

AMENDED IN ASSEMBLY FEBRUARY 24, 2014

SENATE BILL

No. 104

Introduced by Committee on Budget and Fiscal Review

January 10, 2013

An act relating to the Budget Act of 2013. 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

SB 104, as amended, Committee on Budget and Fiscal Review. ~~Budget Act of 2013. 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.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2013.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ 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*
17 *personnel, or to reimburse the state agencies for expenditures made*
18 *in anticipation of actual applications by local agencies. Allocations*
19 *may also be made for the purpose of making any investigations,*
20 *estimates, and reports that may be necessary to enable local*
21 *agencies to obtain federal aid for disaster relief purposes, regardless*
22 *of whether or not that aid is available for projects that are eligible*
23 *for state allocations pursuant to this chapter. The director may*
24 *make allocations to any state agency or office from those funds,*

1 or other funds available therefor, in the amounts that are necessary
2 to administer this chapter.

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

- 13 (1) *Employee costs related to emergency work activities.*
- 14 (2) *Any permanent repairs to the agency’s own facilities.*

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

17
18 *CHAPTER 3. DROUGHT HOUSING RENTAL SUBSIDIES*

19
20 34085. (a) *The department shall provide housing rental-related*
21 *subsidies for the purposes of disaster relief to persons rendered*
22 *homeless or at risk of becoming homeless due to unemployment,*
23 *underemployment, or other economic hardship resulting from the*
24 *state of emergency proclaimed by the Governor on January 17,*
25 *2014. The housing rental-related subsidies shall provide rental*
26 *assistance to individuals who are unemployed or underemployed*
27 *because agricultural or other businesses are affected by the*
28 *drought conditions and to other persons that have suffered*
29 *economic losses due to the drought conditions.*

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

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

36 34086. *Any rule, policy, or standard of general application*
37 *employed by the department in implementing the provisions of this*
38 *chapter shall not be subject to the requirements of the*
39 *Administrative Procedure Act (Chapter 3.5 (commencing with*

1 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
2 *Code).*

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

5 50661. (a) There is hereby created in the State Treasury the
6 Housing Rehabilitation Loan Fund. All interest or other increments
7 resulting from the investment of moneys in the Housing
8 Rehabilitation Loan Fund shall be deposited in the fund,
9 notwithstanding Section 16305.7 of the Government Code.
10 Notwithstanding Section 13340 of the Government Code, all
11 money in the fund is continuously appropriated to the department
12 for the following purposes:

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

16 (2) For making deferred payment loans as provided in Sections
17 50668.5, 50669, and 50670.

18 (3) For making deferred payment loans pursuant to Sections
19 50662.5 and 50671.

20 (4) Subject to the restrictions of Section 53131, if applicable,
21 for administrative expenses of the department made pursuant to
22 this chapter, Article 3 (commencing with Section 50693) of Chapter
23 7.5, and Chapter 10 (commencing with Section 50775).

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

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

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

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

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

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

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

6 (c) Notwithstanding any other provision of law, any interest or
7 other increment earned by the investment or deposit of moneys
8 appropriated by subdivision (b) of Section 3 of Chapter 2 of the
9 Statutes of the 1987–88 First Extraordinary Session, or Section 7
10 of Chapter 4 of the Statutes of the 1987–88 First Extraordinary
11 Session, shall be deposited in a special account in the Housing
12 Rehabilitation Loan Fund and shall be used exclusively for
13 purposes of Sections 50662.5 and 50671.

14 (d) Notwithstanding any other provision of law, effective with
15 the date of the act adding this subdivision, appropriations
16 authorized by the Budget Act of 1996 for support of the
17 Department of Housing and Community Development from the
18 California Disaster Housing Repair Fund and the California
19 Homeownership Assistance Fund shall instead be authorized for
20 expenditure from the Housing Rehabilitation Loan Fund.

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

23 *50716. (a) Notwithstanding any other law, to respond to the*
24 *state of emergency proclaimed by the Governor on January 17,*
25 *2014, the department shall, directly or through contracts, make*
26 *the Office of Migrant Services centers available for rent by persons*
27 *or families experiencing economic hardships as a result of the*
28 *drought. This may include, but is not limited to, extending the*
29 *period of occupancy prior to or beyond the standard 180-day*
30 *period and redefining persons and families eligible to occupy the*
31 *centers. To the extent feasible, the department shall give preference*
32 *to persons and families that meet existing program criteria.*

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

1 *SEC. 6. Section 10201.5 of the Unemployment Insurance Code*
2 *is amended to read:*

