

Representative Carl R. Albrecht proposes the following substitute bill:

SECONDARY WATER REQUIREMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: Carl R. Albrecht

LONG TITLE

General Description:

This bill addresses the metering of pressurized secondary water.

Highlighted Provisions:

This bill:

- ▶ repeals outdated language;
- ▶ enacts exemptions;
- ▶ addresses scope of sections; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

73-10-34, as enacted by Laws of Utah 2019, Chapter 449

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

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



26 **73-10-34. Secondary water metering.**

27 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

47 (f) "Secondary water supplier" means an entity that supplies pressurized secondary
48 water.

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

52 ~~[(3) (a) A secondary water provider that provides pressurized secondary water to a
53 commercial, industrial, institutional, or residential user shall develop a plan for metering the
54 use of the pressurized water in accordance with this Subsection (3).]~~

55 ~~[(b) The plan required by this Subsection (3) shall be filed with the Division of Water
56 Resources by no later than December 31, 2019, and address the process the secondary water~~

57 supplier will follow to implement metering, including:]

58 [~~(i) the costs of full metering by the secondary water provider;~~]

59 [~~(ii) how long it would take the secondary water provider to complete full metering,~~
60 ~~including an anticipated begin date and completion date; and]~~

61 [~~(iii) how the secondary water supplier will finance metering.]~~

62 [~~(4) (a) The Department of Natural Resources shall oversee a study by the Utah Water~~
63 ~~Task Force within the Department of Natural Resources of issues related to metering secondary~~
64 ~~water in the state including cost, timing, the need for exemptions, resources to pay the cost of~~
65 ~~metering, and any other issues the Department of Natural Resources finds relevant.]~~

66 [~~(b) The Department of Natural Resources shall report the results of the study to the~~
67 ~~Natural Resources, Agriculture, and Environment Interim Committee by no later than the~~
68 ~~November interim meeting of 2019.]~~

69 [~~(5)~~] (3) A secondary water supplier shall on or before March 31 of each year, report to
70 the Division of Water Rights:

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

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

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

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

80 (i) commercial;

81 (ii) industrial;

82 (iii) institutional; and

83 (iv) residential;

84 (e) the total volume of water that the secondary water supplier receives from its
85 sources; and

86 (f) the dates of service during the preceding 12-month period in which the secondary
87 water supplier supplied pressurized secondary water.

88 ~~[(6)]~~ (4) (a) Beginning July 1, 2019, the Board of Water Resources may make up to
89 \$10,000,000 in low-interest loans available each year:

90 (i) from the Water Resources Conservation and Development Fund, created in Section
91 [73-10-24](#); and

92 (ii) for financing the cost of secondary water metering.

93 (b) The Division of Water Resources and the Board of Water Resources shall make
94 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
95 establishing the criteria and process for receiving a loan described in this Subsection ~~[(6)]~~ (4),
96 except the rules may not include prepayment penalties.

97 (5) This section does not apply to a secondary water supplier to the extent that:

98 (a) the secondary water supplier supplies secondary water within a county of the third,
99 fourth, fifth, or sixth class: or

100 (b) there is no meter that a meter manufacturer will warranty because of the water
101 quality within a specific location.

102 (6) Nothing in this section affects a water right holder's obligation to measure and
103 report water usage as described in Sections [73-5-4](#) and [73-5-8](#).

104 Section 2. **Effective date.**

105 If approved by two-thirds of all the members elected to each house, this bill takes effect
106 upon approval by the governor, or the day following the constitutional time limit of Utah
107 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
108 the date of veto override.