

CHAPTER 70
FORMERLY
HOUSE BILL NO. 122

AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO SELF-SUFFICIENT WATER SUPPLY.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1401, Title 26 of the Delaware Code by striking subsection (2) and renumbering the remaining subsections accordingly.

Section 2. Amend §1402(10), Title 26 of the Delaware Code by deleting the reference to “§1306” and substituting in lieu thereof “§1305.”

Section 3. Amend §1403, Title 26 of the Delaware Code by striking the comma and inserting the word “and” after the word “determine” and by striking the comma and the phrase “and transmit to the Commission” after the word “publish”.

Section 4. Amend §1405, Title 26 of the Delaware Code by striking the word “nonjurisdictional” wherever it appears therein.

Section 5. Amend §1405 by deleting subsection (b) in its entirety and substituting in lieu thereof the following:

“(b) Consumer water conservation plan. -- Each Plan submitted by a water utility must include:

(1) A description of the water utility's proposed methods of consumer education to:

- a. Make consumers aware of the benefits arising from the efficient use of water supply;
- b. Make consumers aware of and understand any water conservation rate that is in effect, or that will be implemented by the water utility during the following 3 years;
- c. Make consumers aware of the existence of both new and retrofitted consumer equipment that improves the efficient use of water; and
- d. Make consumers aware of the costs arising from the loss of water through leakage in consumer water systems.

(2) For each reporting year after 2006, an evaluation of the effectiveness of the water utility's preceding consumer water conservation plan in informing consumers of methods to improve the efficient use of the water supply.”.

Section 6. Amend §1405(e), Title 26 of the Delaware Code by adding the following sentence at the end thereof: “If the Council ultimately determines that a jurisdiction or water utility’s certification is deficient the council shall so report to the Commission.

Section 7. Amend §1406, Title 26 of the Delaware Code by striking the word “nonjurisdictional” wherever it appears therein.

Section 8. Amend §1406, Title 26 of the Delaware Code by striking the phrase “on or before April 1, 2004,” in subsection (g) thereof and by capitalizing the word “Each” therein.

Section 9. Amend §1406(h), Title 26 of the Delaware Code by deleting the year “2009” and substituting in lieu thereof the year “2014” and by deleting the phrase “during the period from the date of the nonjurisdictional water utility’s implementation of its rate structure through 2008” therein.

Section 10. Amend §1406, Title 26 of the Delaware Code by deleting subsections (c), (d), (e) and (f) by relettering the remaining subsections accordingly.

Section 11. Amend §1406, Title 26 of the Delaware Code by adding a new subsection as follows: “(f) Nothing in this Chapter shall be construed to limit the jurisdiction of the Commission over the rates of jurisdictional water utilities including, without limitation, conservation rates.”

Section 12. Amend §1404, Title 26 of the Delaware Code by deleting the entire section and renumbering the remaining sections.

Approved July 01, 2011