

AMENDED IN SENATE MAY 18, 2000
AMENDED IN SENATE MAY 15, 2000
AMENDED IN SENATE MAY 3, 2000
AMENDED IN SENATE APRIL 13, 2000
AMENDED IN SENATE APRIL 5, 2000
AMENDED IN SENATE MARCH 28, 2000

SENATE BILL

No. 1939

**Introduced by Senators Alarcon, Hughes, *Murray*, Polanco,
and Solis**

February 24, 2000

An act to amend Section 385 of the Public Utilities Code, and to amend Section 21100 of, *and to add Section 21100.7 to*, the Water Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1939, as amended, Alarcon. Public utilities: electric power: irrigation districts.

(1) Existing law requires each local publicly owned utility to establish a nonbypassable usage based charge to fund investments in specified public purpose programs, including providing services for low-income electricity customers. The charge is required to be not less than the lowest expenditure of the 3 largest electrical corporations in California based on a percentage of revenue.

This bill would require a specified percentage of charge revenues to be invested in programs servicing low-income

electricity customers. Because a violation of this provision would be a crime, this bill would impose a state-mandated local program by creating a new crime.

(2) The Irrigation District Law generally requires a member of the board of directors of an irrigation district to be a voter and a freeholder of the district and a resident of the division that the director represents at the time of nomination or appointment and during the director's entire term.

This bill would remove that requirement that a director be a freeholder of the district, and would make a related change. *The bill would also provide that the board of directors of an irrigation district may adopt a resolution that authorizes a resident and nonresident person holding title to real property within the district, or his or her legal representative to vote. The bill would also provide that any eligible voter, as defined, may be a member of the board of directors. The bill would provide that those provisions regarding titleholders are operation as long as the district does not provide certain services for domestic purposes and would require the district to notify the Secretary of State 30 days prior to commencing to provide any of those services.*

(3) 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 385 of the Public Utilities Code
2 is amended to read:

3 385. (a) Each local publicly owned electric utility
4 shall establish a nonbypassable, usage based charge on
5 local distribution service of not less than the lowest
6 expenditure level of the three largest electrical
7 corporations in California on a percent of revenue basis,
8 calculated from each utility's total revenue requirement



1 for the year ended December 31, 1994, and each utility's
2 total annual expenditure under paragraphs (1), (2), and
3 (3) of subdivision (c) of Section 381 and Section 382, to
4 fund investments by the utility and other parties in the
5 low-income programs described in subdivision (b), and
6 in any or all of the following:

7 (1) Cost-effective demand-side management services
8 to promote energy efficiency and energy conservation.

9 (2) New investment in renewable energy resources
10 and technologies consistent with existing statutes and
11 regulations which promote those resources and
12 technologies.

13 (3) Research, development and demonstration
14 programs for the public interest to advance science or
15 technology which is not adequately provided by
16 competitive and regulated markets.

17 (b) Each local publicly owned electric utility shall
18 establish and fund programs servicing low-income
19 electricity customers comparable to those established
20 under Section 382. Those programs shall include, but are
21 not limited to, targeted energy efficiency services,
22 outreach and education, and rate discounts. The
23 percentage of the charge established under subdivision
24 (a) allocated to low-income programs shall be based on
25 an assessment of customer need, with a rate discount of
26 no less than 15 percent offered to those who qualify.
27 Unless a local publicly owned electric utility is providing
28 a rate discount of 15 percent or more for low-income
29 customers on or before January 1, 2001, that local publicly
30 owned electric utility shall conduct a needs assessment on
31 or before December 31, 2001.

32 SEC. 2. Section 21100 of the Water Code is amended
33 to read:

34 21100. Each director, except as otherwise provided in
35 this division, shall be a voter of the district and a resident
36 of the division that he or she represents at the time of his
37 or her nomination or appointment and during his or her
38 entire term, except in the case of a director elected at a
39 formation election, he or she shall be a resident in the
40 proposed district at the time of his or her nomination and

1 a resident of the division that he or she represents during
2 his or her entire term.

3 SEC. 3. *Section 21100.7 is added to the Water Code, to*
4 *read:*

5 *21100.7. (a) Notwithstanding Section 21100 or any*
6 *other provision of law, the board of directors of an*
7 *irrigation district may adopt a resolution that authorizes*
8 *a person holding title to real property within the district,*
9 *or his or her legal representative, to vote, in addition to*
10 *other authorized voters. Holders of title need not be*
11 *residents of the district in order to qualify as voters. Each*
12 *eligible voter shall be entitled to cast only one vote.*

13 *(b) The last equalized county assessment roll is*
14 *conclusive evidence of ownership of the real property.*

15 *(c) Notwithstanding Section 21100, any eligible voter,*
16 *as specified in this section, may be a member of a district's*
17 *board of directors.*

18 *(d) As used in this section, "eligible voter" means a*
19 *person who meets the requirements of Section 20527 or*
20 *a person who is a holder of title to real property within the*
21 *district.*

22 *(e) (1) This section shall be operative as long as the*
23 *district does not provide water, drainage services,*
24 *electricity, flood control services, or sewage disposal*
25 *services for domestic purposes for residents of the district,*
26 *excepting for incidental domestic water provided.*

27 *(2) (A) This section shall become inoperative if the*
28 *district commences to provide any of the services*
29 *described in paragraph (1).*

30 *(B) Each district shall notify the Secretary of State 30*
31 *days prior to commencing to provide any of the services*
32 *described in paragraph (1). The notice required by this*
33 *subparagraph shall state that it is being made pursuant to*
34 *this section.*

35 SEC. 4. No reimbursement is required by this act
36 pursuant to Section 6 of Article XIII B of the California
37 Constitution because the only costs that may be incurred
38 by a local agency or school district will be incurred
39 because this act creates a new crime or infraction,
40 eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section
2 17556 of the Government Code, or changes the definition
3 of a crime within the meaning of Section 6 of Article
4 XIII B of the California Constitution.

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