

**ASSEMBLY BILL**

**No. 1573**

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**Introduced by Assembly Member Friedman**

February 17, 2023

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An act to repeal Section 65596.7 of the Government Code, and to amend Section 10608.12 of the Water Code, relating to water.

LEGISLATIVE COUNSEL’S DIGEST

AB 1573, as introduced, Friedman. Water conservation: landscape plants: nonfunctional turf.

Existing law, the Water Conservation in Landscaping Act, requires the Director of Water Resources to convene a working group comprised of representatives from the landscape nursery industry, the agricultural community, the landscape retail industry, environmental organizations, urban water agencies, and other professionals to examine the current state of consumer information available and accessible regarding water use associated with landscape plants and to explore and identify options for improving the availability, accessibility, and quality of consumer information regarding water use associated with landscape plants, as specified.

This bill would delete that requirement.

Existing law provides various findings and declarations of the Legislature related to sustainable water use and demand reduction. Existing law imposes various water use reduction requirements that apply to urban retail water suppliers, including a requirement that the state achieve a 20% reduction in urban per capita water use by December 31, 2020. Existing law sets forth the definitions for those provisions.

This bill would additionally define “nonfunctional turf” for purposes of those provisions to mean turf that is solely ornamental and not

regularly used for human recreational purposes or for civic or community events, as specified.

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 65596.7 of the Government Code is  
2 repealed.

3 ~~65596.7. (a) On or before June 30, 2019, the director shall~~  
4 ~~convene a working group comprised of representatives from the~~  
5 ~~landscape nursery industry, the agricultural community, the~~  
6 ~~landscape retail industry, environmental organizations, urban water~~  
7 ~~agencies, academia, landscape contractors, landscape architects,~~  
8 ~~and the independent technical panel created pursuant to Section~~  
9 ~~10631.7 of the Water Code.~~

10 ~~(b) The working group shall have both of the following tasks:~~

11 ~~(1) Examining the current state of consumer information~~  
12 ~~available and accessible regarding water use associated with~~  
13 ~~landscape plants.~~

14 ~~(2) Exploring and identifying options for improving the~~  
15 ~~availability, accessibility, and quality of consumer information~~  
16 ~~regarding water use associated with landscape plants, in both~~  
17 ~~electronic and physical formats.~~

18 ~~(c) The working group shall complete its tasks on or before~~  
19 ~~January 1, 2020, and shall provide a written overview of its~~  
20 ~~findings and recommendations, if any, to the director, the Executive~~  
21 ~~Director of the State Water Resources Control Board, the Speaker~~  
22 ~~of the Assembly, and the President pro Tempore of the Senate.~~

23 SEC. 2. Section 10608.12 of the Water Code is amended to  
24 read:

25 10608.12. Unless the context otherwise requires, the following  
26 definitions govern the construction of this part:

27 (a) "Agricultural water supplier" means a water supplier, either  
28 publicly or privately owned, providing water to 10,000 or more  
29 irrigated acres, excluding recycled water. "Agricultural water  
30 supplier" includes a supplier or contractor for water, regardless of  
31 the basis of right, that distributes or sells water for ultimate resale  
32 to customers. "Agricultural water supplier" does not include the  
33 department.

1 (b) “Base daily per capita water use” means any of the  
2 following:

3 (1) The urban retail water supplier’s estimate of its average  
4 gross water use, reported in gallons per capita per day and  
5 calculated over a continuous 10-year period ending no earlier than  
6 December 31, 2004, and no later than December 31, 2010.

7 (2) For an urban retail water supplier that meets at least 10  
8 percent of its 2008 measured retail water demand through recycled  
9 water that is delivered within the service area of an urban retail  
10 water supplier or its urban wholesale water supplier, the urban  
11 retail water supplier may extend the calculation described in  
12 paragraph (1) up to an additional five years to a maximum of a  
13 continuous 15-year period ending no earlier than December 31,  
14 2004, and no later than December 31, 2010.

15 (3) For the purposes of Section 10608.22, the urban retail water  
16 supplier’s estimate of its average gross water use, reported in  
17 gallons per capita per day and calculated over a continuous  
18 five-year period ending no earlier than December 31, 2007, and  
19 no later than December 31, 2010.

20 (c) “Baseline commercial, industrial, and institutional water  
21 use” means an urban retail water supplier’s base daily per capita  
22 water use for commercial, industrial, and institutional users.

23 (d) “CII water use” means water used by commercial water  
24 users, industrial water users, institutional water users, and large  
25 landscape water users.

26 (e) “Commercial water user” means a water user that provides  
27 or distributes a product or service.

28 (f) “Compliance daily per capita water use” means the gross  
29 water use during the final year of the reporting period, reported in  
30 gallons per capita per day.

31 (g) “Disadvantaged community” means a community with an  
32 annual median household income that is less than 80 percent of  
33 the statewide annual median household income.

