

AMENDED IN ASSEMBLY APRIL 4, 2016
AMENDED IN ASSEMBLY MARCH 29, 2016
AMENDED IN ASSEMBLY MARCH 28, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2470

Introduced by Assembly Member Gonzalez
(Principal coauthor: Senator Anderson)
(Coauthors: Assembly Members Atkins, Jones, Maienschein, and Waldron)
(Coauthors: Senators Block and Hueso)

February 19, 2016

An act to add Section 71611.5 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2470, as amended, Gonzalez. Municipal water districts: water service: Indian tribes.

Existing law, the Municipal Water District Law of 1911, provides for the formation of municipal water districts and grants to those districts specified powers. Existing law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. Existing law authorizes a district to sell water under its control, without preference, to cities, other public corporations and agencies, and persons, within the district for use within the district. Existing law authorizes a district to sell or otherwise dispose of water above that required by consumers within the district to any persons, public corporations or agencies, or other consumers.

This bill, upon the request of an Indian tribe, would ~~authorize~~ *require* a district to provide ~~permanent or temporary~~ service of water to Indian lands, as prescribed. This bill would exempt the provision of water pursuant to these provisions from the California Environmental Quality Act. *at the same terms available to the current customers of the district to an Indian tribe’s lands that are not within a district, as prescribed, if the Indian tribe’s lands meet certain requirements. By imposing new duties on a municipal water district, this bill would create a state-mandated local program.*

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: ~~no~~-yes.
 State-mandated local program: ~~no~~-yes.

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

- 1 SECTION 1. Section 71611.5 is added to the Water Code, to
- 2 read:
- 3 71611.5. ~~(a)~~ *Notwithstanding any other law, upon the request*
- 4 *of an Indian tribe, a district ~~may shall~~ provide ~~permanent or~~*
- 5 *temporary service of water at the same terms available to the*
- 6 *current customers of the district to an Indian tribe’s lands that are*
- 7 *not within a ~~municipal water district but are contiguous with at~~*
- 8 *least two municipal water districts and lie within the special study*
- 9 *area of at least one municipal water district, if at least 75 percent*
- 10 *of the Indian tribe’s total Indian lands are currently within the*
- 11 *boundaries of one or more municipal water districts. ~~district as if~~*
- 12 *the lands had been fully annexed within the district and any other*
- 13 *special districts required for the provision of water service if the*
- 14 *Indian tribe’s lands meet all of the following requirements:*
- 15 *(a) The lands were owned by the tribe on January 1, 2016.*
- 16 *(b) The lands are contiguous with at least two districts.*
- 17 *(c) The lands lie within the special study area of at least one*
- 18 *district.*
- 19 *(d) At least 75 percent of the Indian tribe’s total Indian lands*
- 20 *are currently within the boundaries of one or more districts.*

1 ~~(b) Division 13 (commencing with Section 21000) of the Public~~
2 ~~Resources Code does not apply to the provision of water service~~
3 ~~pursuant to this section.~~

4 *SEC. 2. No reimbursement is required by this act pursuant to*
5 *Section 6 of Article XIII B of the California Constitution because*
6 *a local agency or school district has the authority to levy service*
7 *charges, fees, or assessments sufficient to pay for the program or*
8 *level of service mandated by this act, within the meaning of Section*
9 *17556 of the Government Code.*

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