



STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-
0124
(916) 319-2800
FAX (916) 319-2810

**Assembly
California Legislature
Committee on Rules**

**KEN COOLEY
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GRAYSON, TIMOTHY S.
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QUIRK-SILVA, SHARON
RAMOS, JAMES C.
RIVAS, ROBERT
WICKS, BUFFY

DIEP, TYLER (R-ALT)
LEVINE, MARC (D-ALT)

Monday, July 1, 2019
10 minutes prior to Session
State Capitol, Room 3162

CONSENT AGENDA

BILL REFERRALS

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RESOLUTIONS

- | | | | |
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| 3. | HR-45 (Maienschein) | The 4th of July. | Page 5 |
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REQUESTS TO ADD URGENCY CLAUSE

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| 5. | SB-200 (Monning) | Drinking water. | Page 15 |
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CHIEF ADMINISTRATIVE OFFICER
DEBRA GRAVERT

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BUFFY WICKS

MARC LEVINE (D-ALT.)
TYLER DIEP (R-ALT.)

Memo

To: Rules Committee Members
From: Michael Erke, Bill Referral Consultant
Date: 7/1/19
Re: Consent Bill Referrals

Attached is a list of bill referral recommendations.

REFERRAL OF BILLS TO COMMITTEE

07/01/2019

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.	Committee:
<u>ACR 107</u>	TRANS.
<u>HR 44</u>	JUD.
<u>HR 46</u>	RLS.
<u>HR 47</u>	RLS.
<u>SCR 29</u>	HIGHER ED.
<u>SCR 60</u>	RLS.

RE-REFERRAL OF BILLS

07/01/2019

The Committee on Rules has re-referred the following bills to Committee:

Assembly Bill No.

Committee:

SB 315

REV. & TAX.

House Resolution

No. 45

**Introduced by Assembly Member Maienschein
(Coauthor: Assembly Member Cooley)**

June 18, 2019

House Resolution No. 45—Relative to the 4th of July.

1 WHEREAS, July 4, 2019, marks the 243rd anniversary of the
2 signing of the Declaration of Independence, and by the adoption
3 of that document—formally entitled, “The unanimous Declaration
4 of the thirteen United States of America”—the nation we today
5 know as the United States of America officially came into being,
6 an occasion forever memorialized by President Abraham Lincoln
7 in the words of his Gettysburg Address as when “... our fathers
8 brought forth upon this continent a new nation, conceived in liberty,
9 and dedicated to the proposition that all men are created equal”;
10 and

11 WHEREAS, On June 7, 1776, in Philadelphia, Pennsylvania,
12 at a location today known as Independence Hall, Virginia delegate
13 Richard Henry Lee brought the following resolution before the
14 Second Continental Congress of the United Colonies: “Resolved,
15 That these United Colonies are, and of right ought to be, free and
16 independent states, that they are absolved from all allegiance to
17 the British Crown, and that all political connection between them
18 and the state of Great Britain is, and ought to be, totally dissolved
19”; and

20 WHEREAS, On June 8, 1776, Lee’s resolution was referred to
21 a committee of the whole of the Continental Congress, at which
22 time they spent most of that day, as well as June 10th, debating
23 independence; and

1 WHEREAS, On June 11, 1776, a “Committee of Five”—with
2 Thomas Jefferson of Virginia being picked unanimously as its first
3 member, and also including John Adams of Massachusetts,
4 Benjamin Franklin of Pennsylvania, Robert R. Livingston of New
5 York, and Roger Sherman of Connecticut—was charged with
6 drafting a declaration of independence for consideration by the
7 Continental Congress; and

8 WHEREAS, The members of the “Committee of Five” assigned
9 Jefferson the task of producing a draft declaration, and on June
10 28, 1776, he produced a draft that, with minor changes by the
11 committee members, was forwarded to the Congress for its further
12 consideration; and

13 WHEREAS, On July 2, 1776, the Second Continental Congress
14 adopted the Lee resolution upon the affirmative vote of 12 of the
15 13 colonial delegations, an occasion that delegate and future
16 President John Adams detailed to his wife Abigail in a letter written
17 July 3, 1776, as follows: “Yesterday the greatest Question was
18 decided, which ever was debated in America, and a greater perhaps,
19 never was or will be decided among Men”; and

20 WHEREAS, On July 4, 1776, after further debate and changes
21 to the committee document, the Continental Congress adopted the
22 Declaration of Independence establishing the United States of
23 America, to which John Hancock that day affixed his signature,
24 with 55 other delegates representing the 13 colonies—now states
25 of the newly created nation—signing the declaration within the
26 next several weeks; and

27 WHEREAS, July 4 is a day unlike any other—in the history of
28 the United States of America, and indeed, the world—in that not
29 only is it the day that an infant nation formally defied the most
30 powerful empire on earth in a quest for freedom, liberty, and
31 independence, but even more importantly because on that day this
32 new nation declared as a “self-evident truth”—known and
33 knowable to all persons at all times in all places throughout the
34 world—the radical notion that “all men are created equal ...
35 endowed by their Creator with certain unalienable rights, that
36 among these are life, liberty and the pursuit of happiness”; and

37 WHEREAS, Since its adoption and bold pronouncement more
38 than two centuries ago, the Declaration of Independence and the
39 principles which animate that timeless document have inspired
40 literally billions of persons around the world to pursue freedom in

1 their own nation, for themselves and their own loved ones, and for
2 their fellow men and women, and remain today an imperfectly
3 unrealized goal to which all Americans and all who cherish liberty
4 must rededicate themselves, just as the drafters and signers of the
5 Declaration of Independence did by declaring: “with a firm reliance
6 on the protection of divine Providence, we mutually pledge[d] to
7 each other our Lives, our Fortunes and our sacred Honor”; and

8 WHEREAS, On this and every July 4th, it is both proper and
9 fitting that the institutions of California government, and indeed
10 all Californians, express heartfelt gratitude and indebtedness to
11 those men and women who have served in the Armed Forces of
12 the United States, and in particular to those who have suffered the
13 injuries of battle and who have made the ultimate sacrifice in
14 protecting freedom and liberty around the world, recalling the
15 words of President Abraham Lincoln that, as a result of their
16 profound sacrifice, “... this nation, under God, shall have a new
17 birth of freedom — and that government of the people, by the
18 people, for the people, shall not perish from the earth”; now,
19 therefore, be it

20 *Resolved by the Assembly of the State of California, That the*
21 *Assembly of the State of California does—and intends to every*
22 *year immediately preceding the 4th of July—take this opportunity*
23 *to recognize and celebrate July 4, 2019, and the 243rd anniversary*
24 *of the birth of our great nation and the signing of the Declaration*
25 *of Independence that this day represents; and be it further*

26 *Resolved, That the Assembly of the State of California calls*
27 *upon all the people of the great State of California, and the United*
28 *States of America, to take the opportunity of the 4th of July holiday*
29 *to obtain a greater knowledge and understanding of the facts and*
30 *circumstances that compelled the 13 original colonies to declare*
31 *their independence, and of the timeless principles of liberty,*
32 *equality, and self-determination that rest at the heart of the*
33 *Declaration of Independence; and be it further*

34 *Resolved, That the Assembly of the State of California, on behalf*
35 *of a grateful citizenry, hereby expresses its heartfelt thanks,*
36 *appreciation, and prayers to all who have served—and who*
37 *currently serve—in the Armed Forces of the United States, in*
38 *recognition of the countless sacrifices and the indispensable role*
39 *these brave men and women have played even before the founding*
40 *of our nation on July 4, 1776, in preserving, protecting, and*

- 1 defending the freedoms and liberties of all Americans, and
- 2 expanding freedom throughout the world; and be it further
- 3 *Resolved*, That the Chief Clerk of the Assembly shall make
- 4 available suitable copies of this resolution for distribution by
- 5 Members of the Assembly of the State of California.

O

Date of Hearing: July 1, 2019

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
HR 45 (Maienschein) – As Introduced June 18, 2019

SUBJECT: The 4th of July.

