

Representative Douglas R. Welton proposes the following substitute bill:

GOLF RELATED WATER MODIFICATIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas R. Welton

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill addresses the water use by golf courses or driving ranges.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a study of water use by golf courses or driving ranges;
- ▶ addresses whether water data is public information;
- ▶ creates a grant program, including the creation of a related committee; and
- ▶ provides for the publication of information on websites.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

73-1-22, Utah Code Annotated 1953

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



26 Section 1. Section 73-1-22 is enacted to read:

27 **73-1-22. Reporting water use by golf courses.**

28 (1) As used in this section:

29 (a) "Advisory board" means the board created in Subsection (5).

30 (b) "Aggregate water data" means:

31 (i) the annual amount of water used in gallons in the previous calendar year for the
32 operation and maintenance of a golf course or driving range:

33 (A) including any water used to expand or alter the golf course or driving range; and

34 (B) excluding water that is reused by the golf course or driving range; and

35 (ii) the one or more sources of the water described in Subsection (1)(b)(i).

36 (c) "Division" means the Division of Water Resources.

37 (d) (i) "Golf course or driving range" means:

38 (A) real property that may be used for golfing, golfing practice, or a driving range by
39 the public or by the members and guests of a private club; and

40 (B) improvements to the real property described in Subsection (1)(d)(i)(A), including
41 turf, bunkers, trees, irrigation, lakes, lake liners, bridges, practice ranges, golf greens, golf tees,
42 paths, and trails.

43 (ii) "Golf course or driving range" does not include a clubhouse, pro shop, restaurant,
44 or other building that is associated with a golf course or driving range.

45 (2) (a) Utah State University shall study the use of water on golf courses or driving
46 ranges in the state.

47 (b) As part of the study under this Subsection (2), Utah State University shall identify
48 standards for water use on desert golf courses or driving ranges, including:

49 (i) surveying practices in Arizona, Colorado, Nevada, and New Mexico;

50 (ii) determining how much water is used by golf courses or driving ranges;

51 (iii) determining how much irrigable acreage is playing vs non-playing areas; and

52 (iv) recommending methods for the state capturing possible water savings, including
53 through filing a change application for an instream flow under Section [73-3-30](#).

54 (c) As part of the study under this Subsection (2), Utah State University shall study the
55 option of creating a golf course license act that is required to install a new golf course in the
56 state.

57 (d) Utah State University shall work with owners and operators of golf courses or
58 driving ranges to identify strategic water savings opportunities.

59 (e) Utah State University shall report the findings of the study to the following by no
60 later than June 30, 2026:

61 (i) the Utah Water Task Force created within the Department of Natural Resources;
62 and

63 (ii) the Natural Resources, Agriculture, and Environmental Quality Appropriations
64 Subcommittee.

65 (3) (a) An owner or operator of a golf course or driving range in the state shall work
66 with Utah State University as part of the study under Subsection (2).

67 (b) Water data provided by an owner or operator of a golf course or driving range to
68 Utah State University is not considered a record for purposes of Title 63G, Chapter 2,
69 Government Records Access and Management Act.

70 (c) (i) Notwithstanding Subsection (3)(b), beginning July 1, 2028, an owner or operator
71 of a golf course or driving range shall report to the division and publish aggregate water data
72 on a website by no later than July 1 of each year.

73 (ii) The owner or operator of a golf course or driving range shall ensure that the
74 website and information required to be published under this Subsection (3)(c):

75 (A) is available to the public at a website to where the public is directed to find
76 information about the golf course or driving range such as how to schedule a tee time; and

77 (B) remains posted throughout the year.

78 (d) The division shall publish the information reported under Subsection (3)(c) on a
79 website that the division maintains that is available to the public.

80 (4) (a) Subject to Subsection (5)(f) and up to an aggregate total of \$30,000,000, the
81 division may issue a grant to an operator or owner of a golf course or driving range to
82 implement methods of efficiently using water on the golf course or driving range.

83 (b) A grant issued under this section may provide for implementation of an irrigation
84 plan, including the use of third-party contracts.

85 (c) When issuing grants under this Subsection (4), the division shall prioritize a grant:

86 (i) that benefits a golf course or driving range that has high water use compared to
87 other golf courses or driving ranges; and

88 (ii) for which the applicant is providing matching money.

89 (d) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
90 Administrative Rulemaking Act, providing the process for obtaining a grant under this
91 Subsection (4).

92 (5) (a) There is created an advisory board known as the "Golf Advisory Board" that
93 consists of the following six members:

94 (i) two members appointed by the president of the Senate;

95 (ii) two members appointed by the speaker of the House of Representatives;

96 (iii) one member appointed by the governor; and

97 (iv) the executive director of the Department of Natural Resources or the executive
98 director's designee.

99 (b) Four members of the advisory board constitutes a quorum. The action of at least
100 three members when a quorum is present constitutes action by the advisory board.

101 (c) The executive director of the Department of Natural Resources or executive
102 director's designee shall chair the advisory board.

103 (d) (i) Except as required by Subsection (5)(d)(ii), appointed members of the advisory
104 board are appointed to four-year terms.

105 (ii) The president of the Senate, the speaker of the House of Representatives, and the
106 governor shall jointly, at the time of appointment or reappointment, adjust the length of terms
107 to ensure that the terms of appointed board members are staggered so that approximately half
108 of the advisory board is appointed every two years.

109 (e) A member of the advisory board may not receive compensation or benefits for the
110 member's service, but may receive per diem and travel expenses in accordance with:

111 (i) Section [63A-3-106](#);

112 (ii) Section [63A-3-107](#); and

113 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
114 [63A-3-107](#).

115 (f) The advisory board shall advise the division in implementing the grant program
116 under this section and shall review a grant application before the division may issue the grant
117 under Subsection (4).