

AMENDED IN ASSEMBLY MAY 24, 2019

AMENDED IN ASSEMBLY APRIL 24, 2019

AMENDED IN ASSEMBLY APRIL 1, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1415

Introduced by Assembly Member Friedman

February 22, 2019

An act to add ~~Section 81023.5 to, and to add~~ Chapter 3.8 (commencing with Section 390) to Division 1 ~~of, of~~ the Water Code, relating to ~~water, and making an appropriation therefor.~~ *water.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1415, as amended, Friedman. Department of Water Resources: reporting requirements: civil penalties.

Existing law establishes in the Natural Resources Agency the Department of Water Resources, which is under the control of the Director of Water Resources. Existing law requires specified plans and reports relating to water management to be provided to the department.

~~Existing law establishes the CalConserve Water Use Efficiency Revolving Fund and makes the moneys in the fund available to the department, upon appropriation by the Legislature, for the purpose of water conservation and water use efficiency projects.~~

This bill would require the department to impose a civil penalty on an entity that fails to file with the department a specified report or plan by the deadline required for that particular report or plan, as provided. The bill would authorize the department to reduce or waive the civil penalty under certain circumstances. The bill would require the department, not later than February 1, 2021, and not later than February

1 each year thereafter, to prepare and submit a report to ~~the Speaker of the Assembly and the President pro Tempore of the Senate~~ *specified legislative committees* listing each entity that, during the preceding calendar year, failed to timely file a report or plan subject to the civil penalties imposed by this bill.

The bill would establish the Department of Water Resources Reporting Penalties Account in the General ~~Fund and Fund~~, would require moneys recovered from the civil penalties imposed by the department to be deposited in the account. ~~The bill would continuously appropriate the moneys in the account to the department account, and would make those moneys available, upon appropriation by the Legislature, for the costs of administering the bill's provisions. The bill would require moneys in the account in excess of the amount required by the department for its administrative costs to be transferred to the Reporting Penalties Subaccount, which this bill would establish in the CalConserve Water Use Efficiency Revolving Fund, and would continuously appropriate moneys in the subaccount to the department for the purpose of water conservation and water use efficiency projects.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: *yes-no*. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. Chapter 3.8 (commencing with Section 390) is
- 2 added to Division 1 of the Water Code, to read:
- 3
- 4 CHAPTER 3.8. CIVIL PENALTIES FOR FAILURE TO REPORT
- 5
- 6 390. (a) This section applies to all of the following reports and
- 7 plans required to be provided to the department:
- 8 (1) A report that summarizes aggregated farm-gate delivery
- 9 data, as described in Section 531.10.
- 10 (2) A water loss audit report, and accompanying information,
- 11 as described in Section 10608.34.
- 12 (3) An urban water management plan or plan update, as
- 13 described in Chapter 3 (commencing with Section 10620) of Part
- 14 2.6 of Division 6.
- 15 (4) A report on the implementation and enforcement of the
- 16 model water efficient landscape ordinance, or a locally modified
- 17 water efficient landscape ordinance that is at least as effective in

1 conserving water, as described in Section 495 of Title 23 of the
2 California Code of Regulations.

3 (b) An entity that fails to file with the department a report or
4 plan described in subdivision (a) by the deadline required for that
5 particular report or plan shall be subject to civil liability as
6 described in subdivision (c).

7 (c) The department shall impose a civil penalty in an amount
8 not to exceed one thousand dollars (\$1,000) for the failure to timely
9 file a report or plan described in subdivision (a). If an entity does
10 not file the report or plan within 60 days after the department has
11 notified the entity of the failure to timely file the report or plan,
12 the department may impose an additional penalty of two hundred
13 fifty dollars (\$250) per day for each day the violation continues
14 after the date on which the department initially notified the entity
15 of the failure to timely file the report or plan.

16 (d) The department may reduce or waive any civil penalty
17 described in this section if any of the following occurs:

18 (1) Within 30 days after the department notifies an entity of the
19 failure to timely file a report or plan described in subdivision (a),
20 the entity provides the department with a written assurance that
21 the required report or plan will be filed within 90 days of the
22 assurance, and the department receives the report or plan within
23 90 days.

24 (2) The department finds that the timely submission of the report
25 or plan was impeded by equipment failure, work stoppage, or
26 natural disaster, and the entity submits a revised schedule for
27 submission that is acceptable to the department.

28 (3) (A) The entity is located in a disadvantaged community and
29 submits a revised schedule for submission that is acceptable to the
30 department.

31 (B) For purposes of this chapter, “disadvantaged community”
32 means a community with an annual median household income that
33 is less than 80 percent of the statewide annual median household
34 income.

35 (e) Not later than February 1, 2021, and not later than February
36 1 each year thereafter, the department shall prepare and submit a
37 report to the ~~Speaker of the Assembly and the President pro~~
38 ~~Tempore of the Senate Committee on Natural Resources and Water~~
39 *and the Assembly Committee on Water, Parks, and Wildlife* listing

1 each entity that, during the preceding calendar year, failed to timely
2 file a report or plan described in subdivision (a).

3 391. ~~(a) Moneys recovered pursuant to this chapter shall be~~
4 ~~deposited in the Department of Water Resources Reporting~~
5 ~~Penalties Account, which is hereby established in the General~~
6 ~~Fund. Notwithstanding Section 13340 of the Government Code,~~
7 ~~moneys in the account are continuously appropriated~~ *Moneys in*
8 *the account shall be available, upon appropriation by the*
9 *Legislature, to the department for the costs of administering this*
10 *chapter.*

11 ~~(b) Moneys in the Department of Water Resources Reporting~~
12 ~~Penalties Account in excess of the amount required by the~~
13 ~~department for the costs of administering this chapter shall be~~
14 ~~transferred to the Reporting Penalties Subaccount in the~~
15 ~~CalConserve Water Use Efficiency Revolving Fund, as described~~
16 ~~in Section 81023.5.~~

17 SEC. 2. Section 81023.5 is added to the Water Code, to read:

18 81023.5. ~~The Reporting Penalties Subaccount is hereby~~
19 ~~established in the CalConserve Water Use Efficiency Revolving~~
20 ~~Fund. Notwithstanding Section 13340 of the Government Code,~~
21 ~~moneys in the subaccount are continuously appropriated to the~~
22 ~~department for expenditure in accordance with this division.~~