

HB0121S01 compared with HB0121

~~{deleted text}~~ shows text that was in HB0121 but was deleted in HB0121S01.

inserted text shows text that was not in HB0121 but was inserted into HB0121S01.

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Representative Robert M. Spendlove proposes the following substitute bill:

WATER CONSERVATION MODIFICATIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to conservation of water and related provisions regarding lawn or turf.

Highlighted Provisions:

This bill:

~~{~~ → prohibits certain lawn or turf requirements;

- imposes requirements related to water conservation at state government facilities and by state agencies;
- provides for incentives to replace lawn or turf with drought resistant landscaping;
- grants rulemaking authority;
- requires the Legislative Water Development Commission to study water conservation in the state; and

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- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

73-27-103, as last amended by Laws of Utah 2021, Chapter 354

ENACTS:

~~{ **10-9a-535**, Utah Code Annotated 1953~~

~~— **17-27a-531**, Utah Code Annotated 1953~~

~~— **57-8a-231**, Utah Code Annotated 1953~~

~~— **57-16-20**, Utah Code Annotated 1953~~

~~‡ **63A-5b-1108**, Utah Code Annotated 1953~~

~~**73-10-36**, Utah Code Annotated 1953~~

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

Section 1. Section ~~{**10-9a-535**}~~**63A-5b-1108** is enacted to read:

~~{ **10-9a-535. Lawn requirements:**~~

~~— (1) As used in this section:~~

~~— (a) Except as provided in Subsection (1)(b), "lawn or turf" means nonagricultural land planted in closely mowed, managed grasses:~~

~~— (b) "Lawn or turf" does not include a golf course, park, athletic field, or sod farm.~~

~~— (2) A municipality may not enact or enforce an ordinance, resolution, or policy that requires, or has the effect of requiring, a property owner to plant or maintain lawn or turf on the property owner's property.~~

~~— Section 2. Section **17-27a-531** is enacted to read:~~

~~— **17-27a-531. Lawn requirements:**~~

~~— (1) As used in this section:~~

~~— (a) Except as provided in Subsection (1)(b), "lawn or turf" means nonagricultural land planted in closely mowed, managed grasses:~~

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~~(b) "Lawn or turf" does not include a golf course, park, athletic field, or sod farm.~~

~~(2) A county may not enact or enforce an ordinance, resolution, or policy that requires, or has the effect of requiring, a property owner to plant or maintain lawn or turf on the property owner's property.~~

~~Section 3. Section 57-8a-231 is enacted to read:~~

~~**57-8a-231. Lawn requirements:**~~

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

~~(a) Except as provided in Subsection (1)(b), "lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.~~

~~(b) "Lawn or turf" does not include a golf course, park, athletic field, or sod farm.~~

~~(2) An association may not enact or enforce a governing document that requires, or has the effect of requiring, a lot owner of a detached dwelling to plant or maintain lawn or turf on the lot owner's property.~~

~~Section 4. Section 57-16-20 is enacted to read:~~

~~**57-16-20. Lawn requirements:**~~

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

~~(a) (i) Except as provided in Subsection (1)(a)(ii), "lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.~~

~~(ii) "Lawn or turf" does not include a golf course, park, athletic field, or sod farm.~~

~~(b) "Park operator" means an owner, operator, or manager of a mobile home park, including an employee, agent, or independent contractor of the owner, operator, or manager.~~

~~(2) Notwithstanding Subsection 57-16-7(3), a park operator may not require, or adopt a rule that has the effect of requiring, a mobile park resident to plant or maintain lawn or turf on the property that the mobile park resident leases or rents.~~

~~Section 5. Section 63A-5b-1108 is enacted to read:~~

~~† **63A-5b-1108. Water conservation and state government facilities.**~~

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

~~(a) "Grounds" means the real property, whether fenced or unfenced, of the parcel of land on which is located a state government facility, including a public or private driveway, street, sidewalk or walkway, parking lot, or parking garage on the property.~~

~~(b) (i) Except as provided in Subsection (1)(b)(ii), "lawn or turf" means nonagricultural~~

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land planted in closely mowed, managed grasses.

(ii) "Lawn or turf" does not include a golf course, park, athletic field, or sod farm.

(c) "Reconstructed" means that a building is subject to construction that affects the exterior of the building or the building's grounds.

(d) (i) "State agency" means a department, division, office, entity, agency, or other unit of state government.

(ii) "State agency" includes an institution of higher education.

(e) (i) "State government facility" means a building, structure, or other improvement that is constructed on property owned by the state, the state's departments, commissions, institutions, or other state agency.

(ii) "State government facility" does not include:

(A) an unoccupied structure that is a component of the state highway system;

(B) a privately owned structure that is located on property owned by the state, the state's department, commission, institution, or other state agency; or

(C) a structure that is located on land administered by the trust lands administration under a lease, permit, or contract with the trust lands administration.

(2) (a) Unless exempted under Subsection (2)(b), a state agency that owns or occupies a state government facility that is built or reconstructed on or after May 4, 2022, may not have more than 20% of the grounds of the state government facility be lawn or turf.

(b) The division may exempt a state government facility from the restrictions of Subsection (2)(a) if the division determines that the purposes of a state agency that occupies the state government facility requires additional lawn or turf.

(3) (a) A state agency shall reduce the state agency's outdoor water use as compared to the state agency's outdoor water use for fiscal year 2020:

(i) in an amount equal to or greater than 5% by the end of fiscal year 2023; and

(ii) in an amount equal to or greater than 25% by the end of fiscal year 2026.

