

HB0135S02 compared with HB0135S01

~~deleted text~~ shows text that was in HB0135S01 but was deleted in HB0135S02.

Inserted text shows text that was not in HB0135S01 but was inserted into HB0135S02.

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Representative Michael E. Noel proposes the following substitute bill:

EXTRATERRITORIAL JURISDICTION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to the extraterritorial jurisdiction of a city.

Highlighted Provisions:

This bill:

- ▶ modifies provisions regarding the extraterritorial jurisdiction of a city of the first class;
- ▶ authorizes a retail water provider to begin adding a \$1 charge per billing cycle per customer on January 1, 2019;
- ▶ creates the Drinking Water Expendable Special Revenue Fund; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

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Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-8-15, as last amended by Laws of Utah 2016, Chapter 348

73-10-32.5, as enacted by Laws of Utah 2016, Chapter 282

73-10g-103, as enacted by Laws of Utah 2015, Chapter 458

ENACTS:

19-4-201, Utah Code Annotated 1953

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

Section 1. Section **10-8-15** is amended to read:

10-8-15. Waterworks -- Construction -- Extraterritorial jurisdiction.

(1)(a) ~~[They]~~ A city may:

(i) construct or authorize the construction of waterworks within or without the city limits~~[,];~~ and

(ii) exercise jurisdiction for the purpose of maintaining and protecting the ~~[same]~~ waterworks described in Subsection (1)(a)(i) from injury and the water from pollution ~~[their]~~ as described in this section.

(b) The jurisdiction described in Subsection (1)(a)(ii) shall extend over the territory occupied by ~~[such works]~~ waterworks, and over all reservoirs, streams, canals, ditches, pipes and drains used in and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken, for 15 miles above the point from which it is taken and for a distance of 300 feet on each side of such stream and over highways along such stream or watercourse within said 15 miles and said 300 feet~~[; provided, that the jurisdiction of cities of the first class shall be over the entire watershed, except that].~~

(2) Notwithstanding Subsection (1):

(a) livestock shall be permitted to graze beyond 1,000 feet from any such stream or source; and ~~[provided further, that]~~

(b) each city of the first class shall provide a highway in and through its corporate limits, and so far as its jurisdiction extends, which may not be closed to cattle, horses, sheep or

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hogs driven through any ~~[such]~~ city of the first class, or through any territory adjacent thereto over which such city has jurisdiction, but the board of commissioners of such city may enact ordinances placing under police regulations the manner of driving such cattle, sheep, horses and hogs through such city, or any territory adjacent thereto over which it has jurisdiction.

(3) ~~[They]~~ A city may enact all ordinances and regulations necessary to carry the power ~~[herein conferred]~~ described in this section into effect, and ~~[are]~~ is authorized and empowered to enact ordinances preventing pollution or contamination of the streams or watercourses from which the inhabitants of cities derive their water supply, in whole or in part, for domestic and culinary purposes, and may enact ordinances prohibiting or regulating the construction or maintenance of any closet, privy, outhouse or urinal within the area over which the city has jurisdiction, and provide for permits for the construction and maintenance of the same.

(4) In granting ~~[such permits they]~~ the permits described in Subsection (3), a city may annex thereto such reasonable conditions and requirements for the protection of the public health as ~~[they deem]~~ the city considers proper, and may, if ~~[deemed]~~ considered advisable, require that all closets, privies, and urinals along such streams shall be provided with effective septic tanks or other germ-destroying instrumentalities.

Section 2. Section **19-4-201** is enacted to read:

19-4-201. Special revenue fund -- Creation -- Deposits.

(1) There is created an expendable special revenue fund known as the "Drinking Water Expendable Special Revenue Fund."

(2) The fund shall consist of deposits received pursuant to Section 73-10-32.5.

(3) This fund may accrue investment income derived from money in the fund.

~~(3)4~~ Beginning on January 1, 2020, the division may ~~{distribute}~~ utilize money in the fund to implement ~~{clean}~~ drinking water ~~{projects}~~ programs.

~~(4)5~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules:

(a) to establish criteria for spending money from the fund on ~~{a clean}~~ drinking water ~~{project}~~ programs that may allow for priority to be given to watershed protection efforts in drinking water source protection areas of retail water providers that deposit monies into the Drinking Water Expendable Special Revenue Fund; and

(b) as otherwise necessary to administer this section.

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(6) The Legislature may appropriate money from the fund to pay for costs of the Department of Environmental Quality in administering and implementing this part.

Section 3. Section **73-10-32.5** is amended to read:

73-10-32.5. Culinary water pricing structure.

A retail water provider, as defined in Section 73-10-32[~~7~~]:

(1) shall:

~~[(1)]~~ (a) establish a culinary water rate structure that:

~~[(a)]~~ (i) incorporates increasing block units of water used; and

~~[(b)]~~ (ii) provides for an increase in the rate charged for additional block units of water used as usage increases from one block unit to the next;

~~[(2)]~~ (b) provide in customer billing notices, or in a notice that is distributed to customers at least annually, block unit rates and the customer's billing cycle; and

~~[(3)]~~ (c) include individual customer water usage in customer billing notices[~~7~~]; and

(2) may, by January 1, 2019, add a \$1 charge per billing cycle per customer:

(a) retaining 50 cents of the \$1 charge to invest in the retail water provider's water infrastructure and long-term planning;

(b) remitting 25 cents of the \$1 charge to the Water Infrastructure Restricted Account, created in Section 73-10g-103, on a quarterly basis; and

(c) remitting 25 cents of the \$1 charge to the Drinking Water Expendable Special Revenue Fund, created in Section 19-4-201, on a quarterly basis.

Section 4. Section **73-10g-103** is amended to read:

73-10g-103. Creation of the Water Infrastructure Restricted Account.

(1) (a) There is created a restricted account in the General Fund known as the "Water Infrastructure Restricted Account."

(b) The restricted account shall earn interest.

(2) The restricted account consists of money generated from the following sources:

(a) voluntary contributions made to the division for the construction, operation, or maintenance of state water projects;

(b) appropriations made to the fund by the Legislature; ~~[and]~~

(c) any money remitted to the account pursuant to Section 73-10-32.5; and

~~[(c)]~~ (d) interest earned on the restricted account.

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(3) Subject to appropriation, the division and the board shall manage the restricted account created in Subsection (1) in accordance with this chapter.