

1 **LEGISLATIVE WATER DEVELOPMENT COMMISSION**

2 **SUNSET AMENDMENTS**

3 2020 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Keven J. Stratton**

6 Senate Sponsor: Ralph Okerlund

7

8 **LONG TITLE**

9 **Committee Note:**

10 The Natural Resources, Agriculture, and Environment Interim Committee
11 recommended this bill.

12 Legislative Vote: 13 voting for 0 voting against 6 absent

13 **General Description:**

14 This bill addresses the Legislative Water Development Commission.

15 **Highlighted Provisions:**

16 This bill:

- 17 ▶ extends the sunset date of the Legislative Water Development Commission;
- 18 ▶ corrects references to the name of the commission to be the Legislative Water
- 19 Development Commission;
- 20 ▶ addresses appointment of nonvoting members of the commission;
- 21 ▶ addresses duties of the commission;
- 22 ▶ repeals reference to river districts and a 2016 report; and
- 23 ▶ makes technical and conforming changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **63I-1-273**, as last amended by Laws of Utah 2019, Chapters 96 and 246

31 **73-10g-105**, as last amended by Laws of Utah 2019, Chapter 246

32 **73-27-102**, as last amended by Laws of Utah 2017, Chapter 477

33 **73-27-103**, as last amended by Laws of Utah 2018, Chapter 418

34 REPEALS:

35 **73-27-101**, as enacted by Laws of Utah 2000, Chapter 124



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

38 Section 1. Section **63I-1-273** is amended to read:

39 **63I-1-273. Repeal dates, Title 73.**

40 In relation to the Legislative Water Development Commission, on January 1, [2021]

41 2031:

42 (1) in Subsection **73-10g-105**(3), the language that states "and in consultation with the
43 [State] Legislative Water Development Commission created in Section **73-27-102**" is repealed;

44 (2) Subsection **73-10g-203**(4)(a) is repealed; and

45 (3) Title 73, Chapter 27, [State] Legislative Water Development Commission, is
46 repealed.

47 Section 2. Section **73-10g-105** is amended to read:

48 **73-10g-105. Loans -- Rulemaking.**

49 (1) (a) The division and the board shall make rules, in accordance with Title 63G,
50 Chapter 3, Utah Administrative Rulemaking Act, in preparation to make loans from available
51 funds to repair, replace, or improve underfunded federal water infrastructure projects.

52 (b) Subject to Chapter 26, Bear River Development Act, and Chapter 28, Lake Powell
53 Pipeline Development Act, the division and the board shall make rules, in accordance with
54 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in preparation to make loans from
55 available funds to develop the state's undeveloped share of the Bear and Colorado rivers.

56 (2) The rules described in Subsection (1) shall:

57 (a) specify the amount of money that may be loaned;

58 (b) specify the criteria the division and the board shall consider in prioritizing and

59 awarding loans;

60 (c) specify the minimum qualifications for [~~an individual who, or entity that, receives~~
61 a person to receive a loan, including the amount of cost-sharing to be the responsibility of the
62 [~~individual or entity~~] person applying for a loan;

63 (d) specify the terms of the loan, including the terms of repayment; and

64 (e) require [~~all applicants~~] an applicant for a loan to apply on forms provided by the
65 division and in a manner required by the division.

66 (3) The division and the board shall, in making the rules described in Subsection (1)
67 and in consultation with the [~~State~~] Legislative Water Development Commission created in
68 Section 73-27-102:

69 (a) establish criteria for better water data and data reporting;

70 (b) establish new conservation targets based on the data described in Subsection (3)(a);

71 (c) institute a process for the independent verification of the data described in
72 Subsection (3)(a);

73 (d) establish a plan for an independent review of:

74 (i) the proposed construction plan for an applicant's qualifying water infrastructure
75 project; and

76 (ii) the applicant's plan to repay the loan for the construction of the proposed water
77 infrastructure project;

78 (e) invite and recommend public involvement; and

79 (f) set appropriate financing and repayment terms.

80 (4) The division and the board shall provide regular updates to the Legislative
81 Management Committee on the progress made under this section, including whether the
82 division and board intend to issue a request for proposals.

