

HB0535S01 compared with HB0535

~~deleted text~~ shows text that was in HB0535 but was deleted in HB0535S01.

inserted text shows text that was not in HB0535 but was inserted into HB0535S01.

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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: _____

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:

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None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

73-32-205, Utah Code Annotated 1953

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

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

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

- (1) The commissioner shall:
- (a) subject to Section 73-32-204, prepare an approved strategic plan for the long-term health of the Great Salt Lake and update the strategic plan regularly;
 - (b) oversee the execution of the strategic plan by other state agencies as provided in Section 73-32-203;
 - (c) maintain information that measures Great Salt Lake levels, salinity, and overall health;
 - (d) meet regularly with the executive director of the department and with the executive director of the Department of Environmental Quality;
 - (e) consult with the Division of Forestry, Fire, and State Lands regarding Title 65A, Chapter 16, Great Salt Lake Watershed Enhancement Program;
 - (f) monitor the integrated water assessment conducted under Chapter 10g, Part 4, Great Salt Lake Watershed Integrated Water Assessment;
 - (g) inform the governor, the president of the Senate, and the speaker of the House of Representatives, at least annually, about the status of the strategic plan and the progress regarding implementation of the strategic plan;
 - (h) at least annually report to the Executive Appropriations Committee regarding the expenditure of money under this chapter;
 - (i) coordinate and work collaboratively with water conservancy districts that serve

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water users within the Great Salt Lake watershed; ~~and~~

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

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

(2) The commissioner may:

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

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

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

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

(i) state agencies;

(ii) political subdivisions;

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

(iv) nonprofit entities; and

(v) private business;

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

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

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

(a) the department;

(b) the Department of Agriculture and Food;

(c) the Department of Environmental Quality;

(d) other applicable state agencies;

(e) political subdivisions of the state;

(f) federal agencies;

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(g) elected officials; and

(h) local tribal officials.

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

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

(1) As used in this section:

(a) "Great Salt Lake basin" means ~~the area within~~:

(i) the surveyed meander line of the Great Salt Lake;

(ii) the drainage areas of the Bear River or the Bear River's tributaries;

(iii) the drainage areas of Bear Lake or Bear Lake's tributaries;

(iv) the drainage areas of the Weber River or the Weber River's tributaries;

(v) the drainage areas of the Jordan River or the Jordan River's tributaries;

(vi) the drainage areas of Utah Lake or Utah Lake's tributaries;

(vii) other water drainages lying between the Bear River and the Jordan River that are tributary to the Great Salt Lake and not included in the drainage areas described in Subsections (1)(a)(ii) through (vi); and

(viii) the drainage area of Tooele Valley.

(b) "Municipal water" means water:

(i) for which a municipality is acting as the distributing agent or that is the property of the municipality; and

(ii) that is distributed outside of or within the corporate limits of the municipality.

(c) "State agency" means a department, division, board, council, committee, institution, office, bureau, or other similar administrative unit of the executive branch of state government.

(d) (i) "Water conservation strategy" means a strategy that:

(A) is implemented in accordance with statute, is funded by the state, or is ~~designated~~ identified by the commissioner; and

(B) has as an objective reducing the ~~depletion or~~ diversion of water that was previously diverted under a water right.

(ii) "Water conservation strategy" includes:

(A) the use of water banks or other water marketing efforts consistent with Chapter 31, Water Banking Act;

(B) the grant program funding the installation of secondary water meters under

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Sections 73-10-34 and 73-10-34.5; or

(C) incentives to use water efficient landscaping under Section 73-10-37.

(2) The commissioner shall study how to implement water conservation strategies that affect the Great Salt Lake basin to increase municipal water ~~going into~~ delivered to the Great Salt Lake.

(3) As part of the study, the commissioner shall determine:

(a) ~~(i) how the amount of municipal water conserved under a~~ which water conservation ~~strategy may be quantified either by measurement or by the adoption of a good faith approximation;~~

~~(ii) which state agency should be responsible for calculating under Subsection (3)(a)(i) the amount of~~ strategies were specifically intended to or have the ability to deliver municipal water ~~conserved under a~~ to the Great Salt Lake;

(b) what amount and percentage of the funding for water conservation ~~strategy, and~~

~~(iii) from whom the state agency described in Subsection (3)(a)(ii) may request information to calculate the amount of municipal water conserved;~~

~~(b) (i) how to develop a list of persons who conserve municipal water by engaging in a water conservation strategy, regardless of whether the person holds the water right under which the person uses municipal water;~~

~~(ii) which state agency should be responsible for creating and maintaining the list described in Subsection (3)(b)(i); and~~

~~(iii) from whom the state agency described in Subsection (3)(b)(ii) may request information to create and maintain the list;~~

~~(c) how to measure or adopt a good faith approximation of the amount of municipal water conserved by persons on the list described in Subsection (3)(b) that flows to~~ strategies is being targeted or spent in the Great Salt Lake basin;

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

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

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

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

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

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

Section 3. **Effective date.**

This bill takes effect on May 1, 2024.