

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:

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



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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 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

- 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 the area within:
- 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 designated
106 by the commissioner; and

107 (B) has as an objective reducing the diversion of water that was previously diverted
108 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 going into the Great Salt Lake.

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

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

121 (ii) which state agency should be responsible for calculating under Subsection (3)(a)(i)
122 the amount of municipal water conserved under a water conservation strategy; and

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

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

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

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

132 (c) how to measure or adopt a good faith approximation of the amount of municipal
133 water conserved by persons on the list described in Subsection (3)(b) that flows to the Great
134 Salt Lake;

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

137 (e) whether other policy or legislative changes to water conservation strategies could
138 result in greater amounts of municipal water flowing to the Great Salt Lake.

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

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

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

147 Section 3. **Effective date.**

148 This bill takes effect on May 1, 2024.