3 10201.5. With respect to funding appropriated in the annual
4 Budget Act to the Employment Development Department for
5 allocation by the Employment Training Panel and identified for
6 training of workers in regions suffering from high unemployment
7 and low job creation, ~~including creation or regions identified in a~~
8 ~~proclamation of a state of emergency issued by the working poor,~~
9 *Governor under the California Emergency Services Act (Chapter*
10 *7 (commencing with Section 8550) of Division 1 of Title 2 of the*
11 *Government Code), the panel, notwithstanding subdivision ~~(g)~~ (f)*
12 *of Section 10201, may waive the minimum wage requirements*
13 *included in that subdivision provided that the post-retention wage*
14 *of each trainee who has completed training and the required*
15 *training period exceeds his or her wage before and during training.*
16 *This determination shall be made on a case-by-case basis to ensure*
17 *that post-training improvements in earnings are sufficient to*
18 *warrant the investment of public funds.*

19 *SEC. 7. Section 10214.5 of the Unemployment Insurance Code*
20 *is amended to read:*

21 10214.5. (a) The panel may allocate up to 15 percent of the
22 annually available training funds for the purpose of funding special
23 employment training projects that improve the skills and
24 employment security of frontline workers, as defined in subdivision
25 (a) of Section 10200. Notwithstanding any other provision of this
26 chapter, participants in these projects are not required to meet the
27 eligibility criteria set forth in paragraph (1) of subdivision (a) of
28 Section 10200 or subdivision (c) of Section 10201.

29 (b) The panel shall, on an annual ~~basis,~~ *basis or as needed in*
30 *response to a proclamation of a state of emergency issued by the*
31 *Governor under the California Emergency Services Act (Chapter*
32 *7 (commencing with Section 8550) of Division 1 of Title 2 of the*
33 *Government Code), identify industries and occupations that shall*
34 *be priorities for funding under this section. Training shall be*
35 ~~targeted~~ *targeted, but not limited,* to frontline workers who earn
36 at least the state average hourly wage.

37 (c) The panel may waive the minimum wage provisions pursuant
38 to subdivision (f) of Section 10201 for projects in regions of the
39 state where the unemployment rate is significantly higher than the
40 ~~state average,~~ *average or regions identified in a proclamation of*

1 *a state of emergency issued by the Governor under the California*
2 *Emergency Services Act (Chapter 7 (commencing with Section*
3 *8550) of Division 1 of Title 2 of the Government Code), and also*
4 may waive the employment retentions provisions specified in
5 subdivision (f) of Section 10209 and instead require that the trainee
6 has been retained in employment for a minimum of 90 days out
7 of 120 consecutive days after the end of training with no more
8 than three employers.

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

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

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

18 (B) Waive the employment retention requirements set forth in
19 subdivision (f) of Section 10209 and instead require that the trainee
20 be retained in employment for not less than 500 hours within the
21 12-month period following the completion of the training.

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

26 (3) For purposes of this section, "major seasonal industries"
27 means eligible employers who satisfy all of the following
28 requirements:

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

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

36 (C) Pay wages and provide benefits that exceed industry
37 averages.

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

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

3 (g) It is the intent of the Legislature in providing the authority
4 for these projects that the panel allocate these funds in a manner
5 consistent with the objectives of this chapter as provided in Section
6 10200.

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

9 10214.6. (a) ~~The panel shall establish the Partnership for~~
10 ~~Workforce Recovery Training (PWRT) for the purposes of~~
11 ~~supporting and implementing the workforce development goals~~
12 ~~set forth in the federal American Recovery and Reinvestment Act~~
13 ~~of 2009 (ARRA) (P.L. 111-5). The panel shall develop and publish~~
14 ~~guidelines for implementation of the PWRT, consistent with, and~~
15 ~~including develop and publish guidelines for the purpose of~~
16 ~~supporting and implementing one or more alternative fund~~
17 ~~programs to reimburse the cost of training consistent with the~~
18 ~~purposes of this part, using funds from a source other than the~~
19 ~~employment training tax. The alternative funds may be from any~~
20 ~~federal, state, or local governmental entity, as appropriated in~~
21 ~~statute or other means. The guidelines shall include adequate fiscal~~
22 ~~and accounting controls, as prescribed in subdivision (g) (f) of~~
23 ~~Section 10205.~~

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

30 ~~(e)~~

31 (b) The panel may adopt any regulations necessary to implement
32 this section, but any regulations so adopted are exempt from the
33 requirements of Chapter 3.5 (commencing with Section 11340) of
34 Part 1 of Division 3 of Title 2 of the Government Code.

35 ~~(d)~~

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

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

2 1052. (a) The diversion or use of water subject to this division
3 other than as authorized in this division is a trespass.

