

Representative Gage Froerer proposes the following substitute bill:

WATER CONSERVATION REVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill modifies provisions related to water conservation plans.

Highlighted Provisions:

This bill:

- ▶ modifies definitions and defines terms;
- ▶ modifies the required contents of a water conservation plan; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

73-10-32, as last amended by Laws of Utah 2007, Chapter 329

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

Section 1. Section **73-10-32** is amended to read:

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



26 (1) As used in this section:

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

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

29 (c) "Retail" means the level of distribution of culinary or secondary water that supplies
30 [culinary] water directly to the end user.

31 (d) "Retail water provider" means an entity which:

32 (i) supplies culinary or pressurized secondary water to end users; and

33 (ii) has more than 500 service connections.

34 (e) "Water conservancy district" means an entity formed under Title 17B, Chapter 2a,
35 Part 10, Water Conservancy District Act.

36 (f) "Water conservation plan" means a written document that contains existing and
37 proposed water conservation measures describing what will be done by a retail water
38 [providers,] provider, a water conservancy [districts,] district, a water wholesaler, and the end
39 user of culinary or secondary water to help conserve water and limit or reduce its use in the
40 state in terms of per capita consumption so that adequate supplies of water are available for
41 future needs.

42 (g) "Water wholesaler" means an entity that wholesales water to a retail water provider.

43 (2) (a) [Each] A water conservancy district, water wholesaler, or retail water provider
44 shall have a water conservation plan [shall contain] that contains:

45 (i) (A) [a] clearly stated overall water use reduction [goal and] goals for residential,
46 commercial, institutional, and industrial uses;

47 (B) water conservation measures for residential, commercial, institutional, and
48 industrial uses, including landscaping;

49 (C) an implementation plan for each of the water conservation measures it chooses to
50 use, including a timeline for action and an evaluation process to measure progress; and

51 (D) complete and accurate water use data;

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

56 (iii) a requirement that a notification procedure be implemented that includes the

57 delivery of the water conservation plan to the media and to the governing body of each
 58 municipality and county served by the water conservancy district, water wholesaler, or retail
 59 water provider; ~~and~~

60 (iv) a copy of the minutes of the meeting and the notification procedure required in
 61 Subsections (2)(a)(ii) and (iii) which shall be added as an appendix to the plan~~[-];~~ and

62 ~~[(b) A water conservation plan may include]~~

63 (v) as applicable to the particular entity, information regarding:

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

66 ~~[(ii)]~~ (B) residential, institutional, and commercial landscapes and irrigation that
 67 require less water to maintain;

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

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

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

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

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

77 ~~[(viii)]~~ (H) existing or potential statutes, ordinances, codes, or regulations designed to
 78 encourage more efficient use of water by means such as water efficient fixtures and water
 79 efficient landscapes ~~↔~~ ~~[, which may include restrictions on grass landscaping]~~ ~~↔~~ ;

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

82 ~~[(x)]~~ (J) other measures designed to conserve water.

83 ~~[(c)]~~ (b) The Division of Water Resources may be contacted for information and
 84 technical resources regarding measures listed in ~~[Subsections (2)(b)(i) through (2)(b)(x)]~~
 85 Subsection (2)(a)(v).

86 (c) Each water conservation plan shall include the dates a progress report on the plan
 87 was given pursuant to Subsection (6)(c), with updates added to each plan through appendices to

88 the plan if necessary.

89 (3) (a) Before April 1, 1999, each water conservancy district and each retail water
90 provider shall:

91 (i) (A) prepare and adopt a water conservation plan if one has not already been
92 adopted; or

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

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

98 (b) Before adopting or amending a water conservation plan, each water conservancy
99 district, water wholesaler, or retail water provider shall hold a public hearing with reasonable,
100 advance public notice.

101 (4) (a) The board shall:

102 (i) provide guidelines and technical resources to [~~retail water providers and~~] water
103 conservancy districts, water wholesalers, and retail water providers to prepare and implement
104 water conservation plans;

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

106 (iii) report regarding its compliance with the act and impressions of the overall quality
107 of the plans submitted to the Natural Resources, Agriculture, and Environment Interim
108 Committee of the Legislature at its meeting in November 2004.

109 (b) The board shall publish an annual report in a paper of state-wide distribution
110 specifying the [~~retail water providers and~~] water conservancy districts, water districts, and retail
111 water providers that do not have a current water conservation plan on file with the board at the
112 end of the calendar year.

113 (5) A water conservancy district, water wholesaler, or retail water provider may only
114 receive state funds for water development if [~~they comply~~] the water conservancy district,
115 water wholesaler, or retail water provider complies with the requirements of this act.

116 (6) Each water conservancy district, water wholesaler, and retail water provider
117 specified under Subsection (3)(a) shall:

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

119 (b) follow the procedures required under Subsection (3) when updating the water
120 conservation plan[-]; and

121 (c) provide an annual report to the entity's board or governing body describing progress
122 related to the goals and objectives contained in the most recent water conservation plan.

123 (7) It is the intent of the Legislature that the water conservation plans, amendments to
124 existing water conservation plans, and the studies and report by the board be handled within the
125 existing budgets of the respective entities or agencies.