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COMPACT COMMISSION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill addresses state representatives on interstate compact commissions.

Highlighted Provisions:

This bill:

- ▶ addresses representation of the state related to compacts;
- ▶ amends provisions related to the Utah members of the Bear River Compact commission;
- ▶ amends provisions related to the Columbia Interstate Compact; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 73-10-3**, as last amended by Laws of Utah 2021, Chapter 179
- 73-10-4**, as last amended by Laws of Utah 2021, Chapter 179
- 73-10-18**, as last amended by Laws of Utah 2021, Chapter 179
- 73-16-4**, as last amended by Laws of Utah 2010, Chapter 286
- 73-19-9**, as enacted by Laws of Utah 1963, Chapter 177



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

Section 1. Section **73-10-3** is amended to read:

73-10-3. Organization of board -- Interstate conferences -- Designation of representative -- Salary -- Compacts -- Ratification required.

(1) The board shall elect a chair and one or more vice-chairs who shall be members of the board, and shall establish the board's own rules of organization and procedure.

(2) The board, with the approval of the executive director of the Department of Natural Resources and the governor, shall designate a representative who may be one of the board's members to represent the state in [aH] 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 [aH] commissions or other governing bodies provided for by any compacts that have been or may hereafter be entered into between the state and one or more sister states. A compact may not become binding upon the state until the compact is ratified and approved by the Utah State Legislature and the legislatures of other states that are parties to the compact.

(3) In acting as such representative of the state, the representative so acting shall act under the supervision of the governor, through the executive director of the Department of Natural Resources and of the Board of Water Resources. The director of the Division of Finance shall fix the salary to be paid to the representative while the representative is acting in this capacity.

(4) The designee of the Water Resource Board shall continue to represent the state as outlined in Subsections (2) and (3) on waters in the state except for:

(a) the Colorado River system which is governed by Title 63M, Chapter 14, Colorado River Authority of Utah Act; or

(b) state representation under:

(i) the Bear River Compact as provided in Section [73-16-4](#); or

(ii) the Columbia Interstate Compact as provided in Section [73-19-9](#).

Section 2. Section **73-10-4** is amended to read:

73-10-4. Powers and duties of board.

(1) The board shall have the following powers and duties to:

59 (a) authorize studies, investigations, and plans for the full development, use, and
60 promotion of the water and power resources of the state, including preliminary surveys, stream
61 gauging, examinations, tests, and other estimates either separately or in consultation with
62 federal, state and other agencies;

63 (b) enter into contracts subject to the provisions of this chapter for the construction of
64 conservation projects that in the opinion of the board will conserve and use for the best
65 advantage of the people of this state the water and power resources of the state, including
66 projects beyond the boundaries of the state of Utah located on interstate waters when the
67 benefit of such projects accrues to the citizens of the state;

68 (c) sue and be sued in accordance with applicable law;

69 (d) supervise in cooperation with the governor and the executive director of [~~natural~~
70 ~~resources act~~] the Department of Natural Resources, matters affecting interstate compact
71 negotiations and the administration of the compacts affecting the waters of interstate rivers,
72 lakes and other sources of supply, with the exception of:

73 (i) the waters of the Colorado River system that are governed by Title 63M, Chapter
74 14, Colorado River Authority of Utah Act; or

75 (ii) state representation under:

76 (A) the Bear River Compact as provided in Section [73-16-4](#); or

77 (B) the Columbia Interstate Compact as provided in Section [73-19-9](#);

78 (e) contract with federal and other agencies and with the National Water Resources
79 Association and to make studies, investigations and recommendations and do all other things
80 on behalf of the state for any purpose that relates to the development, conservation, protection
81 and control of the water and power resources of the state;

82 (f) consult and advise with the Utah Water Users' Association and other organized
83 water users' associations in the state;

84 (g) consider and make recommendations on behalf of the state of reclamation projects
85 or other water development projects for construction by any agency of the state or United
86 States and in so doing recommend the order in which projects shall be undertaken; or

87 (h) review, approve, and revoke an application to create a water bank under Chapter
88 31, Water Banking Act, collect an annual report, maintain the water banking website, and
89 conduct any other function related to a water bank as described in Chapter 31, Water Banking

90 Act.

91 (2) Nothing contained in this section shall be construed to impair or otherwise interfere
92 with the authority of the state engineer granted by this title, except as specifically otherwise
93 provided in this section.

