

AMENDED IN SENATE FEBRUARY 24, 2014

AMENDED IN SENATE JUNE 12, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 80

**Introduced by Committee on Budget (~~Blumenfield~~ *Skinner* (Chair),
Bloom, ~~Bonilla~~, *Campos*, *Chesbro*, *Dababneh*, *Daly*, *Dickinson*,
Gordon, *Jones-Sawyer*, ~~Mitchell~~, *Mullin*, *Muratsuchi*, *Nazarian*,
Skinner, *Rodriguez*, *Stone*, and ~~Ting Ting~~, and *Weber*)**

January 10, 2013

An act to amend Section 116.232 of the Code of Civil Procedure, to amend Sections 12419.10, 68086, 68502.5, 68511.7, 70628, and 77203 of, and to add Section 68502.6 to, the Government Code, to amend Sections 1203.2, 1229, 1230, 1231, 1232, 1233, 1233.1, 1233.15, 1233.2, 1233.3, 1233.4, 1233.6, 1233.61, and 3000.08 of, and to repeal Section 1233.8 of, the Penal Code, to amend, repeal, and add Section 19210 of the Public Contract Code, and to amend Section 903.45 of the Welfare and Institutions Code, relating to courts, and making an appropriation therefor, to take effect immediately, bill related to the budget. An act to amend Section 8683 of the Government Code, to amend Section 50661 of, to add Section 50716 to, and to add Chapter 3 (commencing with Section 34085) to Part 1.6 of Division 24 of, the Health and Safety Code, to amend Sections 10201.5, 10214.5, and 10214.6 of the Unemployment Insurance Code, to amend Sections 1052, 1058.5, 1551, 1831, and 1845 of, and to add Sections 1846 and 13562.5 to, the Water Code, relating to drought relief, making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 80, as amended, Committee on Budget. ~~Courts.~~ *Drought relief.*

(1) The California Constitution requires the reasonable and beneficial use of water. Under the public trust doctrine, the State Water Resources Control Board, among other state agencies, is required to take the public trust into account in the planning and allocation of water resources and to protect the public trust whenever feasible. Existing law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund are available, upon appropriation by the Legislature, for the administration of the board's water rights program.

This bill would provide that a person or entity in violation of a term or condition of a permit, license, certificate, or registration issued or adopted by the board, as prescribed, or the public trust doctrine, is liable in an amount not to exceed \$500 for each day in which the violation occurs. These funds would be deposited in the Water Rights Fund.

(2) Existing law, the California Emergency Services Act sets forth the emergency powers of the Governor under its provisions.

This bill would provide that the provisions of this bill described in (1) apply only in a critically dry year immediately preceded by 2 or more consecutive below normal, dry, or critically dry years, or during a period for which the Governor has issued a proclamation of a state of emergency based on drought conditions.

(3) Under existing law, the Disaster Assistance Fund is continuously appropriated, without regard to fiscal years, for purposes of the California Disaster Assistance Act. Existing law requires the Director of the Office of Emergency Services, whenever funds are available for purpose of the act, to make allocations in the amounts that the director determines to be necessary to state agencies for making the investigations, estimates, and reports required by the act.

This bill would authorize the director, when a proclamation of a state of emergency has been issued, to make allocations of funds available for the purposes of the act in the amounts that the director determines necessary to state agencies for expenditures incurred performing extraordinary emergency measures. This bill would prohibit these allocations from being made to reimburse employee costs related to emergency work activities or any permanent repairs to the agency's own facilities.

(4) Existing law declares that the diversion or use of water other than as authorized by specified provisions of law is a trespass. Existing law authorizes the imposition of civil liability for a trespass in an amount not to exceed \$500 for each day in which the trespass occurs.

This bill would authorize the imposition of civil liability by the board or superior court in an amount not to exceed the sum of \$1,000 for each day in which the trespass occurs and \$2,500 for each acre-foot of water diverted or used other than as authorized during a critically dry year immediately preceded by 2 or more consecutive below normal, dry, or critically dry years or during a period for which the Governor has issued a proclamation of a state of emergency based on drought conditions.

(5) Under existing law, a person who violates a cease and desist order may be liable in an amount not to exceed \$1,000 for each day in which the violation occurs. Revenue generated from these penalties is deposited in the Water Rights Fund.

This bill, for a violation occurring in a critically dry year immediately preceded by 2 or more consecutive below normal, dry, or critically dry years or during a period for which the Governor has issued a proclamation of a state of emergency based on drought conditions, would authorize a person violating a cease and desist order to be liable in an amount not to exceed \$10,000 for each day in which the violation occurs.

(6) Under existing law, emergency regulations of the board are not subject to review by the Office of Administrative Law if the board adopts findings that the emergency regulation is adopted to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water to promote wastewater reclamation, or to promote water conservation, and that the emergency regulation is adopted in response to conditions which exist, or are threatened, in a critically dry year immediately preceded by 2 or more consecutive dry or critically dry years.

This bill also would allow the adoption of emergency regulations by the board if the board finds the emergency regulation is adopted to require curtailment of diversions when water is not available under the diverter's priority of right. This bill instead would require the emergency regulation to be adopted in response to conditions which exist, or are threatened, in a critically dry year immediately preceded by 2 or more consecutive below normal, dry, or critically dry years or during a period for which the Governor has issued a proclamation of a state of

emergency based on drought conditions. This bill would make a violation of a regulation adopted by the board under these provisions an infraction punishable by a fine of up to \$500 for each day in which the violation occurs. By creating a new crime, this bill would impose a state-mandated local program.

Existing law provides that these emergency regulations are authorized to remain in effect for up to 270 days, as prescribed.

This bill would permit an emergency regulation adopted under these provisions to be renewed if the board determines that the above-described conditions are still in effect.

(7) Existing law authorizes the board to issue a cease and desist order against a person who is violating, or threatening to violate, certain requirements, including requirements set forth in a decision or order relating to the unauthorized use of water.

