

● **Board of Directors**
Communications, Outreach and Legislation Committee

May 14, 2002 Board Meeting

9-6

Subject

Express support for (1) AB 2734 (Pavley) with recommended amendments and (2) SB 1385 (Brulte) relating to water conservation

Description

Assembly Bill No. 2734 (AB 2734 - Pavley)

In March, the Board adopted a position of support, if amended, for AB 2734 (Pavley - Agoura Hills). Metropolitan and its member agencies worked with Assemblywoman Pavley, the bill sponsors (East Bay Municipal Utility District and the Natural Resources Defense Council) and other interest groups to develop amendments consistent with the board's direction, many of which were incorporated into the bill on April 2. Staff presented the amended bill to the committee at its April meeting (Attachment 1). At that time, the committee directed staff to continue to seek increased flexibility in the implementation of the bill and to provide a mechanism for all urban water agencies to achieve comparable levels of water conservation. Since then, the Metropolitan/ Member Agency Workgroup and other stakeholders have proposed additional amendments (Attachment 2) that could significantly increase the levels of water conservation throughout the state in a manner that is cost-effective, practical and flexible enough to meet local conditions.

The bill proposes to revise an existing water conservation act and to enact two new water conservation initiatives:

- Revise the model landscape ordinance, including specific monitoring and follow-up actions;
- Enact retrofit of plumbing fixtures at time of resale; and
- Enact a sales tax exemption for energy efficient clothes washers.

Following is a discussion of each component of the bill and subsequent amendments.

Model Landscape Ordinance

The current version of the bill would enact the following:

1. Department of Water Resources (DWR) would update the current (1993) model landscape ordinance by January 1, 2004.
2. Local agencies could adopt model ordinance or an ordinance that was at least as effective as the model.
3. If local agencies have not adopted an ordinance by 2005, the model ordinance would automatically take effect.
4. Local agencies are responsible for monitoring compliance, however, water providers *may* elect to do it.
5. Water service providers *may* offer a full range of incentives and disincentives to encourage compliance.
6. Local agencies and water service providers that enact the model ordinance (or its equivalent) are eligible for priority consideration for California Infrastructure and Economic Development Band and state bond funds.
7. DWR would determine whether the evapotranspiration adjustment factor could be reduced to 0.7 by 2010 and 0.6 by 2015.

The original bill, which was introduced on February 22, 2002, contained several provisions that would have been difficult and cost ineffective to implement. The Board instructed staff to work with Assemblywoman Pavley and the other stakeholders to address the following issues:

- The original bill required that both local agencies and water service providers monitor compliance. The April 2 version of the bill addresses this by clarifying that local agencies are responsible for monitoring and allows water service providers to participate at their discretion.
- The original bill required monitoring compliance and the use of "surcharges." The April 2 version of the bill addresses this by adding a more complete list of alternatives to surcharges, including education, technical assistance and incentives. Discussions with the project sponsors have indicated they are willing to make similar changes to the other landscape implementation provisions in the bill.
- The original bill also provided that local agencies that did not implement the landscape provisions would be prohibited from receiving "drought assistance." Those provisions have been eliminated and the bill now provides that local agencies, which implement the landscape provisions, will receive "priority consideration" for state bond and infrastructure funding.
- The bill's sponsors have agreed to limit the requirement for dedicated landscape meters to new or rehabilitated landscapes larger than 10,000 square feet. This effectively exempts most residential landscapes from the meter requirement. Homeowner-installed landscapes are also exempt from the meter requirement, regardless of size.

The member agency workgroup recommends the following additional amendments:

1. Exempt landscapes that use the latest irrigation technology from reductions in the evapotranspiration adjustment factor.
2. Specify that communities that have water conservation incentives that apply to landscape water use would not be subject to the model ordinance.

The bill's sponsors are in agreement with water agencies that the first priority of the model ordinance is to improve landscape water-use efficiency wherever it is practical and cost-effective. The member agency workgroup's recommended amendments recognize that incentives and new technologies can achieve results that are at least as effective as the model landscape ordinance.

Plumbing Retrofit on Resale

The current version of the bill would enact the following:

1. Effective July 1, 2004, for commercial property transfers and July 1, 2005, for residential property transfers, plumbing fixtures must meet current efficiency standards.
2. Failure to comply would be considered an "infraction" punishable by a maximum fine of \$250 for each offense. Furthermore, transferors would be liable for payment of \$500 per non-conserving fixture to the transferee.

The following amendments have been proposed in response to concerns raised by other stakeholders:

1. The effective date would be January 1, 2008, for residential and commercial real property transfers
2. Water service providers would be required to either (a) provide incentives for plumbing fixture retrofits until the retrofit on resale provision takes effect or (b) sign the Urban Water Conservation Memorandum of Understanding (BMP MOU).
3. Failure to comply would only be a civil matter between transferor and transferee, not an infraction.

An extended "phase in" period, especially if it were combined with incentives, could significantly reduce the number of plumbing retrofits that would be required at the time of transfer or resale, which would reduce the burden on property owners at the time of resale. Metropolitan and most of its member agencies already offer plumbing retrofit incentives or have signed the BMP MOU.

Sales Tax Exemption on Clothes Washers

The current version of the bill would enact the following:

1. Exemption from state sales tax for all energy-efficient clothes washers purchased between July 1, 2003 and December 21, 2006.
2. The sales tax exemption could not take effect until two conditions are met: (a) the general fund can be repaid the lost tax revenue from bond funds and (b) a minimum of 65 percent of the state's consumers can access "substantial customer incentives" for clothes washers.

The Board expressed concern that state funding to local agencies would be reduced to offset the loss of state sales tax revenue. The April 2 version of the bill addresses this by delaying implementation of the sales tax relief until such time as state bond funding is available to offset the loss of sales tax revenue to the state's general fund.

The member agency workgroup recommends an amendment to change the definition of "substantial customer incentive" from rebates of \$150 per clothes washer to \$100 per clothes washer. Metropolitan and its member agencies currently offer rebates of \$100 per clothes washers.