94 Section 3. Section 73-10-18 is amended to read:

95 **73-10-18. Division of Water Resources -- Creation -- Power and authority.**

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

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

- 103 (a) be the water resource authority for the state; and
- 104 (b) assume all of the functions, powers, duties, rights, and responsibilities of the Utah
105 water and power board except those which are delegated to the board by this act and is vested
106 with such other functions, powers, duties, rights and responsibilities as provided in this act and
107 other law.

108 Section 4. Section 73-16-4 is amended to read:

109 **73-16-4. Members of commission.**

110 (1) There shall be three members of the Bear River Compact commission from the
111 state ~~[of Utah]~~.

112 (2) (a) One member shall be the ~~[interstate stream commissioner of Utah and he shall~~
113 ~~be chairman of]~~ state engineer, who shall chair the Utah delegation.

114 (b) The Board of Water Resources shall appoint the other two commissioners from
115 Utah ~~[shall be appointed by the state water and power board]:~~

- 116 (i) after consultation with the state engineer;
- 117 (ii) after consultation with the director of the Division of Water Resources; and
- 118 (iii) with the consent of the governor~~[, and they]~~.

119 (c) The two appointed members shall hold office at the pleasure of the ~~[water and~~
120 ~~power board]~~ Board of Water Resources and until their successors ~~[shall have been]~~ are

121 appointed and qualified.

122 (3) ~~(a) [Each]~~ A member shall be a ~~[bona fide]~~ resident of the state ~~[of Utah and one]~~.

123 (b) One appointed member shall be a landowner and irrigator ~~[actually]~~ residing on and
124 operating a farm within the lower division as defined by the compact ~~[and one]~~.

125 (c) One appointed member shall be a landowner and irrigator ~~[actually]~~ residing on and
126 operating a farm within the upper division as defined by the compact.

127 (4) ~~(a) The [Utah water and power board]~~ Board of Water Resources may appoint two
128 alternative members of the Bear River Compact commission:

129 (i) after consultation with the state engineer;

130 (ii) after consultation with the director of the Division of Water Resources; and

131 (iii) with the consent of the governor~~]; appoint two alternate members of the Bear~~
132 ~~River commission].~~

133 ~~[(a)]~~ (b) One [such] alternate shall be a ~~[bona fide]~~ resident of the state ~~[of Utah]~~ and a
134 landowner and irrigator ~~[actually]~~ residing on and operating a farm within the lower division as
135 defined by the compact ~~[and he shall be entitled to]~~. The alternate may act at all regular and
136 special meetings of the Bear River Compact commission whenever the regular member of the
137 Bear River Compact commission from this same area is unable to serve and act.

138 ~~[(b)]~~ (c) One [such] alternate shall be a ~~[bona fide]~~ resident of the state ~~[of Utah]~~ and
139 shall be a landowner and irrigator ~~[actually]~~ residing on and operating a farm within the upper
140 division as defined by the compact ~~[and he shall be entitled to]~~. The alternate may act at all
141 regular and special meetings of the Bear River Compact commission whenever the regular
142 member of the Bear River Compact commission from this same area is unable to serve and act.

143 (5) A member may not receive compensation or benefits for the member's service, but
144 may receive per diem and travel expenses in accordance with:

145 (a) Section [63A-3-106](#);

146 (b) Section [63A-3-107](#); and

147 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
148 [63A-3-107](#).

149 Section 5. Section **73-19-9** is amended to read:

150 **73-19-9. Utah representative on Columbia Compact Commission.**

151 The state engineer is the member of the Columbia Compact Commission ~~[to represent~~

152 ~~the state of] who represents Utah [~~shall be the executive director of the Utah water and power~~~~
153 ~~board].~~