This bill would authorize the board to issue a cease and desist order in response to a violation or threatened violation of an emergency regulation adopted pursuant to the provisions described in (6).

(8) Existing law requires the State Department of Public Health to adopt uniform water recycling criteria for indirect potable water reuse for groundwater recharge, as defined, by December 31, 2013.

This bill would require the State Department of Public Health, no later than June 30, 2014, to adopt by emergency regulations requirements for groundwater replenishment using recycled water.

(9) Existing law creates the Housing Rehabilitation Loan Fund and continuously appropriates moneys in the fund for, among other purposes, making specified deferred payment housing rehabilitation loans.

This bill, to the extent no other funding sources are available, would make available \$10,000,000 in the fund to the department for the purpose of providing housing rental-related subsidies to persons rendered homeless, or at risk of becoming homeless, due to unemployment, underemployment, or other economic hardship resulting from the state of emergency proclaimed by the Governor based on drought conditions. This bill would authorize the department to administer the housing rental-related subsidies or contract with qualified local government agencies or nonprofit organizations to administer the program.

(10) Existing law authorizes the Department of Housing and Community Development to contract with local public and private nonprofit agencies to provide housing services, including shelter,

education, sanitation, and day care services, for migrant agricultural workers, through the development, construction, reconstruction, rehabilitation, or operation of a migrant farm labor center.

This bill would require the department to make the Office of Migrant Services centers available for rent by persons or families experiencing economic hardships as a result of the drought.

(11) Existing law authorizes the Employment Development Department to collect and administer an employment training tax. Existing law establishes the Employment Training Panel (ETP) in the Employment Development Department, and prescribes the functions and duties of the ETP with respect to the development, implementation, and administration of various employment training programs in the state. Existing law requires the ETP to establish the Partnership for Workforce Recovery Training for the purpose of supporting and implementing the workforce development goals set forth in the federal American Recovery and Reinvestment Act of 2009.

This bill would eliminate the requirement that the ETP establish the Partnership for Workforce Recovery Training, and would instead require the ETP to develop and publish guidelines for the purpose of supporting and implementing one or more alternative fund programs to reimburse the cost of training using funds from a source other than the employment training tax.

This bill would require the ETP, as needed in response to a proclamation of a state of emergency issued by the Governor under the California Emergency Services Act, to identify industries and occupations that shall be priorities for training funds for the purpose of funding special employment training projects that improve the skills and employment security of frontline workers and to waive specified wage and employment retention provisions.

Existing law, with respect to funds appropriated in the annual Budget Act to the department for allocation by the ETP for the training of workers in regions suffering from high unemployment and low job creation, authorizes the ETP to waive the minimum wage requirements for participation in the program in certain circumstances.

This bill would provide that the ETP may waive the minimum wage requirements with respect to funds appropriated to the department for allocation by the ETP in the annual Budget Act for training of workers in regions identified in a proclamation of a state of emergency issued by the Governor under the California Emergency Services Act.

(12) Existing law, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative bond act, authorizes the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing a safe drinking water, water quality and supply, flood control, and resource protection program.

This bill would appropriate \$472,500,000 from these bond funds for the purposes of integrated regional water management grants.

(13) The bill would require, to the extent feasible and appropriate, water conservation and drought response projects funded pursuant to these provisions and the provisions of the bill described in paragraph (15) to use the services of the California Conservation Corps or certified community conservation corps.

(14) 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.

This bill would provide that no reimbursement is required by this act for a specified reason.

(15) This bill would become operative only if AB 79 or SB 103 is enacted, amending the Budget Act of 2013.

(16) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~(1) Existing law requires the small claims court to charge and collect a fee of \$10 from the plaintiff for each defendant on whom the court clerk serves a copy of the plaintiff's claim by mail.~~

~~This bill would increase that fee to \$15 for each defendant to whom a copy of the claim is mailed by the small claims court clerk.~~

~~(2) Existing law requires the Controller, to the extent feasible, to offset any amount overdue and unpaid for a fine, penalty, assessment, bail, vehicle parking penalty, or court-ordered reimbursement for court-related services, from a person or entity, against any amount owing the person or entity by a state agency on a claim for a refund from the Franchise Tax Board under the Personal Income Tax Law or the Bank and Corporation Tax Law, from winnings in the California State Lottery, or from a cash payment of a claim for unclaimed property held by the state, as specified. Existing law requires the Controller to deduct and retain from any amount offset in favor of a city or county an amount sufficient to reimburse the administrative costs of processing the offset payment.~~

~~This bill would prohibit the Controller and the Franchise Tax Board from conditioning a request for offset on the submission of a person's social security number. The bill would additionally require the Controller to deduct and retain from any amount offset in favor of a court an amount sufficient to reimburse the administrative costs of processing the offset payment. The bill would authorize the Franchise Tax Board, if necessary to confirm the identity of a person before making an offset, and upon paying any necessary fees, to obtain a social security number from the Department of Motor Vehicles, as specified.~~

~~(3) Existing law requires the Legislature to make an annual appropriation to the Judicial Council for the general operations of the trial courts based on the request of the Judicial Council, which is submitted to the Governor and the Legislature. Existing law requires the Judicial Council to retain the ultimate responsibility to adopt a budget and allocate funding for the trial courts. Existing law requires the Judicial Council to set a preliminary allocation for each trial court in July of each fiscal year and to finalize those allocations in January, as specified. Existing law, until June 30, 2014, authorizes a trial court to carry unexpended funds over from one fiscal year to the next. Existing law, commencing June 30, 2014, authorizes a trial court to carry over unexpended funds in an amount not to exceed 1% of the court's operating budget from the prior fiscal year.~~

~~This bill would require the Judicial Council to include an estimate of the available trial court reserves as of June 30 of the prior fiscal year when setting its July preliminary allocation and to offset each court's allocation by the amount of reserves in excess of the amount authorized to be carried over, as specified. The bill would similarly require the Judicial Council to finalize its January allocations after review of available trial court reserves as of June 30 of the prior fiscal year and to offset each court's allocation as described above. The bill would exempt certain funds from the calculation of the 1% authorized to be carried over from the prior fiscal year.~~