SUMMARY: Recognizes and celebrates the July 4, 2019, and the 243rd anniversary of the birth of our nation and the signing of the Declaration of Independence. Specifically, **this resolution** makes the following legislative findings:

- 1) July 4, 2019, marks the 243rd anniversary of the signing of the Declaration of Independence, and by the adoption of that document formally titled, “The unanimous Declaration of the thirteen United States of America”, the nation we today know as the United States of America officially came into being. This occasion was memorialized by President Abraham Lincoln in the words of his Gettysburg Address as when “...our fathers brought forth upon this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.”
- 2) On June 7, 1776, Richard Henry Lee brought forth a resolution, which resolved that the colonies should be “free and independent states...and that all political connection between them and the state of Great Britain, is, and ought to be, totally dissolved....” After several days of debate, a "Committee of Five", which included Thomas Jefferson of Virginia, John Adams of Massachusetts, Benjamin Franklin of Pennsylvania, Robert R. Livingston of New York, and Roger Sherman of Connecticut, was charged with drafting a declaration of independence for consideration by the Continental Congress.
- 3) On July 4, 1776, after further debate and changes to the committee document, the Continental Congress adopted the Declaration of Independence establishing the United States of America; and, John Hancock that day affixed his signature, with 55 other delegates representing the 13 colonies – now states of the newly created nation – signing the declaration within the next several weeks.
- 4) Since its adoption and bold pronouncement more than two centuries ago, the Declaration of Independence has inspired persons around the world to pursue freedom in their own nation, for themselves and their loved ones. Americans must rededicate themselves just as the drafters and signers of the Declaration of Independence did more than two centuries ago.
- 5) On this and every July 4th, it is both proper and fitting that the institutions of California government, and all Californians express gratitude and indebtedness to those who have served in the Armed Forces of the United States, and in particular, to those who have suffered the injuries of battle and who have made the ultimate sacrifice in protecting freedom and liberty around the world.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

Introduced by Senator Pan

April 4, 2019

Senate Concurrent Resolution No. 36—Relative to Cystic Fibrosis Awareness Month.

LEGISLATIVE COUNSEL’S DIGEST

SCR 36, as introduced, Pan. Cystic Fibrosis Awareness Month.

This measure would proclaim the month of May 2019 as Cystic Fibrosis Awareness Month.

Fiscal committee: no.

- 1 WHEREAS, Cystic fibrosis, a chronic and progressive systemic
2 disease, is the most common fatal genetic disease in the United
3 States, and one for which there is no known cure; and
4 WHEREAS, Approximately 30,000 children and adults in the
5 United States have cystic fibrosis and more than 1,000 new cases
6 are diagnosed each year, predominantly through newborn
7 screening; and
8 WHEREAS, One of every 3,500 babies born in the United States
9 is born with cystic fibrosis; and
10 WHEREAS, Due to progress in understanding the disease and
11 new therapeutic advances, the average life expectancy of
12 individuals recently diagnosed with cystic fibrosis is in the early
13 40s; and
14 WHEREAS, Despite advances in disease understanding and
15 new therapies, the median age of death for those with cystic fibrosis
16 is 30 years of age; and
17 WHEREAS, The federal Centers for Disease Control and
18 Prevention estimates that more than 12 million Americans are

1 unknowing, symptomless carriers of the cystic fibrosis gene and
2 have high odds of passing the gene to their children; and

3 WHEREAS, Prompt, aggressive treatment of the symptoms of
4 cystic fibrosis can extend the lives of people who have the disease;
5 and

6 WHEREAS, Recent advances in cystic fibrosis research have
7 produced promising leads in gene, protein, and drug therapies
8 beneficial to people who have the disease; and

9 WHEREAS, Cystic fibrosis research continues for potential
10 therapies, and a nationwide network of care centers exists to
11 improve the length and quality of life for individuals with cystic
12 fibrosis, yet lives continue to be lost to this disease; and

13 WHEREAS, Cystic Fibrosis Research, Incorporated (CFRI)
14 was formed in 1975 with a mission to fund research, provide
15 education and personal support, and spread awareness of cystic
16 fibrosis; and

17 WHEREAS, CFRI provides funding for innovative cystic
18 fibrosis research at medical and academic centers nationwide to
19 expand understanding of the disease process and to seek new
20 therapies and ultimately a cure for this challenging multisystemic
21 disease; and

22 WHEREAS, CFRI seeks to improve the quality of life for people
23 with cystic fibrosis in California and the nation, as well as their
24 family members, by providing psychosocial support programs;
25 and

26 WHEREAS, Education of the public about cystic fibrosis,
27 including the symptoms of the disease, increases knowledge and
28 understanding of cystic fibrosis and promotes early diagnosis.
29 CFRI serves as a vital link to the cystic fibrosis community in
30 providing diverse educational resources; and

31 WHEREAS, Support for those impacted by cystic fibrosis, a
32 rare disease, begins with the raising of public awareness. CFRI
33 works within the cystic fibrosis community on both the state and
34 national level to advocate for continued research, access to quality
35 care, and the development of new therapies to extend and enhance
36 lives; now, therefore, be it

37 *Resolved by the Senate of the State of California, the Assembly*
38 *thereof concurring*, That the Legislature hereby proclaims the
39 month of May 2019 as Cystic Fibrosis Awareness Month; and be
40 it further

1 *Resolved*, That the Legislature honors the goals and ideals of
2 Cystic Fibrosis Awareness Month, so as to promote public
3 awareness and understanding of cystic fibrosis; and be it further

4 *Resolved*, That the Legislature encourages early diagnosis and
5 access to quality care for people with cystic fibrosis to improve
6 the quality of their lives, advocates for increased support for people
7 who have cystic fibrosis and their families, and supports research
8 to find a cure for cystic fibrosis; and be it further

9 *Resolved*, That the Secretary of the Senate transmit copies of
10 this resolution to the author for appropriate distribution.

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Date of Hearing: July 1, 2019

ASSEMBLY COMMITTEE ON RULES
Ken Cooley, Chair
SCR 36 (Pan) – As Introduced April 4, 2019

SENATE VOTE: 38-0

SUBJECT: Cystic Fibrosis Awareness Month.

SUMMARY: Proclaims the month of May 2019 as Cystic Fibrosis Awareness Month. Specifically, **this resolution** makes the following legislative findings:

- 1) Cystic fibrosis, a chronic and progressive systemic disease, is the most common fatal genetic disease in the United States, and one for which there is no known cure.
- 2) Approximately 30,000 children and adults in the United States have cystic fibrosis and more than 1,000 new cases are diagnosed each year, predominantly through newborn screening.
- 3) The federal Centers for Disease Control and Prevention estimates that more than 12 million Americans are unknowing, symptomless carriers of the cystic fibrosis gene and have high odds of passing the gene to their children.
- 4) Due to the progress in understanding the disease and new therapeutic advances, the average life expectancy of individuals recently diagnosed with cystic fibrosis is in the early 40s; and, despite advances in disease understanding and new therapies, the median age of death for those with cystic fibrosis is 30 years of age.
- 5) Prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of people who have the disease; and, recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to people who have the disease.
- 6) Education of the public about cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnosis.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800

AMENDED IN ASSEMBLY JUNE 27, 2019

AMENDED IN SENATE MAY 17, 2019

AMENDED IN SENATE MAY 7, 2019

AMENDED IN SENATE APRIL 29, 2019

AMENDED IN SENATE MARCH 11, 2019

SENATE BILL

No. 200

**Introduced by Senator ~~Monning~~ *Monning* and Assembly Members
Eduardo Garcia and Bloom
(Principal coauthor: ~~Assembly Member Eduardo Garcia~~ coauthors:
Senators Hurtado and Caballero)**

January 31, 2019

~~An act to add Chapter 4.6 (commencing with Section 116765) to Part 12 of Division 104 of the Health and Safety Code, relating to water. An act to add Section 53082.6 to the Government Code, to amend Sections 39719, 100827, 116275, 116385, 116530, 116540, and 116686 of, and to add Chapter 4.6 (commencing with Section 116765) to Part 12 of Division 104 of, the Health and Safety Code, and to add Chapter 7 (commencing with Section 8390) to Division 4.1 of the Public Utilities Code, relating to drinking water, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 200, as amended, Monning. ~~Safe and Affordable Drinking Water Fund. Drinking water.~~

(1) Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that

every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and the long terms. The bill would authorize the state board to provide for the deposit into the fund of certain moneys and would continuously appropriate the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. The bill would require the state board, in consultation with the Department of Finance, to adopt a fund expenditure plan with specified contents and would require, on and after July 1, 2020, expenditures of the fund to be consistent with the plan. The bill would require, by January 1, 2021, the state board, in consultation with local health officers and other relevant stakeholders, to make publicly available, as specified, a map of aquifers that are used or likely to be used as a source of drinking water that are at high risk of containing contaminants that exceed safe drinking water standards. For purposes of the map, the bill would require local health officers and other relevant local agencies to provide all results of, and data associated with, water quality testing performed by certified laboratories to the state board, as specified. By imposing additional duties on local health officers and local agencies, the bill would impose a state-mandated local program.

The act provides for the operation of public water systems and authorizes the state board to contract with, or provide a grant to, an administrator to provide administrative, technical, operational, or managerial services, or any combination of those services, to a designated water system to assist with the provision of an adequate supply of affordable, safe drinking water. The act defines an administrator as a person whom the state board has determined is competent to perform the administrative, technical, operational, or managerial services required, as specified, and authorizes a privately owned public utility to serve as an administrator.

This bill would, among other things, authorize an administrator to additionally provide legal services pursuant to those provisions and to act, where the administrator is authorized to act on behalf of a designated public water system, on behalf of a voluntary participant, as defined. The bill would recast the authorization for a local agency

or a privately owned public utility to serve as an administrator for these purposes.

