

HB0124S01 compared with HB0124

~~{deleted text}~~ shows text that was in HB0124 but was deleted in HB0124S01.

Inserted text shows text that was not in HB0124 but was inserted into HB0124S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Kim F. Coleman proposes the following substitute bill:

WATER HOLDINGS ACCOUNTABILITY AND TRANSPARENCY AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kim F. Coleman

Senate Sponsor: _____

LONG TITLE

General Description:

This bill puts requirements on a city ~~{or special service district }~~ that supplies municipal water outside the ~~{city or special service district's}~~ city's jurisdictional boundaries.

Highlighted Provisions:

This bill:

- ▶ requires a city ~~{or special service district }~~ that supplies municipal water outside the ~~{city or special service district's}~~ city's jurisdictional boundaries to post ~~{the following}~~ certain information publicly and provide it to the state engineer ~~{~~
 - a legal description and map of the service area being served;
 - the cost of water being assessed from users; and~~}~~

HB0124S01 compared with HB0124

- ~~various information about the water right being used to service the area, including certificate number, water right number, point of diversion, and uses for the water in the service area};~~
- ▶ specifies that the state engineer may make rules regarding the form and content of information supplied by a city ~~{for special service district }~~ supplying municipal water to a service area outside the ~~{city or special service district's}~~ city's jurisdictional boundaries and shall also post the information to the division's website; and
- ▶ ~~{ }~~ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

73-2-1, as last amended by Laws of Utah 2017, Chapter 60

ENACTS:

10-8-15.5, Utah Code Annotated 1953

~~{ **17D-1-605**, Utah Code Annotated 1953~~

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

Section 1. Section **10-8-15.5** is enacted to read:

10-8-15.5. Providing municipal water beyond jurisdictional boundaries.

A city that provides municipal water to a service area outside the city's jurisdictional boundaries shall:

(1) post the following information on the city's website:

(a) a ~~{legal description and }~~map of the area being ~~{served};~~

~~(b) the cost of water to the city and the cost being assessed from water users; and~~

~~(c) any water right}; served;~~

(b) ~~any change application number, if applicable,~~ being used to service the area outside the city's jurisdictional boundaries ~~{, including perfected and nonperfected rights, as well as the~~

HB0124S01 compared with HB0124

~~following information on the water right, if applicable:~~

- ~~— (i) decree;~~
- ~~— (ii) certificate number;~~
- ~~— (iii) diligence claim;~~
- ~~— (iv) water users claim;~~
- ~~— (v) approved application to appropriate water;~~
- ~~— (vi) approved change application;~~
- ~~— (vii) approved exchange application;~~
- ~~— (viii) certificate number;~~
- ~~— (ix) water share or water right number;~~
- ~~— (x) point of diversion; and~~
- ~~— (xi) approved uses for the water right; and~~
- ~~— (2) provide all the information described in Subsection (1) to the state engineer described in Section 73-2-1.~~

~~Section 2. Section 17D-1-605 is enacted to read:~~

~~**17D-1-605. Providing municipal water beyond jurisdictional boundaries.**~~

~~A special service district that provides municipal water to a service area outside the special service district's jurisdictional boundaries shall:~~

- ~~— (1) post the following information on the special service district's website:~~
- ~~— (a) a legal description and map of the area being serviced;~~
- ~~— (b) the cost of water to the special service district and the cost being assessed from water users; and~~
- ~~— (c) any water right};~~

~~(c) the quantity of water being used to service the area outside the {special service district's}city's jurisdictional boundaries{, including perfected and nonperfected rights, as well as the following information on the water right, if applicable:~~

- ~~— (i) decree};~~
- ~~(~~iii~~d) {certificate number;~~
- ~~— (iii) diligence claim;~~
- ~~— (iv) water users claim;~~
- ~~— (v) approved application to appropriate water;~~

HB0124S01 compared with HB0124

- ~~(vi) approved change application;~~
- ~~(vii) approved exchange application;~~
- ~~(viii) certificate number;~~
- ~~(ix) water share or water right number;~~
- ~~(x) point of diversion; and~~
- ~~(xi) approved uses for the water right;~~ the rates assessed to water users, both inside and outside municipal boundaries;

(e) the number of retail water connections the city serves inside the municipal boundary and the number of retail water connections the city serves outside the municipal boundary;

(f) the number of master meter connections that provide culinary water to residents beyond the water; and

(g) a financial statement that shows separate financial accounting of revenues derived from water service delivered inside the municipal boundary and water service delivered outside the municipal boundary; and

(2) provide all the information described in Subsection (1) to the state engineer described in Section 73-2-1.