~~(4) Existing law establishes the Trial Court Trust Fund to fund trial court operations, as specified.~~

~~This bill would authorize the Administrative Office of the Courts (AOC) to make loans to the Trial Court Trust Fund from specified funds if the cash balance of the Trial Court Trust Fund is insufficient to support trial court operations during the fiscal year, but would prohibit the total amount of outstanding loans from exceeding \$150,000,000, as specified. The bill would prohibit AOC from authorizing a loan pursuant to these~~

~~provisions to provide cash resources to any court that has not first provided a balanced budget approved by the Judicial Council. The bill would also authorize the AOC to transfer funds from the Trial Court Trust Fund for the repayment of these loans and would prohibit the charge or payment of interest, as specified. The bill would require that all loans made pursuant to these provisions be repaid within 2 years, as provided.~~

~~(5) Existing law requires, for each proceeding lasting less than one hour, a fee of \$30 to be charged for the reasonable cost of the services of an official court reporter.~~

~~This bill would require the proceeds of the fee to be distributed to the court in which the fee was collected.~~

~~(6) Existing law, until January 1, 2017, requires each trial court, prior to adopting a baseline budget plan for the fiscal year, to provide the public notice of, and an opportunity for input on, through submission of written documents or a public hearing, the trial court's proposed budget plan, and requires the baseline budget plan to be made available to the public at the courthouse and on the court's public Internet Web site no less than 3 court days prior to the hearing or, if there is no hearing, prior to adoption of the plan.~~

~~This bill would extend the operation of these provisions indefinitely.~~

~~(7) Existing law provides the fee for an exemplification of a record is \$20, in addition to other charges allowed.~~

~~This bill would increase the fee to \$50 for an exemplification, in addition to other charges allowed.~~

~~(8) Existing law provides that a person released from prison after serving a term for certain crimes is subject to parole supervision, as specified, and the jurisdiction of the court where the person is released or resides for the purpose of hearing petitions to revoke parole and impose a term of custody.~~

~~This bill would expand those provisions to provide that jurisdiction for that purpose also includes the jurisdiction of the court in any county where the supervised person is arrested. The bill would make additional conforming changes relating to persons subject to mandatory supervision and postrelease community supervision, as specified.~~

~~(9) Existing law, the California Community Corrections Performance Incentives Act of 2009, authorizes each county to establish a Community Corrections Performance Incentives Fund, and authorizes the state to annually allocate moneys into a State Community Corrections Performance Incentives Fund to be used for specified purposes relating~~

to improving local probation supervision practices and capacities, as specified. The act defines “community corrections” for these purposes to mean the placement of persons convicted of a felony offense under probation supervision, with conditions imposed by a court for a specified period.

This bill would expand those provisions to additionally include within “community corrections” the placement of persons convicted of a felony offense under mandatory supervision or postrelease community supervision, as specified. The bill would make additional conforming changes:

(10) Existing law, until January 1, 2015, requires the Administrative Office of the Courts, in consultation with the Chief Probation Officers of California, to specify and define minimum required outcome-based measures, which shall include, among other things, the percentage of persons on felony probation who are being supervised in accordance with evidence-based practices. Existing law requires the Administrative Office of the Courts, in consultation with the Chief Probation Officer of each county and the Department of Corrections and Rehabilitation, to provide a quarterly statistical report to the Department of Finance, including statistical information pertaining to felons and persons on felony probation for each county.

This bill would expand these provisions to include persons who were placed on mandatory supervision and postrelease community supervision on and after January 1, 2012, as specified. The bill would extend the operation of the provisions described in this paragraph indefinitely.

(11) Existing law requires the AOC, in consultation with the Chief Probation Officers of California, the Department of Corrections and Rehabilitation, and the Department of Finance, to submit a report to the Governor and the Legislature pertaining to community corrections programs for felony probationers, as specified.

This bill would expand these provisions to include data regarding persons who were placed on mandatory supervision and postrelease community supervision:

(12) Existing law provides for a probation failure reduction incentive payment for each eligible county, and establishes 2 tiers for evaluating counties for purposes of calculating that payment. Existing law also provides high performance grants to county probation departments for purposes of bolstering practices to reduce recidivism:

This bill would establish a 3rd tier for the purposes of calculating a probation failure reduction incentive payment. The bill would provide

that a county that fails to submit specified required information to the AOC would not be eligible for the incentive payment or the grant, as specified. The bill would modify the funding and calculation of the incentive payments and grants. The bill would appropriate \$1,000,000 from the State Community Corrections Performance Incentive Fund to the judicial branch for the costs of implementing and administering the probation failure reduction incentive payment, as specified.

~~(13) Existing law, until January 1, 2015, requires after the conclusion of each calendar year, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the AOC, to calculate the probation failure rate for counties and for the state, as specified.~~

~~This bill would additionally require calculation of mandatory supervision failure to prison rates and postrelease community supervision to failure to prison rates, for counties and for the state, as specified. The bill would extend the operation of these provisions indefinitely.~~

~~(14) Existing law, commencing not earlier than July 1, 2011, and not later than December 15, 2012, requires the California State Auditor to establish a pilot program to audit 6 trial courts, as provided, and to commence an audit of the trial courts on or before December 15, 2013. It also requires, not later than December 15, 2013, and biennially thereafter, an audit of the AOC, the Habeas Corpus Resource Center, and the appellate courts.~~

~~This bill would instead require the audit of the AOC, the Habeas Corpus Resource Center, the California Supreme Court, and the appellate courts to commence on or before July 1, 2013, and a copy of the final audit report of the AOC to be provided to specified entities on or before December 31, 2013. The bill would, on January 1, 2014, repeal these provisions, and would instead require the California State Auditor to biennially audit 5 judicial branch entities and the AOC, as specified; subject to an appropriation for this purpose, and to provide a final audit report to the judicial branch entity, the Legislature, the Judicial Council, and the Department of Finance, as provided.~~

~~(15) Existing law authorizes the board of supervisors to designate a county financial evaluation officer to make financial evaluations of liability for reimbursement of the costs of support of a minor, as specified, and authorizes that officer to petition the court for an order requiring the person who is determined to be financially responsible to~~

pay those costs. Under existing law, if the parent or guardian is currently receiving reunification services, and the court finds that repayment by the parent or guardian will pose a barrier to reunification with the child, as specified, the court shall not order repayment of those costs by the parent or guardian.

