

Assembly Bill No. 1221

Passed the Assembly September 7, 2011

Chief Clerk of the Assembly

Passed the Senate September 1, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 13400 and 13442 of the Water Code, relating to water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1221, Alejo. State Water Quality Control Fund: State Water Pollution Cleanup and Abatement Account.

Existing law, the Porter-Cologne Water Quality Control Act, authorizes the imposition and collection of civil and criminal penalties for specified violations of that act. The act requires certain moneys, including General Fund revenues of penalties, collected pursuant to these provisions to be deposited in the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund. The act continuously appropriates the money in the account to the State Water Resources Control Board for specified cleanup programs.

The act authorizes the state board, upon application by a public agency with authority to clean up or abate the effects of waste on waters of the state, to order moneys in the account to be paid to the agency to assist in cleaning up or abating the effects of the waste.

This bill would additionally authorize the state board to pay these moneys to specified tribal governments and not-for-profit organizations serving disadvantaged communities, as defined, that have authority to clean up or abate the effects of waste. By authorizing new expenditures from a continuously appropriated account, this bill would make an appropriation.

Appropriation: yes.

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

SECTION 1. Section 13400 of the Water Code is amended to read:

13400. As used in this chapter, unless otherwise apparent from the context:

(a) "Facilities" means any of the following:

(1) Facilities for the collection, treatment, or export of waste when necessary to prevent water pollution.

(2) Facilities to recycle wastewater and to convey recycled water.

(3) Facilities or devices to conserve water.

(4) Any combination of the facilities described in paragraph (1), (2), or (3).

(b) “Fund” means the State Water Quality Control Fund.

(c) “Not-for-profit organization” means an organization operated on a not-for-profit basis, including, but not limited to, an association, cooperative, or private corporation that is a public water system, as defined in Section 116275 of the Health and Safety Code, that meets technical, managerial, and financial capacity criteria specified by the State Department of Public Health for public water systems, or that is subject to regulatory authority pursuant to this division. “Not-for-profit organization” includes only an organization that is either controlled by a local public body or bodies or has a broadly based ownership by, or membership of, people of the local community.

(d) “Public agency” means any city, county, city and county, district, or other political subdivision of the state.

SEC. 2. Section 13442 of the Water Code is amended to read:

13442. (a) Upon application by a public agency, a tribal government that is on the California Tribal Consultation List maintained by the Native American Heritage Commission and is a disadvantaged community, as defined in Section 79505.5, that agrees to waive tribal sovereign immunity for the explicit purpose of regulation by the state board pursuant to this division, or a not-for-profit organization serving a disadvantaged community, as defined in Section 79505.5, with authority to clean up a waste or abate the effects of a waste, the state board may order moneys to be paid from the account to the agency, tribal government, or organization to assist it in cleaning up the waste or abating its effects on waters of the state.

(b) The agency, a tribal government that is on the California Tribal Consultation List maintained by the Native American Heritage Commission and is a disadvantaged community, as defined in Section 79505.5, that agrees to waive tribal sovereign immunity for the explicit purpose of regulation by the state board pursuant to this division, or a not-for-profit organization serving

a disadvantaged community, as defined in Section 79505.5, shall not become liable to the state board for repayment of moneys paid under this section, but this shall not be a defense to an action brought pursuant to subdivision (c) of Section 13304 for the recovery of moneys paid under this section.

Approved _____, 2011

Governor