

AMENDED IN SENATE MARCH 28, 2000

**SENATE BILL**

**No. 2095**

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**Introduced by Senator Johnston**

February 25, 2000

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An act to add Section 66474.12 to the Government Code, relating to the Subdivision Map Act.

LEGISLATIVE COUNSEL'S DIGEST

SB 2095, as amended, Johnston. Subdivisions: recycled water.

(1) The Subdivision Map Act provides that a tentative and final map is required for all subdivisions creating 5 or more parcels, 5 or more condominiums, a community apartment project containing 5 or more parcels, or for the conversion of a dwelling to a stock cooperative containing 5 or more dwelling units, except as specified.

This bill would require that the legislative body of a city or county, prior to approving a ~~final~~ tentative map for an industrial, commercial, or residential subdivision for which a tentative map or parcel map is required pursuant to the above provisions, to make a finding regarding the availability of recycled water to the subdivision. If a finding is made that recycled water is available, the bill would require the design of the subdivision to include a separate plumbing system to serve nonpotable uses in accordance with specified regulations and guidelines. By imposing new duties on local legislative bodies, the bill would create a state-mandated local program.

~~(2) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions:~~

~~(2) 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.~~

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

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

1 SECTION 1. Section 66474.12 is added to the  
2 Government Code, to read:  
3 66474.12. (a) The legislative body of a city or county  
4 shall not approve a ~~final~~ tentative map for an industrial,  
5 commercial, or residential subdivision for which a  
6 tentative map or parcel map is required pursuant to  
7 Section 66426 prior to making a finding regarding the  
8 availability of recycled water to the subdivision. The  
9 legislative body of a city or county shall find that recycled  
10 water is available to the property if the subdivision is  
11 within or adjacent to a jurisdiction which provides or has  
12 plans to provide recycled water service and has indicated  
13 an ability and willingness to serve the subdivision.  
14 (b) The design of a subdivision for which the  
15 legislative body of the city or county has made a finding  
16 that recycled water is available shall include a separate  
17 plumbing system to serve nonpotable uses in the common



1 areas of the subdivision, including, but not limited to, golf  
2 courses, ~~parks, greenbelts and landscaped streets,~~  
3 ~~medians, and common areas. The separate plumbing~~  
4 *courses, parks, greenbelts, landscaped streets, and*  
5 *medians. The separate plumbing* system to serve  
6 nonpotable uses shall be independent of the plumbing  
7 system provided to serve domestic, residential, and other  
8 potable water uses in the subdivision and shall be  
9 designed in accordance with Section 7604 of Title 17 of the  
10 California Code of Regulations and the American Water  
11 Works Association's California/Nevada Section  
12 Guidelines for Distribution of Nonpotable Water.

13 ~~SEC. 2. Notwithstanding Section 17610 of the~~  
14 ~~Government Code, if the Commission on State Mandates~~  
15 ~~determines that this act contains costs mandated by the~~  
16 ~~state, reimbursement to local agencies and school~~  
17 ~~districts for those costs shall be made pursuant to Part 7~~  
18 ~~(commencing with Section 17500) of Division 4 of Title~~  
19 ~~2 of the Government Code. If the statewide cost of the~~  
20 ~~claim for reimbursement does not exceed one million~~  
21 ~~dollars (\$1,000,000), reimbursement shall be made from~~  
22 ~~the State Mandates Claims Fund.~~

23 *SEC. 2. No reimbursement is required by this act*  
24 *pursuant to Section 6 of Article XIII B of the California*  
25 *Constitution because a local agency or school district has*  
26 *the authority to levy service charges, fees, or assessments*  
27 *sufficient to pay for the program or level of service*  
28 *mandated by this act, within the meaning of Section 17556*  
29 *of the Government Code.*

