

Representative Robert M. Spendlove proposes the following substitute bill:

WATER CONSERVATION MODIFICATIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill modifies provisions related to conservation of water and related provisions regarding lawn or turf.

Highlighted Provisions:

This bill:

- ▶ imposes requirements related to water conservation at state government facilities and by state agencies;
- ▶ provides for incentives to replace lawn or turf with drought resistant landscaping;
- ▶ grants rulemaking authority;
- ▶ requires the Legislative Water Development Commission to study water conservation in the state; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 73-27-103, as last amended by Laws of Utah 2021, Chapter 354

27 ENACTS:

28 63A-5b-1108, Utah Code Annotated 1953

29 73-10-36, Utah Code Annotated 1953

30

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

32 Section 1. Section **63A-5b-1108** is enacted to read:

33 **63A-5b-1108. Water conservation and state government facilities.**

34 (1) As used in this section:

34a ~~Ĥ~~→ (a) **"Division" means the Division of Water Resources.** ←Ĥ

35 ~~Ĥ~~→ [~~(a)~~] (b) ←Ĥ "Grounds" means the real property, whether fenced or unfenced, of the
35a parcel of

36 land on which is located a state government facility, including a public or private driveway,
37 street, sidewalk or walkway, parking lot, or parking garage on the property.

38 ~~Ĥ~~→ [~~(b)~~] (c) ←Ĥ (i) Except as provided in Subsection (1) ~~Ĥ~~→ [~~(b)~~] (c) ←Ĥ (ii), "lawn or
38a turf" means nonagricultural

39 land planted in closely mowed, managed grasses.

40 (ii) "Lawn or turf" does not include a golf course, park, athletic field, or sod farm.

41 ~~Ĥ~~→ [~~(c)~~] (d) ←Ĥ "Reconstructed" means that a building is subject to construction that
41a affects the

42 exterior of the building or the building's grounds.

43 ~~Ĥ~~→ [~~(d)~~] (e) ←Ĥ (i) "State agency" means a department, division, office, entity, agency, or
43a other unit

44 of state government.

45 (ii) "State agency" includes an institution of higher education.

46 ~~Ĥ~~→ [~~(e)~~] (f) ←Ĥ (i) "State government facility" means a building, structure, or other
46a improvement

47 that is constructed on property owned by the state, the state's departments, commissions,
48 institutions, or other state agency.

49 (ii) "State government facility" does not include:

50 (A) an unoccupied structure that is a component of the state highway system;

51 (B) a privately owned structure that is located on property owned by the state, the
52 state's department, commission, institution, or other state agency; or

53 (C) a structure that is located on land administered by the trust lands administration
54 under a lease, permit, or contract with the trust lands administration.

55 (2) (a) Unless exempted under Subsection (2)(b), a state agency that owns or occupies
56 a state government facility that is built or reconstructed on or after May 4, 2022, may not have

57 more than 20% of the grounds of the state government facility be lawn or turf.

58 (b) The division may exempt a state government facility from the restrictions of
 59 Subsection (2)(a) if the division determines that the purposes of a state agency that occupies the
 60 state government facility requires additional lawn or turf.

61 (3) (a) A state agency shall reduce the state agency's outdoor water use as compared to
 62 the state agency's outdoor water use for fiscal year 2020:

63 (i) in an amount equal to or greater than 5% by the end of fiscal year 2023; and

64 (ii) in an amount equal to or greater than 25% by the end of fiscal year 2026.

65 (b) A state agency shall submit the following information to the ~~H→ [Division of Water~~
 66 Resources] division ←H :

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

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

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

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

71 and

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

73 (c) The ~~H→ [Division of Water Resources] division ←H shall:~~

74 (i) post the information provided to the ~~H→ [Division of Water Resources] division ←H~~

74a under this

75 Subsection (3) on a public website; and

76 (ii) by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
 77 Rulemaking Act, establish a uniform measure for purposes of this section of a state agency's
 78 water use.

79 (4) ~~H→ [A] Except when allowed by the division, a ←H state agency may not water~~
 79a landscapes at a state government facility between the

80 hours of 10 a.m. and 6 p.m.

81 (5) A state agency shall do the following at a state government facility:

82 (a) follow weekly lawn watering guides if issued by the ~~H→ [Division of Water Resources]~~
 82a division ←H ;

83 (b) manually shut off systems during rain and wind events if the landscape irrigation
 84 system does not have rain and wind shutoff functions;

85 (c) implement a leak-detection and repair program for outdoor use;

86 (d) coordinate with the ~~H→ [Division of Water Resources] division ←H to implement water~~
 86a efficient

87 methods, technologies, and practices; and

- 88 (e) at least annually:
- 89 (i) evaluate opportunities to update irrigation technology with devices that:
- 90 (A) meet national recognized standards for efficiency;
- 91 (B) include rain and wind shutoff functions; and
- 92 (C) include soil moisture sensors;
- 93 (ii) evaluate opportunities to:
- 94 (A) subject to Subsection (2), limit lawn or turf on the grounds of a state government
- 95 facility and replace lawn or turf with water-wise plants; and
- 96 (B) update facility-management technology to include metering for water-consuming
- 97 processes related to irrigation and mechanical systems; and
- 98 (iii) audit and repair a landscape irrigation system so that the landscape irrigation
- 99 system is operating at maximum acceptable efficiency.