Senate Bill No. 1385 (SB 1385 - Brulte)

SB 1385 (Brulte - Rancho Cucamonga), a bill sponsored by the California Building Industry Association and the California Business Properties Association, was amended on April 30 to require the Department of Parks and Recreation to adopt criteria and procedures pertinent to including water conservation measures in grant applications for local assistance under the auspices of the California Clean Air, Clean Water, Safe Neighborhood Parks and Coastal Protection Bond Act of 2002 (Proposition 40.) It would recommend that local agencies consider water conservation measures as a component of their project(s).

Local agencies currently have broad discretion on how to use local assistance funds administered by the Department of Parks and Recreation. The bill would provide encouragement to implement water conservation, while maintaining local autonomy. This is consistent with Metropolitan's policies to support and encourage the cost-effective implementation of water conservation measures.

Policy

Reference Board Letter 9-10, approved at March 12, 2002 Board meeting to support AB 2734, if amended
Legislative Policy Principle on Water Conservation adopted on November 10, 1992 (Minute Item No. 39936)
Action Principles for CalFed Action Program adopted on January 11, 2002 (Minute Item No. 43858)

California Environmental Quality Act (CEQA)

CEQA determination for Options #1, #2 and #3:

The proposed action is not defined as a project under CEQA because the proposed action involves continuing administrative activities such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to the provisions of CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options/Fiscal Impacts

Option #1

Adopt the CEQA determination and

- a. Support AB 2734 with the recommended amendments; and
- b. Support SB 1385

Fiscal Impact: None

Option #2

Adopt the CEQA determination and support only SB 1385.

Fiscal Impact: None

Option #3

Adopt the CEQA determination and support only AB 2734 with the recommended amendments.

Fiscal Impact: None

Option #4

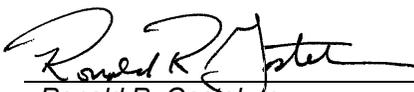
Take no position on SB 1385

Fiscal Impact: None

Staff Recommendation

Option #1

	5/7/2002
Adan Ortega, Jr. Vice President, External Affairs	Date

	5/8/2002
Ronald R. Gastelum Chief Executive Officer	Date

Attachment 1 – Text of AB 2734 as amended April 2, 2002

Attachment 2 – Proposed amendments to AB 2734

Attachment 3 – Text of SB 1385 as amended April 15, 2002

Attachment 4 – Text of SB 1385 as amended April 30, 2002

BLA #1745

**BILL NUMBER: AB 2734 AMENDED
BILL TEXT**

AMENDED IN ASSEMBLY APRIL 2, 2002

INTRODUCED BY Assembly Member Pavley

FEBRUARY 22, 2002

An act to amend Section 1102.6 of the Civil Code, to amend Section 65592 of, and to add Sections 65591.7, 65600.1, 65600.2, 65600.3, 65600.4, and 65600.5 to, the Government Code, to add Chapter 2.5 (commencing with Section 17929) to Part 1.5 of Division 13 of the Health and Safety Code, and to add *and repeal* Section 6356.4 ~~to~~ of the Revenue and Taxation Code, relating to conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2734, as amended, Pavley. Conservation.

(1) Existing law requires sellers of real property to disclose the existence of various items to the buyer, but does not require disclosure with respect to, and does not require the installation of, water conservation devices in connection with the transfer of real property.

This bill would require those disclosures to include information with respect to water conservation devices.

The bill would require commencing on and after July 1, 2004, that transferors of commercial or industrial property and, on and after July 1, 2005, every transfer of residential property using water in urinals, ~~water closets~~ *toilets*, or showerheads, or any combination of these devices, deliver to the transferee, as soon as practicable prior to the transfer of title, a written statement that conservation devices are installed in all fixtures in the property, with specified exceptions.

The bill would make a violation of that requirement, or the provision of confirmation of compliance if the devices have not been so installed, an infraction. The bill would thereby impose a state-mandated local program by creating a new crime.

The bill would make any transferor who fails to comply with these requirements subject to civil damages.

The bill would require any real estate agent, broker, or salesperson involved in the transfer of title to give written notice to the transferor and the transferee of the requirements of the bill prior to the transfer of title.

The bill would provide that a transfer is not invalidated on the basis of a failure to comply with the described provisions.

(2) Under the Water Conservation in Landscaping Act (*act*), the Department of Water Resources was required to adopt a model local water efficient landscape ordinance that each city and county was authorized to adopt.

This bill would *prescribe the application of that act and would* require the department, not later than January 1, 2004, to adopt an update to the model local water efficient landscape ordinance with described revisions and to adopt related guidelines

and, not later than January 31, 2004, to distribute these documents.

The bill would provide for each city or county by January 1, 2005, to adopt and enforce this model ordinance or adopt its own *new or updated ordinance that has been determined by the department to be ~~consistent with and equivalent to~~ at least as effective as the updated model ordinance ~~the~~* . The bill would make cities or counties that ~~fail to~~ comply with these requirements by ~~January 1, 2005, ineligible~~ *July 1, 2004, eligible for priority consideration by the California Infrastructure and Economic Development Bank and priority consideration to receive specific state bond funds.*

Because this requirement would increase the level of service imposed on cities and counties, this bill would impose a state-mandated local program.

(3) The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property. That law provides various exemptions from that tax.

This bill would additionally exempt from that tax clothes washers that are energy efficient, as defined. ~~The bill would provide that, notwithstanding an existing provision of law, the state may not reimburse any local agency for sales and use taxes lost pursuant to the exemption.~~ *The bill would provide that the exemption is only operative if a described resource bond measure is approved by the voters and would be inoperative during that period for which the Secretary of Resources finds and declares that substantial customer incentives, as defined and described, are not being offered by public utilities or water purveyors, or both.*

These sales tax provisions would be repealed on January 1, 2007.

(4) ~~The bill would require the State Water Resources Control Board by February 28, 2003, to submit to the Legislature a progress report regarding the development of a framework and process to certify the implementation of best management practices for urban water conservation by urban water agencies.~~

~~(5)~~ The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Adequate water supply reliability for all uses is essential to the future economic and environmental health of California.