83 Section 3. Section **73-27-102** is amended to read:

84 **73-27-102. Legislative Water Development Commission created.**

85 (1) The Legislative Water Development Commission is created to determine the state's
86 role in the protection, conservation, and development of the state's water resources.

87 (2) (a) The commission membership shall include:

88 [~~(a)~~] (i) five members of the Senate, appointed by the president of the Senate, no more
89 than four of whom may be from the same political party;

90 ~~[(b)]~~ (ii) eight members of the House of Representatives, appointed by the speaker of
91 the House of Representatives, no more than six of whom may be from the same political party;
92 and

93 ~~[(c)]~~ (iii) subject to Subsections (2)(b) and (c), nonvoting members, appointed by the
94 Legislative Management Committee, ~~[upon recommendation]~~ from a list recommended by the
95 cochairs of the commission described in Subsection (5).

96 (b) If the Legislative Management Committee chooses to not appoint an individual on
97 the list described in Subsection (2)(a)(iii), the Legislative Management Committee may ask the
98 cochairs of the commission to submit an additional list of recommendations.

99 (c) The Legislative Management Committee may not appoint an individual who is not
100 recommended by the cochairs of the commission.

101 (3) (a) The members appointed by the Legislative Management Committee under
102 Subsection (2)~~[(c)]~~(a)(iii) shall be appointed or reappointed to a two-year term.

103 (b) When a vacancy occurs in the membership for any reason, the Legislative
104 Management Committee, in consultation with the cochairs of the commission, shall appoint a
105 replacement for the unexpired term.

106 (4) The president of the Senate and the speaker of the House of Representatives shall,
107 to the extent possible, appoint members under Subsections (2)(a)(i) and ~~[(b)]~~ (ii) that represent
108 both rural and urban areas of the state.

109 (5) (a) The president of the Senate shall designate a member of the Senate appointed
110 under Subsection (2)(a)(i) as a cochair of the commission.

111 (b) The speaker of the House of Representatives shall designate a member of the House
112 of Representatives appointed under Subsection (2)~~[(b)]~~(a)(ii) as a cochair of the commission.

113 (6) Attendance by at least 50% of one legislative house and more than 50% of the other
114 legislative house constitutes a quorum.

115 (7) (a) Compensation and expenses of a member of the commission who is a legislator
116 are governed by Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation
117 and Expenses.

118 (b) Commission members who are employees of the state shall receive no additional
119 compensation.

120 (c) Other commission members shall receive no compensation or expenses for their

121 service on the commission.

122 (8) The Office of Legislative Research and General Counsel shall provide staff support
123 to the commission.

124 Section 4. Section **73-27-103** is amended to read:

125 **73-27-103. Duties of commission.**

126 (1) The commission shall consider and make recommendations to the Legislature and
127 governor on the following issues:

128 (a) how the water needs of the state's growing agricultural, municipal, and industrial
129 sectors will be met;

130 (b) what the impact of federal regulations and legislation will be on the ability of the
131 state to manage and develop its compacted water rights;

132 (c) how the state will fund water projects;

133 (d) whether the state should become an owner and operator of water projects;

134 (e) how the state will encourage the implementation of water conservation programs;

135 and

136 (f) other water issues of statewide importance.

137 (2) The commission shall~~[(a)]~~ consult with the Division of Water Resources and the
138 Board of Water Resources regarding:

139 ~~[(i)]~~ (a) recommendations for rules, criteria, targets, processes, and plans described in
140 Subsection 73-10g-105(3); and

141 ~~[(ii)]~~ (b) the scope of any request for proposals that may be issued by the Division of
142 Water Resources and Board of Water Resources to assist in creating the rules, criteria, targets,
143 processes, and plans described in Subsection 73-10g-105(3)~~]; and~~.

144 ~~[(b) report the recommendations described in Subsection (2)(a) to the Natural
145 Resources, Agriculture, and Environment Interim Committee and the Legislative Management
146 Committee by October 30, 2016.]~~

147 (3) The commission may:

148 (a) form one or more working groups from the membership of the commission to
149 consider and study the issues described in this section; and

150 (b) meet up to six times per calendar year without approval from the Legislative
151 Management Committee.

152 Section 5. **Repealer.**
153 This bill repeals:
154 Section **73-27-101**, **River districts.**