

**Representative Judy Ann Buffmire** proposes the following substitute bill:

**WATER CONSERVATION PLANS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Judy Ann Buffmire**

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**LONG TITLE**

**General Description:**

This bill amends certain provisions related to water conservation plans.

**Highlighted Provisions:**

This bill:

- ▶ provides for suspension of certain public funds under certain circumstances by the state auditor for noncompliance of water providers;
- ▶ requires that water conservation plans contain existing and proposed water conservation measures;
- ▶ requires that water conservation plans contain a description of the extent to which a retail provider will use certain measures to achieve its conservation goals;
- ▶ requires that water conservation plans contain a clearly stated water use reduction goal and implementation plan for each conservation measure, including a timeline for action and an evaluation process to measure progress; and
- ▶ requires that the Board of Water Resources' report be presented to the interim committee at its November 2004 meeting.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **73-10-32**, as last amended by Chapter 119, Laws of Utah 1999

29 ENACTS:

30 **67-3-1.1**, Utah Code Annotated 1953



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

32 Section 1. Section **67-3-1.1** is enacted to read:

33 **67-3-1.1. Suspension of funds to retail water providers.**

34 (1) Subject to other applicable state and federal laws, the state auditor shall suspend the  
35 disbursement of any public funds to the delinquent retail water providers and water  
36 conservancy districts identified in the annual report submitted by the Board of Water Resources  
37 pursuant to Subsection 73-10-32(4)(b).

38 (2) The state auditor shall not release this suspension until the Board of Water  
39 Resources provides written notice to the state auditor that the delinquent retail water provider  
40 or water conservancy district has filed a water conservation plan.

41 Section 2. Section **73-10-32** is amended to read:

42 **73-10-32. Definitions -- Water conservation plan required.**

43 (1) As used in this section:

44 (a) "Board" means the Board of Water Resources created under Section 73-10-1.5.

45 (b) "Division" means the Division of Water Resources created under Section 73-10-18.

46 (c) "Retail" means the level of distribution of culinary water that supplies culinary  
47 water directly to the end user.

48 (d) "Retail water provider" means ~~[a person who]~~ an entity which:

49 (i) supplies culinary water to end users; and

50 (ii) has more than 500 service connections.

51 (e) "Water conservancy district" means an entity formed under Title 17A, Chapter 2,  
52 Part 14, Water Conservancy Districts.

53 ~~[(e)-(i)]~~ (f) "Water conservation plan" means a written document that contains ~~[ideas,~~  
54 ~~suggestions, or recommendations as to]~~ existing and proposed water conservation measures  
55 describing what [can] will be done by [state and local governments,] retail water providers,  
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57 water conservancy districts and the end user of culinary water to help conserve water and limit  
58 or reduce its use in the state in terms of per capita consumption so that adequate supplies of  
59 water are available for future needs.

60 [~~(ii)~~] (2) (a) Each [~~^~~]water conservation plan[~~^~~] shall contain [~~recommendations for~~  
61 ~~water saving measures that may include~~]:

62 (i) a clearly stated overall water use reduction goal and an implementation plan for  
63 each of the water conservation measures it chooses to use, including a timeline for action and  
64 an evaluation process to measure progress;

65 (ii) a requirement that each water conservancy district and retail water provider devote  
66 part of at least one regular meeting every five years of its governing body to a discussion and  
67 formal adoption of the water conservation plan, and allow public comment on it;

68 (iii) a requirement that a notification procedure be implemented that includes the  
69 delivery of the water conservation plan to the media and to the governing body of each  
70 municipality and county served by the water conservancy district or retail water provider; and

71 (iv) a copy of the minutes of the meeting and the notification procedure required in  
72 Subsections (ii) and (iii) which shall be added as an appendix to the plan.

73 (b) A water conservation plan may include information regarding:

74 [~~(A)~~] (i) the installation and use of water efficient fixtures and appliances, including  
75 toilets, shower fixtures, and faucets;

76 [~~(B)~~] (ii) residential and commercial landscapes and irrigation that require less water to  
77 maintain;

78 [~~(C)~~] (iii) more water efficient industrial and commercial processes involving the use  
79 of water;

80 [~~(D)~~] (iv) water reuse systems, both potable and not potable;

81 [~~(E)~~] (v) distribution system leak repair;

82 [~~(F)~~] (vi) dissemination of public information regarding more efficient use of water,  
83 including public education programs, customer water use audits, and water saving  
84 demonstrations;

85 [~~(G)~~] (vii) water rate structures designed to encourage more efficient use of water;

86 [~~(H)~~] (viii) statutes, ordinances, codes, or regulations designed to encourage more  
87 efficient use of water by means such as water efficient fixtures and landscapes;

88           ~~[(f)]~~ (ix) incentives to implement water efficient techniques, including rebates to water  
89 users to encourage the implementation of more water efficient measures; and

90           (x) other measures designed to conserve water.