(b) Developing environmentally sound strategies to meet future water supply and wastewater treatment needs is key to protecting and restoring aquatic resources in California.

(c) There is a pressing need to address water supply reliability issues raised by growing urban areas.

(d) Economic analysis by urban water agencies and the goals and objectives of the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, have identified urban water conservation as a cost-effective approach to addressing water supply needs.

(e) The CALFED Record of Decision calls for an ambitious statewide urban water use efficiency program, above and beyond the implementation of current best management practices for water use efficiency, and includes linkages that ensure balanced implementation of the 12 CALFED program elements in the four problem areas.

(f) There are many water conservation practices that produce significant energy and other resource savings that should be encouraged as a matter of state policy.

(g) During the 10 years since the signing of the "Memorandum of Understanding Regarding Urban Water Conservation in California," many urban water and wastewater treatment agencies have gained valuable experience that can be applied to produce significant statewide savings of water, energy, and associated infrastructure costs. This experience indicates a need to regularly revise and update water conservation methodologies and practices.

~~SEC. 2. Section 1102.6 of the Civil Code is amended to read:~~

SEC. 2. Section 1102.6 of the Civil Code is amended to read:

1102.6. The disclosures required by this article pertaining to the property proposed to be transferred are set forth in, and shall be made on a copy of, the following disclosure form:

~~1102.6. The disclosures required by this article pertaining to the property proposed to be transferred are set forth in, and shall be made on a copy of, the following disclosure form:~~

SEC. 3. *Section 65591.7 is added to the Government Code, to read:*

65591.7. (a) Except as provided in subdivision (b), this article shall apply to all of the following:

(1) All new and rehabilitated landscaping for public agency projects and private developments that require a permit.

(2) Developer-installed landscaping in single-family and multifamily projects.

(b) This article shall not apply to any of the following:

(1) Homeowner-installed landscaping at single-family and multifamily projects.

(2) Cemeteries.

(3) Registered historical sites.

(4) Ecological restoration projects that do not require a permanent irrigation system.

(5) Mine-land reclamation projects that do not require a permanent

irrigation system.

(6) Any project with a landscaped area that is less than 2,500 square feet.

SEC. 4. Section 65592 of the Government Code is amended to read:

65592. Unless the context requires otherwise, the following definitions used in this section govern the construction of this article:

(a) "Department" means the Department of Water Resources.

(b) "Estimated total water use" means the annual total amount of water estimated to be needed to keep the plants in the landscaped areas healthy, and is based upon factors that include, but are not limited to, the local evapotranspiration rate, the size of the landscaped area, the types of plants, and the efficiency of the irrigation system.

(c) "Evapotranspiration" means the quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time.

(d) "Evapotranspiration adjustment factor" means the ~~mathematical calculation, involving measures of evaporation, types of plants, and irrigation efficiency that is used to determine~~ numeric value that, when applied to reference evapotranspiration, adjusts for plants and irrigation efficiency to yield the amount of water that needs to be applied to the landscape.

(e) "Local agency" means any city, county, or city and county.

(f) "Maximum applied water allowance" means the upper limit of annual applied water for the established landscaped area, based upon the area's reference evapotranspiration, the evapotranspiration adjustment factor, and the size of the landscaped area.

(g) "Reference evapotranspiration" means a standard measurement of environmental parameters that affect the water use of plants in a specific geographic location, derived from the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well-watered.

(h) "Updated water efficient landscape ordinance" means an ordinance or resolution adopted by a local agency ~~to address~~ for purposes that include, but are not limited to, the adoption of specific water use efficiency in new and rehabilitated landscapes at the time of installation to ensure the efficient use of water in ~~landscaping~~ those landscapes that revises or updates the existing water efficient landscape ordinance, adopted by local agencies pursuant to Section 65595, that includes the provisions contained within the department's updated model water efficient landscape ordinance adopted pursuant to Section 65600.1.

~~(h)~~

(i) "Water efficient landscape ordinance" means an ordinance or resolution adopted by a local agency to address the efficient use of water in landscaping.

~~SEC. 4.~~

SEC. 5. Section 65600.1 is added to the Government Code, to read:

65600.1. (a) Not later than January 1, 2004, the department, after holding a public hearing, shall adopt an update to the model local water efficient landscape ordinance that it developed pursuant

to Section 65594, and shall adopt guidelines ~~for the evaluation by the department of updated water efficient landscape ordinances adopted by local agencies.~~

~~(b) In updating the model ordinance, the department shall recognize and promote the benefits of consistent local ordinances in areas having similar climatic, geological, or topographical conditions.~~

~~(c) that can be used by a local agency or other interested parties to determine whether a new or updated water efficient landscape ordinance is at least as effective as the model water efficient landscape ordinance adopted by the department.~~

(b) Not later than January 31, 2004, the department shall distribute the updated model ordinance and the guidelines for ~~the department's evaluation of updated water efficient landscape ordinances that are adopted by local agencies, to all local agencies~~ local agencies to determine the efficacy of their new or updated water efficient landscape ordinances, to all local agencies and other interested parties.

~~SEC. 5.~~

(c) Not later than January 1, 2008, and January 1, 2013, respectively, the department shall review the evapotranspiration adjustment factors established pursuant to paragraphs (1) and (2) of subdivision (a) of Section 65600.2. Each review shall consider the science, technology, and economics of ornamental landscape irrigation and shall incorporate appropriate public involvement of, at a minimum, the landscape industry, water agencies, and nonprofit environmental groups. Upon the completion of each review, the department may adopt and publish a different evapotranspiration adjustment factor that is not greater than a factor of 0.8 if the department finds that it is not feasible to achieve either of the specific factor values established in paragraphs (1) and (2) of subdivision (a) of Section 65600.2.

