

**Senator Jacob L. Anderegg** proposes the following substitute bill:

**SECONDARY WATER REQUIREMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

House Sponsor: Timothy D. Hawkes

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**LONG TITLE**

**General Description:**

This bill addresses the metering of pressurized secondary water.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires a secondary water provider that begins design work for new secondary water services to certain users on or after April 1, 2020, to meter the use of water;
- ▶ requires a secondary water supplier to develop a plan related to metering for submission to the Division of Water Resources;
- ▶ requires reporting;
- ▶ requires a study of issues related to metering secondary water by a task force within the Department of Natural Resources and reporting its findings; and
- ▶ permits loans to fund metering of secondary water.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



26 ENACTS:

27 **73-10-34**, Utah Code Annotated 1953



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

30 Section 1. Section **73-10-34** is enacted to read:

31 **73-10-34. Secondary water metering.**

32 (1) As used in this section:

33 (a) (i) "Commercial user" means a secondary water user that is a place of business.

34 (ii) "Commercial user" does not include a multi-family residence, an agricultural user,  
35 or a customer that falls within the industrial or institutional classification.

36 (b) (i) "Industrial user" means a secondary water user that manufactures or produces  
37 materials.

38 (ii) "Industrial user" includes a manufacturing plant, an oil and gas producer, and a  
39 mining company.

40 (c) (i) "Institutional user" means a secondary water user that is dedicated to public  
41 service, regardless of ownership.

42 (ii) "Institutional user" includes a school, church, hospital, park, golf course, and  
43 government facility.

44 (d) (i) "Residential user" means a secondary water user in a residence.

45 (ii) "Residential user" includes a single-family or multi-family home, apartment,  
46 duplex, twin home, condominium, or planned community.

47 (e) "Secondary water" means water that is:

48 (i) not culinary or water used on land assessed under Title 59, Chapter 2, Part 5,  
49 Farmland Assessment Act; and

50 (ii) delivered to and used by an end consumer for the irrigation of landscaping or a  
51 garden.

52 (f) "Secondary water supplier" means an entity that supplies pressurized secondary  
53 water.

54 (2) A secondary water supplier that begins design work for new service on or after  
55 April 1, 2020, to a commercial, industrial, institutional, or residential user shall meter the use  
56 of pressurized secondary water by the users receiving that new service.

57 (3) (a) A secondary water provider that provides pressurized secondary water to a  
58 commercial, industrial, institutional, or residential user shall develop a plan for metering the  
59 use of the pressurized water in accordance with this Subsection (3).

60 (b) The plan required by this Subsection (3) shall be filed with the Division of Water  
61 Resources by no later than December 31, 2019, and address the process the secondary water  
62 supplier will follow to implement metering, including:

63 (i) the costs of full metering by the secondary water provider;

64 (ii) how long it would take the secondary water provider to complete full metering,  
65 including an anticipated begin date and completion date; and

66 (iii) how the secondary water supplier will finance metering.

67 (4) (a) The Department of Natural Resources shall oversee a study by the Utah Water  
68 Task Force within the Department of Natural Resources of issues related to metering secondary  
69 water in the state including cost, timing, the need for exemptions, resources to pay the cost of  
70 metering, and any other issues the Department of Natural Resources finds relevant.

71 (b) The Department of Natural Resources shall report the results of the study to the  
72 Natural Resources, Agriculture, and Environment Interim Committee by no later than the  
73 November interim meeting of 2019.

74 (5) A secondary water supplier shall on or before March 31 of each year, report to the  
75 Division of Water Rights:

76 (a) for commercial, industrial, institutional, and residential users whose pressurized  
77 secondary water use is metered, the number of acre feet of pressurized secondary water the  
78 secondary water supplier supplied to the commercial, industrial, institutional, and residential  
79 users during the preceding 12-month period;

80 (b) the number of secondary water meters within the secondary water supplier's service  
81 boundary;

82 (c) a description of the secondary water supplier's service boundary;

83 (d) the number of connections in each of the following categories through which the  
84 secondary water supplier supplies pressurized secondary water:

85 (i) commercial;

86 (ii) industrial;

87 (iii) institutional; and

88           (iv) residential;  
89           (e) the total volume of water that the secondary water supplier receives from its  
90 sources; and  
91           (f) the dates of service during the preceding 12-month period in which the secondary  
92 water supplier supplied pressurized secondary water.  
93           (6) (a) Beginning July 1, 2019, the Board of Water Resources may make up to  
94 \$10,000,000 in low-interest loans available each year:  
95           (i) from the Water Resources Conservation and Development Fund, created in Section  
96 73-10-24; and  
97           (ii) for financing the cost of secondary water metering.  
98           (b) The Division of Water Resources and the Board of Water Resources shall make  
99 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
100 establishing the criteria and process for receiving a loan described in this Subsection (6), except  
101 the rules may not include prepayment penalties.