

HB0242S01 compared with HB0242

~~text~~ shows text that was in HB0242 but was deleted in HB0242S01.

text shows text that was not in HB0242 but was inserted into HB0242S01.

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Representative Melissa G. Ballard proposes the following substitute bill:

WATER USAGE DATA AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: {} Jason B. Kyle

Senate Sponsor: {} David P. Hinkins

LONG TITLE

General Description:

This bill addresses water usage data.

Highlighted Provisions:

This bill:

- ▶ requires reporting of water usage by a state agency;
- ▶ defines terms;
- ▶ requires the Division of Water Resources to conduct a study of public school water use in certain areas;
- ▶ requires publication and reporting of study findings and recommendations;
- ▶ provides for procurement of smart irrigation controllers; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

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None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

73-10-39, Utah Code Annotated 1953

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

Section 1. Section **63A-5b-1108** is amended 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 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.

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

(e) (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) (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

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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:

(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[-]; and

(iv) beginning on October 1, 2027, annual reports of the state agency's water use for the previous fiscal year.

(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 state government facility between the hours of 10 a.m. and 6 p.m.

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- (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 2. Section **73-10-39** is enacted to read:

73-10-39. Water usage by public schools.

- (1) As used in this section:
- (a) "Charter school" means a school created under Title 53G, Chapter 5, Charter Schools.
 - (b) "Division" means the Division of Water Resources.
 - (c) "Lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.
 - (d) "Nonfunctional lawn or turf" means lawn or turf that is ornamental and not regularly used for human recreational purposes or for civic or community events.
 - (e) "Public school" means:
 - (i) a school under the control of a school district;

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(ii) a charter school; or

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

(f) "School property" means the property on which a public school is located.

(g) "Smart irrigation controller" means a controller of an irrigation system that is:

(i) sensor based and uses real-time measurements of weather information and site

conditions such as soil type, plant type, and slope; or

(ii) signal based that regularly receives data from local weather stations.

~~{ (h) "Water provider" means the following that provide water to a public school as an end user:~~

~~— (i) a retail water supplier, as defined in Section 19-4-102; or~~

~~— (ii) a secondary water supplier, as defined in Section 73-10-34.~~

~~‡ (2) The division shall study public schools' water use. As part of the study, the division shall examine a statistically representative group of public schools~~{, that includes:~~~~

~~— (a) large and small public schools; and~~

~~— (b) urban and rural~~}; that are located in a county of the first, second, or third class, and that includes large and small~~ public schools.~~

(3) In conducting the study, the division may consider:

(a) whether water use on school property is metered or not metered;

(b) a public school's water usage in gallons for indoor and outdoor use that is metered;

(c) if the water use is not metered:

(i) why the water use is not metered; and

(ii) whether there is a timeline to install a meter;

(d) square feet of lawn or turf irrigated on school property;

(e) square feet of nonfunctional lawn or turf irrigated on school property;

(f) other landscaped areas on school property;

(g) the public school's location;

(h) water saving efforts engaged in by a public school and how much the public school saves in dollars spent on water or gallons of water used; and

(i) other factors the division considers helpful.

(4) The division may survey the representative group of public schools and the public school's water providers to obtain the information described in Subsection (3) and the public

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schools and water providers shall use best efforts to respond to the survey.

(5) The division shall complete the study by no later than October 1, 2025. The results of the study shall include:

(a) recommendations of actions to assist public schools in reducing water use that:

(i) may include possible water reduction goals; and

(ii) allow for the appropriate use of functional lawn or turf designated for recreational purposes; and

(b) recommendations to the Legislature as to whether annual reporting of water use by a public school should be required, and if required:

(i) who should report the water use; and

(ii) what should be included in the report.

(6) The division shall:

(a) publish the division's findings and recommendations on the division's public website; and

(b) report the division's findings and recommendations by no later than the November 2025 interim meeting to:

(i) the Natural Resources, Agriculture, and Environment Interim Committee; and

(ii) the Education Interim Committee.

(7) The Division of Facilities Construction and Management may enter into a state contract through the Division of Purchasing and General Services that may be used by a school district or public school to purchase a smart irrigation controller.

Section 3. Effective date.

This bill takes effect on May 1, 2024.