SEC. 6. Section 65600.2 is added to the Government Code, to read:

65600.2. The model ordinance, adopted pursuant to Section 65594, shall be updated as follows:

(a) Revise the evapotranspiration adjustment factor ~~to 0.7 after five years and 0.6 after 10 years, except that the department is directed to review the science and technology of ornamental landscape irrigation prior to each of these statutory revisions, and, after appropriate public involvement of, at a minimum, the landscape industry, water agencies, and nonprofit environmental groups, may adopt a different evapotranspiration adjustment factor that is not lesser than the existing 0.8 factor if the department finds that it is not feasible to achieve the statutory revisions, and 1.0 for irrigation with reclaimed water.~~

as follows:

(1) Effective January 1, 2010, the factor is 0.7, or that value published by the department pursuant to subdivision (c) of Section 65600.1.

(2) Effective January 1, 2015, the factor is 0.6, or that value published by the department pursuant to subdivision (c) of Section 65600.1.

(3) The factor is 1.0 for irrigation with reclaimed water.

(b) Clarify that estimated total water use and maximum applied water allowance include any replacement water for evaporation from landscape features that use ornamental or recreational water,

including, but not limited to, ponds, fountains, pools, and spas, within the landscaped area.

~~SEC. 6.~~

SEC. 7. Section 65600.3 is added to the Government Code, to read:

65600.3. (a) Except as provided in subdivision (b), by January 1, 2005, a local agency shall adopt ~~an~~ a new or updated water efficient landscape ordinance that ~~at a minimum, meets the standards set forth in~~ is at least as effective as the updated model water efficient landscape ordinance adopted by the department pursuant to Section 65600.1.

(b) If by January 1, 2005, a local agency has not ~~updated its~~ adopted a new or updated water efficient landscape ordinance, the updated model water efficient landscape ordinance adopted by the department pursuant to subdivision (a) of Section 65600.1 shall take effect for that local agency on January 1, 2005, and shall be enforced by the local agency and have the same force and effect as if adopted by that local agency.

~~(c) For local agencies that update their own water efficient landscape ordinances prior to January 1, 2005, the ordinance shall be submitted to the department, within 15 days of adoption by the local agency, for an evaluation of the updated water efficient landscape ordinance for consistency with, and equivalency to, the~~

(c) Those local agencies that adopt a new or updated water efficient landscape ordinance prior to January 1, 2005, may seek technical assistance from the department by requesting the department to review and provide comment on the new or updated water efficient landscape ordinance to make a determination that it is at least as effective as the updated model water efficient landscape ordinance, pursuant to the guidelines established under subdivision (a) of Section 65600.1.

(d) Compliance with the requirements of a local updated water efficient landscape ordinance may be undertaken pursuant to paragraph (1) or (2), as follows:

~~(1) Local agencies and water service providers shall verify that~~

(1) (A) Local agencies shall verify that the installation of landscapes comply with the updated ordinance. If the local agency or water service provider determines that the landscaped area does not comply with the updated ordinance, it may specify a compliance plan for conformance with the applicable updated ordinance. ~~If the owner fails to implement the compliance plan within 90 days, the local agency or water service provider may assess a surcharge to that water service account until the landscape complies with the updated ordinance. Local agencies and water service providers shall conduct periodic~~ Local agencies shall conduct periodic monitoring of landscapes to ensure compliance with the updated ordinance.

~~(2) Local agencies and water service providers shall verify that an irrigation meter used exclusively for outdoor irrigation has been installed in landscapes as a condition of certification. The water~~

(B) If the local agency fails to conduct the activities required in subparagraph (A), then the water service provider, if it is a different government entity than the local agency, may undertake the

activities required in subparagraph (A). That water service provider shall provide at least 60 days notice to the local agency that it intends to exercise the authority provided in this subparagraph.

(C) If the owner fails to implement the compliance plan within 90 days, the local agency, or the water service provider if it is undertaking the activities of this paragraph pursuant to subparagraph (B), may assess a surcharge to that water service account until the landscape complies with the updated ordinance.

(2) Local agencies or the water service providers, if the water service provider is a different government entity than the local agency, shall verify that an irrigation meter used exclusively for outdoor irrigation of landscapes subject to the water efficient landscapes ordinance has been installed in landscapes. The water service provider for that landscape may determine a water budget for that landscape based on the updated ordinance. In order to ensure compliance with the water budget, the water service provider may take appropriate actions, including but not limited to, imposition of surcharges, incentives, education, site visits, and provision of technical assistance.

~~SEC. 7.~~

SEC. 8. Section 65600.4 is added to the Government Code, to read:

65600.4. The department shall establish by January 1, 2006, and update not less frequently than every five years thereafter, the following documents:

(a) A directory of the updated water efficient landscape ordinances adopted by local agencies prior to January 1, 2005, pursuant to subdivision (c) of Section 65600.3.

(b) A directory of the updated water efficient landscape ordinances of local agencies adopted pursuant to subdivision (b) of Section 65600.3.

(c) The department shall retain all local updated water efficient landscape ordinances adopted by local agencies and submitted to the department pursuant to subdivision (c) of Section 65600.3.

~~SEC. 8.~~

SEC. 9. Section 65600.5 is added to the Government Code, to read:

~~65600.5. (a) If, by January 1, 2005, any local agency is not either enforcing the updated model water efficient landscape ordinance adopted pursuant to subdivision (b) of Section 65600.3 or has not adopted its own updated ordinance that has been determined by the department, pursuant to subdivision (c) of Section 65600.3, to be consistent with, and equivalent to the updated model ordinance, the local agency shall be ineligible to receive funding pursuant to Division 24 (commencing with Section 78500) of the Water Code, Division 26 (commencing with Section 79000) of the Water Code, or Chapter 1.692 (commencing with Section 5096.300) of Division 5 of the Public Resources Code, until an updated ordinance is submitted and approved by the department pursuant to this article or the updated model ordinance is being enforced by the local agency.~~

~~(b) If the local agency, or any department or agency thereof, is a provider of water service and the local agency is not either enforcing the updated model water efficient landscape ordinance adopted pursuant to subdivision (b) of Section 65600.3 or has not adopted its own updated ordinance which has been determined by the department, pursuant to subdivision (c) of Section 65600.3, to be consistent with and equivalent to the updated model ordinance, the~~