~~This bill would prohibit the county financial officer from petitioning the court for an order of repayment of those costs, and the court from ordering that repayment, based upon either the finding of the court or the determination of the county financial officer, that repayment by the parent or guardian will pose a barrier to reunification with the child, as specified.~~

~~(16) This bill would also require the Judicial Council to report to the appropriate budget and policy committees of the Legislature, the Joint Legislative Budget Committee, the Legislative Analyst’s Office, and the Department of Finance, on or before June 30, 2014, on an evaluation of the Long Beach court building performance-based infrastructure project, as specified.~~

~~(17) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.~~

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

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

1 SECTION 1. *The Legislature finds and declares that California*
2 *is experiencing an unprecedented dry period and shortage of water*
3 *for its citizens, local governments, agriculture, environment, and*
4 *other uses. The purpose of this act is to enact urgent legislation*
5 *to appropriate funds and expedite administrative actions to*
6 *increase water supply reliability consistent with the state’s*
7 *economic, health and safety, and resource protection laws.*

8 SEC. 2. *Section 8683 of the Government Code is amended to*
9 *read:*

10 8683. (a) Whenever funds are available for purposes of this
11 chapter, the director shall make allocations ~~therefrom~~ *from the*
12 *funds available* in the amounts that he or she determines to be
13 necessary to state agencies for expenditure for making the
14 investigations, estimates, and reports required by this chapter.
15 Those allocations may also be made to provide for preliminary
16 investigations, estimates, reports, training of state agency

1 personnel, or to reimburse the state agencies for expenditures made
 2 in anticipation of actual applications by local agencies. Allocations
 3 may also be made for the purpose of making any investigations,
 4 estimates, and reports that may be necessary to enable local
 5 agencies to obtain federal aid for disaster relief purposes, regardless
 6 of whether or not that aid is available for projects that are eligible
 7 for state allocations pursuant to this chapter. The director may
 8 make allocations to any state agency or office from those funds,
 9 or other funds available therefor, in the amounts that are necessary
 10 to administer this chapter.

11 *(b) When a proclamation of a state of emergency has been issued*
 12 *by the Governor under the California Emergency Services Act*
 13 *(Chapter 7 (commencing with Section 8550)) and funds are*
 14 *available for purposes of this chapter, the director may make*
 15 *allocations from the funds available in the amounts that the*
 16 *director determines necessary to state agencies for expenditures*
 17 *incurred performing extraordinary emergency measures. An*
 18 *allocation pursuant to this subdivision is at the discretion of the*
 19 *director, but an allocation shall not reimburse either of the*
 20 *following:*

- 21 *(1) Employee costs related to emergency work activities.*
- 22 *(2) Any permanent repairs to the agency's own facilities.*

23 *SEC. 3. Chapter 3 (commencing with Section 34085) is added*
 24 *to Part 1.6 of Division 24 of the Health and Safety Code, to read:*

25
 26 *CHAPTER 3. DROUGHT HOUSING RENTAL SUBSIDIES*

27
 28 *34085. (a) The department shall provide housing rental-related*
 29 *subsidies for the purposes of disaster relief to persons rendered*
 30 *homeless or at risk of becoming homeless due to unemployment,*
 31 *underemployment, or other economic hardship resulting from the*
 32 *state of emergency proclaimed by the Governor on January 17,*
 33 *2014. The housing rental-related subsidies shall provide rental*
 34 *assistance to individuals who are unemployed or underemployed*
 35 *because agricultural or other businesses are affected by the*
 36 *drought conditions and to other persons that have suffered*
 37 *economic losses due to the drought conditions.*

38 *(b) The department may administer the housing rental-related*
 39 *subsidies or contract with qualified local government agencies or*
 40 *nonprofit organizations to administer the subsidies.*

1 (c) *The department shall adopt guidelines establishing criteria*
2 *for the subsidies, including, but not limited to, eligibility, income*
3 *limits, and subsidy amounts.*

4 34086. *Any rule, policy, or standard of general application*
5 *employed by the department in implementing the provisions of this*
6 *chapter shall not be subject to the requirements of the*
7 *Administrative Procedure Act (Chapter 3.5 (commencing with*
8 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
9 *Code).*

10 SEC. 4. *Section 50661 of the Health and Safety Code is*
11 *amended to read:*

12 50661. (a) There is hereby created in the State Treasury the
13 Housing Rehabilitation Loan Fund. All interest or other increments
14 resulting from the investment of moneys in the Housing
15 Rehabilitation Loan Fund shall be deposited in the fund,
16 notwithstanding Section 16305.7 of the Government Code.
17 Notwithstanding Section 13340 of the Government Code, all
18 money in the fund is continuously appropriated to the department
19 for the following purposes:

20 (1) For making deferred-payment rehabilitation loans for
21 financing all or a portion of the cost of rehabilitating existing
22 housing to meet rehabilitation standards as provided in this chapter.

23 (2) For making deferred payment loans as provided in Sections
24 50668.5, 50669, and 50670.

25 (3) For making deferred payment loans pursuant to Sections
26 50662.5 and 50671.

27 (4) Subject to the restrictions of Section 53131, if applicable,
28 for administrative expenses of the department made pursuant to
29 this chapter, Article 3 (commencing with Section 50693) of Chapter
30 7.5, and Chapter 10 (commencing with Section 50775).