(b) A state agency shall submit the following information to the Division of Water

Resources:

(i) by no later than October 1, ~~2023~~2022:

(A) the state agency's water use for fiscal year 2020; and

(B) the state agency's water use for fiscal year ~~2023~~2022; ~~and~~

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(ii) by no later than October 1, ~~2026~~2023, the state agency's water use for fiscal year ~~2026~~2023; and

(iii) by no later than October 1, 2026, the state agency's water use for fiscal year 2026.

(c) The Division of Water Resources shall:

(i) post the information provided to the Division of Water Resources under this Subsection (3) on a public website; and

(ii) by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish a uniform measure for purposes of this section of a state agency's water use.

(4) A state agency may not water landscapes at a state government facility between the hours of 10 a.m. and 6 p.m.

(5) A state agency shall do the following at a state government facility:

(a) follow weekly lawn watering guides if issued by the Division of Water Resources;

(b) manually shut off systems during rain and wind events if the landscape irrigation system does not have rain and wind shutoff functions;

(c) implement a leak-detection and repair program for outdoor use;

(d) coordinate with the Division of Water Resources to implement water efficient methods, technologies, and practices; and

(e) at least annually:

(i) evaluate opportunities to update irrigation technology with devices that:

(A) meet national recognized standards for efficiency;

(B) include rain and wind shutoff functions; and

(C) include soil moisture sensors;

(ii) evaluate opportunities to:

(A) subject to Subsection (2), limit lawn or turf on the grounds of a state government facility and replace lawn or turf with water-wise plants; and

(B) update facility-management technology to include metering for water-consuming processes related to irrigation and mechanical systems; and

(iii) audit and repair a landscape irrigation system so that the landscape irrigation system is operating at maximum acceptable efficiency.

Section ~~6~~2. Section **73-10-36** is enacted to read:

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73-10-36. State incentives to use drought resistant landscaping.

(1) As used in this section:

(a) "Division" means the Division of Water Resources.

(b) (i) Except as provided in Subsection (1)(b)(ii), "lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.

(ii) "Lawn or turf" does not include a golf course, park, athletic field, or sod farm.

(c) "Owner" means an owner of private land where a water end user is located.

(d) "Water end user" means a person who enters into a water contract to obtain water from a retail water provider for residential, commercial, industrial, or institutional use.

(2) (a) Subject to a \$5,000,000 aggregate annual cap, the division may provide an incentive to an owner to remove lawn or turf from land owned by the owner and replace the lawn or turf with drought resistant landscaping.

(b) If the division provides an incentive under this section, the division shall provide the incentive in the order that an application for the incentive is filed.

(c) To be eligible for an incentive under this section, the owner shall at the time the owner applies for the incentive:

(i) have living lawn or turf on the land owned by the owner that the owner intends to replace with drought resistant landscaping;

(ii) be in good standing with a retail water provider so that the owner has no unpaid water bills; and

(iii) participate voluntarily in the removal of the lawn or turf in that the removal is not required by governmental code or policy.

(d) An owner may not receive an incentive under this section if the owner has previously received an incentive under this section for the same property.

(e) The division may not provide an owner an incentive under this section in an amount greater than 50% of the cost of replacing the lawn or turf with drought resistant landscaping.

(3) The division may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

(a) establishing the process by which an owner obtains an incentive under this section; and

(b) defining what constitutes drought resistant landscaping.

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Section ~~73-27-3~~. Section 73-27-103 is amended to read:

73-27-103. Duties and powers of commission.

(1) The commission shall consider and make recommendations to the Legislature and governor on the following issues:

(a) how the water needs of the state's growing agricultural, municipal, and industrial sectors will be met;

(b) what the impact of federal regulations and legislation will be on the ability of the state to manage and develop its compacted water rights;

(c) how the state will fund water projects;

(d) whether the state should become an owner and operator of water projects;

(e) how the state will encourage the implementation of water conservation programs;

and

(f) other water issues of statewide importance.

(2) The commission shall consult with the Division of Water Resources and the Board of Water Resources regarding:

(a) recommendations for rules, criteria, targets, processes, and plans described in Subsection 73-10g-105(3); and

(b) the scope of any request for proposals that may be issued by the Division of Water Resources and Board of Water Resources to assist in creating the rules, criteria, targets, processes, and plans described in Subsection 73-10g-105(3).

(3) The commission shall support community efforts to develop a unified, state water strategy to promote water conservation and efficiency that:

(a) is consistent with Section 73-1-21;

(b) is created with the aid of stakeholders including water conservancy districts created under Title 17B, Chapter 2a, Part 10, Water Conservancy District Act;

(c) includes model ordinances or policies consistent with the unified, statewide water strategy that may be adopted by political subdivisions; and

(d) respects different needs of different political subdivisions or geographic regions of the state.

(4) The commission may:

(a) form one or more working groups from the membership of the commission to

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consider and study the issues described in this section; and

(b) meet up to six times per calendar year without approval from the Legislative Management Committee.

(5) (a) In addition to supporting community efforts to develop a unified, state water strategy to promote water conservation and efficiency under Subsection (3), the commission shall study water conservation in the state on public and private land including:

(i) the management of water resources in the state; and

(ii) programs and policies to promote water conservation in the state that also protect and support existing water rights.

(b) The commission shall report the commission's findings under this Subsection (5), including any proposed legislation, to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the 2022 November interim meeting of the Natural Resources, Agriculture, and Environment Interim Committee.