Section ~~{3}~~2. Section **73-2-1** is amended to read:

73-2-1. State engineer -- Term -- Powers and duties -- Qualification for duties.

- (1) There shall be a state engineer.
- (2) The state engineer shall:
 - (a) be appointed by the governor with the consent of the Senate;
 - (b) hold office for the term of four years and until a successor is appointed; and
 - (c) have five years experience as a practical engineer or the theoretical knowledge, practical experience, and skill necessary for the position.
- (3) (a) The state engineer shall be responsible for the general administrative supervision of the waters of the state and the measurement, appropriation, apportionment, and distribution of those waters.
 - (b) The state engineer may secure the equitable apportionment and distribution of the water according to the respective rights of appropriators.
 - (4) The state engineer shall make rules, in accordance with Title 63G, Chapter 3, Utah

HB0124S01 compared with HB0124

Administrative Rulemaking Act, consistent with the purposes and provisions of this title, regarding:

- (a) reports of water right conveyances;
- (b) the construction of water wells and the licensing of water well drillers;
- (c) dam construction and safety;
- (d) the alteration of natural streams;
- (e) geothermal resource conservation;
- (f) enforcement orders and the imposition of fines and penalties; and
- (g) the duty of water.

(5) The state engineer may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, consistent with the purposes and provisions of this title, governing:

- (a) water distribution systems and water commissioners;
- (b) water measurement and reporting;
- (c) groundwater recharge and recovery;
- (d) wastewater reuse;
- (e) the form, content, and processing procedure for a claim under Section 73-5-13 to surface or underground water that is not represented by a certificate of appropriation;
- (f) the form and content of a proof submitted to the state engineer under Section 73-3-16;
- (g) the determination of water rights; or
- (h) the form and content of applications and related documents, maps, and reports, including information required by ~~{Sections}~~ [Section 10-8-15](#), ~~{5 and 17D-1-605}~~ [5](#).

(6) The state engineer shall maintain a section on the division's website titled "~~{surplus}~~ [extraterritorial](#) water ~~{in}~~ service areas" and include in that section the information required by ~~{Sections}~~ [Section 10-8-15](#), ~~{5 and 17D-1-605}~~ [5](#).

~~[(6)]~~ (7) The state engineer may bring suit in courts of competent jurisdiction to:

- (a) enjoin the unlawful appropriation, diversion, and use of surface and underground water without first seeking redress through the administrative process;
- (b) prevent theft, waste, loss, or pollution of those waters;
- (c) enable him to carry out the duties of the state engineer's office; and

HB0124S01 compared with HB0124

(d) enforce administrative orders and collect fines and penalties.

~~[(7)]~~ (8) The state engineer may:

(a) upon request from the board of trustees of an irrigation district under Title 17B, Chapter 2a, Part 5, Irrigation District Act, or another local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act, that operates an irrigation water system, cause a water survey to be made of all lands proposed to be annexed to the district in order to determine and allot the maximum amount of water that could be beneficially used on the land, with a separate survey and allotment being made for each 40-acre or smaller tract in separate ownership; and

(b) upon completion of the survey and allotment under Subsection ~~[(7)]~~ (8)(a), file with the district board a return of the survey and report of the allotment.

~~[(8)]~~ (9) (a) The state engineer may establish water distribution systems and define their boundaries.

(b) The water distribution systems shall be formed in a manner that:

(i) secures the best protection to the water claimants; and

(ii) is the most economical for the state to supervise.

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Legislative Review Note

Office of Legislative Research and General Counsel