31 (5) For related administrative costs of nonprofit corporations
32 and local public entities contracting with the department pursuant
33 to Section 50663 in an amount, if any, as determined by the
34 department, to enable the entities and corporations to implement
35 a program pursuant to this chapter. The department shall ensure
36 that not less than 20 percent of the funds loaned pursuant to this
37 chapter shall be allocated to rural areas. For purposes of this chapter
38 “rural area” shall have the same meaning as in Section 50199.21.

1 (6) *To the extent no other funding sources are available, ten*
 2 *million dollars (\$10,000,000) shall be available for the purposes*
 3 *of Section 34085.*

4 (b) There shall be paid into the fund the following:

5 (1) Any moneys appropriated and made available by the
 6 Legislature for purposes of the fund.

7 (2) Any moneys that the department receives in repayment of
 8 loans made from the fund, including any interest thereon.

9 (3) Any other moneys that may be made available to the
 10 department for the purposes of this chapter from any other source
 11 or sources.

12 (4) Moneys transferred or deposited to the fund pursuant to
 13 Sections 50661.5 and 50778.

14 (c) Notwithstanding any other provision of law, any interest or
 15 other increment earned by the investment or deposit of moneys
 16 appropriated by subdivision (b) of Section 3 of Chapter 2 of the
 17 Statutes of the 1987–88 First Extraordinary Session, or Section 7
 18 of Chapter 4 of the Statutes of the 1987–88 First Extraordinary
 19 Session, shall be deposited in a special account in the Housing
 20 Rehabilitation Loan Fund and shall be used exclusively for
 21 purposes of Sections 50662.5 and 50671.

22 (d) Notwithstanding any other provision of law, effective with
 23 the date of the act adding this subdivision, appropriations
 24 authorized by the Budget Act of 1996 for support of the
 25 Department of Housing and Community Development from the
 26 California Disaster Housing Repair Fund and the California
 27 Homeownership Assistance Fund shall instead be authorized for
 28 expenditure from the Housing Rehabilitation Loan Fund.

29 *SEC. 5. Section 50716 is added to the Health and Safety Code,*
 30 *to read:*

31 *50716. (a) Notwithstanding any other law, to respond to the*
 32 *state of emergency proclaimed by the Governor on January 17,*
 33 *2014, the department shall, directly or through contracts, make*
 34 *the Office of Migrant Services centers available for rent by persons*
 35 *or families experiencing economic hardships as a result of the*
 36 *drought. This may include, but is not limited to, extending the*
 37 *period of occupancy prior to or beyond the standard 180-day*
 38 *period and redefining persons and families eligible to occupy the*
 39 *centers. To the extent feasible, the department shall give preference*
 40 *to persons and families that meet existing program criteria.*

1 (b) The department may adopt program guidelines to implement
2 this section. Any rule, policy, or standard of general application
3 employed by the department in implementing the provisions of this
4 section shall not be subject to the requirements of the
5 Administrative Procedure Act (Chapter 3.5 (commencing with
6 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
7 Code).

8 SEC. 6. Section 10201.5 of the Unemployment Insurance Code
9 is amended to read:

10 10201.5. With respect to funding appropriated in the annual
11 Budget Act to the Employment Development Department for
12 allocation by the Employment Training Panel and identified for
13 training of workers in regions suffering from high unemployment
14 and low job creation, ~~including creation or regions identified in a~~
15 ~~proclamation of a state of emergency issued by the working poor,~~
16 ~~Governor under the California Emergency Services Act (Chapter~~
17 ~~7 (commencing with Section 8550) of Division 1 of Title 2 of the~~
18 ~~Government Code), the panel, notwithstanding subdivision (g) (f)~~
19 of Section 10201, may waive the minimum wage requirements
20 included in that subdivision provided that the post-retention wage
21 of each trainee who has completed training and the required
22 training period exceeds his or her wage before and during training.
23 This determination shall be made on a case-by-case basis to ensure
24 that post-training improvements in earnings are sufficient to
25 warrant the investment of public funds.

26 SEC. 7. Section 10214.5 of the Unemployment Insurance Code
27 is amended to read:

28 10214.5. (a) The panel may allocate up to 15 percent of the
29 annually available training funds for the purpose of funding special
30 employment training projects that improve the skills and
31 employment security of frontline workers, as defined in subdivision
32 (a) of Section 10200. Notwithstanding any other provision of this
33 chapter, participants in these projects are not required to meet the
34 eligibility criteria set forth in paragraph (1) of subdivision (a) of
35 Section 10200 or subdivision (c) of Section 10201.

36 (b) The panel shall, on an annual ~~basis,~~ *basis or as needed in*
37 *response to a proclamation of a state of emergency issued by the*
38 *Governor under the California Emergency Services Act (Chapter*
39 *7 (commencing with Section 8550) of Division 1 of Title 2 of the*
40 *Government Code), identify industries and occupations that shall*

1 be priorities for funding under this section. Training shall be
2 ~~targeted~~ *targeted, but not limited*, to frontline workers who earn
3 at least the state average hourly wage.

4 (c) The panel may waive the minimum wage provisions pursuant
5 to subdivision (f) of Section 10201 for projects in regions of the
6 state where the unemployment rate is significantly higher than the
7 ~~state average~~; *average or regions identified in a proclamation of*
8 *a state of emergency issued by the Governor under the California*
9 *Emergency Services Act (Chapter 7 (commencing with Section*
10 *8550) of Division 1 of Title 2 of the Government Code), and also*
11 may waive the employment retentions provisions specified in
12 subdivision (f) of Section 10209 and instead require that the trainee
13 has been retained in employment for a minimum of 90 days out
14 of 120 consecutive days after the end of training with no more
15 than three employers.

16 (d) (1) The panel may allocate funds pursuant to subdivision
17 (a) to increase the productivity and extended employment retention
18 of workers in the state's major seasonal industries.

19 (2) In funding special employment training projects for this
20 purpose, the panel may do all of the following:

21 (A) When the amount of the postretention wages of each trainee
22 who has completed training exceeds the amount of wages that the
23 trainee earned before and during training, waive the minimum
24 wage requirements set forth in subdivision (f) of Section 10201.

