

ASSEMBLY BILL

No. 2422

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.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

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

3 65596.5. Before the department adopts an update to the model
4 water efficient landscape ordinance, the department shall submit
5 the update for review by, and shall consider the findings and
6 recommendations of, the scientific panel established pursuant to
7 Section 10631.8 of the Water Code.

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

9 10631.8. (a) On or before July 1, 2011, the department shall
10 convene an expert scientific panel, which shall review, and provide
11 recommendations to the department for, any update to the model
12 water efficient landscape ordinance and any rule, regulation, or
13 guideline relating to urban residential water demand management
14 that is proposed to be adopted by the department in accordance
15 with Section 65595 of the Government Code.

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

25 (c) Before the department adopts an update to the model water
26 efficient landscape ordinance or a rule, regulation, or guideline
27 relating to urban residential water demand management, the
28 department shall submit the proposed update, rule, regulation, or

1 guideline to the panel for review. The department shall consider
2 the findings and recommendations of the panel in accordance with
3 subdivision (d).

4 (d) (1) Upon submission of a proposed update, rule, regulation,
5 or guideline pursuant to subdivision (c), the panel shall conduct a
6 review of current peer-reviewed research on water demand
7 management to determine if the proposed update, rule, regulation,
8 or guideline will achieve the result intended by the department.

9 (2) (A) If the panel determines that peer-reviewed research
10 does not exist for the practice, method, equipment, or approach
11 proposed by the update, rule, regulation, or guideline, the panel
12 shall submit a written finding of this determination to the
13 department.

14 (B) Upon receiving a written finding under this paragraph, the
15 department shall conduct peer-reviewed scientific research on the
16 proposed update, rule, regulation, or guideline to determine whether
17 the proposal will achieve the result intended by the department.

18 (3) (A) If the panel determines that the proposed update, rule,
19 regulation, or guideline is inconsistent with current peer-reviewed
20 research, the panel shall submit a written finding of this
21 determination to the department.

22 (B) Upon receiving a written finding under this paragraph, the
23 department shall amend the proposed update, rule, regulation, or
24 guideline as necessary to conform to the panel's findings.

25 (4) If the panel determines that the proposed update, rule,
26 regulation, or guideline is consistent with current peer-reviewed
27 research, the panel shall submit a written finding of this
28 determination to the department.

29 (e) The department, by regulation, may develop a timeline for
30 the panel's review of proposed updates, rules, regulations, and
31 guidelines pursuant to subdivision (d).

32 (f) A member of the panel shall not receive compensation for
33 performing duties under this section. However, the department
34 may reimburse panel members for expenses incurred in the
35 performance of duties under this section upon the appropriation
36 of funds by the Legislature for that purpose.