

HB0040S01 compared with HB0040

~~{deleted text}~~ shows text that was in HB0040 but was deleted in HB0040S01.

inserted text shows text that was not in HB0040 but was inserted into HB0040S01.

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 Melissa G. Ballard proposes the following substitute bill:

WATER LOSS ACCOUNTING~~{ACT}~~

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: ~~{_____}~~ David P. Hinkins

LONG TITLE

~~{Committee Note:~~

~~_____ The Legislative Water Development Commission recommended this bill.~~

~~_____ Membership: _____ 13 legislators 11 non-legislators~~

~~_____ Legislative Vote: 6 voting for 2 voting against _____ 5 absent~~

~~{General Description:~~

This bill addresses data related to water including water losses.

Highlighted Provisions:

This bill:

- ▶ ~~{addresses sunset provisions;~~

~~_____▶ enacts the Water Loss Accounting Act, including:~~

~~_____• defining terms;~~

~~_____• granting rulemaking authority;~~

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- ~~—• providing for a technical advisory committee;~~
- ~~—• requiring}~~ requires the creation of a working group to address how to implement standardized water loss accounting ~~{reports; and~~
- ~~—• providing for technical assistance; and~~
- ~~—• makes technical amendments}~~ practices;
 - requires reporting and recommendations;
 - lists concepts to be included in developing recommendations; and
 - provides a repeal date.

Money Appropriated in this Bill:

~~{This bill appropriates in fiscal year 2021:~~

- ~~—• to Department of Natural Resources - Division of Water Resources, as a one-time appropriation:~~
 - ~~—• from General Fund, \$1,350,000~~
- ~~—• to DNR Pass-through, as a one-time appropriation:~~
 - ~~—• from General Fund, \$150,000~~
- ~~—• to Department of Natural Resources - Division of Water Resources:~~
 - ~~—• from General Fund, as an ongoing appropriation \$300,000~~
 - ~~—• from General Fund, one-time (\$300,000)}~~ None

Other Special Clauses:

None

Utah Code Sections Affected:

~~{AMENDS:~~

~~— 631-1-273, as last amended by Laws of Utah 2019, Chapters 96 and 246~~

~~{ENACTS:~~

~~{73-10h-101}~~ 631-2-273, Utah Code Annotated 1953

~~{73-10h-102}~~ 73-1-20, Utah Code Annotated 1953

~~{ 73-10h-103, Utah Code Annotated 1953~~

~~— 73-10h-104, Utah Code Annotated 1953~~

~~— 73-10h-201, Utah Code Annotated 1953~~

~~— 73-10h-202, Utah Code Annotated 1953~~

~~}~~

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

Section 1. Section ~~{63I-1-273}~~63I-2-273 is ~~{amended}~~enacted to read:

~~{63I-1-273}~~63I-2-273. ~~{ Repeal dates, Title 73.~~

~~———— In relation to the Legislative Water Development Commission, on January 1, 2021:~~

~~———— (1) in Subsection 73-10g-105(3), the language that states "and in consultation with the State Water Development Commission created in Section 73-27-102" is repealed;~~

~~———— (2) Subsection 73-10g-203(4)(a) is repealed; [and]~~

~~———— (3) Subsection 73-10h-201(2)(b)(ii) is repealed;~~

~~———— (4) in Subsection 73-10h-201(2)(c) the language that states "and the Legislative Water Development Commission" is repealed; and~~

~~———— [(3)] (5) Title 73, Chapter 27, State Water Development Commission, is repealed.}~~

Repeal dates -- Title 73.

Section 73-1-20 is repealed on July 1, 2021.

Section 2. Section ~~{73-10h-101}~~73-1-20 is enacted to read:

~~{CHAPTER 10h. WATER LOSS ACCOUNTING ACT~~

~~Part 1. General Provisions~~

~~{~~ ~~73-10h-101. Title.~~

~~———— This chapter is known as the "Water Loss Accounting Act."~~

~~———— Section 3. Section 73-10h-102 is enacted to read:~~

~~———— 73-10h-102. Definitions.~~

~~———— }73-1-20. Study of water loss accounting.~~

~~(1) As used in this section:~~

~~(~~{1}~~a) "~~{Covered entity}~~Commissioner" means the ~~{owner or operator of a public water system that serves a population of more than 3,300 individuals.~~~~

