

Representative Casey Snider proposes the following substitute bill:

WATER AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill addresses issues related to water.

Highlighted Provisions:

This bill:

- ▶ addresses home owners associations and water wise landscaping;
- ▶ clarifies who is eligible for grant money for water conservation efforts other than secondary water metering; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

57-8a-231, as last amended by Laws of Utah 2023, Chapters 139, 199

73-10-34.5, as last amended by Laws of Utah 2023, Chapter 260

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



26 Section 1. Section 57-8a-231 is amended to read:

27 **57-8a-231. Water wise landscaping.**

28 (1) As used in this section:

29 (a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed
30 grasses.

31 (b) "Mulch" means material such as rock, bark, wood chips, or other materials left
32 loose and applied to the soil.

33 (c) "Overhead spray irrigation" means above ground irrigation heads that spray water
34 through a nozzle.

35 (d) (i) "Vegetative coverage" means the ground level surface area covered by the
36 exposed leaf area of a plant or group of plants at full maturity.

37 (ii) "Vegetative coverage" does not mean the ground level surface area covered by the
38 exposed leaf area of a tree or trees.

39 (e) "Water wise landscaping" means any or all of the following:

40 (i) installation of plant materials suited to the microclimate and soil conditions that
41 can:

42 (A) remain healthy with minimal irrigation once established; or

43 (B) be maintained without the use of overhead spray irrigation;

44 (ii) use of water for outdoor irrigation through proper and efficient irrigation design
45 and water application; or

46 (iii) the use of other landscape design features that:

47 (A) minimize the need of the landscape for supplemental water from irrigation;

48 (B) reduce the landscape area dedicated to lawn or turf; or

49 (C) encourage vegetative coverage.

50 (f) "Water wise plant material" means a plant material suited to water wise landscaping
51 as defined in this section.

52 (2) An association may not enact or enforce a governing document that prohibits, or
53 has the effect of prohibiting, a lot owner of a detached dwelling from incorporating water wise
54 landscaping on the property owner's property.

55 (3) (a) Subject to Subsection (3)(b), Subsection (2) does not prohibit an association
56 from requiring a property owner to:

57 (i) comply with a site plan review or other review process before installing water wise
58 landscaping;

59 (ii) maintain plant material in a healthy condition; and

60 (iii) follow specific water wise landscaping design requirements adopted by the
61 association including a requirement that:

62 (A) restricts or clarifies the use of mulches considered detrimental to the association's
63 operations; and

64 (B) restricts or prohibits the use of specific plant materials other than water wise plant
65 materials.

66 (b) An association may not require a property owner to[;]

67 [(i)] install or keep in place lawn or turf in an area [with a width less than eight feet; or

68 (ii) have more than 50% vegetative coverage, that is not water wise landscaping, on the
69 property owner's property].

70 Section 2. Section **73-10-34.5** is amended to read:

71 **73-10-34.5. Grant money for existing secondary water metering to facilitate full**
72 **metering -- Other grants.**

73 (1) As used in this section:

74 (a) "Applicant" means a secondary water supplier or group of secondary water
75 suppliers that applies for a grant under this section.

76 (b) "Board" means the Board of Water Resources.

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

78 (d) "Project" means the purchase or installation of a meter for a secondary water
79 system that as of May 4, 2022, provides secondary water service that is not metered.

80 (e) "Secondary water" means the same as that term is defined in Section [73-10-34](#).

81 (f) "Secondary water connection" means the same as that term is defined in Section
82 [73-10-34](#).

83 (g) "Secondary water supplier" means the same as that term is defined in Section
84 [73-10-34](#).

85 (2) (a) The board may issue grants in an amount appropriated by the Legislature in
86 accordance with this section to an applicant to fund projects for meters on secondary water
87 systems that before May 4, 2022, provide secondary water service that is not metered.

88 (b) The board may not issue a grant under this section to fund:
89 (i) metering of secondary water for service that begins on or after May 4, 2022; or
90 (ii) the replacement or repair of an existing secondary water meter.
91 (c) Notwithstanding the other provisions of this section, the board may issue a grant
92 under this section to a secondary water supplier to reimburse the secondary water supplier for
93 the costs incurred by the secondary water supplier that are associated with installing meters on
94 a secondary water system on or after March 3, 2021, but before May 4, 2022, except that the
95 grant issued under this Subsection (2)(c):
96 (i) shall be included in calculating the total grant amount under Subsections (3)(a)
97 through (c);
98 (ii) may not exceed 70% of the costs associated with a project described in this
99 Subsection (2)(c), including installation and purchase of meters; and
100 (iii) shall comply with Subsection (6).
101 (3) (a) A secondary water supplier with 7,000 secondary water connections or less is
102 eligible for a total grant amount under this section of up to \$5,000,000.
103 (b) A secondary water supplier with more than 7,000 secondary water connections is
104 eligible for a total grant amount under this section of up to \$10,000,000.
105 (c) If a secondary water supplier applies for a grant as part of a group of secondary
106 water suppliers, the total grant amount described in Subsection (3)(a) or (b) applies to each
107 member of the group and is not based on the number of secondary water connections of the
108 entire group.
109 (d) (i) Subject to the other provisions of this section, a grant may not exceed the
110 following amounts for the costs associated with a project, including installation and purchase
111 of meters:
112 (A) for calendar year 2022, 70% of the costs of a project;
113 (B) for calendar year 2023, 70% of the costs of a project;
114 (C) for calendar year 2024, 65% of the costs of a project;
115 (D) for calendar year 2025, 60% of the costs of a project; and
116 (E) for calendar year 2026, 50% of the costs of a project.
117 (ii) Beginning with calendar year 2027, a grant under this section shall consist of
118 providing a meter or funding to obtain a meter, which may not exceed the following for costs

