

**UTAH LAKE AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill enacts provisions dealing with restoring Utah Lake.

**Highlighted Provisions:**

This bill:

- ▶ creates a review panel to review and evaluate proposals for the comprehensive restoration of Utah Lake;
- ▶ establishes review panel authority, membership, and duties;
- ▶ provides a process and criteria for evaluating proposals to restore Utah Lake; and
- ▶ gives the panel exclusive authority to evaluate proposals and authorizes the panel to accept a proposal.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

ENACTS:

- 65A-15-101**, Utah Code Annotated 1953
- 65A-15-102**, Utah Code Annotated 1953
- 65A-15-201**, Utah Code Annotated 1953
- 65A-15-202**, Utah Code Annotated 1953



28 [65A-15-203](#), Utah Code Annotated 1953



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

31 Section 1. Section **65A-15-101** is enacted to read:

32 **CHAPTER 15. UTAH LAKE RESTORATION ACT**

33 **Part 1. General Provisions**

34 **65A-15-101. Title.**

35 This chapter is known as the "Utah Lake Restoration Act."

36 Section 2. Section **65A-15-102** is enacted to read:

37 **65A-15-102. Definitions.**

38 As used in this chapter:

39 (1) "Applicant" means a person who submits a proposal.

40 (2) "Offering" means an offering entitled "Utah Lake Land Exchange Offering," issued  
41 by the division, with open dates of November 27, 2017 to January 8, 2018.

42 (3) "Panel" means the review panel created in Section [65A-15-201](#).

43 (4) "Project" means a comprehensive restoration of Utah Lake, as described in the  
44 offering.

45 (5) "Proposal" means a proposal for the project, submitted to the division within the  
46 time specified in the offering.

47 Section 3. Section **65A-15-201** is enacted to read:

48 **Part 2. Utah Lake Land Exchange Review Panel**

49 **65A-15-201. Panel creation, membership, authority, and duties.**

50 (1) There is created the Utah Lake Land Exchange Review Panel, consisting of:

51 (a) the governor, or the governor's designee;

52 (b) the president of the Senate, or the president's designee;

53 (c) the speaker of the House of Representatives, or the speaker's designee;

54 (d) the executive director of the Department of Natural Resources, or the executive  
55 director's designee;

56 (e) the executive director of the Department of Environmental Quality, or the executive  
57 director's designee;

58 (f) the executive director of the Utah Lake Commission, created by interlocal

59 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, or the executive director's  
60 designee; and

61 (g) the coordinator of the sovereign lands program, established within the division, or  
62 the coordinator's designee.

63 (2) The governor or the governor's designee:

64 (a) is the chair of the panel; and

65 (b) may appoint a vice chair from among panel members to conduct panel meetings in  
66 the chair's absence.

67 (3) A panel member may not receive compensation or benefits for the member's service  
68 on the panel, but may receive per diem and travel expenses in accordance with:

69 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

70 (b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
71 [63A-3-107](#).

72 Section 4. Section **65A-15-202** is enacted to read:

73 **65A-15-202. Panel authority and responsibilities.**

74 (1) The panel has exclusive authority to review and evaluate and accept or reject  
75 proposals.

76 (2) The panel:

77 (a) shall review and evaluate all proposals submitted in response to the offering;

78 (b) is not required to accept any proposal; and

79 (c) may accept only one proposal.

80 (3) The panel shall complete its review and evaluation of proposals and determine  
81 whether to accept or reject a proposal no later than June 1, 2018.

82 (4) In reviewing and evaluating proposals and determining whether to accept or reject a  
83 proposal, the panel shall consider:

84 (a) whether the proposal accomplishes the state's objectives of:

85 (i) restoring the clarity and quality of water in Utah Lake;

86 (ii) conserving water resources in and around Utah Lake;

87 (iii) preserving the water storage and water supply functions of Utah Lake;

88 (iv) removing invasive plant and animal species, including phragmites and carp, from  
89 Utah Lake;

- 90 (v) restoring littoral zone and other plant communities in and around Utah Lake;  
91 (vi) restoring and conserving native fish and other aquatic species in Utah Lake,  
92 including the Bonneville cutthroat trout and June Sucker;  
93 (vii) increasing the suitability of Utah Lake and its surrounding area for shore birds,  
94 waterfowl, and other avian species;  
95 (viii) improving navigability of Utah Lake;  
96 (ix) maximizing, enhancing, and ensuring recreational access and opportunities on  
97 Utah Lake; and  
98 (x) otherwise improving the use of Utah Lake for residents and visitors;  
99 (b) the potential the proposal presents for additional revenue to state and local  
100 government entities;  
101 (c) the ability of the proposed use to enhance state property adjacent to Utah Lake;  
102 (d) the proposed timetable for completion of the project;  
103 (e) the ability of the applicant to execute and complete the project satisfactorily; and  
104 (f) the desirability of the proposed use of Utah Lake and surrounding areas as a result  
105 of the project.  
106 (5) The panel may request an applicant to provide and may receive from an applicant  
107 additional information beyond that included within the applicant's proposal.  
108 (6) If the panel accepts a proposal, the panel shall:  
109 (a) prepare a report that:  
110 (i) summarizes the panel's evaluation of proposals;  
111 (ii) explains the panel's evaluation of the accepted proposal under each of the criteria  
112 listed in Subsection (4); and  
113 (iii) explains why the panel accepted the proposal;  
114 (b) make the report under Subsection (6)(a) public, including posting the report on the  
115 division's website; and  
116 (c) direct the division to take all necessary steps to implement the project, as set forth  
117 in the accepted proposal, including the exchange of state lands appropriately available for  
118 exchange in implementing the project.  
119 Section 5. Section **65A-15-203** is enacted to read:  
120 **65A-15-203. Panel procedures.**

121           (1) The panel may establish procedures to govern its proceedings and the performance  
122 of its duties under Section [65A-15-202](#).

123           (2) The panel is not subject to Title 63G, Chapter 4, Administrative Procedures Act,  
124 Section 6. **Effective date.**

125           If approved by two-thirds of all the members elected to each house, this bill takes effect  
126 upon approval by the governor, or the day following the constitutional time limit of Utah  
127 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
128 the date of veto override.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**