25 (B) Waive the employment retention requirements set forth in
26 subdivision (f) of Section 10209 and instead require that the trainee
27 be retained in employment for not less than 500 hours within the
28 12-month period following the completion of the training.

29 (C) When the panel finds that the training is necessary to achieve
30 the objectives of vocational training, waive the limitation on
31 job-related basic and literacy skills training set forth in subdivision
32 (a) of Section 10209.

33 (3) For purposes of this section, "major seasonal industries"
34 means eligible employers who satisfy all of the following
35 requirements:

36 (A) Have a workforce comprised of at least 50 percent of
37 workers whose employment period is necessarily cyclical,
38 including, but not limited to, businesses directly involved in the
39 harvesting, packing, or processing of goods or products.

1 (B) Have retained at least 50 percent of the same seasonal
2 employees for at least one season of not less than 500 hours for
3 the preceding 12-month period.

4 (C) Pay wages and provide benefits that exceed industry
5 averages.

6 (e) The panel shall adopt minimum standards for consideration
7 of proposals to be funded pursuant to this section.

8 (f) The panel may select contracts funded under this section
9 based on competitive bidding.

10 (g) It is the intent of the Legislature in providing the authority
11 for these projects that the panel allocate these funds in a manner
12 consistent with the objectives of this chapter as provided in Section
13 10200.

14 *SEC. 8. Section 10214.6 of the Unemployment Insurance Code*
15 *is amended to read:*

16 10214.6. (a) ~~The panel shall establish the Partnership for~~
17 ~~Workforce Recovery Training (PWRT) for the purposes of~~
18 ~~supporting and implementing the workforce development goals~~
19 ~~set forth in the federal American Recovery and Reinvestment Act~~
20 ~~of 2009 (ARRA) (P.L. 111-5). The panel shall develop and publish~~
21 ~~guidelines for implementation of the PWRT, consistent with, and~~
22 ~~including develop and publish guidelines for the purpose of~~
23 ~~supporting and implementing one or more alternative fund~~
24 ~~programs to reimburse the cost of training consistent with the~~
25 ~~purposes of this part, using funds from a source other than the~~
26 ~~employment training tax. The alternative funds may be from any~~
27 ~~federal, state, or local governmental entity, as appropriated in~~
28 ~~statute or other means. The guidelines shall include adequate fiscal~~
29 ~~and accounting controls, as prescribed in subdivision (g) (f) of~~
30 ~~Section 10205.~~

31 ~~(b) The panel may allocate any funds it receives pursuant to the~~
32 ~~federal Workforce Investment Act of 1998 (29 U.S.C. Sec. 2801~~
33 ~~et seq.) and the ARRA to support the activities of the PWRT. Any~~
34 ~~funds received by the panel pursuant to this section shall be~~
35 ~~deposited into a separate account established by the department~~
36 ~~in the State Treasury, and used for the purposes of this section.~~

37 (e)

38 (b) The panel may adopt any regulations necessary to implement
39 this section, but any regulations so adopted are exempt from the

1 requirements of Chapter 3.5 (commencing with Section 11340) of
 2 Part 1 of Division 3 of Title 2 of the Government Code.

3 ~~(d)~~

4 (c) The panel may solicit proposals and enter into contracts or
 5 other agreements to secure funding for the purposes of this section,
 6 but those proposals, contracts, and agreements shall be exempt
 7 from any competitive bidding requirements otherwise prescribed
 8 in statute.

9 *SEC. 9. Section 1052 of the Water Code is amended to read:*

10 1052. (a) The diversion or use of water subject to this division
 11 other than as authorized in this division is a trespass.

12 ~~(b) Civil liability may be administratively imposed by the board
 13 pursuant to Section 1055 for a trespass as defined in this section
 14 in an amount not to exceed five hundred dollars (\$500) for each
 15 day in which the trespass occurs.~~

16 ~~(e)~~

17 (b) The Attorney General, upon request of the board, shall
 18 institute in the superior court in and for any county ~~wherein~~ *where*
 19 the diversion or use is threatened, is occurring, or has occurred
 20 appropriate *an* action for the issuance of injunctive relief as may
 21 be warranted by way of temporary restraining order, preliminary
 22 injunction, or permanent injunction.

23 (c) *Any person or entity committing a trespass as defined in this
 24 section may be liable in an amount not to exceed the following:*

25 (1) *If the unauthorized diversion or use occurs in a critically
 26 dry year immediately preceded by two or more consecutive below
 27 normal, dry, or critically dry years or during a period for which
 28 the Governor has issued a proclamation of a state of emergency
 29 under the California Emergency Services Act (Chapter 7
 30 (commencing with Section 8550) of Division 1 of Title 2 of the
 31 Government Code) based on drought conditions, the sum of the
 32 following:*

33 (A) *One thousand dollars (\$1,000) for each day in which the
 34 trespass occurs.*

35 (B) *Two thousand five hundred dollars (\$2,500) for each
 36 acre-foot of water diverted or used other than as authorized in
 37 this division.*

38 (2) *If the unauthorized diversion or use is not described by
 39 paragraph (1), five hundred dollars (\$500) for each day in which
 40 the unauthorized diversion or use occurs.*

1 (d) Civil liability for a violation of this section may be imposed
2 by the superior court or the board as follows:

3 ~~(d) Any person or entity committing a trespass as defined in~~
4 ~~this section~~

5 (1) ~~The superior court may be liable for a sum not to exceed~~
6 ~~five hundred dollars (\$500) for each day impose civil liability in~~
7 ~~which the trespass occurs. The an action brought by the Attorney~~
8 ~~General, upon request of the board, shall petition the superior court~~
9 ~~to impose, assess, and recover any sums pursuant to this~~
10 ~~subdivision. subdivision (c).~~ In determining the appropriate amount,
11 the court shall take into consideration all relevant circumstances,
12 including, but not limited to, the extent of harm caused by the
13 violation, the nature and persistence of the violation, the length of
14 time over which the violation occurs, and the corrective action, if
15 any, taken by the violator.