~~local agency shall be ineligible to receive funding pursuant to Division 24 (commencing with Section 78500) of the Water Code, Division 26 (commencing with Section 79000) of the Water Code, Chapter 1.692 (commencing with Section 5096.300) of Division 5 of the Public Resources Code, or receive drought assistance from the state, until an updated ordinance is submitted and approved by the department pursuant to this article or the updated model ordinance is being enforced by the local agency.~~

~~SEC. 9.~~

65600.5. (a) If by July 1, 2004, a local agency is either enforcing the updated model water efficient landscape ordinance adopted pursuant to subdivision (b) of Section 65600.3 or has adopted its own new or updated ordinance that has been determined by the department, pursuant to subdivision (c) of Section 65600.3, to be at least as effective as the updated model ordinance, the local agency shall be eligible for priority consideration by the California Infrastructure and Economic Development Bank, and for priority consideration for funding pursuant to Division 24 (commencing with Section 78500) and Division 26 (commencing with Section 79000) of the Water Code to the extent consistent with those divisions, when seeking funding for local capital improvement and other infrastructure projects. No provision in this chapter shall affect the allocation of per capita funds to the local government entities pursuant to Section 5096.332 or Section 5096.333 of the Public Resources Code.

(b) If the local agency, or any department or agency thereof, is a provider of water service and the local agency is, by July 1, 2004, either enforcing the updated model water efficient landscape ordinance adopted pursuant to subdivision (b) of Section 65600.3 or has adopted its own new or updated ordinance that has been determined by the department, pursuant to subdivision (c) of Section 65600.3, to be at least as effective as the updated model ordinance, the local agency shall be eligible for priority consideration by the California Infrastructure and Economic Development Bank and for priority consideration for funding pursuant to Division 24 (commencing with Section 78500) and Division 26 (commencing with Section 79000) of the Water Code to the extent consistent with those divisions, when seeking funding for local capital improvement and other infrastructure projects. No provision in this chapter shall affect the allocation of per capita funds to local government entities pursuant to Section 5096.332 or Section 5096.333 of the Public Resources Code.

SEC. 10. Chapter 2.5 (commencing with Section 17929) is added to Part 1.5 of Division 13 of the Health and Safety Code, to read:

CHAPTER 2.5. WATER-EFFICIENT PLUMBING FIXTURE RETROFIT PROGRAM

17929. (a) On and after July 1, 2004, every transferor of commercial or industrial property, and on and after July 1, 2005, every transferor of residential property using water in urinals, ~~water closets~~ toilets, or showerheads, or any combination of these devices, shall deliver to the transferee, as soon as practicable prior to the transfer of title, a written statement that all these devices installed within the property are conservation devices, as prescribed in subdivision (b) of Section 17929.1, ~~are installed in all fixtures in~~

~~the property, in compliance with this~~ *in compliance with this* chapter. The statement shall be either included in the receipt for deposit in a real estate transaction, an addendum attached there to included in the form for disclosure prescribed by Section 1102.6 of the Civil Code, or a separate document. At the discretion of the transferor, compliance with this chapter may be included as a condition of the close of escrow, and the costs of compliance may be paid from the proceeds of sale for completion of the work required. In no event shall the transferor be relieved of the obligation of providing a written statement that the fixtures comply with this chapter.

(b) Any violation of this section or Section 17929.1 is an infraction punishable by a maximum fine of two hundred fifty dollars (\$250) for each offense.

(c) This section does not apply to any of the following:

(1) Transfers that are required to be preceded by the furnishing to a prospective transferee of a copy of a public report pursuant to Section 11018.1 of the Business and Professions Code and transfers which can be made without a public report pursuant to Section 11010.4 of the Business and Professions Code.

(2) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers pursuant to a writ of execution, transfers by any foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.

(3) Transfers to a mortgagee by a mortgagor or successor in interest who is in default, transfers to a beneficiary of a deed of trust by a trustor or successor in interest who is in default, transfers by any foreclosure sale after default, in an obligation secured by a mortgage, and transfers by a sale under a power of sale or any foreclosure sale under a decree of foreclosure after default in an obligation.

(4) Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.

(5) Transfers from one coowner to one or more other coowners.

(6) Transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the transferors.

(7) Transfers between spouses resulting from a decree of dissolution of marriage or a decree of legal separation or from a property settlement agreement incidental to a decree.

17929.1. (a) No transferor of residential, commercial, or industrial property subject to this chapter shall provide the transferee with confirmation of compliance with the requirements of this chapter unless the conservation devices described in subdivision (b) have been installed.

(b) ~~Low consumption water closets~~ *For the purposes of this chapter, "conservation devices" mean low consumption toilets and associated flushometer valves, if any, that use no more than an average of 1.6 gallons per flush, urinals and associated flushometer valves, if any, that use no more than an average of one gallon per flush, and showerheads, if any, that use no more than an average of 2.5 gallons per minute at ~~80 psi~~*

a flowing water pressure of 80 pounds per square inch. This requirement, however, does not apply to blow-out water closets and associated flushometer valves.

17929.2. If the transferor fails to comply with subdivision (a)

of Section 17929, the transferee shall install the conservation devices, as prescribed in subdivision (b) of Section 17929.1, within 90 days. Any transferor who fails to comply with the requirements of this chapter is liable to the transferee in the amount of five hundred dollars (\$500) for each water device listed in subdivision (b) of Section 17929.1 that does not comply with this chapter at the time of transfer, or the actual costs of the transferee to comply with this chapter, whichever amounts are greater.

(b) No liability shall arise, nor any action be brought or maintained against, any agent of any party to a transfer of title, including any person or entity acting in the capacity of an escrow, for any error, inaccuracy, or omission relating to the disclosure required to be made by a transferor pursuant to this chapter. However, this subdivision does not apply to a licensee, as defined in Section 10011 of the Business and Professions Code, where the licensee participates in the making of the disclosure required to be made pursuant to this chapter with actual knowledge of the falsity of the disclosure. Except as otherwise provided in this section, this section shall not be deemed to create or imply a duty upon a licensee or upon any agent of any party to a transfer of title, including any person or entity acting in the capacity of an escrow, to monitor or ensure compliance with this chapter.

