

HB0103S01 compared with HB0103

~~deleted text~~ shows text that was in HB0103 but was deleted in HB0103S01.

Inserted text shows text that was not in HB0103 but was inserted into HB0103S01.

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Representative Gage Froerer proposes the following substitute bill:

WATER CONSERVATION REVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: _____

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:

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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.

(1) As used in this section:

- (a) "Board" means the Board of Water Resources created under Section 73-10-1.5.
- (b) "Division" means the Division of Water Resources created under Section 73-10-18.

(c) "Retail" means the level of distribution of culinary ~~and~~ or secondary water that supplies culinary water directly to the end user.

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

- (i) supplies culinary or pressurized secondary water to end users; and
- (ii) has more than 500 service connections.

~~{ (e) "Secondary water provider" means an entity that:~~

~~— (i) provides pressurized secondary water to end users; and~~

~~— (ii) has 500 or more service connections.~~

~~{~~ ~~{(f)}~~ ~~{(f)}~~ "Water conservancy district" means an entity formed under Title 17B, Chapter 2a, Part 10, Water Conservancy District Act.

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

~~{(f)}~~ ~~{(g)}~~ "Water ~~{district}~~ wholesaler" means an entity that wholesales ~~{culinary or secondary}~~ water to a ~~{retailer with 500 or more connections}~~ retail water provider.

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

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

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

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

(D) complete and accurate water use data;

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

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

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

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

(v) ~~except~~ as ~~provided in Subsection (2)(b)~~ applicable to the particular entity, information regarding:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) (a) The board shall:

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

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

(iii) report regarding its compliance with the act and impressions of the overall quality of the plans submitted to the Natural Resources, Agriculture, and Environment Interim

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Committee of the Legislature at its meeting in November 2004.

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

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

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

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

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

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

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

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Legislative Review Note

~~Office of Legislative Research and General Counsel~~