

## HB0011S02 compared with HB0011S01

~~deleted text~~ shows text that was in HB0011S01 but was deleted in HB0011S02.

inserted text shows text that was not in HB0011S01 but was inserted into HB0011S02.

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Representative Doug Owens proposes the following substitute bill:

### WATER EFFICIENT LANDSCAPING REQUIREMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: ~~{ }~~ Doug Owens

Senate Sponsor: ~~{ \_\_\_\_\_ }~~ Ronald M. Winterton

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#### LONG TITLE

##### General Description:

This bill addresses use of ~~lawn or turf~~ overhead spray irrigation.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ restricts the use of ~~lawn or turf~~ overhead spray irrigation by certain governmental entities; and
- ▶ makes technical changes.

##### Money Appropriated in this Bill:

None

##### Other Special Clauses:

None

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### Utah Code Sections Affected:

~~{AMENDS:~~

~~———— 63A-5b-1108, as enacted by Laws of Utah 2022, Chapter 50~~

~~{ENACTS:~~

~~11-39-108, Utah Code Annotated 1953~~

~~53G-7-224, Utah Code Annotated 1953~~

~~72-7-111, Utah Code Annotated 1953~~

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

Section 1. Section **11-39-108** is enacted to read:

**11-39-108. Use of ~~{lawn or turf}~~ overhead spray irrigation.**

(1) As used in this section:

(a) "Active recreation area" means an area of local entity property that is:

(i) ~~{comprised of lawn or turf}~~ dedicated to active use; and

(ii) installed or maintained on an area with a slope of not more than 25%.

(b) "Active use" means regular use for playing, exercise, recreation, or regular outdoor activities ~~{ that are ordinarily associated with lawn or turf }~~, such as:

(i) a sports field;

(ii) a social gathering area;

(iii) an amphitheater;

(iv) a park; ~~{ or }~~

(v) the playing area, including roughs, driving ranges, and chipping and putting greens, of a golf course ~~{.}; or~~

~~(vi) a cemetery.~~

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

(i) the surveyed meander line of the Great Salt Lake;

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

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

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

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

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

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(vii) other water drainages lying between the Bear River and the Jordan River that are tributary to the Great Salt Lake and not included in the drainage areas described in Subsections (1)(c)(ii) through (vi); and

(viii) the drainage area of Tooele Valley.

(d) "Landscaped area" means those portions of local entity property that are not, or will not be, occupied by:

(i) a permanent structure; or

(ii) an impervious surface associated with vehicular or pedestrian access or use, such as a driveway, sidewalk, or parking lot.

~~{ (e) "Land use regulation" means a land use regulation:~~

~~— (i) as defined in Section 10-9a-103 for a municipality; or~~

~~— (ii) as defined in Section 17-27a-103 for a county.~~

~~— (f) "Lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.~~

~~{ (g)e} "Local entity property" means real property owned by a local entity.~~

~~{ (h)f} "New construction" means a project for the construction of a public facility on local entity property that includes a new or modified landscaped area of more than 7,500 square feet.~~

~~{ (i)g} "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.~~

~~{ (j)h} "Parkstrip" means the area between the back of a curb or, if there is no curb, the edge of pavement and the sidewalk.~~

~~{ (k)i} "Public facility" means a building, structure, infrastructure, improvement, park, playground, or other facility of a local entity.~~

~~{ (l)j} "Reconstruction" means a project for renovation, alteration, improvement, or repair of a public facility on local entity property that affects more than 25% of the landscaped area existing before the reconstruction.~~

~~{ (m)2} (a) {"Special use area" means an area of} A local entity with local entity property ~~{that requires the use of lawn or turf due to unique circumstances associated with the land, including cemeteries or detention or retention basins that serve a dual purpose of active recreation areas and storm water management.~~~~

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~~(2) Local entity property in~~ within the Great Salt Lake basin ~~and on which a local entity~~ that undertakes new construction or reconstruction on the local entity property on or after May 1, 2024~~;~~

~~(a) may not have lawn or turf installed or maintained:~~

~~(i) on more than the lesser of the following after deducting~~, may not install, maintain, or use overhead spray irrigation in a landscaped area of the local entity property unless the landscaped area is an active recreation ~~areas or special use areas:~~

~~(A) 20% of the landscaped area; or~~

~~(B) the amount of the landscaped area permitted to have lawn or turf under an applicable land use regulation if the land use regulation restricts the use of lawn or turf to less than 20%;~~

~~(ii) in a parkstrip;~~

~~(iii) within the interior of a parking lot; or~~

~~(iv) in an area where the lawn or turf would have~~ area.