~~———— (2) "Division" means the Division of Water }commissioner of agriculture and food.~~

~~(b) "Executive director" means the executive director of the Department of Natural~~

~~Resources.~~

~~(~~{3}~~) "Public water system" means the same as that term is defined in Section 19-4-102.~~

~~———— (4) (a) "Water loss" means the difference between the annual volume of water entering a water distribution system and the annual volume of metered water, unmetered water, or both taken by registered customers, the covered entity, and others who are implicitly or explicitly~~

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~~authorized to take water:~~

~~—— (b) "Water loss" includes:~~

~~—— (i) the annual volumes lost through leaks, breaks, and overflows on mains, service reservoirs, and service connections, up to the point of customer metering;~~

~~—— (ii) unauthorized consumption;~~

~~—— (iii) metering inaccuracies; and~~

~~—— (iv) systemic data handling errors.~~

~~—— Section 4. Section **73-10h-103** is enacted to read:~~

~~—— **73-10h-103. Rulemaking:**~~

~~—— The division shall make the following rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and after consultation with the technical advisory committee:~~

~~—— (1) the selection of the method of conducting a water loss audit under Subsection 73-10h-201(1)(a)(i);~~

~~—— (2) the standards and processes for validating a water loss audit; and~~

~~—— (3) the establishment of the standards and processes for submitting a } c) "Utah Water Task Force" means a task force created by the Department of Natural Resources to review and make recommendations regarding water issues.~~

~~(2) (a) The executive director and the commissioner shall jointly form a working group from the water community with:~~

~~(i) expertise in the areas of:~~

~~(A) water utility service;~~

~~(B) water loss accounting {report under Subsection 73-10h-201(1)};~~

~~—— Section 5. Section **73-10h-104** is enacted to read:~~

~~—— **73-10h-104. Technical advisory committee:**~~

~~—— (1) The division shall establish a technical advisory committee that may include representatives of nonprofit civic entities, professional organizations, covered entities, and other state agencies:~~

~~—— (2) The technical advisory committee may assist or advise the division with implementing this chapter:~~

~~—— Section 6. Section **73-10h-201** is enacted to read:~~

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Part 2. Water Loss Accounting Reporting

~~73-10h-201. Water loss accounting reports:~~

~~(1) By no later than a date specified in rule in calendar year 2022, and on or before the date specified in rule of each subsequent year, a covered entity shall:~~

~~(a) prepare a water loss accounting report that contains the following:~~

~~(i) a}and water loss control practices; or~~

~~(C) water infrastructure planning; or~~

~~(ii) other qualifying experience as considered appropriate by the executive director and commissioner.~~

~~(b) The executive director and commissioner shall jointly designate the working group chair from the members of the working group. The working group shall comply with Title 52, Chapter 4, Open and Public Meetings Act.~~

~~(3) The working group shall investigate, study, and develop recommendations on how to implement standardized water loss {audit conducted in accordance with a method selected by the division by rule that meets industry standards; and~~

~~(i) a brief written summary of:~~

~~(A) actions taken during the reporting year to reduce the volume of water losses in the system and to improve the data validity; and~~

~~(B) the actions that are planned for the subsequent reporting year;~~

~~(b) have the water loss audit validated in accordance with rule; and~~

~~(c) submit the water loss accounting report in accordance with rule.~~

~~(2) (a) By no later than October 31, 2022, and by October 31 of each subsequent year, the division shall:~~

~~(i) prepare an annual summary of the validated water loss accounting reports; and~~

~~(ii) publish the annual summary prepared under this Subsection (2) on the division's website.~~

~~(b) During the 2022 interim of the Legislature, the division}accounting practices with reporting results and potentially incorporating the data into a water conservation plan.~~

~~(4) (a) The working group is to report the working group's findings and recommendations to the Utah Water Task Force by October 1, 2020.~~

~~(b) The executive director and commissioner shall report the {annual summary and~~

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~~report on compliance with this chapter by covered entities to the:~~

~~—— (i) Natural Resources, Agriculture, and Environment Interim Committee; and~~

