

CONCURRENCE IN SENATE AMENDMENTS

AB 1572 (Friedman)

As Amended September 5, 2023

Majority vote

SUMMARY

Prohibits the use of potable water to irrigate nonfunctional turf on commercial, municipal, institutional (except for cemeteries), homeowners' association, common interest development, and community service organization properties. Begins a phase-in of this ban on specified property types beginning January 1, 2027.

Senate Amendments

- 1) Provide the ban on the use of potable water to irrigate nonfunctional turf does not apply to multifamily residential properties or cemeteries.
- 2) Delete a requirement that the State Water Resources Control Board (State Water Board) adopt regulations to establish procedures and criteria for compliance deadline extensions and methods for certification of property owner compliance with the requirements of this bill.
- 3) Expedite the application of the ban on the use of potable water to irrigate nonfunctional turf for properties owned by specified entities as follows:
 - a) For local agencies by 2027 (rather than 2028);
 - b) For institutional, commercial, and industrial properties by 2028 (rather than 2029); and
 - c) For homeowners' associations, common interest developments, and community service organizations by 2029 (rather than 2030).
- 4) Make technical and conforming changes.

COMMENTS

California, along with other Western states, experienced severe drought conditions from 2021 until this past winter. Drought, even extreme drought, is not unusual for this region, but the fact that California experienced such severe dry conditions only a few years after its worst drought on record from 2012-16 has raised alarm bells across the state and the West. The situation in the Colorado River Basin led U.S. Bureau of Reclamation Commissioner Camille Touton to call for a reduction in use of Colorado River water of between 2 million acre-feet (AF) and 4 million AF annually to avoid loss of power generation and to ensure water deliveries.

California drought emergency 2021-23. Wetter conditions allowed Governor Newsom to lift the drought emergency for most regions of the state on March 28, 2023, by issuing Executive Order (EO) N-5-23. The relief was welcome, but the previous three years of drought have been severe. The Governor first declared a drought emergency on April 2021, directing various actions to conserve water, and extended the emergency order seven times due to ongoing drought conditions. Because of worsening drought conditions in early 2022, the Governor expanded the state's drought response by issuing EO N-7-22 on March 28, 2022. EO N-7-22 directed a suite of actions, including that the State Water Board consider adopting an emergency regulation

banning the irrigation of "nonfunctional turf" in the commercial, industrial, and institutional sectors.

Emergency regulation on nonfunctional turf. Following the Governor's direction, the State Water Board adopted an emergency regulation banning the irrigation of decorative grass, with limited exceptions, that took effect on June 10, 2022. The emergency regulation was in effect until June 10, 2023. The definition of "nonfunctional turf" in the emergency regulation was slightly narrower than this bill in that it is limited to ornamental turf: "turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Non-functional turf does not include sports fields and turf that is regularly used for human recreational purposes or for civic or community events." In contrast, this bill does not narrow its definition of "nonfunctional turf" to turf that is "solely ornamental," but rather defines it by its designated use.

Nevada nonfunctional turf ban. In 2021, the Nevada Legislature enacted AB 356 (Ways and Means Committee) that prohibits the use of Colorado River water to irrigate nonfunctional turf on commercial, multi-family, and institutional properties within the service territory of the Southern Nevada Water Authority (SNWA) or its member agencies beginning January 1, 2027. SNWA serves more than 2.2 million residents in Southern Nevada, including the Las Vegas metropolitan area. AB 356 (2021) directed SNWA to define nonfunctional turf and SNWA has, in turn, developed the following definition: "an irrigated grass area not providing functional use;" SNWA indicates that examples include streetscape turf; grass in front of, between, behind or otherwise adjacent to a properties not zoned single-family residential; and turf managed by a homeowner association that does not provide a recreational benefit to the community. This bill's definition is similar to that used by SNWA.

According to the Author

"There is an urgent need for additional efforts to reduce unnecessary water use in urban areas. Although drought conditions from 2014-2017 were said to be the most severe drought since statehood, California saw dry conditions return quickly, with severe curtailments of State Project water deliveries imposed in 2022. At the same time, water supply conditions deteriorated rapidly in the Colorado River Basin, a major source of water for urban Southern California." The author notes efforts currently underway to address the shortfall of water in the Colorado River Basin as further evidence of the need for California to reduce its overall water use and demand on Colorado River water in particular.

