

Representative Michael L. Kohler proposes the following substitute bill:

WATER CONSERVATION MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael L. Kohler

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill addresses a study concerning water conservation.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Great Salt Lake commissioner (commissioner) to conduct a study concerning municipal water;
- ▶ directs the commissioner to consult with certain persons in conducting the study;
- ▶ requires that the commissioner publish the study findings;
- ▶ requires reporting; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

73-32-202, as enacted by Laws of Utah 2023, Chapter 205



26 ENACTS:

27 [73-32-205](#), Utah Code Annotated 1953



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

30 Section 1. Section **73-32-202** is amended to read:

31 **73-32-202. Duties and authorizations of the commissioner.**

32 (1) The commissioner shall:

33 (a) subject to Section [73-32-204](#), prepare an approved strategic plan for the long-term
34 health of the Great Salt Lake and update the strategic plan regularly;

35 (b) oversee the execution of the strategic plan by other state agencies as provided in
36 Section [73-32-203](#);

37 (c) maintain information that measures Great Salt Lake levels, salinity, and overall
38 health;

39 (d) meet regularly with the executive director of the department and with the executive
40 director of the Department of Environmental Quality;

41 (e) consult with the Division of Forestry, Fire, and State Lands regarding Title 65A,
42 Chapter 16, Great Salt Lake Watershed Enhancement Program;

43 (f) monitor the integrated water assessment conducted under Chapter 10g, Part 4, Great
44 Salt Lake Watershed Integrated Water Assessment;

45 (g) inform the governor, the president of the Senate, and the speaker of the House of
46 Representatives, at least annually, about the status of the strategic plan and the progress
47 regarding implementation of the strategic plan;

48 (h) at least annually report to the Executive Appropriations Committee regarding the
49 expenditure of money under this chapter;

50 (i) coordinate and work collaboratively with water conservancy districts that serve
51 water users within the Great Salt Lake watershed; ~~and~~

52 (j) annually report to the Natural Resources, Agriculture, and Environment Interim
53 Committee regarding the activities of the commissioner[-]; and

54 (k) conduct the study regarding municipal water required by Section [73-32-205](#).

55 (2) The commissioner may:

56 (a) access information from other state or federal agencies related to the Great Salt

57 Lake;

58 (b) develop cooperative agreements between the state, political subdivisions, and
59 agencies of the federal government for involvement in the strategic plan;

60 (c) produce research, documents, maps, studies, analysis, or other information that
61 supports the strategic plan for the Great Salt Lake;

62 (d) facilitate and coordinate the exchange of information, comments, and
63 recommendations on Great Salt Lake policies between and among:

64 (i) state agencies;

65 (ii) political subdivisions;

66 (iii) institutions of higher education that conduct research relevant to the Great Salt
67 Lake;

68 (iv) nonprofit entities; and

69 (v) private business;

70 (e) communicate with the Great Salt Lake Watershed Council created under Chapter
71 10g, Part 3, Watershed Councils Act; and

72 (f) perform other duties that the commissioner considers necessary or expedient to
73 carry out the purposes of this chapter.

74 (3) In fulfilling the duties under this chapter, the commissioner shall consult and
75 coordinate, as necessary, with:

76 (a) the department;

77 (b) the Department of Agriculture and Food;

78 (c) the Department of Environmental Quality;

79 (d) other applicable state agencies;

80 (e) political subdivisions of the state;

81 (f) federal agencies;

82 (g) elected officials; and

83 (h) local tribal officials.

84 Section 2. Section **73-32-205** is enacted to read:

85 **73-32-205. Study of shepherding municipal water to the Great Salt Lake.**

86 (1) As used in this section:

87 (a) "Great Salt Lake basin" means:

- 88 (i) the surveyed meander line of the Great Salt Lake;
- 89 (ii) the drainage areas of the Bear River or the Bear River's tributaries;
- 90 (iii) the drainage areas of Bear Lake or Bear Lake's tributaries;
- 91 (iv) the drainage areas of the Weber River or the Weber River's tributaries;
- 92 (v) the drainage areas of the Jordan River or the Jordan River's tributaries;
- 93 (vi) the drainage areas of Utah Lake or Utah Lake's tributaries;
- 94 (vii) other water drainages lying between the Bear River and the Jordan River that are
- 95 tributary to the Great Salt Lake and not included in the drainage areas described in Subsections
- 96 (1)(a)(ii) through (vi); and
- 97 (viii) the drainage area of Tooele Valley.
- 98 (b) "Municipal water" means water:
- 99 (i) for which a municipality is acting as the distributing agent or that is the property of
- 100 the municipality; and
- 101 (ii) that is distributed outside of or within the corporate limits of the municipality.
- 102 (c) "State agency" means a department, division, board, council, committee, institution,
- 103 office, bureau, or other similar administrative unit of the executive branch of state government.
- 104 (d) (i) "Water conservation strategy" means a strategy that:
- 105 (A) is implemented in accordance with statute, is funded by the state, or is identified by
- 106 the commissioner; and
- 107 (B) has as an objective reducing the depletion or diversion of water that was previously
- 108 diverted under a water right.
- 109 (ii) "Water conservation strategy" includes:
- 110 (A) the use of water banks or other water marketing efforts consistent with Chapter 31,
- 111 Water Banking Act;
- 112 (B) the grant program funding the installation of secondary water meters under
- 113 Sections [73-10-34](#) and [73-10-34.5](#); or
- 114 (C) incentives to use water efficient landscaping under Section [73-10-37](#).
- 115 (2) The commissioner shall study how to implement water conservation strategies that
- 116 affect the Great Salt Lake basin to increase municipal water delivered to the Great Salt Lake.
- 117 (3) As part of the study, the commissioner shall determine:
- 118 (a) which water conservation strategies were specifically intended to or have the ability

119 to deliver municipal water to the Great Salt Lake;

120 (b) what amount and percentage of the funding for water conservation strategies is
121 being targeted or spent in the Great Salt Lake basin;

122 (c) whether to recommend a process by which municipal water that flows to the Great
123 Salt Lake as a result of a water conservation strategy is maintained over time;

124 (d) whether other policy, legislative, or appropriation changes for water conservation
125 strategies could result in greater amounts of municipal water flowing to the Great Salt Lake;
126 and

127 (e) what role municipal water conservation strategies and other water conservation
128 strategies play in the implementation of the strategic plan prepared by the commissioner and
129 approved by the governor.

130 (4) In conducting the study, the commissioner shall consult with state agencies,
131 municipalities, and a wide range of stakeholders with diverse interests, including those with
132 expertise in municipal water conservation, storage, use, planning, distribution, and water rights.

133 (5) The commissioner shall complete the study required by this section by no later than
134 October 1, 2024, and publish the study findings on a public website.

135 (6) The commissioner shall report the study findings to the Natural Resources,
136 Agriculture, and Environment Interim Committee by no later than the 2024 November interim
137 committee meeting for that committee.

138 Section 3. **Effective date.**

139 This bill takes effect on May 1, 2024.