

Senate Bill No. 263

Passed the Senate September 9, 2011

Secretary of the Senate

Passed the Assembly September 8, 2011

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 13752 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 263, Pavley. Wells: reports: public availability.

(1) Existing law requires a person who digs, bores, or drills a water well, cathodic protection well, or a monitoring well, or abandons or destroys a well, or deepens or reperfors a well, to file a report of completion with the Department of Water Resources. Existing law prohibits those reports from being made available to the public, except to governmental agencies for use in making studies, to any person who obtains a written authorization from the owner of the well, and to a person performing an environmental cleanup study under certain circumstances.

This bill would remove the exception for persons performing an environmental cleanup study, and would additionally authorize the department to make the reports available to academics affiliated with institutions of postsecondary education for specified purposes and to geologists, geophysicists, hydrologists, civil engineers, and persons possessing a specified well contractor's license. The bill would require the department to provide a specified disclaimer when providing the reports to the public. The bill would require the department to require a person seeking a report to identify the intended use of the report. The bill would prohibit specified persons receiving the report pursuant to these provisions from disclosing the exact location of a well in the report; providing the report to other persons or entities not involved in the conduct of a study; and utilizing the report, or information or data in the report, for the sale, resale, solicitation, or advertisement for sales or services. The bill would provide that knowingly violating this prohibition would be a misdemeanor that would be punishable, upon conviction, by a fine, by imprisonment in the county jail, or by both, as specified.

By creating a new crime, this bill would establish 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.

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

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

SECTION 1. Section 13752 of the Water Code is amended to read:

13752. (a) A report made in accordance with paragraph (1) of subdivision (b) of Section 13751 shall not be made available for inspection by the public. However, a report shall be made available to the following:

- (1) Governmental agencies for use in making studies.
 - (2) Academics affiliated with an institution of postsecondary education for the purpose of scientific or public research.
 - (3) A geologist or geophysicist licensed and registered pursuant to Chapter 12.5 (commencing with Section 7800) of Division 3 of the Business and Professions Code.
 - (4) A professional hydrologist registered with the American Institute of Hydrology.
 - (5) A civil engineer licensed and registered pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code.
 - (6) A person who possesses a California C-57 Water Well Contractor's License.
 - (7) Any person who obtains a written authorization from the owner of the well.
- (b) When providing a report pursuant to subdivision (a), the department shall also provide a statement that includes all of the following:
- (1) The information provided in a report varies in accuracy, scale, origin, and completeness.
 - (2) The information is provided without warranty of the suitability of the information for any particular purpose.
 - (3) Use of the information in the report may require professional interpretation or judgment.

(4) Any use of the information provided in a report is at the user's own risk.

(c) The department shall require a person seeking a report pursuant to subdivision (a) to identify the intended use of the report.

(d) A person who receives a report pursuant to subdivision (a), and any person involved in the conduct of a study who receives the report, shall not do any of the following:

(1) Disclose the exact location of any well in the report.

(2) Provide the report to other persons or entities that are not involved in the conduct of the study.

(3) Utilize the report, or information or data in the report, for sale, resale, solicitation, or advertisement for sales or services.

(e) Any person who knowingly violates subdivision (d) is guilty of a misdemeanor and, upon conviction, may be punished by a fine of not more than twenty-five thousand dollars (\$25,000) for each day of the violation, by imprisonment in the county jail for not more than one year, or by both the fine and imprisonment.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2011

Governor