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**WATER COMMISSIONER AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott H. Chew**

Senate Sponsor: Margaret Dayton

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**LONG TITLE**

**General Description:**

This bill modifies the acceptable uses of the Water Commissioner Fund.

**Highlighted Provisions:**

This bill:

▶ exempts the state engineer from Title 63G, Chapter 6a, Utah Procurement Code, for the purpose of Section 73-5-1.5;

▶ requires the Division of Finance, in consultation with the state engineer, to establish a rule governing reimbursement for damages and wear and tear to a water commissioner's personal vehicle incurred while the water commissioner fulfills the water commissioner's official duties;

▶ states that the state engineer shall use money in the Water Commissioner Fund to:

• pay the expense of a water commissioner if a distribution system committee approves the expense; and

• pay a reasonable administrative expense of a distribution system committee;

▶ describes the requirements for a distribution system committee to approve an expense; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **73-5-1.5**, as last amended by Laws of Utah 2015, Chapter 401



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

34 Section 1. Section **73-5-1.5** is amended to read:

35 **73-5-1.5. Water Commissioner Fund.**

36 (1) There is created an expendable special revenue fund known as the "Water  
37 Commissioner Fund."

38 (2) The fund consists of assessments paid to the state engineer by water users pursuant  
39 to Subsection **73-5-1(3)**.

40 (3) (a) The fund shall earn interest.

41 (b) Interest earned on fund money shall be deposited into the fund.

42 (4) (a) For the purpose of this section, the state engineer is exempt from Title 63G,  
43 Chapter 6a, Utah Procurement Code.

44 (b) The state engineer shall, in accordance with this section and Title 63G, Chapter 3,  
45 Utah Administrative Rulemaking Act, establish rules governing the use of the fund.

46 (c) By July 1, ~~H~~→ [2017] 2018 ←~~H~~ , the Division of Finance shall, in consultation with the  
46a state  
47 engineer, establish a rule governing reimbursement for damages and wear and tear to a water  
48 commissioner's personal vehicle incurred while the water commissioner fulfills the water  
49 commissioner's official duties.

50 ~~[(4)]~~ (5) The state engineer shall use fund money to pay:

51 (a) for salary and [~~expenses of water commissioners and other~~] benefits of a water  
52 commissioner;

53 (b) expenses related to the distribution of water specified in Subsection **73-5-1(3)**[:],  
54 including general operating expenses, equipment repairs, purchasing, and other expenses  
55 required for proper water distribution, if:

56 (i) the expense has been approved by the water commissioner's distribution system  
57 committee, in accordance with Subsection (6);

58 (ii) the distribution system committee provides to the state engineer accurate

59 documentation of the expense; and  
60 (iii) there are sufficient funds to cover the expense; and  
61 (c) reasonable administration expenses of the distribution system committee.  
62 (6) A distribution system committee may approve an expense of a water commissioner  
63 if:  
64 (a) the distribution system committee finds that the expense is reasonable; and  
65 (b) the water commissioner provides the state engineer and the distribution system  
66 committee with adequate documentation of the expense.  
67 (7) Subject to Subsection (8), an expense paid pursuant to Subsection (5)(b) shall be:  
68 (a) distributed in a reimbursement check or direct deposit separate from a water  
69 commissioner's regular paycheck, if requested by the water commissioner; or  
70 (b) paid directly to the vendor approved by the distribution system committee.  
71 (8) There is a rebuttable presumption that an expense budgeted for and approved by a  
72 distribution system committee is a reasonable expense.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**