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

8 ~~(e)~~

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

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

17 (1) *If the unauthorized diversion or use occurs in a critically
18 dry year immediately preceded by two or more consecutive below
19 normal, dry, or critically dry years or during a period for which
20 the Governor has issued a proclamation of a state of emergency
21 under the California Emergency Services Act (Chapter 7
22 (commencing with Section 8550) of Division 1 of Title 2 of the
23 Government Code) based on drought conditions, the sum of the
24 following:*

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

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

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

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

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

37 (1) *The superior court may be liable for a sum not to exceed
38 five hundred dollars (\$500) for each day impose civil liability in
39 which the trespass occurs. The an action brought by the Attorney
40 General, upon request of the board, shall petition the superior court*

1 to impose, assess, and recover any sums pursuant to ~~this~~
2 ~~subdivision~~: *subdivision (c)*. In determining the appropriate amount,
3 the court shall take into consideration all relevant circumstances,
4 including, but not limited to, the extent of harm caused by the
5 violation, the nature and persistence of the violation, the length of
6 time over which the violation occurs, and the corrective action, if
7 any, taken by the violator.

8 (2) *The board may impose civil liability in accordance with*
9 *Section 1055.*

10 (e) All funds recovered pursuant to this section shall be
11 deposited in the Water Rights Fund established pursuant to Section
12 1550.

13 (f) The remedies prescribed in this section are cumulative and
14 not alternative.

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

16 1058.5. (a) This section applies to any emergency regulation
17 adopted by the board for which the board makes both of the
18 following findings:

19 (1) The emergency regulation is adopted to prevent the waste,
20 unreasonable use, unreasonable method of use, or unreasonable
21 method of diversion, of water, to promote ~~wastewater reclamation,~~
22 ~~water recycling or water conservation,~~ to ~~promote~~ *require*
23 *curtailment of diversions when water conservation is not available*
24 *under the diverter's priority of right, or in furtherance of any of*
25 *the foregoing, to require reporting of diversion or use or the*
26 *preparation of monitoring or technical reports.*

27 (2) The emergency regulation is adopted in response to
28 conditions which exist, or are threatened, in a critically dry year
29 immediately preceded by two or more consecutive ~~dry below~~
30 ~~normal, dry, or critically dry years.~~ *years or during a period for*
31 *which the Governor has issued a proclamation of a state of*
32 *emergency under the California Emergency Services Act (Chapter*
33 *7 (commencing with Section 8550) of Division 1 of Title 2 of the*
34 *Government Code) based on drought conditions.*

35 (b) Notwithstanding Sections 11346.1 and 11349.6 of the
36 Government Code, any findings of emergency adopted by the
37 board, in connection with the adoption of an emergency regulation
38 ~~to which under this section applies,~~ *section,* are not subject to
39 review by the Office of Administrative Law.

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

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

14 *SEC. 11. Section 1551 of the Water Code is amended to read:*
15 1551. All of the following shall be deposited in the Water
16 Rights Fund:

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

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

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

25 *SEC. 12. Section 1831 of the Water Code is amended to read:*
26 1831. (a) When the board determines that any person is
27 violating, or threatening to violate, any requirement described in
28 subdivision (d), the board may issue an order to that person to
29 cease and desist from that violation.

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

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

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

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

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

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

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

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

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

12 1845. (a) Upon the failure of any person to comply with a
 13 cease and desist order issued by the board pursuant to this chapter,
 14 the Attorney General, upon the request of the board, shall petition
 15 the superior court for the issuance of prohibitory or mandatory
 16 injunctive relief as appropriate, including a temporary restraining
 17 order, preliminary injunction, or permanent injunction.

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

22 (A) *If the violation occurs in a critically dry year immediately*
 23 *preceded by two or more consecutive below normal, dry, or*
 24 *critically dry years or during a period for which the Governor has*
 25 *issued a proclamation of a state of emergency under the California*
 26 *Emergency Services Act (Chapter 7 (commencing with Section*
 27 *8550) of Division 1 of Title 2 of the Government Code) based on*
 28 *drought conditions, ten thousand dollars (\$10,000) for each day*
 29 *in which the violation occurs.*

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

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

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

38 (c) In determining the appropriate amount, the court, or the
 39 board, as the case may be, shall take into consideration all relevant
 40 circumstances, including, but not limited to, the extent of harm

1 caused by the violation, the nature and persistence of the violation,
2 the length of time over which the violation occurs, and the
3 corrective action, if any, taken by the violator.

4 (d) All funds recovered pursuant to this section shall be
5 deposited in the Water Rights Fund established pursuant to Section
6 1550.