34 (h) “Gross water use” means the total volume of water, whether  
35 treated or untreated, entering the distribution system of an urban  
36 retail water supplier, excluding all of the following:

37 (1) Recycled water that is delivered within the service area of  
38 an urban retail water supplier or its urban wholesale water supplier.

39 (2) The net volume of water that the urban retail water supplier  
40 places into long-term storage.

1 (3) The volume of water the urban retail water supplier conveys  
2 for use by another urban water supplier.

3 (4) The volume of water delivered for agricultural use, except  
4 as otherwise provided in subdivision (f) of Section 10608.24.

5 (i) “Industrial water user” means a water user that is primarily  
6 a manufacturer or processor of materials as defined by the North  
7 American Industry Classification System code sectors 31 to 33,  
8 inclusive, or an entity that is a water user primarily engaged in  
9 research and development.

10 (j) “Institutional water user” means a water user dedicated to  
11 public service. This type of user includes, among other users,  
12 higher education institutions, schools, courts, churches, hospitals,  
13 government facilities, and nonprofit research institutions.

14 (k) “Interim urban water use target” means the midpoint between  
15 the urban retail water supplier’s base daily per capita water use  
16 and the urban retail water supplier’s urban water use target for  
17 2020.

18 (l) “Large landscape” means a nonresidential landscape as  
19 described in the performance measures for CII water use adopted  
20 pursuant to Section 10609.10.

21 (m) “Locally cost effective” means that the present value of the  
22 local benefits of implementing an agricultural efficiency water  
23 management practice is greater than or equal to the present value  
24 of the local cost of implementing that measure.

25 (n) *“Nonfunctional turf” means turf that is solely ornamental*  
26 *and not regularly used for human recreational purposes or for*  
27 *civic or community events. Nonfunctional turf does not include*  
28 *sports fields and turf that is regularly used for human recreational*  
29 *purposes or for civic or community events.*

30 ~~(n)~~  
31 (o) “Performance measures” means actions to be taken by urban  
32 retail water suppliers that will result in increased water use  
33 efficiency by CII water users. Performance measures may include,  
34 but are not limited to, educating CII water users on best  
35 management practices, conducting water use audits, and preparing  
36 water management plans. Performance measures do not include  
37 process water.

38 ~~(o)~~

1 (p) “Potable reuse” means direct potable reuse, indirect potable  
2 reuse for groundwater recharge, and reservoir water augmentation  
3 as those terms are defined in Section 13561.

4 ~~(p)~~

5 (q) “Process water” means water used by industrial water users  
6 for producing a product or product content or water used for  
7 research and development. Process water includes, but is not  
8 limited to, continuous manufacturing processes, and water used  
9 for testing, cleaning, and maintaining equipment. Water used to  
10 cool machinery or buildings used in the manufacturing process or  
11 necessary to maintain product quality or chemical characteristics  
12 for product manufacturing or control rooms, data centers,  
13 laboratories, clean rooms, and other industrial facility units that  
14 are integral to the manufacturing or research and development  
15 process is process water. Water used in the manufacturing process  
16 that is necessary for complying with local, state, and federal health  
17 and safety laws, and is not incidental water, is process water.  
18 Process water does not mean incidental water uses.

19 ~~(q)~~

20 (r) “Recycled water” means recycled water, as defined in  
21 subdivision (n) of Section 13050.

22 ~~(r)~~

23 (s) “Regional water resources management” means sources of  
24 supply resulting from watershed-based planning for sustainable  
25 local water reliability or any of the following alternative sources  
26 of water:

27 (1) The capture and reuse of stormwater or rainwater.

28 (2) The use of recycled water.

29 (3) The desalination of brackish groundwater.

30 (4) The conjunctive use of surface water and groundwater in a  
31 manner that is consistent with the safe yield of the groundwater  
32 basin.

33 ~~(s)~~

34 (t) “Reporting period” means the years for which an urban retail  
35 water supplier reports compliance with the urban water use targets.

36 ~~(t)~~

37 (u) “Urban retail water supplier” means a water supplier, either  
38 publicly or privately owned, that directly provides potable  
39 municipal water to more than 3,000 end users or that supplies more

- 1 than 3,000 acre-feet of potable water annually at retail for  
2 municipal purposes.  
3 ~~(u)~~  
4 (v) “Urban water use objective” means an estimate of aggregate  
5 efficient water use for the previous year based on adopted water  
6 use efficiency standards and local service area characteristics for  
7 that year, as described in Section 10609.20.  
8 ~~(v)~~  
9 (w) “Urban water use target” means the urban retail water  
10 supplier’s targeted future daily per capita water use.  
11 ~~(w)~~  
12 (x) “Urban wholesale water supplier” means a water supplier,  
13 either publicly or privately owned, that provides more than 3,000  
14 acre-feet of water annually at wholesale for potable municipal  
15 purposes.