16 (2) ~~The board may impose civil liability in accordance with~~
17 ~~Section 1055.~~

18 (e) All funds recovered pursuant to this section shall be
19 deposited in the Water Rights Fund established pursuant to Section
20 1550.

21 (f) The remedies prescribed in this section are cumulative and
22 not alternative.

23 *SEC. 10. Section 1058.5 of the Water Code is amended to read:*

24 1058.5. (a) This section applies to any emergency regulation
25 adopted by the board for which the board makes both of the
26 following findings:

27 (1) The emergency regulation is adopted to prevent the waste,
28 unreasonable use, unreasonable method of use, or unreasonable
29 method of diversion, of water, to promote wastewater reclamation,
30 water recycling or water conservation, to ~~promote~~ require
31 curtailment of diversions when water conservation is not available
32 under the diverter's priority of right, or in furtherance of any of
33 the foregoing, to require reporting of diversion or use or the
34 preparation of monitoring or technical reports.

35 (2) The emergency regulation is adopted in response to
36 conditions which exist, or are threatened, in a critically dry year
37 immediately preceded by two or more consecutive ~~dry below~~
38 ~~normal, dry, or critically dry years. years or during a period for~~
39 ~~which the Governor has issued a proclamation of a state of~~
40 ~~emergency under the California Emergency Services Act (Chapter~~

1 7 (commencing with Section 8550) of Division 1 of Title 2 of the
2 Government Code) based on drought conditions.

3 (b) Notwithstanding Sections 11346.1 and 11349.6 of the
4 Government Code, any findings of emergency adopted by the
5 board, in connection with the adoption of an emergency regulation
6 ~~to which under this section applies,~~ section, are not subject to
7 review by the Office of Administrative Law.

8 ~~Any~~ An emergency regulation adopted by the board ~~to which~~
9 ~~under this section applies~~ may remain in effect for up to 270 days,
10 as determined by the board, and is deemed repealed immediately
11 upon a finding by the board that due to changed conditions it is
12 no longer necessary for the regulation to remain in effect. *An*
13 *emergency regulation adopted by the board under this section may*
14 *be renewed if the board determines that the conditions specified*
15 *in paragraph (2) of subdivision (a) are still in effect.*

16 (d) *In addition to any other applicable civil or criminal*
17 *penalties, any person or entity who violates a regulation adopted*
18 *by the board pursuant to this section is guilty of an infraction*
19 *punishable by a fine of up to five hundred dollars (\$500) for each*
20 *day in which the violation occurs.*

21 *SEC. 11. Section 1551 of the Water Code is amended to read:*

22 1551. All of the following shall be deposited in the Water
23 Rights Fund:

24 (a) All fees, expenses, and penalties collected by the board or
25 the State Board of Equalization under this chapter and Part 3
26 (commencing with Section 2000).

27 (b) All funds collected under Section 1052, ~~1845~~, *Article 4*
28 *(commencing with Section 1845) of Chapter 12*, or Section 5107.

29 (c) All fees collected under Section 13160.1 in connection with
30 certificates for activities involving hydroelectric power projects
31 subject to licensing by the Federal Energy Regulatory Commission.

32 *SEC. 12. Section 1831 of the Water Code is amended to read:*

33 1831. (a) When the board determines that any person is
34 violating, or threatening to violate, any requirement described in
35 subdivision (d), the board may issue an order to that person to
36 cease and desist from that violation.

37 (b) The cease and desist order shall require that person to comply
38 forthwith or in accordance with a time schedule set by the board.

39 (c) The board may issue a cease and desist order only after
40 notice and an opportunity for hearing pursuant to Section 1834.

1 (d) The board may issue a cease and desist order in response to
2 a violation or threatened violation of any of the following:

3 (1) The prohibition set forth in Section 1052 against the
4 unauthorized diversion or use of water subject to this division.

5 (2) Any term or condition of a permit, license, certification, or
6 registration issued under this division.

7 (3) Any decision or order of the board issued under this part,
8 Section 275, or Article 7 (commencing with Section 13550) of
9 Chapter 7 of Division 7, in which decision or order the person to
10 whom the cease and desist order will be issued, or a predecessor
11 in interest to that person, was named as a party directly affected
12 by the decision or order.

13 (4) *A regulation adopted under Section 1058.5.*

14 (e) This article ~~shall~~ *does* not authorize the board to regulate in
15 any manner, the diversion or use of water not otherwise subject to
16 regulation of the board under this ~~part~~ *division or Section 275.*

17 *SEC. 13. Section 1845 of the Water Code is amended to read:*

18 1845. (a) Upon the failure of any person to comply with a
19 cease and desist order issued by the board pursuant to this chapter,
20 the Attorney General, upon the request of the board, shall petition
21 the superior court for the issuance of prohibitory or mandatory
22 injunctive relief as appropriate, including a temporary restraining
23 order, preliminary injunction, or permanent injunction.

24 (b) (1) ~~Any~~ *A* person or entity who violates a cease and desist
25 order issued pursuant to this chapter may be liable for a sum in an
26 amount not to exceed ~~one thousand dollars (\$1,000) for each day~~
27 ~~in which the violation occurs.~~ *following:*

28 (A) *If the violation occurs in a critically dry year immediately*
29 *preceded by two or more consecutive below normal, dry, or*
30 *critically dry years or during a period for which the Governor has*
31 *issued a proclamation of a state of emergency under the California*
32 *Emergency Services Act (Chapter 7 (commencing with Section*
33 *8550) of Division 1 of Title 2 of the Government Code) based on*
34 *drought conditions, ten thousand dollars (\$10,000) for each day*
35 *in which the violation occurs.*

36 (B) *If the violation is not described by subparagraph (A), one*
37 *thousand dollars (\$1,000) for each day in which the violation*
38 *occurs.*

1 (2) Civil liability may be imposed by the superior court. The
2 Attorney General, upon the request of the board, shall petition the
3 superior court to impose, assess, and recover those sums.

4 (3) Civil liability may be imposed administratively by the board
5 pursuant to Section 1055.