The act prohibits a person from operating a public water system unless the person first submits an application to the state board and receives a permit to operate the system, as specified. The act authorizes the state board, if the state board determines that it is feasible for the service area of the public water system addressed by the application to be served by one or more currently permitted public water systems, to deny the permit of a proposed new public water system if it determines that it is reasonably foreseeable that the proposed new public water system will be unable to provide affordable, safe drinking water in the reasonably foreseeable future, as prescribed.

This bill would eliminate the requirement that the state board determine that it is reasonably foreseeable that the proposed new public water system will be unable to provide affordable, safe drinking water in the reasonably foreseeable future in order to deny the permit of a proposed new public water system.

The act defines a disadvantaged community for its purposes as an area, as specified, in which the median household income is less than 80% of the statewide average.

This bill would revise that definition to require a median household income of less than 80% of the statewide median household income level.

The act requires a public water system to submit a technical report to the state board as a part of the permit application or when otherwise required by the state board, as specified.

This bill would require a public water system to submit the report in the form and format and at intervals specified by the state board.

(2) Existing law requires a laboratory that performs analyses for regulatory purposes of drinking water, wastewater, hazardous waste, and contaminated soils or sediments to obtain certification or accreditation, as specified. Existing law requires, when a person or entity submits material to the laboratory for testing, the laboratory to report the results of all detected contaminants and pollutants to that person or entity.

This bill would require a laboratory accredited by the State Water Resources Control Board to also report the results of each drinking water analysis to the state board in the form or format and at intervals specified by the state board.

(3) *The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation. Existing law continuously appropriates 35% of the annual proceeds of the fund for transit, affordable housing, and sustainable communities programs and 25% of the annual proceeds of the fund for certain components of a specified high-speed rail project.*

This bill, beginning in the 2020–21 fiscal year, would require 5% of the annual proceeds of the Greenhouse Gas Reduction Fund, up to the sum of \$130,000,000, to be deposited into the Safe and Affordable Drinking Water Fund for the purposes of the Safe and Affordable Drinking Water Fund, subject to specified restrictions. The bill would require the Director of Finance, beginning in the 2023–24 fiscal year and until June 30, 2030, to calculate the sum to be transferred by the Controller from the General Fund to the Safe and Affordable Drinking Water Fund if the annual transfer from the annual proceeds of the Greenhouse Gas Reduction Fund is less than \$130,000,000 to equal a total transfer into the Safe and Affordable Drinking Water Fund of \$130,000,000, as specified.

(4) *The Budget Act of 2019 appropriates \$100,000,000 from the Greenhouse Gas Reduction Fund and \$30,000,000 from the General Fund to the State Water Resources Control Board for support or local assistance to fund grants, loans, contracts, or services to help water systems provide safe and affordable drinking water.*

This bill would require these moneys to be available for the purposes of the Safe and Affordable Drinking Water Fund, subject to specified restrictions.

(5) *This bill would provide that its provisions are severable.*

(6) *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, 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 the statutory provisions noted above.

~~Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.~~

~~This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and the long term. The bill would authorize the board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, and bequests and would provide that moneys in the fund are available, upon appropriation by the Legislature, to the board to fund grants, loans, contracts, or services to assist eligible recipients. The bill would require the board to adopt a fund implementation plan with specified contents and would require expenditures of the fund to be consistent with the plan. The bill would require, by January 1, 2021, the board, in consultation with local health officers and other relevant stakeholders, to make publicly available, as specified, a map of aquifers that are used or likely to be used as a source of drinking water that are at high risk of containing contaminants that exceed safe drinking water standards. For purposes of the map, the bill would require local health officers and other relevant local agencies to provide all results of, and data associated with, water quality testing performed by certified laboratories to the board, as specified. By imposing additional duties on local health officers and local agencies, the bill would impose 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 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 the statutory provisions noted above.~~

~~Vote: majority ²/₃. Appropriation: no-yes. Fiscal committee: yes. State-mandated local program: yes.~~

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

1 SECTION 1. Section 53082.6 is added to the Government Code,
2 to read:

3 53082.6. A local agency may serve as an administrator for the
4 purposes of Section 116686 of the Health and Safety Code.

5 SEC. 2. Section 39719 of the Health and Safety Code is
6 amended to read:

7 39719. (a) The Legislature shall appropriate the annual
8 proceeds of the fund for the purpose of reducing greenhouse gas
9 emissions in this state in accordance with the requirements of
10 Section 39712.

11 (b) To carry out a portion of the requirements of subdivision
12 (a), *the annual proceeds of the fund* are continuously appropriated
13 for the following:

14 (1) Beginning in the 2015–16 fiscal year, and notwithstanding
15 Section 13340 of the Government Code, 35 percent of *the annual*
16 proceeds *of the fund* are continuously appropriated, without regard
17 to fiscal years, for transit, affordable housing, and sustainable
18 communities programs as ~~following~~ follows:

19 (A) Ten percent of the annual proceeds of the fund is hereby
20 continuously appropriated to the Transportation Agency for the
21 Transit and Intercity Rail Capital Program created by Part 2
22 (commencing with Section 75220) of Division 44 of the Public
23 Resources Code.

24 (B) Five percent of the annual proceeds of the fund is hereby
25 continuously appropriated to the Low Carbon Transit Operations
26 Program created by Part 3 (commencing with Section 75230) of
27 Division 44 of the Public Resources Code. ~~Funds~~ *Moneys* shall be
28 allocated by the Controller, according to requirements of the
29 program, and pursuant to the distribution formula in subdivision
30 (b) or (c) of Section 99312 of, and Sections 99313 and 99314 of,
31 the Public Utilities Code.

32 (C) Twenty percent of the annual proceeds of the fund is hereby
33 continuously appropriated to the Strategic Growth Council for the
34 Affordable Housing and Sustainable Communities Program created
35 by Part 1 (commencing with Section 75200) of Division 44 of the
36 Public Resources Code. Of the amount appropriated in this
37 subparagraph, no less than 10 percent of the annual ~~proceeds~~,

1 *proceeds of the fund* shall be expended for affordable housing,
2 consistent with the provisions of that program.

3 (2) Beginning in the 2015–16 fiscal year, notwithstanding
4 Section 13340 of the Government Code, 25 percent of the annual
5 proceeds of the fund is hereby continuously appropriated to the
6 High-Speed Rail Authority for the following components of the
7 initial operating segment and Phase I Blended System as described
8 in the 2012 business plan adopted pursuant to Section 185033 of
9 the Public Utilities Code:

10 (A) Acquisition and construction costs of the project.

11 (B) Environmental review and design costs of the project.

12 (C) Other capital costs of the project.

13 (D) Repayment of any loans made to the authority to fund the
14 project.

15 (3) (A) *Beginning in the 2020–21 fiscal year, and until June*
16 *30, 2030, 5 percent of the annual proceeds of the fund, up to the*
17 *sum of one hundred thirty million dollars (\$130,000,000), is hereby*
18 *annually transferred to the Safe and Affordable Drinking Water*
19 *Fund established pursuant to Section 116766 for the purposes of*
20 *Chapter 4.6 (commencing with Section 116765) of Part 12 of*
21 *Division 104.*

22 (B) *Moneys transferred under this paragraph shall be used for*
23 *the purpose of facilitating the achievement of reductions of*
24 *greenhouse gas emissions in this state in accordance with the*
25 *requirements of Section 39712 or to improve climate change*
26 *adaptation and resiliency of disadvantaged communities or*
27 *low-income households or communities, consistent with Division*
28 *25.5 (commencing with Section 38500). For purposes of the moneys*
29 *transferred under this paragraph, a state agency may also comply*
30 *with the requirements of paragraphs (2) and (3) of subdivision (a)*
31 *of Section 16428.9 of the Government Code by describing how*
32 *each proposed expenditure will improve climate change adaptation*
33 *and resiliency of disadvantaged communities or low-income*
34 *households or communities.*

35 (c) In determining the amount of annual proceeds of the fund
36 for purposes of the calculation in subdivision (b), the funds subject
37 to Section 39719.1 shall not be included.

38 SEC. 3. *Section 100827 of the Health and Safety Code is*
39 *amended to read:*

1 100827. (a) A laboratory accredited by the ~~department~~ *state*
2 *board* shall report, in a timely fashion and in accordance with the
3 request for analysis, the full and complete results of all detected
4 contaminants and pollutants to the person or entity that submitted
5 the material for testing. The ~~department~~ *state board* may adopt
6 regulations to establish reporting requirements for this section.

7 (b) *A laboratory accredited by the state board shall report the*
8 *results of each drinking water analysis the laboratory conducts to*
9 *the state board in the form or format and at intervals specified by*
10 *the state board.*

11 *SEC. 4. Section 116275 of the Health and Safety Code is*
12 *amended to read:*

13 116275. As used in this chapter:

14 (a) “Contaminant” means any physical, chemical, biological,
15 or radiological substance or matter in water.

16 (b) “Department” means the state board.

17 (c) “Primary drinking water standards” means:

18 (1) Maximum levels of contaminants that, in the judgment of
19 the state board, may have an adverse effect on the health of persons.