(b) A local entity may not install, maintain, or use overhead spray irrigation to irrigate the following within an active recreation area described in Subsection (2)(a):

(i) a park strip;

(ii) an area with a width of less than eight feet;~~;~~

~~(b) may not have a sprinkler zone that provides overhead spray irrigation for lawn or turf shared with an area that does not have lawn or turf;~~

~~(c) shall have the use of overhead spray irrigation restricted to the portions of the landscaped area that has lawn or turf; and~~

~~(d) may not have~~ or

(iii) in an area that is a planting bed.

(c) A local entity may not treat local entity property as an active recreation area ~~with a size that is~~ if the area is sized larger than ~~the~~ reasonably required for the anticipated ~~need for the type of~~ use the area is intended to accommodate.

Section 2. Section **53G-7-224** is enacted to read:

**53G-7-224. Use of ~~lawn or turf~~ overhead spray irrigation.**

(1) As used in this section:

(a) "Active recreation area" means an area of school property that is:

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(i) ~~comprised of lawn or turf~~ dedicated to active use; and

(ii) installed or maintained on an area with a slope of not more than 25%.

(b) "Active use" means regular use for playing, exercise, recreation, or regular outdoor activities ~~that are ordinarily associated with lawn or turf~~, such as:

(i) a sports field;

(ii) a social gathering area; or

(iii) an amphitheater.

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

(i) the surveyed meander line of the Great Salt Lake;

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

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

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

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

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

(vii) other water drainages lying between the Bear River and the Jordan River that are tributary to the Great Salt Lake and not included in the drainage areas described in Subsections (1)(c)(ii) through (vi); and

(viii) the drainage area of Tooele Valley.

(d) "Landscaped area" means those portions of school property that are not, or will not be, occupied by:

(i) a permanent structure; or

(ii) an impervious surface associated with vehicular or pedestrian access or use, such as a driveway, sidewalk, or parking lot.

~~(c) "Land use regulation" means a land use regulation:~~

~~(i) as defined in Section 10-9a-103 for a municipality; or~~

~~(ii) as defined in Section 17-27a-103 for a county.~~

~~(f) "Lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.~~

~~(g)e~~ "LEA" means:

(i) a school district;

(ii) a charter school, other than an online-only charter school; or

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(iii) the Utah Schools for the Deaf and the Blind.

~~(f)~~ "New construction" means a project for the construction of a public facility on school property that includes a new or modified landscaped area of more than 7,500 square feet.

~~(g)~~ "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.

~~(h)~~ "Parkstrip" means the area between the back of a curb or, if there is no curb, the edge of pavement and the sidewalk.

~~(k)~~ "Public facility" means a building, structure, infrastructure, improvement, sports field, playground, or other facility of an LEA.

~~(j)~~ "Reconstruction" means a project for the renovation, alteration, improvement, or repair of a public facility on school property that affects more than 25% of the landscaped area existing before the reconstruction.

~~(m)~~ "School property" means real property owned by an LEA.

~~(n) 2 (a)~~ "Special use area" means an area of An LEA with school property that requires the use of lawn or turf due to unique circumstances associated with the land, including detention or retention basins that serve a dual purpose of active recreation areas and storm water management.

~~(2) School property in~~ within the Great Salt Lake basin ~~on which an LEA~~ that undertakes new construction or reconstruction on the school property on or after May 1, 2024 ~~:~~

~~(a) may not have lawn or turf installed or maintained:~~

~~(i) on more than the lesser of the following after deducting~~ , may not install, maintain, or use overhead spray irrigation in a landscaped area of the school property unless the landscaped area is an active recreation ~~areas or special use areas:~~

~~(A) 20% of the landscaped area; or~~

~~(B) the amount of the landscaped area that would be permitted to have lawn or turf under a land use regulation that would apply to the landscaped area but for the fact that it is school property and if the land use regulation would restrict the use of lawn or turf to less than 20% of the landscaped area;~~

~~(ii) in a parkstrip;~~

~~(iii) within the interior of a parking lot;~~

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- ~~(iv) in an area where the lawn or turf would have} area.~~
- (b) An LEA may not install, maintain, or use overhead spray irrigation to irrigate the following within an active recreation area described in Subsection (2)(a):
- (i) a park strip;
  - (ii) an area with a width of less than eight feet; or
    - ~~(v) within a road or area of vehicular access, including in a median or roundabout;~~
  - ~~(b) may not have a sprinkler zone that provides overhead spray irrigation for lawn or turf shared with an area that does not have lawn or turf;~~
  - ~~(c) shall have the use of overhead spray irrigation restricted to the portions of the landscaped area that has lawn or turf; and~~
  - ~~(d) may not have} iii) in an area that is a planting bed.~~
- (c) An LEA may not treat school property as an active recreation area {with a size that is} if the area is sized larger than ~~{the }~~ reasonably required for the anticipated ~~{ need for the type of}~~ use the area is intended to accommodate.
- (3) Nothing in this section:
- (a) requires an LEA to submit a land use application to a municipality or county to landscape school property; or
  - (b) authorizes a municipality or county to:
    - (i) impose landscaping requirements on school property; or
    - (ii) require an LEA to obtain approval for landscaping on school property.
- Section 3. Section ~~{63A-5b-1108}~~ 72-7-111 is ~~{amended}~~ enacted to read:
- ~~{~~ ~~**63A-5b-1108. Water conservation and state government facilities.**~~
- ~~(1) As used in this section:~~
    - ~~(a) "Division" means the Division of Water Resources.~~
    - ~~(b) "Grounds" means the real property, whether fenced or unfenced, of the parcel of land on which is located a state government facility, [including a] but not including areas occupied by a building, public or private driveway, street, sidewalk or walkway, parking lot, or parking garage on the property.~~
    - ~~(c) (i) Except as provided in Subsection (1)(c)(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.~~