6 (c) In determining the appropriate amount, the court, or the
7 board, as the case may be, shall take into consideration all relevant
8 circumstances, including, but not limited to, the extent of harm
9 caused by the violation, the nature and persistence of the violation,
10 the length of time over which the violation occurs, and the
11 corrective action, if any, taken by the violator.

12 (d) All funds recovered pursuant to this section shall be
13 deposited in the Water Rights Fund established pursuant to Section
14 1550.

15 *SEC. 14. Section 1846 is added to the Water Code, to read:*

16 *1846. (a) A person or entity may be liable for a violation of*
17 *any of the following in an amount not to exceed five hundred*
18 *dollars (\$500) for each day in which the violation occurs:*

19 *(1) A term or condition of a permit, license, certificate, or*
20 *registration issued under this division.*

21 *(2) An order or regulation adopted by the board under Section*
22 *275, Section 1058.5, or the public trust doctrine.*

23 *(b) Civil liability may be imposed by the superior court. The*
24 *Attorney General, upon the request of the board, shall petition the*
25 *superior court to impose, assess, and recover those sums.*

26 *(c) Civil liability may be imposed administratively by the board*
27 *pursuant to Section 1055.*

28 *(d) In determining the appropriate amount of civil liability, the*
29 *court, pursuant to subdivision (b), or the board, pursuant to*
30 *subdivision (c), may take into consideration all relevant*
31 *circumstances, including, but not limited to, the extent of harm*
32 *caused by the violation, the nature and persistence of the violation,*
33 *the length of time over which the violation occurs, and the*
34 *corrective action, if any, taken by the violator.*

35 *(e) No liability shall be recoverable under this section for any*
36 *violation for which liability is recovered under Section 1052.*

37 *(f) All funds recovered pursuant to this section shall be deposited*
38 *in the Water Rights Fund established pursuant to Section 1550.*

39 *(g) This section applies only in a critically dry year immediately*
40 *preceded by two or more consecutive below normal, dry, or*

1 *critically dry years or during a period for which the Governor has*
2 *issued a proclamation of a state of emergency under the California*
3 *Emergency Services Act (Chapter 7 (commencing with Section*
4 *8550) of Division 1 of Title 2 of the Government Code) based on*
5 *drought conditions.*

6 *SEC. 15. Section 13562.5 is added to the Water Code, to read:*

7 *13562.5. Notwithstanding any other law, no later than June*
8 *30, 2014, the department shall adopt, by emergency regulations*
9 *in accordance with Chapter 3.5 (commencing with Section 11340)*
10 *of Part 1 of Division 3 of Title 2 of the Government Code,*
11 *requirements for groundwater replenishment using recycled water.*
12 *The adoption of these regulations is an emergency and shall be*
13 *considered by the Office of Administrative Law as necessary for*
14 *the immediate preservation of the public peace, health, safety, and*
15 *general welfare. Notwithstanding Chapter 3.5 (commencing with*
16 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
17 *Code, emergency regulations adopted by the department pursuant*
18 *to this section shall not be subject to review by the Office of*
19 *Administrative Law and shall remain in effect until revised by the*
20 *department.*

21 *SEC. 16. Water conservation and drought response projects*
22 *funded by the provisions of this act, or the act described in Section*
23 *19, shall, to the extent feasible and appropriate, use the services*
24 *of the California Conservation Corps or certified community*
25 *conservation corps, as defined in Section 14507.5 of the Public*
26 *Resources Code.*

27 *SEC. 17. No reimbursement is required by this act pursuant*
28 *to Section 6 of Article XIII B of the California Constitution because*
29 *the only costs that may be incurred by a local agency or school*
30 *district will be incurred because this act creates a new crime or*
31 *infraction, eliminates a crime or infraction, or changes the penalty*
32 *for a crime or infraction, within the meaning of Section 17556 of*
33 *the Government Code, or changes the definition of a crime within*
34 *the meaning of Section 6 of Article XIII B of the California*
35 *Constitution.*

36 *SEC. 18. Of the funds made available pursuant to Division 43*
37 *(commencing with Section 75001) of the Public Resources Code,*
38 *the sum of four hundred seventy-two million five hundred thousand*
39 *dollars (\$472,500,000) is hereby appropriated pursuant to Section*
40 *75026 of the Public Resources Code as follows:*

1 (a) Two hundred million dollars (\$200,000,000) shall be
 2 available to the Department of Water Resources for integrated
 3 regional water management grants through an expedited
 4 solicitation round for projects that provide immediate regional
 5 drought preparedness, increase local water supply reliability and
 6 the delivery of safe drinking water, assist water suppliers and
 7 regions to implement conservation programs and measures that
 8 are not locally cost-effective, or reduce water quality conflicts or
 9 ecosystem conflicts created by the drought. The Department of
 10 Water Resources shall consult with the State Department of Public
 11 Health on what emergency drinking water projects may be further
 12 expedited through these funds.

13 (b) Two hundred seventy-two million five hundred thousand
 14 dollars (\$272,500,000), shall be available to the Department of
 15 Water Resources for integrated regional water management grants.
 16 Notwithstanding Section 75100 of the Public Resources Code, the
 17 Department of Water Resources may expend up to twenty-one
 18 million eight hundred thousand dollars (\$21,800,000) of the funds
 19 appropriated pursuant to this paragraph for projects submitted
 20 prior to the enactment of this section.

21 SEC. 19. This act shall become operative only if Assembly Bill
 22 79 or Senate Bill 103 of the 2013–14 Regular Session is enacted
 23 as amending the Budget Act of 2013.

24 SEC. 20. This act is a bill providing for appropriations related
 25 to the Budget Bill within the meaning of subdivision (e) of Section
 26 12 of Article IV of the California Constitution, has been identified
 27 as related to the budget in the Budget Bill, and shall take effect
 28 immediately.

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<p>All matter omitted in this version of the bill appears in the bill as amended in the Senate, June 12, 2013. (JR11)</p>
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