100 Section 2. Section **73-10-36** is enacted to read:

101 **73-10-36. State incentives to use drought resistant landscaping.**

102 (1) As used in this section:

103 (a) "Division" means the Division of Water Resources.

104 (b) (i) Except as provided in Subsection (1)(b)(ii), "lawn or turf" means nonagricultural

105 land planted in closely mowed, managed grasses.

106 (ii) "Lawn or turf" does not include a golf course, park, athletic field, or sod farm.

107 (c) "Owner" means an owner of private land where a water end user is located.

108 (d) "Water end user" means a person who enters into a water contract to obtain water

109 from a retail water provider for residential, commercial, industrial, or institutional use.

110 (2) (a) Subject to a \$5,000,000 aggregate annual cap, the division may provide an

111 incentive to an owner to remove lawn or turf from land owned by the owner and replace the

112 lawn or turf with drought resistant landscaping.

113 (b) If the division provides an incentive under this section, the division shall provide

114 the incentive in the order that an application for the incentive is filed.

115 (c) To be eligible for an incentive under this section, the owner shall at the time the

116 owner applies for the incentive:

117 (i) have living lawn or turf on the land owned by the owner that the owner intends to

118 replace with drought resistant landscaping;

119 (ii) be in good standing with a retail water provider so that the owner has no unpaid
120 water bills; and

121 (iii) participate voluntarily in the removal of the lawn or turf in that the removal is not
122 required by governmental code or policy.

123 (d) An owner may not receive an incentive under this section if the owner has
124 previously received an incentive under this section for the same property.

125 (e) The division may not provide an owner an incentive under this section in an amount
126 greater than 50% of the cost of replacing the lawn or turf with drought resistant landscaping.

127 (3) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
128 Administrative Rulemaking Act:

129 (a) establishing the process by which an owner obtains an incentive under this section;
130 and

131 (b) defining what constitutes drought resistant landscaping.

132 Section 3. Section **73-27-103** is amended to read:

133 **73-27-103. Duties and powers of commission.**

134 (1) The commission shall consider and make recommendations to the Legislature and
135 governor on the following issues:

136 (a) how the water needs of the state's growing agricultural, municipal, and industrial
137 sectors will be met;

138 (b) what the impact of federal regulations and legislation will be on the ability of the
139 state to manage and develop its compacted water rights;

140 (c) how the state will fund water projects;

141 (d) whether the state should become an owner and operator of water projects;

142 (e) how the state will encourage the implementation of water conservation programs;

143 and

144 (f) other water issues of statewide importance.

145 (2) The commission shall consult with the Division of Water Resources and the Board
146 of Water Resources regarding:

147 (a) recommendations for rules, criteria, targets, processes, and plans described in
148 Subsection **73-10g-105(3)**; and

149 (b) the scope of any request for proposals that may be issued by the Division of Water

150 Resources and Board of Water Resources to assist in creating the rules, criteria, targets,
151 processes, and plans described in Subsection 73-10g-105(3).

152 (3) The commission shall support community efforts to develop a unified, state water
153 strategy to promote water conservation and efficiency that:

154 (a) is consistent with Section 73-1-21;

155 (b) is created with the aid of stakeholders including water conservancy districts created
156 under Title 17B, Chapter 2a, Part 10, Water Conservancy District Act;

157 (c) includes model ordinances or policies consistent with the unified, statewide water
158 strategy that may be adopted by political subdivisions; and

159 (d) respects different needs of different political subdivisions or geographic regions of
160 the state.

161 (4) The commission may:

162 (a) form one or more working groups from the membership of the commission to
163 consider and study the issues described in this section; and

164 (b) meet up to six times per calendar year without approval from the Legislative
165 Management Committee.

166 (5) (a) In addition to supporting community efforts to develop a unified, state water
167 strategy to promote water conservation and efficiency under Subsection (3), the commission
168 shall study water conservation in the state on public and private land including:

169 (i) the management of water resources in the state; and

170 (ii) programs and policies to promote water conservation in the state that also protect
171 and support existing water rights.

172 (b) The commission shall report the commission's findings under this Subsection (5),
173 including any proposed legislation, to the Natural Resources, Agriculture, and Environment
174 Interim Committee by no later than the 2022 November interim meeting of the Natural
175 Resources, Agriculture, and Environment Interim Committee.