

Representative Melvin R. Brown proposes the following substitute bill:

DIVIDING GROUNDWATER WITH ANOTHER STATE

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jackie Biskupski

Senate Sponsor: Dennis E. Stowell

LONG TITLE

General Description:

This bill creates an advisory committee to divide groundwater with another state.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ creates an advisory committee and specifies its duties.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

73-29-101, Utah Code Annotated 1953

73-29-102, Utah Code Annotated 1953

73-29-103, Utah Code Annotated 1953

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

Section 1. Section **73-29-101** is enacted to read:



26 **CHAPTER 29. INTERSTATE GROUNDWATER ACT**

27 **73-29-101. Title.**

28 This chapter is known as the "Interstate Groundwater Act."

29 Section 2. Section **73-29-102** is enacted to read:

30 **73-29-102. Definitions.**

31 As used in this chapter:

32 (1) "Agreement" means the agreement between Utah and Nevada to divide the water
33 resources of an interstate groundwater flow system required by the Lincoln County

34 Conservation, Recreation, and Development Act of 2004, Pub. L. No. 108-424.

35 (2) "Committee" means the advisory committee created in Section 73-29-103.

36 (3) "Department" means the Department of Natural Resources.

37 (4) "Executive director" means the executive director of the Department of Natural
38 Resources.

39 (5) "Project" means the withdrawal and transbasin diversion of water from the
40 interstate groundwater flow system.

41 Section 3. Section **73-29-103** is enacted to read:

42 **73-29-103. Advisory committee.**

43 (1) There is created an advisory committee.

44 (2) (a) The committee shall consist of the following members:

45 (i) the governor or the governor's designee;

46 (ii) the executive director of the department;

47 (iii) the state engineer;

48 (iv) the representative designated by the Board of Water Resources, as authorized by
49 Section 73-10-3, to represent the state at interstate conferences held to enter into compacts to

50 divide interstate waters;

51 (v) an elected official from each of the counties affected by the agreement, appointed
52 by the county's governing body;

53 (vi) a member of the House of Representatives who represents citizens affected by the
54 agreement, appointed by the speaker of the House of Representatives;

55 (vii) a member of the Senate who represents citizens affected by the agreement,
56 appointed by the president of the Senate; and

57 (viii) a holder of a water right that could be affected by the agreement, appointed by the
58 governor.

59 (b) The executive director of the department shall chair the committee.

60 (c) The committee shall meet upon the call of the chair or a majority of the committee
61 members.

62 (3) (a) Except as required by Subsection (3)(b), the members appointed under
63 Subsections (2)(a)(iv) through (viii) shall be appointed for four-year terms.

64 (b) The governor shall, at the time of the appointment or reappointment, adjust the
65 length of terms to ensure that the terms of the committee members are staggered so that
66 approximately half of the committee is appointed every two years.

67 (c) (i) A vacancy exists whenever a member ceases to be a member of the Legislature
68 or an elected county official, or when a member resigns from the committee.

69 (ii) Vacancies shall be filled by the appointing authority, and the replacement shall fill
70 the unexpired term.

71 (4) (a) (i) A member who is not a government employee may not receive compensation
72 or benefits for the member's service, but may receive per diem and expenses incurred in the
73 performance of the member's official duties at rates established by the Division of Finance
74 under Sections 63A-3-106 and 63A-3-107.

75 (ii) A member may decline to receive per diem and expenses for the member's service.

76 (b) (i) A state government officer and employee member who does not receive salary,
77 per diem, or expenses from the agency the member represents for the member's service may
78 receive per diem and expenses incurred in the performance of the member's official duties at
79 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

80 (ii) A state government officer and employee member may decline to receive per diem
81 and expenses for the member's service.

82 (c) (i) A local government member who does not receive salary, per diem, or expenses
83 from the entity that the member represents for the member's service may receive per diem and
84 expenses incurred in the performance of the member's official duties at the rates established by
85 the Division of Finance under Sections 63A-3-106 and 63A-3-107.

86 (ii) A local government member may decline to receive per diem and expenses for the
87 member's service.

88 (d) A legislative member of the committee may receive a salary and expenses paid in
89 accordance with Section 36-2-2 and legislative rule.

90 (5) The department shall provide staff support to the committee.

91 (6) The committee shall:

92 (a) advise the executive director in the negotiation and drafting of the agreement;

93 (b) recommend any additional studies; and

94 (c) oversee the implementation and enforcement of the agreement as long as the project
95 affects the interstate groundwater flow system.