

HB0305S01 compared with HB0305

~~{deleted text}~~ shows text that was in HB0305 but was deleted in HB0305S01.

inserted text shows text that was not in HB0305 but was inserted into HB0305S01.

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Representative Joel K. Briscoe proposes the following substitute bill:

WATER RIGHTS AND RESOURCES AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel K. Briscoe

Senate Sponsor: _____

LONG TITLE

General Description:

This bill deals with the accuracy of water use data.

Highlighted Provisions:

This bill:

- ▶ instructs the Drinking Water Board to require a certified water operator of a public water supplier, or professional engineer performing the duties of an operator, to verify the accuracy of water use and supply data submitted to the Division of Drinking Water;

~~{ } → authorizes the Division of Water Rights, in conjunction with the Division of Water Resources and the Division of Drinking Water, to collect and validate water use data;~~

- ~~{ } ▶ requires the director of the Division of Water Resources to oversee any validation of~~

HB0305S01 compared with HB0305

water use data;~~†~~

→ ~~requires the Division of Water Resources to validate, as funding allows, the accuracy of water use data reported by public water suppliers;~~† and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-4-104, as last amended by Laws of Utah 2012, Chapter 360

~~†~~ ~~**73-5-8**, as last amended by Laws of Utah 2005, Chapter 215~~

† **73-10-18**, as last amended by Laws of Utah 1969, Chapter 198

73-10-19, as last amended by Laws of Utah 1983, Chapter 318

73-10-20, as last amended by Laws of Utah 1977, Chapter 281

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

Section 1. Section **19-4-104** is amended to read:

19-4-104. Powers of board.

(1) (a) The board may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

(i) establishing standards that prescribe the maximum contaminant levels in any public water system and provide for monitoring, record-keeping, and reporting of water quality related matters;

(ii) governing design, construction, operation, and maintenance of public water systems;

(iii) granting variances and exemptions to the requirements established under this chapter that are not less stringent than those allowed under federal law;

(iv) protecting watersheds and water sources used for public water systems; [~~and~~]

(v) governing capacity development in compliance with Section 1420 of the federal Safe Drinking Water Act, 42 U.S.C.A. Sec. 300f et seq.; and

HB0305S01 compared with HB0305

(vi) specifying:

(A) what data a public water supplier shall provide to the division, pursuant to Subsection (1)(c)(iv); and

(B) how the division shall validate the data described in Subsection (1)(a)(vi)(A).

(b) The board may:

(i) order the director to:

(A) issue orders necessary to enforce the provisions of this chapter;

(B) enforce the orders by appropriate administrative and judicial proceedings; or

(C) institute judicial proceedings to secure compliance with this chapter;

(ii) (A) hold a hearing that is not an adjudicative proceeding relating to the administration of this chapter; or

(B) appoint hearing officers to conduct a hearing that is not an adjudicative proceeding;

or

(iii) request and accept financial assistance from other public agencies, private entities, and the federal government to carry out the purposes of this chapter.

(c) The board shall:

(i) require the submission to the director of plans and specifications for construction of, substantial addition to, or alteration of public water systems for review and approval by the board before that action begins and require any modifications or impose any conditions that may be necessary to carry out the purposes of this chapter;

(ii) advise, consult, cooperate with, provide technical assistance to, and enter into agreements, contracts, or cooperative arrangements with state, federal, or interstate agencies, municipalities, local health departments, educational institutions, and others necessary to carry out the purposes of this chapter and to support the laws, ordinances, rules, and regulations of local jurisdictions;

(iii) develop and implement an emergency plan to protect the public when declining drinking water quality or quantity creates a serious health risk and issue emergency orders if a health risk is imminent; [~~and~~]

(iv) require a certified operator of a public ~~drinking~~ water supplier to verify by signature and certification number, or a professional engineer performing the duties of a certified water operator to verify by signature and stamp, the accuracy of any data on water use

HB0305S01 compared with HB0305

and water supply submitted by the public water supplier to the division; and

~~[(iv)]~~ (v) meet the requirements of federal law related or pertaining to drinking water.

(2) (a) The board may adopt and enforce standards and establish fees for certification of operators of any public water system.

(b) The board may not require certification of operators for a water system serving a population of 800 or less except:

(i) to the extent required for compliance with Section 1419 of the federal Safe Drinking Water Act, 42 U.S.C.A. Sec. 300f et seq.; and

(ii) for a system that is required to treat its drinking water.

(c) The certification program shall be funded from certification and renewal fees.

(3) Routine extensions or repairs of existing public water systems that comply with the rules and do not alter the system's ability to provide an adequate supply of water are exempt from the provisions of Subsection (1)(c)(i).

(4) (a) The board may adopt and enforce standards and establish fees for certification of persons engaged in administering cross connection control programs or backflow prevention assembly training, repair, and maintenance testing.

