Introduced by Assembly Member Tom Berryhill

February 19, 2010

An act to add Section 65596.5 to the Government Code, and to add Section 10631.8 to the Water Code, relating to water conservation.

LEGISLATIVE COUNSEL’S DIGEST

AB 2422, as introduced, Tom Berryhill. Urban water demand management: model water efficient landscape ordinance: scientific panel.

Existing law, the Urban Water Management Planning Act, requires each urban water supplier to prepare and implement a water management plan for the efficient use of available water supplies for submission to the Department of Water Resources and other entities. The act also requires the department, in consultation with the California Urban Water Council, to convene an independent technical panel to provide information and recommendations on new demand management measures, technologies, and approaches.

Existing law, the Water Conservation in Landscaping Act, requires the Department of Water Resources to update a specified model water efficient landscape ordinance by regulation and prescribes various requirements for the updated model ordinance.

This bill would require the department, on or before July 1, 2011, to convene an expert scientific panel to review, and provide recommendations for, updates to the model water efficient landscape ordinance and proposed rules, regulations, and guidelines relating to urban residential water demand management. The bill would prescribe the membership of the panel and requirements for the panel’s review
and recommendation functions. The bill would require the department to submit specified proposed updates, rules, regulations, and guidelines to the panel and to consider the panel’s findings and recommendations and take specified actions based on those findings and recommendations. The bill would authorize the department to reimburse members of the panel for expenses incurred pursuant to these provisions upon the appropriation of funds by the Legislature for that purpose.


The people of the State of California do enact as follows:

SECTION 1. Section 65596.5 is added to the Government Code, to read:

65596.5. Before the department adopts an update to the model water efficient landscape ordinance, the department shall submit the update for review by, and shall consider the findings and recommendations of, the scientific panel established pursuant to Section 10631.8 of the Water Code.

SEC. 2. Section 10631.8 is added to the Water Code, to read:

10631.8. (a) On or before July 1, 2011, the department shall convene an expert scientific panel, which shall review, and provide recommendations to the department for, any update to the model water efficient landscape ordinance and any rule, regulation, or guideline relating to urban residential water demand management that is proposed to be adopted by the department in accordance with Section 65595 of the Government Code.

(b) The panel shall consist of no more than five members, who shall be selected by the department and shall be nationally recognized as academic or scientific experts trained in equipment, methods, and processes used for irrigation of ornamental horticultural specialty crops in residential landscapes and the water needs of ornamental plants. The department may change the membership of the panel, as needed, to obtain the best available scientific advice with respect to water demand management policies under the department’s consideration.

(c) Before the department adopts an update to the model water efficient landscape ordinance or a rule, regulation, or guideline relating to urban residential water demand management, the department shall submit the proposed update, rule, regulation, or
guideline to the panel for review. The department shall consider
the findings and recommendations of the panel in accordance with
subdivision (d).
(d) (1) Upon submission of a proposed update, rule, regulation,
or guideline pursuant to subdivision (c), the panel shall conduct a
review of current peer-reviewed research on water demand
management to determine if the proposed update, rule, regulation,
or guideline will achieve the result intended by the department.
(2) (A) If the panel determines that peer-reviewed research
does not exist for the practice, method, equipment, or approach
proposed by the update, rule, regulation, or guideline, the panel
shall submit a written finding of this determination to the
department.
(B) Upon receiving a written finding under this paragraph, the
department shall conduct peer-reviewed scientific research on the
proposed update, rule, regulation, or guideline to determine whether
the proposal will achieve the result intended by the department.
(3) (A) If the panel determines that the proposed update, rule,
regulation, or guideline is inconsistent with current peer-reviewed
research, the panel shall submit a written finding of this
determination to the department.
(B) Upon receiving a written finding under this paragraph, the
department shall amend the proposed update, rule, regulation, or
 guideline as necessary to conform to the panel’s findings.
(4) If the panel determines that the proposed update, rule,
regulation, or guideline is consistent with current peer-reviewed
research, the panel shall submit a written finding of this
determination to the department.
(e) The department, by regulation, may develop a timeline for
the panel’s review of proposed updates, rules, regulations, and
guidelines pursuant to subdivision (d).
(f) A member of the panel shall not receive compensation for
performing duties under this section. However, the department
may reimburse panel members for expenses incurred in the
performance of duties under this section upon the appropriation
of funds by the Legislature for that purpose.