20 (2) Specific treatment techniques adopted by the state board in
21 lieu of maximum contaminant levels pursuant to subdivision (j)
22 of Section 116365.

23 (3) The monitoring and reporting requirements as specified in
24 regulations adopted by the state board that pertain to maximum
25 contaminant levels.

26 (d) “Secondary drinking water standards” means standards that
27 specify maximum contaminant levels that, in the judgment of the
28 state board, are necessary to protect the public welfare. Secondary
29 drinking water standards may apply to any contaminant in drinking
30 water that may adversely affect the odor or appearance of the water
31 and may cause a substantial number of persons served by the public
32 water system to discontinue its use, or that may otherwise adversely
33 affect the public welfare. Regulations establishing secondary
34 drinking water standards may vary according to geographic and
35 other circumstances and may apply to any contaminant in drinking
36 water that adversely affects the taste, odor, or appearance of the
37 water when the standards are necessary to ensure a supply of pure,
38 wholesome, and potable water.

1 (e) “Human consumption” means the use of water for drinking,
2 bathing or showering, hand washing, oral hygiene, or cooking,
3 including, but not limited to, preparing food and washing dishes.

4 (f) “Maximum contaminant level” means the maximum
5 permissible level of a contaminant in water.

6 (g) “Person” means an individual, corporation, company,
7 association, partnership, limited liability company, municipality,
8 public utility, or other public body or institution.

9 (h) “Public water system” means a system for the provision of
10 water for human consumption through pipes or other constructed
11 conveyances that has 15 or more service connections or regularly
12 serves at least 25 individuals daily at least 60 days out of the year.

13 A public water system includes the following:

14 (1) Any collection, treatment, storage, and distribution facilities
15 under control of the operator of the system that are used primarily
16 in connection with the system.

17 (2) Any collection or pretreatment storage facilities not under
18 the control of the operator that are used primarily in connection
19 with the system.

20 (3) Any water system that treats water on behalf of one or more
21 public water systems for the purpose of rendering it safe for human
22 consumption.

23 (i) “Community water system” means a public water system
24 that serves at least 15 service connections used by yearlong
25 residents or regularly serves at least 25 yearlong residents of the
26 area served by the system.

27 (j) “Noncommunity water system” means a public water system
28 that is not a community water system.

29 (k) “Nontransient noncommunity water system” means a public
30 water system that is not a community water system and that
31 regularly serves at least 25 of the same persons over six months
32 per year.

33 (l) “Local health officer” means a local health officer appointed
34 pursuant to Section 101000 or a local comprehensive health agency
35 designated by the board of supervisors pursuant to Section 101275
36 to carry out the drinking water program.

37 (m) “Significant rise in the bacterial count of water” means a
38 rise in the bacterial count of water that the state board determines,
39 by regulation, represents an immediate danger to the health of
40 water users.

1 (n) “State small water system” means a system for the provision
2 of piped water to the public for human consumption that serves at
3 least five, but not more than 14, service connections and does not
4 regularly serve drinking water to more than an average of 25
5 individuals daily for more than 60 days out of the year.

6 (o) “Transient noncommunity water system” means a
7 noncommunity water system that does not regularly serve at least
8 25 of the same persons over six months per year.

9 (p) “User” means a person using water for domestic purposes.
10 User does not include a person processing, selling, or serving water
11 or operating a public water system.

12 (q) “Waterworks standards” means regulations adopted by the
13 state board entitled “California Waterworks Standards” (Chapter
14 16 (commencing with Section 64551) of Division 4 of Title 22 of
15 the California Code of Regulations).

16 (r) “Local primacy agency” means a local health officer that
17 has applied for and received primacy delegation pursuant to Section
18 116330.

19 (s) “Service connection” means the point of connection between
20 the customer’s piping or constructed conveyance, and the water
21 system’s meter, service pipe, or constructed conveyance. A
22 connection to a system that delivers water by a constructed
23 conveyance other than a pipe shall not be considered a connection
24 in determining if the system is a public water system if any of the
25 following apply:

26 (1) The water is used exclusively for purposes other than
27 residential uses, consisting of drinking, bathing, and cooking, or
28 other similar uses.

29 (2) The state board determines that alternative water to achieve
30 the equivalent level of public health protection provided by the
31 applicable primary drinking water regulation is provided for
32 residential or similar uses for drinking and cooking.

33 (3) The state board determines that the water provided for
34 residential or similar uses for drinking, cooking, and bathing is
35 centrally treated or treated at the point of entry by the provider, a
36 passthrough entity, or the user to achieve the equivalent level of
37 protection provided by the applicable primary drinking water
38 regulations.

(t) “Resident” means a person who physically occupies, whether by ownership, rental, lease, or other means, the same dwelling for at least 60 days of the year.

(u) “Water treatment operator” means a person who has met the requirements for a specific water treatment operator grade pursuant to Section 106875.

(v) “Water distribution operator” means a person who has met the requirements for a specific water distribution operator grade pursuant to Section 106875.

(w) “Water treatment plant” means a group or assemblage of structures, equipment, and processes that treats, blends, or conditions the water supply of a public water system.

(x) “Water distribution system” means any combination of pipes, tanks, pumps, and other physical features that deliver water from the source or water treatment plant to the consumer.

(y) “Public health goal” means a goal established by the Office of Environmental Health Hazard Assessment pursuant to subdivision (c) of Section 116365.

(z) “Small community water system” means a community water system that serves no more than 3,300 service connections or a yearlong population of no more than 10,000 persons.

(aa) “Disadvantaged community” means the entire service area of a community water system, or a community therein, in which the median household income is less than 80 percent of the statewide-average annual median household income level.

(ab) “State board” means the State Water Resources Control Board.

(ac) “Deputy director” means the deputy director appointed by the state board pursuant to subdivision (k) of Section 116271.

SEC. 5. Section 116385 of the Health and Safety Code is amended to read:

116385. Any person operating a public water system shall obtain and provide at that person’s expense an analysis of the water to the ~~department~~, *state board*, in the form, covering those matters, and at intervals as the ~~department~~ *state board* by regulation may prescribe. The analysis shall be performed by a laboratory duly certified by the ~~department~~, *state board*.

SEC. 6. Section 116530 of the Health and Safety Code is amended to read:

1 116530. (a) A public water system shall submit a technical
2 report to the ~~department~~ *state board* as part of the permit
3 application or when otherwise required by the ~~department~~. *state*
4 *board*. This report may include, but not be limited to, detailed
5 plans and specifications, water quality information, ~~and physical~~
6 descriptions of the existing or proposed system, *information related*
7 *to technical, managerial, and financial—assurance information—*
8 *capacity and sustainability, and information related to achieving*
9 *the goals of Section 106.3 of the Water Code, including*
10 *affordability and accessibility.*

11 (b) A public water system shall submit the report in the form
12 and format and at intervals specified by the state board.

13 SEC. 7. Section 116540 of the Health and Safety Code is
14 amended to read:

15 116540. (a) Following completion of the investigation and
16 satisfaction of the requirements of paragraphs (1) and (2), the state
17 board shall issue or deny the permit. The state board may impose
18 permit conditions, requirements for system improvements,
19 technical, financial, or managerial requirements, and time schedules
20 as it deems necessary to ensure a reliable and adequate supply of
21 water at all times that is pure, wholesome, potable, and does not
22 endanger the health of consumers.

23 (1) A public water system that was not in existence on January
24 1, 1998, shall not be granted a permit unless the public water
25 system demonstrates to the state board that the water supplier
26 possesses adequate financial, managerial, and technical capability
27 to ensure the delivery of pure, wholesome, and potable drinking
28 water. This section shall also apply to any change of ownership
29 of a public water system.

30 (2) A permit under this chapter shall not be issued to an
31 association organized under Title 3 (commencing with Section
32 18000) of the Corporations Code. This section shall not apply to
33 unincorporated associations that, as of December 31, 1990, are
34 holders of a permit issued under this chapter.

35 (b) Notwithstanding Section 116330, a local primacy agency
36 shall not issue a permit under this article without the concurrence
37 of the state board.

38 (c) In considering whether to approve a proposed new public
39 water system, the state board shall consider the sustainability of
40 the proposed new public water system and its water supply in the

1 reasonably foreseeable future, in view of global climate change,
2 potential migration of groundwater contamination and other
3 potential treatment needs, and other factors that can significantly
4 erode a system's capacity.

5 (d) If the state board determines that it is feasible for the service
6 area of the public water system addressed by an application under
7 this article to be served by one or more permitted public water
8 systems identified pursuant to paragraph (1) of subdivision (c) of
9 Section 116527, the state board may deny the permit of a proposed
10 new public water system if it determines, based on its assessment
11 of the preliminary technical report submitted pursuant to Section
12 116527, the permit application, and other relevant, substantial
13 evidence submitted, that it is reasonably foreseeable that the
14 proposed new public water system will be unable to provide
15 affordable, safe drinking water in the reasonably foreseeable future.
16 system.