(b) The certification program shall be funded from certification and renewal fees.

(5) A board member may not speak or act for the board unless the board member is authorized by a majority of a quorum of the board in a vote taken at a meeting of the board.

Section 2. Section ~~{73-5-8}~~ 73-10-18 is amended to read:

~~{~~ 73-5-8. Audits -- Reports by users to engineer.

~~_____~~ (1) The Division of Water Rights shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules specifying:

~~_____~~ (a) what water use data a person shall report, pursuant to this section, and

~~_____~~ (b) how the Division of Water Rights shall validate the data described in Subsection (1)(a).

~~_____~~ (2) The Division of Water Rights, in conjunction with the Division of Water Resources and the Division of Drinking Water, may collect and validate water use data:

~~_____~~ (a) submitted by a public water supplier pursuant to a rule issued by the Drinking Water Board, as described in Subsection 19-4-104(2)(c)(iv); and

~~_____~~ (b) as described in this section.

HB0305S01 compared with HB0305

~~(3) Every person using water from any river system or water source, when requested by the state engineer, shall within 30 days after such request report to the state engineer in writing:~~

~~[(1)] (a) the nature of the use of any such water;~~

~~[(2)] (b) the area on which used;~~

~~[(3)] (c) the kind of crops to be grown; [and]~~

~~[(4)] (d) water elevations on wells or tunnels; and~~

~~(e) quantity of [underground] water used.~~

~~(4) A request made under provisions of this section has the same legal effect as a written distribution order of the state engineer.~~

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

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

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

(2) The Division of Water Resources shall:

(a) be the water [resource(s)] resource authority for the state [~~of Utah, shall~~]; and

(b) assume all of the functions, powers, duties, rights, and responsibilities of the Utah water and power board except those which are delegated to the board by this act and is vested with such other functions, powers, duties, rights and responsibilities as provided in this act and other law.

Section ~~(4)~~3. Section **73-10-19** is amended to read:

73-10-19. Director's power and authority.

The director shall:

(1) be the executive and administrative head of the Division of Water Resources;

(2) [~~and shall be a person~~] be selected with special reference to [~~his~~] training, experience, and interest in the field of water conservation and development[-];

[~~The director of the Division of Water Resources shall~~]

(3) administer the Division of Water Resources [~~and shall~~];

(4) succeed to all of the powers and duties conferred upon the executive secretary of the Utah water and power board pursuant to Title 73, Chapter 10, Board of Water Resources -

HB0305S01 compared with HB0305

Division of Water Resources[~~The director shall~~]; and

(5) have the power, within [~~policies~~] rules established by the Board of Water Resources, to:

~~(1)~~ (a) make studies, investigations, and plans for the full development and utilization and promotion of the water and power resources of the state, including preliminary surveys, stream gauging, examinations, tests, and other estimates either separately or in consultation with federal, state, and other agencies;

~~(2)~~ (b) initiate and conduct water resource investigations, surveys and studies, prepare plans and estimates, make reports thereon, and perform necessary work to develop an over-all state water plan;

~~(3)~~ (c) file applications in the name of the division for the appropriation of water[~~All pending water applications heretofore filed in behalf of the state or any agency thereof for the use and benefit of the state are transferred to the board, and it is authorized to take such action thereon as it may deem proper~~];

~~(4)~~ (d) take all action necessary to acquire or perfect water rights for projects sponsored by the board;

~~(5)~~ (e) accept, execute, and deliver deeds and all other conveyances[~~;~~]; and

(f) oversee any validation of water use data, as described in Subsection 73-10-20(2).

Section ~~(5)~~4. Section **73-10-20** is amended to read:

73-10-20. Loans for water systems -- Legislative declaration -- Authority of Division of Water Resources to audit water data.

~~(1)~~ } The Legislature recognizes and declares that:

~~(a)~~1 } the development, protection, and maintenance of adequate and safe water supplies for human consumption is vital to public health, safety, and welfare;~~;~~

~~(b)~~ } [~~that~~]

(2) } there exists within the state a need to assist cities, towns, improvement districts, and special service districts in providing an adequate and safe water supply for those users from municipal and district systems; [~~that~~] and

~~(c)~~3 } ~~(that)~~ } the acquisition or construction of systems and the improvement and extension of existing systems, based on proper planning and sound engineering, will not only provide safer water supplies, but will also serve to ensure that the water resources of the state

HB0305S01 compared with HB0305

are used in an efficient manner and will avoid wasteful practices.

~~{ (2) The Division of Water Resources shall, as funding allows, validate the accuracy of annual water use data reported by public water suppliers to the Division of Water Rights and the Division of Drinking Water.~~

~~Legislative Review Note~~

~~Office of Legislative Research and General Counsel~~