide office space, furnishings, and supplies to the Great Salt~~
687 ~~Lake commissioner appointed under Section 73-32-201, the Office of the Great Salt~~
688 ~~Lake Commissioner created in Section 73-32-301, and support staff for the Office of the~~
689 ~~Great Salt Lake Commissioner.]~~
- 690 Section 20. **Effective Date.**
691 This bill takes effect on July 1, 2025.