17929.3. This chapter does not preempt any actions of cities, counties, or districts that prescribe water conservation requirements that will result in greater savings of water than those provided for in this chapter.

17929.4. Any real estate agent, real estate broker, or real estate salesperson, whether representing a transferor or transferee, or both, involved in the transfer of title to property subject to this chapter, shall give written notice to the transferee and transferor of the requirements of this chapter prior to the transfer of title to the property.

17929.5. A transfer of title is not invalidated on the basis of a failure to comply with this chapter.

~~SEC. 10.~~

SEC. 11. Section 6356.4 is added to the Revenue and Taxation Code, to read:

6356.4. (a) There are exempted from the taxes imposed by this part ~~that~~ the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, ~~energy efficient clothes washers.~~

~~(b) For purposes of this section, "energy efficient" means that the appliance meets or exceeds the applicable ENERGY STAR efficiency requirements developed by the United States Environmental Protection Agency and the United States Department of Energy.~~

~~SEC. 11. By February 28, 2003, the State Water Resources Control Board shall submit to the Legislature a progress report regarding the development of a framework and process to certify the implementation of best management practices for urban water conservation by urban water agencies. This report shall also contain recommendations regarding the implementation of a certification program and an analysis of its budget implications. This report shall rely upon existing data and information, to the greatest extent possible, and shall be prepared in consultation with CALFED agencies, the California Urban Water Conservation Council, and other interested parties. The report shall be consistent with the CALFED Bay Delta~~

~~Program Record of Decision dated August 28, 2000, and shall recognize the linkages between the water use efficiency program and the other 11 CALFED program elements within the four CALFED problem areas.~~

~~SEC. 12. Notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made by Section 10 of the act adding this section and the state may not reimburse any local agency for any sales and use tax revenues lost by it under Section 10 of the act adding this section.~~

~~SEC. 13. new water- and energy-efficient clothes washers from July 1, 2003, to December 31, 2006, inclusive.~~

~~(b) (1) This section shall become operative only if a resources bond measure is approved by the voters at a statewide election from which funds may be available to fully offset the loss of sales tax revenue deposited in the General Fund as a result of the exemption provided in subdivision (a).~~

~~(2) This section shall become inoperative for any period for which the Secretary of Resources finds and declares that substantial customer incentives, including, but not limited to, rebates and vouchers, to encourage the purchase of water- and energy-efficient clothes washers are not being offered by public utilities or water purveyors, as defined in Section 512 of the Water Code, or both, to at least 65 percent of all California households.~~

~~(c) For the purposes of this section, the following definitions apply:~~

~~(1) "Substantial customer incentives" means incentives with a retail value of at least one hundred and fifty dollars (\$150).~~

~~(2) "Water- and energy-efficient clothes washers" has the same meaning as provided in subdivision (b) of Section 17138.~~

~~(d) Notwithstanding any provision of the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200)) or the Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251)), the exemption established by this section shall not apply with respect to any tax levied by a county, city, or district pursuant to, or in accordance with, either of those laws or with respect to any tax imposed by Section 6201.2 or by Section 35 of Article XIII of the California Constitution.~~

~~(e) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.~~

SEC. 12. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

**PROPOSED AMENDMENTS TO AB 2734 (Pavley)
as amended April 2, 2002**

**To be Submitted by
Metropolitan/Member Agency Workgroup**

1. Amend SECTION 3, page 16, line 3, to read as follows:

65591.7. (a) Except as provided in subdivision (b), this article shall apply to all of the following:

(1) All new and rehabilitated landscaping for public agency projects and private developments that require a permit from a local agency.

(2) Developer-installed landscaping in single-family and multifamily common-area projects.

(b) This article shall not apply to any of the following:

(1) Homeowner-provided landscaping in ~~at~~ single-family projects and homeowner-installed landscaping in ~~and~~ multifamily projects.

(2) Cemeteries.

(3) Registered historical sites.

(4) Ecological restoration projects that do not require a permanent irrigation system.

(5) Mine-land reclamation projects that do not require a permanent irrigation system.

(6) Any project with a landscaped area that is less than 2,500 square feet.

(7) Local agencies that have a water conservation incentive structure that applies to all landscaped areas in their jurisdiction.

2. Add to SECTION 4, page 17, at line 26, the following:

(j) "Board" means the State Water Resources Control Board.

(k) "Water service provider" means any local entity, including a public agency, city, county, or private water company, which provides retail water service.

3. Amend SECTION 5, page 18, at line 11, to read as follows:

(c) Not later than January 1, 2008, and January 1, 2013, respectively, the ~~board department~~ shall review the evapotranspiration adjustment factors *for irrigation with potable water* established pursuant to paragraphs (1) and (2) of subdivision (a) of Section 65600.2. Each review shall consider the science, technology *including irrigation system distribution uniformity*, and economics of ornamental landscape irrigation. *Each review* ~~and~~ shall incorporate appropriate public involvement of, at a minimum, the landscape industry, *the building industry*, water agencies, and nonprofit environmental groups. Upon the completion of each review, the ~~board department~~ may adopt and publish a different evapotranspiration adjustment factor that is not greater than a factor of 0.8 if the department finds that it is not feasible to achieve either of the specific factor values established in paragraphs (1) and (2) of subdivision (a) of Section 65600.2.

4. Amend SECTION 6, page 18, at line 26, to read as follows

65600.2. The model ordinance, adopted pursuant to Section 64494, shall be updated as follows:

(a) Revise the evapotranspiration adjustment factor as follows:

(1) Effective January 1, 2010, the factor is 0.7, or that value published by the ~~board department~~ pursuant to subdivision (c) of Section 65600.1.