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

8 *1846. (a) A person or entity may be liable for a violation of*
9 *any of the following in an amount not to exceed five hundred*
10 *dollars (\$500) for each day in which the violation occurs:*

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

13 *(2) An order or regulation adopted by the board under Section*
14 *275, Section 1058.5, or the public trust doctrine.*

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

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

20 *(d) In determining the appropriate amount of civil liability, the*
21 *court, pursuant to subdivision (b), or the board, pursuant to*
22 *subdivision (c), may take into consideration all relevant*
23 *circumstances, including, but not limited to, the extent of harm*
24 *caused by the violation, the nature and persistence of the violation,*
25 *the length of time over which the violation occurs, and the*
26 *corrective action, if any, taken by the violator.*

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

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

31 *(g) This section applies only in a critically dry year immediately*
32 *preceded by two or more consecutive below normal, dry, or*
33 *critically dry years or during a period for which the Governor has*
34 *issued a proclamation of a state of emergency under the California*
35 *Emergency Services Act (Chapter 7 (commencing with Section*
36 *8550) of Division 1 of Title 2 of the Government Code) based on*
37 *drought conditions.*

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

39 *13562.5. Notwithstanding any other law, no later than June*
40 *30, 2014, the department shall adopt, by emergency regulations*

1 *in accordance with Chapter 3.5 (commencing with Section 11340)*
2 *of Part 1 of Division 3 of Title 2 of the Government Code,*
3 *requirements for groundwater replenishment using recycled water.*
4 *The adoption of these regulations is an emergency and shall be*
5 *considered by the Office of Administrative Law as necessary for*
6 *the immediate preservation of the public peace, health, safety, and*
7 *general welfare. Notwithstanding Chapter 3.5 (commencing with*
8 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
9 *Code, emergency regulations adopted by the department pursuant*
10 *to this section shall not be subject to review by the Office of*
11 *Administrative Law and shall remain in effect until revised by the*
12 *department.*

13 *SEC. 16. Water conservation and drought response projects*
14 *funded by the provisions of this act, or the act described in Section*
15 *19, shall, to the extent feasible and appropriate, use the services*
16 *of the California Conservation Corps or certified community*
17 *conservation corps, as defined in Section 14507.5 of the Public*
18 *Resources Code.*

19 *SEC. 17. No reimbursement is required by this act pursuant*
20 *to Section 6 of Article XIII B of the California Constitution because*
21 *the only costs that may be incurred by a local agency or school*
22 *district will be incurred because this act creates a new crime or*
23 *infraction, eliminates a crime or infraction, or changes the penalty*
24 *for a crime or infraction, within the meaning of Section 17556 of*
25 *the Government Code, or changes the definition of a crime within*
26 *the meaning of Section 6 of Article XIII B of the California*
27 *Constitution.*

28 *SEC. 18. Of the funds made available pursuant to Division 43*
29 *(commencing with Section 75001) of the Public Resources Code,*
30 *the sum of four hundred seventy-two million five hundred thousand*
31 *dollars (\$472,500,000) is hereby appropriated pursuant to Section*
32 *75026 of the Public Resources Code as follows:*

33 *(a) Two hundred million dollars (\$200,000,000) shall be*
34 *available to the Department of Water Resources for integrated*
35 *regional water management grants through an expedited*
36 *solicitation round for projects that provide immediate regional*
37 *drought preparedness, increase local water supply reliability and*
38 *the delivery of safe drinking water, assist water suppliers and*
39 *regions to implement conservation programs and measures that*
40 *are not locally cost-effective, or reduce water quality conflicts or*

1 *ecosystem conflicts created by the drought. The Department of*
2 *Water Resources shall consult with the State Department of Public*
3 *Health on what emergency drinking water projects may be further*
4 *expedited through these funds.*

5 *(b) Two hundred seventy-two million five hundred thousand*
6 *dollars (\$272,500,000), shall be available to the Department of*
7 *Water Resources for integrated regional water management grants.*
8 *Notwithstanding Section 75100 of the Public Resources Code, the*
9 *Department of Water Resources may expend up to twenty-one*
10 *million eight hundred thousand dollars (\$21,800,000) of the funds*
11 *appropriated pursuant to this paragraph for projects submitted*
12 *prior to the enactment of this section.*

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

16 *SEC. 20. This act is a bill providing for appropriations related*
17 *to the Budget Bill within the meaning of subdivision (e) of Section*
18 *12 of Article IV of the California Constitution, has been identified*
19 *as related to the budget in the Budget Bill, and shall take effect*
20 *immediately.*

21 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
22 ~~changes relating to the Budget Act of 2013.~~