17 (e) An applicant may petition the state board for reconsideration
18 of a decision of action of the deputy director taken pursuant to this
19 section.

20 *SEC. 8. Section 116686 of the Health and Safety Code is*
21 *amended to read:*

22 116686. (a) (1) To provide an adequate supply of affordable,
23 safe drinking water to disadvantaged ~~communities~~ communities,
24 voluntary participants, and public water systems that have
25 demonstrated difficulty in maintaining technical, managerial, and
26 financial capacity and to prevent fraud, waste, and abuse, the state
27 board may do any of the following, if sufficient funding is
28 available:

29 (A) (i) Contract with, or provide a grant to, an administrator to
30 provide administrative, technical, operational, *legal*, or managerial
31 services, or any combination of those services, to a designated
32 water system to assist the designated water system with the
33 provision of an adequate supply of affordable, safe drinking water.
34 water, which may include steps necessary to enable consolidation.

35 (ii) To fulfill the requirements of this section, the state board
36 may contract with more than one administrator, but only one
37 administrator may be assigned to provide services to a given
38 designated water system.

39 (iii) An administrator may provide ~~administrative and~~
40 managerial services to more than one designated water system.

1 (B) Order the designated water system to accept administrative,
2 technical, operational, *legal*, or managerial services, including full
3 management and control of all aspects of the designated water
4 system, from an administrator selected by the state board.

5 (C) Order the designated water system to accept administrative,
6 technical, operational, *legal*, or managerial services from an
7 administrator appointed by the state board for full oversight of
8 construction or development projects related to a consolidation or
9 extension of service, including, but not limited to, accepting loans
10 and grants issued by the state board and entering into contracts on
11 behalf of the designated water system.

12 (2) In performing its duties pursuant to paragraph (1), the state
13 board may use criteria from the ~~policy~~ handbook adopted pursuant
14 to subdivision (g).

15 ~~(b) Before~~ Unless the state board ~~determines~~ *has already held*
16 *a public meeting pursuant to subdivision (b) of Section 116682,*
17 *the state board shall do all of the following to determine* that a
18 public water system or state small water system is a designated
19 water system, ~~the state board shall do all of the following:~~ *system:*

20 (1) Provide the public water system or state small water system
21 with notice and an opportunity to show either of the following:

22 (A) That the public water system or state small water system
23 has not consistently failed to provide an adequate supply of
24 affordable, safe drinking water.

25 (B) That the public water system or state small water system
26 has taken steps to timely address its failure to provide an adequate
27 supply of affordable, safe drinking water.

28 (2) (A) Conduct a public meeting in a location as close as
29 feasible to the affected community.

30 (B) The state board shall make reasonable efforts to provide a
31 30-day notice of the meeting to affected ratepayers, renters, and
32 property owners.

33 (C) Representatives of the public water system or state small
34 water system, affected ratepayers, renters, and property owners
35 shall be provided an opportunity to present oral and written
36 comments at the meeting.

37 (D) The meeting shall provide an opportunity for public
38 comment.

1 (3) Provide an opportunity to submit comments by mail or
2 electronically during the 30-day notice period and for at least one
3 week after the public meeting described in paragraph (2).

4 (4) If the public water system is operated by a local educational
5 agency, obtain the local educational agency's agreement, in writing,
6 to the appointment of an administrator.

7 (c) The state board shall make financial assistance available to
8 an administrator for a designated water system, as appropriate and
9 to the extent that funding is available.

10 (d) The authority granted to an administrator by the state board
11 pursuant to subdivision (a) may include, but shall not be limited
12 to, the authority to do all of the following:

13 (1) Expend available moneys for capital infrastructure
14 improvements that the designated water system needs to provide
15 an adequate supply of affordable, safe drinking water. ~~water or to~~
16 ~~execute a consolidation ordered pursuant to Section 116682.~~

17 (2) Set and collect user water rates and fees, subject to approval
18 by the state board. The state board shall consider affordability
19 when approving water rates and fees. The provisions of this section
20 are subject to all applicable constitutional requirements, including
21 Article XIII D of the California Constitution.

22 (3) Expend available moneys for operation and maintenance
23 costs of the designated water system.

24 (4) *Expend available moneys necessary to achieve consolidation,*
25 *including conducting feasibility or planning studies, or addressing*
26 *outstanding technical or legal issues.*

27 (e) The state board shall work with the administrator of a
28 designated water system and the communities served by that
29 designated water system to develop, within the shortest practicable
30 timeframe, adequate technical, managerial, and financial capacity
31 to deliver an adequate supply of affordable, safe drinking water
32 so that the services of the administrator are no longer necessary.

33 (f) A designated water system shall not be responsible for any
34 costs associated with an administrator that are higher than the costs
35 necessary to maintain the designated water system and provide an
36 adequate supply of affordable, safe drinking water.

37 (g) Before ordering a designated water system to accept
38 administrative, technical, operational, *legal*, or managerial services
39 from an administrator pursuant to subdivision (a), the state board
40 shall develop standards, terms, and procedures in a ~~policy~~

1 handbook adopted consistent with the process provided for in
2 subdivision (a) of Section 116760.43 for all of the following:

3 (1) Ensuring compliance with subdivision (f).

4 (2) Providing opportunity for public comment on selection of
5 an administrator and the services to be provided.

6 (3) Providing public access to budgets, *ownership and* financial
7 information, and other documents and records related to the
8 provision of water service to the designated water system or
9 affected residences and to the management of the designated water
10 system by the administrator.

11 (4) Providing regular public meetings, notifications,
12 opportunities for public comment, and other forms of engagement
13 with customers of the designated water system for significant
14 decisions or actions made on behalf of the designated water system,
15 including, but not limited to, establishing operating budgets,
16 altering water rates, adopting system policies, entering into
17 long-term contracts or financing commitments, and developing
18 system projects or plans.

19 (5) Formal requests to the state board to reverse or modify a
20 decision of an administrator or to request substitution of an
21 administrator.

22 (6) Ensuring an administrator acts in the best interests of the
23 community served.

24 (7) Development and approval of a post-administrator drinking
25 water service plan to ensure compliance with subdivision (e).
26 Development of the plan shall include, but is not limited to, an
27 evaluation of long-term public governance or community
28 ownership options.

29 (h) Administrative and managerial contracts pursuant to this
30 section shall be exempt from Chapter 2 (commencing with Section
31 10290) of Part 2 of Division 2 of the Public Contract Code and
32 may be awarded on a noncompetitive bid basis as necessary to
33 implement the purposes of this section.

34 (i) For purposes of this section, a local government, as defined
35 in Article XIII C of the California Constitution, that sets water
36 rates in accordance with Article XIII D of the California
37 Constitution shall be deemed to be providing affordable water.

38 (j) This section does not apply to a charter city, charter county,
39 or charter city and county.

1 (k) (1) For purposes of this section, an administrator is
2 authorized to act on behalf of an affected residence to the same
3 extent, and in the same manner, as a designated water system with
4 the consent of the affected residence.

5 (2) *For purposes of this section, where an administrator is*
6 *authorized to act on behalf of a designated public water system,*
7 *it may also act on behalf of a voluntary participant.*

8 (l) The Legislature finds and declares that the funding provided
9 to a state small water system, affected residence, public water
10 system, *voluntary participant*, or administrator for purposes of this
11 section serves a public purpose and does not constitute a gift of
12 public funds within the meaning of Section 6 of Article XVI of
13 the California Constitution.

14 (m) For purposes of this section, the following terms have the
15 following meanings:

16 (1) “Administrator” means a person whom the state board has
17 determined is competent to perform the administrative, technical,
18 operational, *legal*, or managerial services required for purposes of
19 this section, pursuant to criteria set forth in the ~~policy~~ handbook
20 adopted pursuant to subdivision (g). Notwithstanding any other
21 law, a privately owned public utility may serve as an administrator
22 for purposes of this section.

23 (2) “Designated water system” means a public water system or
24 state small water system that ~~serves a disadvantaged community,~~
25 ~~as defined in~~ *has been ordered to consolidate pursuant to* Section
26 ~~116681, 116682~~ *or that serves a disadvantaged community,* and
27 that the state board finds consistently fails to provide an adequate
28 supply of affordable, safe drinking water.