(2) Effective January 1, 2015, the factor is 0.6, or that value published by the ~~board department~~ pursuant to subdivision (c) of Section 65600.1.

(3) The factor is 1.0 for irrigation with reclaimed water.

(b) Clarify that estimated total *potable* water use and maximum applied water allowance include any replacement water for evaporation from landscape features that use ornamental or recreational water, including, but not limited to, ponds, fountains, pools, and spas, within the landscaped area.

(c) Any project for which a landscape documentation package is submitted before January 1, 2010, to the local agency for approval shall be deemed to meet its maximum applied water allowance if all ornamental irrigation is performed through the use of irrigation controllers that receive current weather data at least once each day and are properly calibrated upon installation.

5. Amend SECTION 7, page 20, line 5, to read as follows:

(1) (A) Local agencies, *in cooperation with water service providers*, shall verify that the installation of landscapes complies with the updated ordinance. If the local agency determines that the landscaped area does not comply with the updated ordinance, it may *consult with the water service provider to develop* ~~specify~~ a compliance plan for conformance with the applicable

updated ordinance. This compliance plan may include technical assistance, financial incentives or surcharges to encourage compliance. Local agencies shall conduct periodic monitoring of landscapes to ensure compliance with the updated ordinance.

(B) If the local agency fails to conduct the activities required in subparagraph (A), then the water service provider, if it is a different government entity than the local agency, may undertake the activities required in subparagraph (A). That water service provider shall provide at least 60 days notice to the local agency that it intends to exercise the authority provided in this subparagraph.

(C) If the owner fails to implement the compliance plan within 90 days, the local agency, or the water service provider if it is undertaking the activities of this paragraph pursuant to subparagraph (B), may provide technical assistance or financial incentives to encourage compliance or may assess a surcharge to that water service account until the landscape complies with the updated ordinance.

(2) ~~Local agencies or the water service providers, if the water service provider is a different government entity than the local agency,~~ shall verify that an irrigation meter used exclusively for outdoor irrigation of landscapes subject to the water efficient landscapes ordinance has been installed in commercial landscapes and common landscaped areas that exceed 10,000 square feet. No single family home will be required to install such a meter. Local agencies may request that the water service provider, if the water service provider is a different government entity than the local agency, assist with the verification by providing the local agency with information about the number and type of water meter used to record water use at a specific service address. The water service provider for that landscape may determine a water budget for that landscape based on the updated ordinance. In order to ensure compliance with the water budget, the water service provider may take appropriate actions, including but not limited to, imposition of surcharges, incentives, education, site visits, and provision of technical assistance.

(e) As an alternative to adoption of a new or updated water efficient landscape ordinance, the local agency, in consultation with the water service provider, may adopt a water conservation incentive structure with individual site water budgets that recognize the maximum applied water allowance and 0.8 evapotranspiration adjustment factor. The water conservation incentive structure may provide financial incentives to users that adhere to the water budget. This water conservation incentive structure would apply to all landscapes with irrigation meters installed by January 1, 2004, used exclusively for outdoor irrigation of landscapes.

6. Amend SECTION 9, page 22, at line 11, to read as follows:

65600.5 (a) If by July 1, 2004, a local agency is either enforcing the updated model water efficient landscape ordinance adopted pursuant to subdivision (b) of Section 65600.3 or has adopted its own new or updated ordinance that has been determined by the department, pursuant to subdivision (c) of Section 65600.3, to be at least as effective as the updated model ordinance, the local agency shall be eligible for priority consideration by the California Infrastructure and Economic Development Bank, and for priority consideration for funding pursuant to Division 24 (commencing with Section 78500) and Division 26 (commencing with Section 79000) of the

Water Code to the extent ~~extend~~ consistent with those divisions, when seeking funding for local capital improvement and other infrastructure projects. No provision in this chapter shall affect the allocation of per capita funds to the local government entities pursuant to Section 5096.332 or Section 5096.333 of the Public Resources Code.

(b) If the local agency, or any department or agency thereof, is a water service provider ~~of water service~~ and the local agency is, by July 1, 2004, either enforcing the updated model water efficient landscape ordinance adopted pursuant to subdivision (b) of Section 65600.3 or has adopted its own new or updated ordinance that has been determined by the department, pursuant to subdivision (c) of Section 65600.3, to be at least as effective as the updated model ordinance, the local agency shall be eligible for priority consideration by the California Infrastructure and Economic Development Bank, and for priority consideration for funding pursuant to Division 24 (commencing with Section 78500) and Division 26 (commencing with Section 79000) of the Water Code to the extent consistent with those divisions, when seeking funding for local capital improvement and other infrastructure projects. No provision in this chapter shall affect the allocation of per capita funds to the local government entities pursuant to Section 5096.332 or Section 5096.333 of the Public Resources Code.

7. Amend SECTION 10, page 24, at line 25, to read as follows:

(a) For the purposes of this chapter, “conservation devices” mean low consumption toilets, urinals and associated flushometer valves, if any, that meet standards developed by the American Society of Mechanical Engineers and ~~that~~ use no more than an average of 1.6 gallons per flush, urinals and associated flushometer valves, if any, that use no more than an average of one gallon per flush, and showerheads, if any, as defined in Title 20 of the California Administrative Code. ~~that use no more than an average of 2.5 gallons per minute at a flowing water pressure of 80 pounds per square inch.~~ This requirement, however, does not apply to blow-out water closets and associated flushometer valves.