~~—— (ii) Legislative Water Development Commission;~~

~~—— (c) During the 2024 interim of the Legislature, the division shall report} Utah Water Task Force's findings and recommendations to the Natural Resources, Agriculture, and Environment Interim Committee at either the October or November 2020 interim committee meeting, as determined by the chairs of the Natural Resources, Agriculture, and Environment Interim Committee.~~

(5) The concepts that the working group and the {Legislative Water Development Commission about the following:

~~—— (i) issues related to accurately metering water supply and use, including residential use of primary or secondary water;~~

~~—— (ii) operational priorities of covered entities related to implementation of this chapter;~~

~~—— (iii) an analysis of the annual summaries prepared by the division to date; and~~

~~—— (iv) any other issue the division considers relevant to the implementation of this chapter;~~

~~—— (3) A covered entity may only receive money from the division if the covered entity complies with this section:~~

~~—— Section 7. Section **73-10h-202** is enacted to read:~~

~~—— **73-10h-202. Technical assistance -- Education programs and services.**~~

~~—— (1) The division shall contract with a qualified entity that provides education programs and services including subject matter experts to provide the training described in Subsection~~

~~(2):~~

~~—— (2) The training shall:~~

~~—— (a) instruct a covered entity on the method of conducting a water loss audit using the method adopted under Subsection 73-10h-201(1)(a)(i);~~

~~—— (b) guide a covered entity in the process to determine a plan for water loss control as required in the development of a summary report required under Subsection~~

~~73-10h-201(1)(a)(ii); and~~

~~—— (c) include the initial validation of a water loss audit required by Section 73-10h-201.~~

~~—— Section 8. **Appropriation:**~~

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~~The following sums of money are appropriated for the fiscal year beginning July 1, 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of government of the state of Utah.~~

ITEM 1

~~To Department of Natural Resources - Division of Water Resources~~

~~From General Fund, one-time \$1,350,000~~

~~Schedule of Programs:~~

~~Planning program \$1,350,000~~

~~The Legislature intends that the \$1,350,000 be used as follows under the Water Loss Accounting Act enacted by this bill:~~

~~(1) \$900,000 to provide for technical assistance and education to covered entities; and~~

~~(2) \$450,000 to develop a validation program for water loss audits including training of individuals to conduct validations.~~

ITEM 2

~~To DNR Pass Through~~

~~From General Fund, one-time \$150,000~~

~~Schedule of Programs:~~

~~DNR Pass Through \$150,000~~

~~The Legislature intends that the \$150,000 be used to integrate information from water accounting reports with existing water related reporting requirements as recommended by the technical advisory committee under the Water Loss Accounting Act enacted by this bill.~~

ITEM 3

~~To Department of Natural Resources - Division of Water Resources~~

~~From General Fund \$300,000~~

~~From General Fund, one-time (\$300,000)~~

~~Schedule of Programs:~~

~~Planning program \$300,000~~

~~(\$300,000)~~

~~The Legislature intends that the \$300,000 be used to pay the ongoing expenses of the~~

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Water Loss Accounting Act enacted by this bill.

the executive director and commissioner shall consider when developing recommendations for the Natural Resources, Agriculture, and Environment Interim Committee include:

(a) the promotion of improved understanding of water system losses, water delivery efficiency, and the conservation of water delivered by public retail water suppliers by the use of water loss accounting practices;

(b) the development of reliable information from consistent reporting requirements, and to recommend how the information may be used at state wholesale and retail levels;

(c) a recommendation of appropriate roles for the state wholesale and retail public water suppliers to encourage water delivery efficiency and water conservation from water loss accounting at each level;

(d) a recommendation of appropriate levels of funding for state wholesale and retail conservation measures and improved water delivery efficiency resulting from water loss accounting practices;

(e) a recommendation of potential changes to Section 73-10-32, to implement plans for water conservation from water loss accounting practices, including the authorization of rulemaking authority, if necessary, and water loss accounting reporting requirements, including a validity score on submitted data;

(f) a recommendation for the frequency of water loss accounting audits, as well as recommendation for the use of annual validated water use reports to the state engineer;

(g) a recommendation of which entities should be required to submit water loss accounting audits based on size, region, or both size and region;

(h) a potential recommendation of the appropriate role for a state technical advisory committee and whether this state technical advisory committee should have counterparts at the wholesale and retail levels; and

(i) estimating the amount of water losses and associated revenue losses that can reasonably be recovered through water loss control activities.