29 (3) “Domestic well” *has the same meaning as defined in* Section
30 *116767.*

31 (4) “Voluntary participant” *means the owner of a domestic well*
32 *or state small water system who has agreed to accept financial*
33 *assistance pursuant to Chapter 4.6 (commencing with Section*
34 *116765) for the provision of an adequate and affordable supply*
35 *of safe drinking water.*

36 SEC. 9. *Chapter 4.6 (commencing with Section 116765) is*
37 *added to Part 12 of Division 104 of the Health and Safety Code,*
38 *to read:*

1
2 *CHAPTER 4.6. SAFE AND AFFORDABLE DRINKING WATER*
3

4 *Article 1. Findings and Declarations*
5

6 *116765. The Legislature finds and declares all of the following:*

7 *(a) Every Californian should enjoy the same degree of protection*
8 *from environmental and health hazards. Every community should*
9 *be a healthy environment in which to live, work, play, and learn.*

10 *(b) No single group of people should bear a disproportionate*
11 *share of the negative environmental consequences and adverse*
12 *health impacts arising from industrial, governmental, or*
13 *commercial operations or policies.*

14 *(c) Concentrated environmental contamination in water creates*
15 *cumulative health burdens resulting in communities with higher*
16 *rates of disease such as asthma, heart disease, cancer, neurological*
17 *and reproductive health effects, birth defects, and obesity.*

18 *(d) Despite significant improvements in environmental*
19 *protection over the past several decades, millions of Californians*
20 *continue to live, work, play, and go to school in unhealthy*
21 *environments.*

22 *(e) California was one of the first states in the nation to put*
23 *environmental justice considerations into law and defines*
24 *environmental justice as the fair treatment of people of all races,*
25 *cultures, and incomes with respect to the development, adoption,*
26 *implementation, and enforcement of environmental laws,*
27 *regulations, and policies.*

28 *(f) California law also declares that it is the established policy*
29 *of the state that every human being has the right to safe, clean,*
30 *affordable, and accessible water adequate for human consumption,*
31 *cooking, and sanitary purposes.*

32 *(g) Yet, still more than 1,000,000 Californians do not have*
33 *access to safe drinking water. In communities where the sole water*
34 *supply is contaminated with substances like arsenic, manganese,*
35 *nitrites, or hexavalent chromium, families are often left without*
36 *safe water. The central valley and central coast regions, where*
37 *more than 90% of the communities rely on groundwater as a*
38 *primary source of drinking water, are particularly at risk, but*
39 *other communities around the state are also at risk. More than*

1 250,000 people in the central valley alone lack access to a
2 consistent source of safe, affordable water.

3 (h) The Safe Drinking Water and Toxic Enforcement Act of 1986
4 lists lead, arsenic, and hexavalent chromium as substances that
5 can cause cancer and reproductive toxicity.

6 (i) Established state environmental justice law and policies are
7 only effective insofar as they result in true parity.

8 (j) It is the intent of the Legislature that the State of California
9 bring true environmental justice to our state and begin to address
10 the continuing disproportionate environmental burdens in the state
11 by creating a fund to provide safe drinking water in every
12 California community, for every Californian.

13 (k) Climate change is exacerbating the water impacts on
14 disadvantaged and environmentally burdened communities by
15 reducing surface water flows, accelerating declining groundwater
16 basins, and contributing to increasing concentrations of
17 environmental contamination.

18 (l) Enhancing the long-term sustainability of drinking water
19 systems in disadvantaged and environmentally burdened
20 communities increases those communities' resilience to climate
21 change.

22 (m) Funding for safe and affordable drinking water under this
23 chapter promotes investments in disadvantaged communities,
24 provides important contributions to those communities in adapting
25 to climate change, and is an appropriate expenditure from the
26 Greenhouse Gas Reduction Fund created pursuant to Section
27 16428.8 of the Government Code.

28 (n) It is the intent of the Legislature that the state board, in
29 developing the fund expenditure plan pursuant to Article 4
30 (commencing with Section 116768), strive to ensure all regions of
31 the state receive the same level of consideration for funding
32 pursuant to this chapter, to the extent practicable.

33
34 Article 2. Safe and Affordable Drinking Water Fund
35

36 116766. (a) The Safe and Affordable Drinking Water Fund is
37 hereby established in the State Treasury to help water systems
38 provide an adequate and affordable supply of safe drinking water
39 in both the near and long terms. Notwithstanding Section 13340

1 of the Government Code, all moneys deposited in the fund are
2 continuously appropriated to the board to fund the following:

3 (1) Operation and maintenance costs to help deliver an adequate
4 supply of safe drinking water in both the near and long terms.

5 (2) Consolidating water systems, or extending drinking water
6 services to other public water systems, domestic wells, and state
7 small water systems.

8 (3) The provision of replacement water, as needed, to ensure
9 immediate protection of health and safety as a short-term solution.

10 (4) The provision of services under Section 116686 for purposes
11 of helping the systems become self-sufficient in the long term.

12 (5) The development, implementation, and sustainability of
13 long-term drinking water solutions.

14 (6) Board costs associated with the implementation and
15 administration of programs pursuant to this chapter.

16 (b) Consistent with subdivision (a), the board shall expend
17 moneys in the fund for grants, loans, contracts, or services to assist
18 eligible recipients.

19 (c) (1) Eligible recipients of funding under this chapter are
20 public agencies, nonprofit organizations, public utilities, mutual
21 water companies, federally recognized California Native American
22 tribes, nonfederally recognized Native American tribes on the
23 contact list maintained by the Native American Heritage
24 Commission for the purposes of Chapter 905 of the Statutes of
25 2004, administrators, and groundwater sustainability agencies.

26 (2) To be eligible for funding under this chapter, grants, loans,
27 contracts, or services provided to a public utility that is regulated
28 by the Public Utilities Commission or a mutual water company
29 shall have a clear and definite public purpose and shall benefit
30 the customers of the water system and not the investors.

31 (d) On and after July 1, 2020, an expenditure from the fund
32 shall be consistent with the fund expenditure plan.

33 (e) The board may expend moneys from the fund for reasonable
34 costs associated with the administration of this chapter, not to
35 exceed 5 percent of the annual deposits into the fund.

36 (f) In administering the fund, the board shall make reasonable
37 efforts to ensure that funds are used to secure the long-term
38 sustainability of drinking water service and infrastructure,
39 including, but not limited to, requiring adequate technical,

1 managerial, and financial capacity of eligible applicants as part
2 of funding agreement outcomes.

3 (g) Beginning in the 2023–24 fiscal year, and each fiscal year
4 thereafter until June 30, 2030, if the annual transfer to the fund
5 pursuant to paragraph (3) of subdivision (b) of Section 39719 is
6 less than one hundred thirty million dollars (\$130,000,000), on
7 an annual basis the Director of Finance shall calculate a sum
8 equivalent to the difference, up to one hundred thirty million
9 dollars (\$130,000,000), and the Controller shall transfer that sum
10 from the General Fund to the Safe and Affordable Drinking Water
11 Fund. This subdivision is operative only while a market-based
12 compliance mechanism adopted pursuant to Section 38562 is
13 operative.

14
15 Article 3. Definitions

16
17 116767. For the purposes of this chapter:

18 (a) “Adequate supply” has the same meaning as defined in
19 Section 116681.

20 (b) “Administrator” has the same meaning as defined in Section
21 116686.

22 (c) “Board” means the State Water Resources Control Board.

23 (d) “Community water system” has the same meaning as defined
24 in Section 116275.

25 (e) “Consistently fails” has the same meaning as defined in
26 Section 116681.

27 (f) “Disadvantaged community” has the same meaning as
28 defined in Section 79505.5 of the Water Code.

29 (g) “Domestic well” has the same meaning as defined in Section
30 116681.

31 (h) “Fund” means the Safe and Affordable Drinking Water
32 Fund established pursuant to Section 116766.

33 (i) “Fund expenditure plan” means the fund expenditure plan
34 adopted pursuant to Article 4 (commencing with Section 116768).

35 (j) “Groundwater sustainability agency” has the same meaning
36 as defined in Section 10721 of the Water Code.

37 (k) “Low-income household” means a single household with
38 an income that is less than 200 percent of the federal poverty level,
39 as updated periodically in the Federal Register by the United
40 States Department of Health and Human Services under authority

1 of subsection (2) of Section 9902 of Title 42 of the United States
2 Code.

3 (l) “Mutual water company” means a mutual water company,
4 as defined in Section 14300 of the Corporations Code, that
5 operates a public water system or a state small water system.

6 (m) “Nonprofit organization” means an organization qualified
7 to do business in California and qualified under Section 501(c)(3)
8 of Title 26 of the United States Code.

9 (n) “Public agency” means a state agency or department,
10 special district, joint powers authority, city, county, city and county,
11 or other political subdivision of the state.

12 (o) “Public utility” has the same meaning as defined in Section
13 216 of the Public Utilities Code.

14 (p) “Public water system” has the same meaning as defined in
15 Section 116275.

16 (q) “Replacement water” includes, but is not limited to, bottled
17 water, vended water, point-of-use, or point-of-entry treatment
18 units.

19 (r) “Safe drinking water” has the same meaning as defined in
20 Section 116681.

21 (s) “Service connection” has the same meaning as defined in
22 Section 116275.

23 (t) “State small water system” has the same meaning as defined
24 in Section 116275.

25 (u) “Vended water” has the same meaning as defined in Section
26 111070.

27 28 Article 4. Fund Expenditure Plan

29
30 116768. The purposes of the fund expenditure plan are as
31 follows:

32 (a) To identify public water systems, community water systems,
33 and state small water systems that consistently fail to provide an
34 adequate supply of safe drinking water, including the cause or
35 causes of the failure and appropriate measures to remedy the
36 failure.

