

Senator Michael K. McKell proposes the following substitute bill:

WATER USAGE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Owens

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill addresses the watering of lawn or turf during a restricted period.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ addresses the watering of lawn or turf during a restricted period; and
- ▶ establishes a sunset date.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-273, as last amended by Laws of Utah 2022, Chapters 68, 79

ENACTS:

73-10-38, Utah Code Annotated 1953

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



26 Section 1. Section **63I-1-273** is amended to read:

27 **63I-1-273. Repeal dates: Title 73.**

28 (1) Title 73, Chapter 27, Legislative Water Development Commission, is repealed
29 January 1, 2031.

30 (2) Section [73-10-38](#) is repealed July 1, 2028.

31 [~~(2)~~] (3) In relation to Title 73, Chapter 10g, Part 2, Agricultural Water Optimization,
32 on July 1, 2025:

33 (a) Section [73-10g-202](#) is repealed; and

34 (b) Section [73-10g-203](#) is repealed.

35 [~~(3)~~] (4) Section [73-18-3.5](#), which authorizes the Division of Outdoor Recreation to
36 appoint an advisory council that includes in the advisory council's duties advising on boating
37 policies, is repealed July 1, 2024.

38 [~~(4)~~] (5) Title 73, Chapter 30, Great Salt Lake Advisory Council Act, is repealed July
39 1, 2027.

40 [~~(5)~~] (6) In relation to Title 73, Chapter 31, Water Banking Act, on December 31,
41 2030:

42 (a) Subsection [73-1-4\(2\)\(e\)\(xi\)](#) is repealed;

43 (b) Subsection [73-10-4\(1\)\(h\)](#) is repealed; and

44 (c) Title 73, Chapter 31, Water Banking Act, is repealed.

45 Section 2. Section **73-10-38** is enacted to read:

46 **73-10-38. Conveyance of water.**

47 (1) As used in this section:

48 (a) "Division" means the Division of Water Resources created in Section [73-10-18](#).

49 (b) "Great Salt Lake basin" means the area within:

50 (i) the drainage areas of the Bear River or the Bear River's tributaries;

51 (ii) the drainage areas of Bear Lake or Bear Lake's tributaries;

52 (iii) the drainage areas of the Weber River or the Weber River's tributaries;

53 (iv) the drainage areas of the Jordan River or the Jordan River's tributaries;

54 (v) the drainage areas of Utah Lake or Utah Lake's tributaries;

55 (vi) other water drainages lying between the Bear River and the Jordan River that are

56 tributary to the Great Salt Lake and not included in the drainage areas described in Subsections

57 (1)(b)(i) through (v); and

58 (vii) the drainage area of Tooele Valley.

59 (c) "Large retail water supplier" means a retail water supplier that serves at least 10,000
60 people.

61 (d) "Large secondary water retail supplier" means a secondary water supplier that
62 supplies more than 5,000 secondary water connections.

63 (e) (i) "Lawn or turf" means nonagricultural land planted with mowed or managed
64 grasses.

65 (ii) "Lawn or turf" does not mean land planted by sod farmers.

66 (f) "Public benefit property" means real property that is dedicated primarily to public
67 use, regardless of ownership, and is limited to:

68 (i) a school;

69 (ii) an amphitheater;

70 (iii) a park or play field;

71 (iv) a cemetery;

72 (v) a golf course; or

73 (vi) a stadium or other venue that uses lawn or turf for professional, semi-professional,
74 or collegiate sports.

75 (g) "Retail water supplier" means a person that:

76 (i) supplies water for human consumption and other domestic uses to an end user; and

77 (ii) has more than 500 service connections.

78 (h) "Secondary water" means water that:

79 (i) is delivered to and used by an end user for the irrigation of landscaping or a garden;
80 and

81 (ii) is not culinary water or water used on land assessed under Title 59, Chapter 2, Part
82 5, Farmland Assessment Act.

83 (i) "Secondary water connection" means the location at which water leaves a secondary
84 water supplier's pipeline and enters into the pipes owned by another person to supply water to
85 an end user.

86 (j) "Secondary water supplier" means an entity that supplies pressurized secondary
87 water to the end user of the secondary water.

88 (k) "Shoulder season" means the time period that begins on October 1 of a calendar
89 year and ends on April 25 of the following calendar year.

90 (l) "Wholesale water supplier" means a person that provides most of the person's water
91 to:

92 (i) a retail water supplier;

93 (ii) a secondary water supplier; or

94 (iii) a combination of a retail water supplier and a secondary water supplier.

95 (2) A retail water supplier or a secondary water supplier within the Great Salt Lake
96 basin shall adopt an ordinance, resolution, rule, or regulation that prohibits the use of culinary
97 water or pressurized secondary water for the irrigation of lawn or turf within the Great Salt
98 Lake basin during a shoulder season.

99 (3) An ordinance, resolution, rule, or regulation described in Subsection (2):

100 (a) shall be adopted on or before October 1, 2023;

101 (b) may include an exemption for water used during a shoulder season:

102 (i) on lawn or turf that is located on public benefit property;

103 (ii) for the watering of a food-bearing plant; or

104 (iii) on new landscaping for one year after the landscaping is installed; and

105 (c) may adjust the definition of a shoulder season to begin earlier than October 1 or end
106 later than April 25 based on local growing conditions.

107 (4) A large retail water supplier or a large secondary water retail supplier shall:

108 (a) on or before June 15 of each year, calculate:

109 (i) the amount of water that, but for the immediately preceding shoulder season, would
110 otherwise have reasonably been depleted during the immediately preceding shoulder season for
111 the irrigation of non-exempt lawn or turf within the water supplier's service area; and

112 (ii) of the amount calculated under Subsection (4)(a)(i), the amount that is attributable
113 to surface water that would have passed through a reservoir, including surface water that would
114 have been delivered to the water supplier through a reservoir by a wholesale water supplier;

115 (b) prepare a written explanation of how the calculation described in Subsection (4)(a)
116 was made, including the share of water attributable to a wholesale water supplier under
117 Subsection (4)(a)(ii); and

118 (c) on or before June 30 of each year, provide the calculation and written explanation

119 to the division.

120 (5) A large retail water supplier or a large secondary water retail supplier does not need
121 to make the calculation described in Subsection (4)(a) if that calculation has been performed by
122 another large retail water supplier or a large secondary water retail supplier for the same service
123 area.

124 (6) A wholesale water supplier shall assist a large retail water supplier, or a large
125 secondary retail water supplier, that receives water from the wholesale water supplier in
126 making the calculation described in Subsection (4)(a).

127 (7) In making the calculation described in Subsection (4)(a):

128 (a) water that is imported from outside the Great Salt Lake basin shall be excluded; and

129 (b) the amount of water that would have been depleted may be determined using any
130 reasonable basis, including accounting for variability due to temperatures and precipitation
131 during the period water would have reasonably been used.

132 (8) The division shall publish the calculation described in Subsection (4)(a) on the
133 division's website on or before October 1 of each year.

134 (9) Nothing in this section prohibits a retail water supplier or a secondary water
135 supplier from adopting or enforcing limitations or prohibitions on the use of water for lawn or
136 turf during times outside of the shoulder season.

137 (10) A local entity may adopt by ordinance, provisions controlling the use of water on
138 lawn or turf, that are stricter than those provided in this section.