

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2515

Introduced by Assembly Member Weber

February 19, 2016

~~An act to amend Section 20200 of the Water Code, relating to water.~~
An act to amend Section 1058.5 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2515, as amended, Weber. ~~Water districts: financial supervision.~~
State Water Resources Control Board: emergency conservation regulations.

Under existing law, emergency regulations of the State Water Resources Control Board are not subject to review by the Office of Administrative Law if the state board adopts findings that the emergency regulations are adopted to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water to promote water recycling or water conservation, and that the emergency regulations are 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 of a state of emergency based on drought conditions. Under existing law, a person who violates an emergency regulation adopted by the state board pursuant to these provisions is guilty of an infraction punishable by a fine of up to \$500 for each day in which the violation occurs.

This bill would require that an emergency conservation regulation to conserve water adopted by the board be applicable on a

county-by-county basis in order to give specific consideration to the facts and circumstances prevailing within each county.

~~Existing law provides for the compensation of members of a board of directors of a water district, as defined.~~

~~This bill would make a technical, nonsubstantive change in the definition of a water district.~~

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

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

1 SECTION 1. Section 1058.5 of the Water Code is amended to
2 read:

3 1058.5. (a) This section applies to any emergency regulation
4 adopted by the board for which the board makes both of the
5 following findings:

6 (1) The emergency regulation is adopted to prevent the waste,
7 unreasonable use, unreasonable method of use, or unreasonable
8 method of diversion, of water, to promote water recycling or water
9 conservation, to require curtailment of diversions when water is
10 not available under the diverter’s priority of right, or in furtherance
11 of any of the foregoing, to require reporting of diversion or use or
12 the preparation of monitoring reports.

13 (2) The emergency regulation is adopted in response to
14 conditions which exist, or are threatened, in a critically dry year
15 immediately preceded by two or more consecutive below normal,
16 dry, or critically dry years or during a period for which the
17 Governor has issued a proclamation of a state of emergency under
18 the California Emergency Services Act (Chapter 7 (commencing
19 with Section 8550) of Division 1 of Title 2 of the Government
20 Code) based on drought conditions.

21 (b) Notwithstanding Sections 11346.1 and 11349.6 of the
22 Government Code, any findings of emergency adopted by the
23 board, in connection with the adoption of an emergency regulation
24 under this section, are not subject to review by the Office of
25 Administrative Law.

26 (c) An emergency regulation adopted by the board under this
27 section may remain in effect for up to 270 days, as determined by
28 the board, and is deemed repealed immediately upon a finding by
29 the board that due to changed conditions it is no longer necessary

1 for the regulation to remain in effect. An emergency regulation
2 adopted by the board under this section may be renewed if the
3 board determines that the conditions specified in paragraph (2) of
4 subdivision (a) are still in effect.

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

10 (e) (1) Notwithstanding subdivision (b) of Section 1551,
11 subdivision (d) of Section 1845, and subdivision (f) of Section
12 1846, a civil liability imposed under Chapter 12 (commencing
13 with Section 1825) of Part 2 of Division 2 by the board or a court
14 for a violation of an emergency conservation regulation adopted
15 pursuant to this section shall be deposited, and separately accounted
16 for, in the Water Rights Fund. Funds deposited in accordance with
17 this subdivision shall be available, upon appropriation, for water
18 conservation activities and programs.

19 (2) *An emergency conservation regulation to conserve water*
20 *adopted by the board shall be applicable on a county-by-county*
21 *basis in order to give specific consideration to the facts and*
22 *circumstances prevailing within each county.*

23 ~~(2)~~

24 (3) For purposes of this subdivision, an “emergency conservation
25 regulation” means an emergency regulation that requires an end
26 user of water, a water retailer, or a water wholesaler to conserve
27 water or report to the board on water conservation. Water
28 conservation includes restrictions or limitations on particular uses
29 of water or a reduction in the amount of water used or served, but
30 does not include curtailment of diversions when water is not
31 available under the diverter’s priority of right or reporting
32 requirements related to curtailments.

33 ~~SECTION 1. Section 20200 of the Water Code is amended to~~
34 ~~read:~~

35 ~~20200. As used in this chapter, “water district” means a district~~
36 ~~or other political subdivision, other than a city or county, a primary~~
37 ~~function of which is the irrigation, reclamation, or drainage of land~~
38 ~~or the diversion, storage, management, or distribution of water~~
39 ~~primarily for domestic, municipal, agricultural, industrial,~~
40 ~~recreation, fish and wildlife enhancement, flood control, or power~~

1 production purposes. “Water districts” include, but are not limited
2 to, irrigation districts, county water districts, California water
3 districts, water storage districts, reclamation districts, county
4 waterworks districts, drainage districts, water replenishment
5 districts, levee districts, municipal water districts, water
6 conservation districts, community services districts, water
7 management districts, flood control districts, flood control and
8 floodwater conservation districts, flood control and water
9 conservation districts, water management agencies, water agencies,
10 and public utility districts formed pursuant to Division 7
11 (commencing with Section 15501) of the Public Utilities Code.