37 (b) To determine the amount and type of funding necessary to
38 implement appropriate measures to remedy a failure to provide
39 an adequate supply of safe drinking water.

1 (c) To identify public water systems, community water systems,
2 and state small water systems that are at significant risk of failing
3 to provide an adequate supply of safe drinking water, including
4 the source or sources of the risk and appropriate measures to
5 eliminate the risk.

6 (d) To determine the amount and type of funding necessary to
7 implement appropriate measures to eliminate the risk of failing to
8 provide an adequate supply of safe drinking water.

9 (e) To identify gaps in the provision of safe drinking water, in
10 furtherance of Section 106.3 of the Water Code, and to determine
11 the amount and type of funding necessary to minimize or eliminate
12 those gaps.

13 116768.5. (a) On or before July 1, 2020, the board shall
14 develop and adopt a policy for developing the fund expenditure
15 plan that includes all of the following elements:

16 (1) A requirement that the board consult with an advisory group
17 to aid in meeting the purposes of the fund expenditure plan as
18 established in Section 116768. The advisory group shall include
19 representatives of the following:

20 (A) Public water systems.

21 (B) Technical assistance providers.

22 (C) Local agencies.

23 (D) Nongovernmental organizations.

24 (E) Residents served by community water systems in
25 disadvantaged communities, state small water systems, and
26 domestic wells.

27 (F) The public.

28 (2) Identification of key terms, criteria, and metrics, and their
29 definitions.

30 (3) A description of how proposed remedies will be identified,
31 evaluated, prioritized, and included in the fund expenditure plan.

32 (4) The establishment of a process by which members of a
33 disadvantaged community may petition the board to consider
34 ordering consolidation.

35 (5) A requirement that the board hold at least one public hearing
36 before adopting a fund expenditure plan.

37 (b) The board, in consultation with the Department of Finance,
38 shall annually adopt a fund expenditure plan. The board shall
39 adopt a handbook and may update it at least once every three
40 years.

1 (c) On or before March 1, 2021, and every March 1 thereafter,
2 the board shall provide to the Joint Legislative Budget Committee
3 and the chairpersons of the fiscal committees in each house of the
4 Legislature the most recently adopted fund expenditure plan. The
5 board may submit the fund expenditure plan as required by this
6 subdivision either in the Governor's Budget documents or as a
7 separate report.

8 116769. (a) The fund expenditure plan shall contain the
9 following:

10 (1) A report of expenditures from the fund for the prior fiscal
11 year and planned expenditures for the current fiscal year.

12 (2) A list of systems that consistently fail to provide an adequate
13 supply of safe drinking water. The list shall include, but is not
14 limited to, all of the following:

15 (A) Any public water system that consistently fails to provide
16 an adequate supply of safe drinking water.

17 (B) Any community water system that serves a disadvantaged
18 community that must charge fees that exceed the affordability
19 threshold established by the board in order to supply, treat, and
20 distribute potable water that complies with federal and state
21 drinking water standards.

22 (C) Any state small water system that consistently fails to
23 provide an adequate supply of safe drinking water.

24 (3) A list of public water systems, community water systems,
25 and state small water systems that may be at risk of failing to
26 provide an adequate supply of safe drinking water.

27 (4) An estimate of the number of households that are served by
28 domestic wells or state small water systems in high-risk areas
29 identified pursuant to Article 6 (commencing with Section 116772).
30 The estimate shall identify approximate locations of households,
31 without identifying exact addresses or other personal information,
32 in order to identify potential target areas for outreach and
33 assistance programs.

34 (5) An estimate of the funding needed for the next fiscal year
35 based on the amount available in the fund, anticipated funding
36 needs, other existing funding sources, and other relevant data and
37 information.

38 (6) A list of programs to be funded that assist or will assist
39 households supplied by a domestic well that consistently fails to
40 provide an adequate supply of safe drinking water. This list shall

1 *include the number and approximate location of households served*
2 *by each program without identifying exact addresses or other*
3 *personal information.*

4 *(7) A list of programs to be funded that assist or will assist*
5 *households and schools whose tap water contains contaminants,*
6 *such as lead or secondary contaminants, at levels that exceed*
7 *recommended standards.*

8 *(b) The fund expenditure plan shall be based on data and*
9 *analysis drawn from the drinking water needs assessment funded*
10 *by Chapter 449 of the Statutes of 2018 as that assessment may be*
11 *updated and as information is developed pursuant to Article 6*
12 *(commencing with Section 116772).*

13 *(c) The fund expenditure plan shall prioritize funding for all of*
14 *the following:*

15 *(1) Assisting disadvantaged communities served by a public*
16 *water system, and low-income households served by a state small*
17 *water system or a domestic well.*

18 *(2) The consolidation or extension of service, when feasible,*
19 *and administrative and managerial contracts or grants entered*
20 *into pursuant to Section 116686 where applicable.*

21 *(3) Funding costs other than those related to capital*
22 *construction costs, except for capital construction costs associated*
23 *with consolidation and service extension to reduce the ongoing*
24 *unit cost of service and to increase sustainability of drinking water*
25 *infrastructure and service delivery.*

26 *116770. The fund expenditure plan may include expenditures*
27 *for the following:*

28 *(a) The provision of replacement water, as needed, to ensure*
29 *immediate protection of health and safety as a short-term solution.*

30 *(b) The development, implementation, and sustainability of*
31 *long-term drinking water solutions, including, but not limited to,*
32 *the following:*

33 *(1) (A) Technical assistance, planning, construction, repair,*
34 *and operation and maintenance costs associated with any of the*
35 *following:*

36 *(i) Replacing, blending, or treating contaminated drinking water.*

37 *(ii) Repairing or replacing failing water system equipment,*
38 *pipes, or fixtures.*

1 (iii) Operation and maintenance costs associated with
2 consolidated water systems, extended drinking water services, or
3 reliance on a substituted drinking water source.

4 (B) Technical assistance and planning costs may include, but
5 are not limited to, analyses to identify and efforts to further
6 opportunities to reduce the unit cost of providing drinking water
7 through organizational and operational efficiency improvements,
8 and other options and approaches to reduce costs.

9 (2) Creating and maintaining natural means and green
10 infrastructure solutions that contribute to sustainable drinking
11 water.

12 (3) Consolidating water systems.

13 (4) Extending drinking water services to other public water
14 systems, community water systems, and state small water systems,
15 or domestic wells.

16 (5) Satisfying outstanding long-term debt obligations of public
17 water systems, community water systems, and state small water
18 systems where the board determines that a system's lack of access
19 to capital markets renders this solution the most cost effective for
20 removing a financial barrier to the system's sustainable, long-term
21 provision of drinking water.

22 (c) Identifying and providing outreach to persons who are
23 eligible to receive assistance from the fund.

24 (d) Testing the drinking water quality of domestic wells serving
25 low-income households, prioritizing those in high-risk areas
26 identified pursuant to Article 6 (commencing with Section 116772).

27 (e) Providing services under Section 116686.

28 29 Article 5. Miscellaneous Provisions

30
31 116771. (a) The board may undertake any of the following
32 actions to implement the fund:

33 (1) Provide for the deposit of any of the following moneys into
34 the fund:

35 (A) Federal contributions.

36 (B) Voluntary contributions, gifts, grants, or bequests.

37 (C) Financial participation by a public agency in an activity
38 authorized for funding from the fund.

1 (2) *Enter into agreements for contributions to the fund from the*
2 *federal government, local or state agencies, and private*
3 *corporations or nonprofit organizations.*

4 (3) *Direct portions of the fund to a subset of eligible applicants*
5 *as required or appropriate based on funding source and consistent*
6 *with the annual fund expenditure plan.*

7 (4) *Direct moneys described in subparagraph (B) of paragraph*
8 *(1) towards a specific project, program, or study.*

9 (5) *Take additional action as may be appropriate for adequate*
10 *administration and operation of the fund.*

11 (b) *The board may set appropriate requirements as a condition*
12 *of funding, including, but not limited to, the following:*

13 (1) *A system technical, managerial, or financial capacity audit.*

14 (2) *Improvements to reduce costs and increase efficiencies.*

15 (3) *An evaluation of alternative treatment technologies.*

16 (4) *A consolidation or service extension feasibility study.*

17 (5) *Requirements for a domestic well with nitrate contamination*
18 *where ongoing septic system failure may be causing or contributing*
19 *to contamination of a drinking water source to have conducted an*
20 *investigation and project to address the septic system failure, if*
21 *adequate funding sources are identified and accessible.*

22 (c) *Actions taken to implement, interpret, or make specific this*
23 *chapter, including, but not limited to, the adoption or development*
24 *of any plan, handbook, or map, are not subject to the*
25 *Administrative Procedure Act (Chapter 3.5 (commencing with*
26 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
27 *Code).*