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- ~~—— (d) "Land use regulation" means a land use regulation:~~
- ~~—— (i) as defined in Section 10-9a-103 for a municipality, or~~
- ~~—— (ii) as defined in Section 17-27a-103 for a county.~~
- ~~—— (c) "Parkstrip" means the area between the back of a curb or, if there is no curb, the edge of pavement and the sidewalk.~~
- ~~—— [(d)] (f) "Reconstructed" means that a building is subject to construction that affects the exterior of the building or the building's grounds.~~
- ~~—— [(e)] (g) (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.~~
- ~~—— [(f)] (h) (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 1, 2024, may not [have] install or maintain lawn or turf:~~
- ~~—— (i) on more than [20%] the lesser of the following of the grounds of the state government facility [be lawn or turf]:~~
- ~~—— (A) 20% of the grounds; or~~
- ~~—— (B) the amount of grounds that would be permitted to have lawn or turf under a land use regulation that would apply to the grounds but for the fact that the grounds are owned by the state or a state agency and if the land use regulation would restrict the use of the lawn or turf to less than 20% of the grounds;~~
- ~~—— (ii) in a parkstrip;~~
- ~~—— (iii) within the interior of a parking lot on the grounds of the state government facility;~~

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~~or~~

~~—— (iv) in an area of the grounds of the state government facility where the lawn or turf would have a width of less than eight feet.~~

~~—— (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.~~

~~—— (c) Nothing in this section:~~

~~—— (i) requires a state agency to submit a land use application to a municipality or county to landscape the grounds of a state government facility; or~~

~~—— (ii) authorizes a municipality or county to:~~

~~—— (A) impose landscaping requirements on the grounds of a state government facility; or~~

~~—— (B) require a state agency to obtain approval for landscaping on the grounds of a state government facility.~~

~~—— (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:~~

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

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

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

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

~~and~~

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

~~—— (c) The division shall:~~

~~—— (i) post the information provided to the division 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) Except when allowed by the division, a state agency may not water landscapes at a~~

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~~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;~~
- ~~—— (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 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 4. Section 72-7-111 is enacted to read:~~

~~—— **72-7-111. Use of lawn or turf.**~~

‡ **72-7-111. Use of overhead spray irrigation.**

- (1) As used in this section:
- (a) "Great Salt Lake basin" means the area within:
  - (i) the surveyed meander line of the Great Salt Lake;
  - (ii) the drainage areas of the Bear River or the Bear River's tributaries;
  - (iii) the drainage areas of Bear Lake or Bear Lake's tributaries;
  - (iv) the drainage areas of the Weber River or the Weber River's tributaries;
  - (v) the drainage areas of the Jordan River or the Jordan River's tributaries;
  - (vi) the drainage areas of Utah Lake or Utah Lake's tributaries;

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(vii) other water drainages lying between the Bear River and the Jordan River that are tributary to the Great Salt Lake and not included in the drainage areas described in Subsections (1)(a)(ii) through (vi); and

(viii) the drainage area of Tooele Valley.

(b) "~~Lawn or turf~~" means nonagricultural land planted in closely mowed, managed grasses.

~~On~~ "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.

(2) Except as provided in Subsection (3), on land within the Great Salt Lake basin a highway authority may not install, maintain, or allow for the installation or maintenance by others of ~~lawn or turf requiring the use of artificial irrigation~~ landscaping in a highway construction project commenced on or after May 1, 2024, that uses overhead spray irrigation within the portion of the highway:

(a) located between the back of the curb on either side of the highway, including in a median or roundabout; or

(b) if there is no curb, between the shoulders contiguous to the traveled way, including in a median or roundabout.

(3) Subsection (2) does not prohibit the temporary use of overhead spray irrigation for the period of time reasonably required to allow drought tolerant perennial plants to establish a healthy root system.

Section ~~5~~4. **Effective date.**

This bill takes effect on May 1, 2024.