

## House Political Subdivisions Committee

2/14/2025

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### **Bill: HB 328 – Water Usage Amendments**

Sponsor: Representative Doug Owens

Floor Sponsor: Undefined

#### **UASD Position:**

This Bill addresses the use of overhead spray irrigation under specified circumstances.

Discussion: Representative Owens, accompanied by the Director of the Division of Water Resources, presented the Bill, which aims to reduce outdoor water usage by mitigating the effects of the Urban Heat Island Effect and transitioning from overhead spray irrigation systems to drip irrigation systems. The Bill requires municipalities or counties to ensure compliance with a prohibition on the use of overhead spray irrigation as part of land use approvals and mandates that they provide notice regarding this prohibition. It also encourages municipalities or counties to review relevant plans, take action on those plans, inspect for compliance, and address any instances of noncompliance. Additionally, the Bill prohibits the use of overhead spray irrigation in new development and redevelopment, except under specific circumstances. While there is no enforcement mechanism, counties and municipalities are required to inform home developers of the new law.

Several members of the public voiced support for the Bill, including the Jordan Water Conservancy District, the Weber Basin Water Conservancy District, the Central Utah Water Conservancy District, Utah Waterways, and the Bear River Canal Company. The Utah League of Cities and Towns remained neutral on the Bill but expressed concerns regarding potential enforcement policies due to the resources such efforts would require. A few members of the public spoke in opposition to the Bill. The Committee adopted House Amendment 1, which exempts the mining industry from the provisions of the Bill.

Yeas: 8

Nays: 0

N/V: 2

**Outcome: HB 328, as amended, passed out of the Committee with a favorable recommendation.**

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### **Bill: 1<sup>st</sup> substitute HB 320 – Municipal Ordinance Amendments**

Sponsor: Representative Lisa Shephard

Floor Sponsor: Undefined

#### **UASD Position: Support**

This Bill amends provisions relating to the imposition of a civil penalty for a municipal ordinance violation.

Discussion: Representative Shephard addressed the 1st substitute, which was adopted by the Committee. Representative Thurston and a member of Provo's City Council were part of the sponsor's presentation. Currently, statute limits municipalities to fines of no more than \$1,000 for violations of municipal ordinances. Out-of-state landlords, in particular, often view these fines as a cost of doing business due to the inability of municipalities to increase the fine amount. The Bill proposes allowing municipalities to impose a civil fine exceeding the \$1,000 maximum class B misdemeanor fine under Section 76-3-301, specifically for violations related to ordinances regulating occupancy, off-street parking, or the operation of rental dwellings or short-term rentals. This provision would only apply if the municipality had previously imposed a fine on the individual for the same violation three or more times within the past 12 months. Representative Thurston expressed his preference for repeat offenders to receive civil fines rather than jail time, which is the only alternative under current law.

During the Committee's discussion, members asked several clarifying questions, which led to a consensus to cap the maximum fine at \$5,000. As a result, House Amendment 1 was drafted and adopted by the Committee. A Utah County landlord expressed support for the Bill, noting that current penalties seem to incentivize violations of zoning laws, and she believes the legislation will help create greater parity in the industry. The Deputy Mayor of Provo, a Provo City Council Member, Taylorsville City, and a citizen expressed support for the Bill. The Utah League of Cities and Towns spoke in support of the Bill and noted that this issue is not limited to Provo and Utah County, it is a state-wide problem.

Yeas: 8  
Nays: 2  
N/V: 0

**Outcome: 1<sup>st</sup> substitute HB 320 passed out of the Committee with a favorable recommendation.**

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