119 associated with the project:

120 (A) for calendar year 2027, 40% of the costs of a project;

121 (B) for calendar year 2028, 30% of the costs of a project;

122 (C) for calendar year 2029, 20% of the costs of a project; and

123 (D) for calendar year 2030, 10% of the costs of a project.

124 (e) A secondary water supplier may pay the secondary water supplier's portion of the
125 costs of a project through a loan from the board under Section 73-10-34 by filing a separate
126 application with the board.

127 (f) A meter purchased with grant money received under this section shall allow for data
128 communication between the meter and other devices designed to manage use of secondary
129 water that is:

130 (i) open and available to an end user; and

131 (ii) open so that it can integrate with third-party providers.

132 (4) (a) (i) To obtain a grant under this section, an applicant shall submit an application
133 with the division during a period of time designated by the board.

134 (ii) If there remains money described in Subsection (2) after the grants for applications
135 submitted during the time period described in Subsection (4)(a) are awarded, the board may
136 designate one or more additional time periods so that the entire amount described in Subsection
137 (2) is awarded by December 31, 2024.

138 (b) An application submitted to the division shall include:

139 (i) a detailed project cost estimate including meter costs and installation costs;

140 (ii) a total number of pressurized secondary water connections in the applicable
141 secondary water supplier's system;

142 (iii) the number of meters to be installed under the grant;

143 (iv) a detailed estimated secondary water use reduction including:

144 (A) average lot size calculations;

145 (B) average irrigated acreage; and

146 (C) estimated water applied before the project versus after completion of the project;

147 (v) the timeline for purchase and installation of meters under the project;

148 (vi) an agreement to:

149 (A) provide an educational component for end users as determined by the division by

150 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
151 either on a monthly statement or by a customer specific Internet portal that provides
152 information on the customer's usage more frequently than monthly; or

153 (B) bill according to usage using a tiered conservation rate and provide an educational
154 component described in Subsection (4)(b)(vi)(A); and

155 (vii) additional information the board considers helpful.

156 (5) (a) The division shall:

157 (i) review and prioritize an application submitted under Subsection (4); and

158 (ii) recommend to the board which applicants should be awarded a grant under this
159 section.

160 (b) In prioritizing applications under this Subsection (5), the division shall rank the
161 applicants on the basis of the following weighted factors:

162 (i) 60% weight based on the ratio of estimated water use reduction divided by total
163 state investment;

164 (ii) 20% weight based on an applicant facing current or potential water shortages when
165 installation of meters and subsequent water use reductions will result in delaying or eliminating
166 the need for new water development; and

167 (iii) 20% weight based on a project's accelerated construction schedule, prompt start,
168 and prompt finish.

169 (6) As a condition of receiving a grant under this section, the recipient shall enter into
170 an agreement with the board to use the grant money. The agreement shall:

171 (a) be executed by no later than December 31, 2024; and

172 (b) require that the grant money be spent by December 31, 2026, and the project
173 completed under the terms of the grant.

174 (7) Notwithstanding the other provisions of this section, the board may issue a grant to
175 a secondary water supplier:

176 (a) that installed meters on secondary water connections before May 4, 2022;

177 (b) that has not otherwise received a grant under this section;

178 (c) for the purpose of water conservation; and

179 (d) in an amount not to exceed \$2,000,000.

180 (8) Notwithstanding the other provisions of this section, the board may issue a grant to

181 or convert a grant previously issued to a secondary water supplier described in Subsection
182 [~~73-10-34(13)(a)(iii)~~] 73-10-34(13)(a) who seeks to meter at strategic points under Subsection
183 73-10-34(13), from money appropriated under this section to fund a project that is an
184 alternative to metering, such as lining ditches or improving head gates, if the secondary water
185 supplier establishes to the satisfaction of the board that the alternative project will conserve
186 more water than is expected to be conserved through metering.

187 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
188 consistent with this section, the board may make rules establishing the procedure for applying
189 for a grant under this section.

190 Section 3. **Effective date.**

191 This bill takes effect on May 1, 2024.