8. Amend SECTION 11, page 26, at line 28, to read as follows:

~~(2) This section shall become inoperative for any period for which the Secretary of Resources finds and declares that substantial customer incentives, including, but not limited to, rebates and vouchers, to encourage the purchase of water- and energy-efficient clothes washers are not being offered by public utilities or water purveyors, as defined in Section 512 of the Water Code, or both, to at least 65 percent of all California households.~~

(b) For the purposes of this section, “water- and energy-efficient clothes washers” has the same meaning as provided in subdivision (b) of Section 17138. ~~the following definitions apply:~~

~~(1) “Substantial customer incentives” means incentives with a retail value of at least one hundred and fifty dollars (\$150).~~

~~(2) “Water and energy efficient clothes washers” has the same meaning as provided in subdivision (b) of Section 17138.~~

BILL NUMBER: SB 1385 AMENDED
BILL TEXT

AMENDED IN SENATE APRIL 15, 2002

INTRODUCED BY Senator Brulte

FEBRUARY 12, 2002

~~An act to amend Section 65591.2 of the Government Code, relating to local planning.— An act to add Chapter 1.697 (commencing with Section 5096.687) to Division 5 of the Public Resources Code, relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1385, as amended, Brulte. ~~Water conservation: landscaping— Parks and Recreation: grants: water conservation measures .~~

Existing law requires the Department of Parks and Recreation to develop, operate, and maintain state parks and recreation areas. Existing law further requires the department to award grants for the acquisition and development of neighborhood, community, and regional parks and recreation lands and facilities in urban and rural areas.

This bill would require the department to consider whether a grant applicant, applying for one of the grants described above, has included water conservation measures in the grant application.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The Water Conservation in Landscaping Act declares that it is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource and requires that a task force be appointed to recommend a model local water efficient landscape ordinance to the Department of Water Resources for adoption by local agencies in the state. The act also requires local agencies that have not adopted an ordinance by January 1, 1993, to be subject to the requirements of the model ordinance.~~

~~This bill would declare the Legislature's intent that state and local agencies should develop and promote programs that create incentives for existing and new customers to install new water conserving devices and landscapes to reduce water usage.~~

Vote: ~~majority~~ 2/3 .
Appropriation: no. Fiscal committee: ~~no~~
yes . State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

~~SECTION 1. Section 65591.2 of the Government Code is~~

SECTION 1. The Legislature hereby finds and declares all of the following:

- (a) The waters of the state are of limited supply and are subject

to ever increasing demands.

(b) The continued economic prosperity of California is dependent on the availability of an adequate supply of water for future uses.

(c) It is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource in California's parks and recreational areas.

(d) Landscape design, installation, and maintenance can and should be water efficient.

SEC. 2. Chapter 1.697 (commencing with Section 5096.687) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.697. EFFICIENT WATER USE IN PARKS AND RECREATION AREAS ACT

5096.687. This chapter shall be known and may be cited as the Efficient Water Use in Parks and Recreation Areas Act.

5096.688. It is the intent of the Legislature to promote the conservation and efficient use of water in California's parks and recreational areas by enabling state agencies to take into consideration whether or not water conservation measures are included in parks and recreational projects seeking funding from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002.

5096.689. In evaluating applications for grants made available pursuant to subdivision (a) of Section 5096.620 for the development of neighborhood, community, and regional parks and recreation lands and facilities in urban and rural areas, the department shall consider whether the applicant has included in the grant application plans to implement or install water conservation measures.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the Department of Parks and Recreation to promote the efficient use of limited supplies of water by preventing its waste in California's parks and recreational areas, it is necessary that this act take effect immediately. ~~amended to read:~~

~~65591.2. The Legislature finds and declares all of the following:~~

~~(a) The waters of the state are of limited supply and are subject to ever increasing demands.~~

~~(b) The continuation of California's economic prosperity is dependent on adequate supplies of water being available for future uses.~~

~~(c) It is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource. In order to promote the conservation and efficient use of water, state and local agencies should develop and promote programs that create incentives for existing and new customers to install new water conserving devices and landscapes to reduce water usage.~~

~~(d) Landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development.~~

~~(e) Landscape design, installation, and maintenance can and should be water efficient.~~

**BILL NUMBER: SB 1385 AMENDED
BILL TEXT**

**AMENDED IN SENATE APRIL 30, 2002
AMENDED IN SENATE APRIL 15, 2002**

INTRODUCED BY Senator Brulte

FEBRUARY 12, 2002

An act to add Chapter 1.697 (commencing with Section 5096.687) to Division 5 of the Public Resources Code, relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1385, as amended, Brulte. Parks and recreation: grants: water conservation measures.

Existing law requires the Department of Parks and Recreation to develop, operate, and maintain state parks and recreation areas. Existing law further requires the department to award grants for the acquisition and development of neighborhood, community, and regional parks and recreation lands and facilities in urban and rural areas.

This bill would require the *criteria and procedures adopted by the department to consider whether a grant applicant, applying for evaluating applications for one of the grants described above, has included to include recommendations that the grant applicant consider water conservation measures in the grant application their proposed project* .

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) The waters of the state are of limited supply and are subject to ever increasing demands.

(b) The continued economic prosperity of California is dependent on the availability of an adequate supply of water for future uses.

(c) It is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource in California's parks and recreational areas.

(d) Landscape design, installation, and maintenance can and should be water efficient.

SEC. 2. Chapter 1.697 (commencing with Section 5096.687) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.697. EFFICIENT WATER USE IN PARKS AND RECREATION AREAS ACT

5096.687. This chapter shall be known and may be cited as the Efficient Water Use in Parks and Recreation Areas Act.

5096.688. It is the intent of the Legislature to promote the conservation and efficient use of water in California's parks and recreational areas by enabling state agencies to take into consideration whether or not water conservation measures are included in parks and recreational projects seeking funding from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002.

~~5096.689. In evaluating applications for grants made available pursuant to subdivision (a) of Section 5096.620 for the development of neighborhood, community, and regional parks and recreation lands and facilities in urban and rural areas, the department shall consider whether the applicant has included in the grant application plans to implement or install water conservation measures.~~

5096.689. Criteria and procedures adopted by the department for evaluating applications for grants made available pursuant to subdivisions (a), (b), and (c) of Section 5096.620 for the development of neighborhood, community, and regional parks and recreation lands and facilities in urban and rural areas shall include recommendations that grant applicants consider the implementation or installation of water conservation measures as part of their proposed project.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the Department of Parks and Recreation to promote the efficient use of limited supplies of water by preventing its waste in California's parks and recreational areas, it is necessary that this act take effect immediately.