91           ~~[(f) other measures designed to conserve water.]~~

92           (c) The Division of Water Resources may be contacted for information and technical  
93 resources regarding measures listed in Subsections (2)(b)(i) through (2)(b)(x).

94           ~~[(2)]~~ (3) (a) Before April 1, 1999, each water conservancy district under Title 17A,  
95 Chapter 2, Part 14, Water Conservancy Districts, and each retail water provider shall:

96           (i) (A) prepare ~~[or]~~ and adopt a water conservation plan if one has not already been  
97 adopted; or

98           (B) if the district or provider has already adopted a water conservation plan, review the  
99 existing water conservation plan to determine if it should be amended and, if so, amend the  
100 water conservation plan; and

101           (ii) file a copy of the water conservation plan or amended water conservation plan with  
102 the division.

103           (b) Before adopting or amending a water conservation plan, each water conservancy  
104 district or retail water provider shall hold a public hearing with reasonable, advance public  
105 notice.

106           ~~[(3)]~~ (4) (a) The board shall:

107           ~~[(i) study ways to implement the water conservation plans of the water conservancy~~  
108 ~~districts and the retail water providers;]~~

109           ~~[(ii) develop recommendations on how to implement those plans; and]~~

110           (i) provide guidelines and technical resources to retail water providers and water  
111 conservancy districts to prepare and implement water conservation plans;

112           (ii) investigate alternative measures designed to conserve water; and

113           (iii) report ~~[its recommendations]~~ regarding its compliance with the act and  
114 impressions of the overall quality of the plans submitted to the Natural Resources, Agriculture,  
115 and Environment Interim Committee of the Legislature at its meeting in November ~~[1999]~~  
116 2004.

117           ~~[(b) The board's report to the Natural Resources, Agriculture, and Environment Interim~~  
118 ~~Committee may include a recommendation:]~~

119 ~~[(i) that each water conservancy district and retail water provider devote part of at least~~  
120 ~~one regular meeting of its governing body to a discussion of the water conservation plan and~~  
121 ~~allow public comment on it;]~~

122 ~~[(ii) to implement a notification procedure that includes the delivery of the water~~  
123 ~~conservation plan to the media and to the governing body of each municipality and county~~  
124 ~~served by the water conservancy district or retail water provider;]~~

125 ~~[(iii) that certain eligibility requirements, including the adoption of a water~~  
126 ~~conservation plan, be met before a water conservancy district or retail water provider may~~  
127 ~~receive any state funds for water development;]~~

128 ~~[(iv) for the coordination of conservation and drought management plans; and]~~

129 ~~[(v) regarding any other measure designed to conserve water.]~~

130 (b) The board shall send an annual report to the state auditor specifying the retail water  
131 providers and water conservancy districts that do not have a current water conservation plan on  
132 file with the board at the end of the calendar year.

133 (5) Pursuant to Section 67-3-1.1, the state auditor shall suspend the disbursement of  
134 public funds until the retail water provider or water conservancy district has complied and filed  
135 a water conservation plan as required under Section 73-10-32.

136 (6) A water conservancy district or retail water provider may only receive state funds  
137 for water development if they comply with the requirements of this act.

138 ~~[(4)]~~ (7) Each water conservancy district and retail water provider specified under  
139 Subsection ~~[(2)]~~ (3)(a) shall:

140 (a) update its water conservation plan no less frequently than every five years; and

141 (b) follow the procedures required under Subsection ~~[(2)]~~ (3) when updating the water  
142 conservation plan.

143 ~~[(5)]~~ (8) It is the intent of the Legislature that the water conservation plans,  
144 amendments to existing water conservation plans, and the ~~[study]~~ studies and  
145 ~~[recommendations]~~ report by the board be handled within the existing budgets of the respective  
146 entities or agencies.