The author notes "a large portion of California's treated drinking water is used to irrigate urban landscapes. In a year without drought restrictions, roughly half of all publicly supplied water is used outdoors, primarily for landscape irrigation.... In a study published in 2005, it was estimated that California had approximately 2.75 million acres of turf grass. Nearly all this turf requires irrigation to survive, and nearly all the irrigation is with treated drinking water."

Arguments in Support

This bill is co-sponsored by the Natural Resources Defense Council, Heal the Bay, and the Metropolitan Water District of Southern California who argue this bill "will phase out unnecessary water use in urban areas, support communities in saving both water and money and speed the transition to sustainable alternatives that can keep landscapes beautiful." The sponsors note that California has had policy in place since 1990 to reduce water use for landscape irrigation in urban settings, but that, nonetheless, "a legacy of irrigated decorative grass remains."

Arguments in Opposition

The California Landscape Contractors Association (CLCA) opposes this bill maintaining that eliminating the irrigation of nonfunctional turf "will not make a significant dent in the state's water needs." Further, CLCA asserts this bill is a "one size fits all approach to water conservation" that does not take into account the availability of water in the state's diverse regions.

FISCAL COMMENTS

According to the Senate Appropriations Committee, this bill will result in the following fiscal impacts:

- 1) GO-Biz estimates ongoing costs of about \$136,000 annually (General Fund) for one position to provide information and technical assistance to small and minority-owned businesses.
- 2) Unknown but potentially significant costs, possibly as high as tens of millions of dollars (General Fund), for the Department of General Services (DGS) to replace nonfunctional turf on state-owned properties where nonpotable water is not available for irrigation. DGS notes, however, that costs could be as little as zero if DGS did nothing and allowed all nonfunctional turf die off without replacing it. This theoretical possibility is unlikely due to the visual blight that would result, but it does illustrate the wide range of potential DGS costs.
- 3) Unknown, potentially significant costs (General Fund) for the California Department of Education, the University of California, and other state agencies to comply with the provisions of this bill.
- 4) The State Water Board and the Department of Water Resources anticipate any costs would be minor and absorbable.

VOTES:

ASM WATER, PARKS, AND WILDLIFE: 9-3-3

YES: Bauer-Kahan, Bennett, Friedman, Hart, Kalra, Pellerin, Schiavo, Villapudua, Weber

NO: Alanis, Megan Dahle, Davies

ABS, ABST OR NV: Mathis, Blanca Rubio, Ward

ASM APPROPRIATIONS: 11-3-2

YES: Holden, Bryan, Calderon, Wendy Carrillo, Mike Fong, Hart, Lowenthal, Papan, Pellerin, Weber, Ortega

NO: Megan Dahle, Dixon, Sanchez

ABS, ABST OR NV: Mathis, Robert Rivas

ASSEMBLY FLOOR: 55-18-7

YES: Addis, Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Connolly, Mike Fong, Friedman, Gabriel, Garcia, Gipson, Grayson, Haney, Hart, Holden, Irwin, Jackson, Jones-Sawyer, Kalra, Lee, Low, Lowenthal, Maienschein, McCarty, McKinnor, Muratsuchi, Ortega, Papan, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Santiago, Schiavo, Ting, Valencia, Villapudua, Ward, Weber, Wicks, Wilson, Wood, Zbur, Rendon

NO: Alanis, Chen, Megan Dahle, Davies, Dixon, Essayli, Flora, Vince Fong, Gallagher, Hoover, Lackey, Mathis, Jim Patterson, Joe Patterson, Sanchez, Ta, Waldron, Wallis
ABS, ABST OR NV: Alvarez, Bains, Stephanie Nguyen, Pacheco, Rodriguez, Blanca Rubio, Soria

SENATE FLOOR: 29-10-1

YES: Allen, Archuleta, Ashby, Atkins, Becker, Blakespear, Bradford, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Laird, Limón, McGuire, Menjivar, Min, Newman, Padilla, Portantino, Roth, Rubio, Skinner, Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener
NO: Alvarado-Gil, Dahle, Grove, Hurtado, Jones, Nguyen, Niello, Ochoa Bogh, Seyarto, Wilk
ABS, ABST OR NV: Caballero

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CONSULTANT: Pablo Garza / W., P., & W. / (916) 319-2096

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