28 116771.5. (a) *This chapter does not expand any obligation of*
29 *the state to provide resources for the provisions of this article or*
30 *to require the expenditure of additional resources beyond the*
31 *amount of moneys deposited in the fund.*

32 (b) *Participation in activities authorized for funding from the*
33 *fund or contributions to the fund by federal, state, or local agencies*
34 *shall be deemed to serve the public purpose of maintaining the*
35 *statewide safe drinking water system, and shall not be construed*
36 *as a gift of public funds within the meaning of Section 6 of Article*
37 *XVI of the California Constitution.*

Article 6. *Information on High-Risk Areas*

116772. (a) (1) *By January 1, 2021, the board, in consultation with local health officers and other relevant stakeholders, shall use available data to make available a map of aquifers that are at high risk of containing contaminants that exceed safe drinking water standards that are used or likely to be used as a source of drinking water for a state small water system or a domestic well. The board shall update the map annually based on new and relevant data.*

(2) *The board shall make the map of high-risk areas, as well as the data used to make the map, publicly accessible on its internet website in a manner that complies with the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The board shall notify local health officers and county planning agencies of high-risk areas within their jurisdictions.*

(b) (1) *By January 1, 2021, a local health officer or other relevant local agency shall provide to the board all results of, and data associated with, water quality testing performed by a laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 for a state small water system or domestic well that was collected after January 1, 2014, and that is in the possession of the local health officer or other relevant local agency.*

(2) *By January 1, 2022, and by January 1 of each year thereafter, all results of, and data associated with, water quality testing performed by a laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 for a state small water system or domestic well that is submitted to a local health officer or other relevant local agency shall also be submitted directly to the board in electronic format.*

SEC. 10. *Chapter 7 (commencing with Section 8390) is added to Division 4.1 of the Public Utilities Code, to read:*

1
2 *CHAPTER 7. DESIGNATED WATER SYSTEM ADMINISTRATION*
3

4 8390. A privately owned public utility may serve as an
5 administrator for purposes of Section 116686 of the Health and
6 Safety Code.

7 SEC. 11. (a) The amounts appropriated by Item 3940-102-0001
8 and Item 3940-102-3228 in the Budget Act of 2019 shall be
9 available for purposes outlined in Chapter 4.6 (commencing with
10 Section 116765) of Part 12 of Division 104 of the Health and Safety
11 Code.

12 (b) Funds made available pursuant to subdivision (a) shall be
13 used for the purpose of facilitating the achievement of reductions
14 of greenhouse gas emissions in this state in accordance with the
15 requirements of Section 39712 of the Health and Safety Code or
16 to improve climate change adaptation and resiliency of
17 disadvantaged communities, as defined in Section 39711 of the
18 Health and Safety Code, or low-income households or communities,
19 as defined in Section 39713 of the Health and Safety Code,
20 consistent with Division 25.5 (commencing with Section 38500)
21 of the Health and Safety Code. For purposes of the funds made
22 available pursuant to subdivision (a), a state agency may also
23 comply with the requirements of paragraphs (2) and (3) of
24 subdivision (a) of Section 16428.9 of the Government Code by
25 describing how each proposed expenditure will improve climate
26 change adaptation and resiliency of disadvantaged communities
27 or low-income households or communities.

28 SEC. 12. This act does not impose a levy, charge, or exaction
29 of any kind, such as a tax or fee.

30 SEC. 13. The provisions of this act are severable. If any
31 provision of this act or its application is held invalid, that invalidity
32 shall not affect other provisions or applications that can be given
33 effect without the invalid provision or application.

34 SEC. 14. If the Commission on State Mandates determines that
35 this act contains costs mandated by the state, reimbursement to
36 local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code.

1 ~~SECTION 1. Chapter 4.6 (commencing with Section 116765)~~
2 ~~is added to Part 12 of Division 104 of the Health and Safety Code,~~
3 ~~to read:~~

4
5 ~~CHAPTER 4.6. SAFE AND AFFORDABLE DRINKING WATER~~

6
7 ~~Article 1. Safe and Affordable Drinking Water Fund~~

8
9 ~~116765. (a) The Safe and Affordable Drinking Water Fund is~~
10 ~~hereby established in the State Treasury to help water systems~~
11 ~~provide an adequate and affordable supply of safe drinking water~~
12 ~~in both the near and long terms. All moneys deposited in the fund~~
13 ~~pursuant to paragraph (1) of subdivision (a) of Section 116771 are~~
14 ~~available, upon appropriation by the Legislature, to the board to~~
15 ~~fund the following:~~

16 ~~(1) Operation and maintenance costs to help deliver an adequate~~
17 ~~supply of safe drinking water in both the near and long terms.~~

18 ~~(2) Consolidation costs for public water systems, community~~
19 ~~water systems, and state small water systems.~~

20 ~~(3) Replacement water to provide the systems with safe drinking~~
21 ~~water as a short-term solution.~~

22 ~~(4) The provision of administrative and managerial services~~
23 ~~under Section 116686 for purposes of helping the systems become~~
24 ~~self-sufficient in the long term.~~

25 ~~(b) Consistent with subdivision (a), the board shall expend~~
26 ~~moneys in the fund for grants, loans, contracts, or services to assist~~
27 ~~eligible recipients.~~

28 ~~(c) (1) Eligible recipients of funding under this chapter are~~
29 ~~public agencies, nonprofit organizations, public utilities, mutual~~
30 ~~water companies, federally recognized Indian tribes, state Indian~~
31 ~~tribes listed on the Native American Heritage Commission's~~
32 ~~California Tribal Consultation List, and administrators.~~

33 ~~(2) To be eligible for funding under this chapter, grants, loans,~~
34 ~~contracts, or services provided to a public utility that is regulated~~
35 ~~by the Public Utilities Commission or a mutual water company~~
36 ~~shall have a clear and definite public purpose and shall benefit the~~
37 ~~customers of the water system and not the investors.~~

38 ~~(d) An expenditure from the fund shall be consistent with the~~
39 ~~fund implementation plan.~~

1 (e) ~~The board may expend moneys from the fund for reasonable~~
2 ~~costs associated with the administration of this chapter, not to~~
3 ~~exceed 5 percent of the annual deposits into the fund.~~

4 (f) ~~In administering the fund, the board shall make reasonable~~
5 ~~efforts to ensure that funds are used to secure the long-term~~
6 ~~sustainability of drinking water service and infrastructure;~~
7 ~~including, but not limited to, requiring adequate technical;~~
8 ~~managerial, and financial capacity of eligible applicants as part of~~
9 ~~funding agreement outcomes.~~

10
11 ~~Article 2. Definitions~~
12

13 ~~116766. For the purposes of this chapter:~~

14 (a) ~~“Adequate supply” has the same meaning as defined in~~
15 ~~Section 116681.~~

16 (b) ~~“Administrator” has the same meaning as defined in Section~~
17 ~~116686.~~

18 (c) ~~“Board” means the State Water Resources Control Board.~~

19 (d) ~~“Community water system” has the same meaning as defined~~
20 ~~in Section 116275.~~

21 (e) ~~“Consistently fails” has the same meaning as defined in~~
22 ~~Section 116681.~~

23 (f) ~~“Disadvantaged community” has the same meaning as~~
24 ~~defined in Section 79505.5 of the Water Code.~~

25 (g) ~~“Domestic well” has the same meaning as defined in Section~~
26 ~~116681.~~

27 (h) ~~“Fund” means the Safe and Affordable Drinking Water Fund~~
28 ~~established pursuant to Section 116765.~~

29 (i) ~~“Fund implementation plan” means the fund implementation~~
30 ~~plan adopted pursuant to Article 3 (commencing with Section~~
31 ~~116767).~~

32 (j) ~~“Low-income household” means a single household whose~~
33 ~~income is less than 200 percent of the federal poverty level.~~

34 (k) ~~“Mutual water company” means a mutual water company,~~
35 ~~as defined in Section 14300 of the Corporations Code, that operates~~
36 ~~a public water system or a state small water system.~~

37 (l) ~~“Nonprofit organization” means an organization qualified~~
38 ~~to do business in California and qualified under Section 501(c)(3)~~
39 ~~of Title 26 of the United States Code.~~

1 (m) “Public agency” means a state agency or department, special
2 district, joint powers authority, city, county, city and county, or
3 other political subdivision of the state.

4 (n) “Public utility” has the same meaning as defined in Section
5 216 of the Public Utilities Code.

6 (o) “Public water system” has the same meaning as defined in
7 Section 116275.

8 (p) “Replacement water” includes, but is not limited to, bottled
9 water, vended water, point-of-use, or point-of-entry treatment
10 units.

11 (q) “Safe drinking water” has the same meaning as defined in
12 Section 116681.

13 (r) “Service connection” has the same meaning as defined in
14 Section 116275.

15 (s) “State small water system” has the same meaning as defined
16 in Section 116275.

17 (t) “Vended water” has the same meaning as defined in Section
18 111070.

19 Article 3. Fund Implementation Plan

20
21
22 116767. The purposes of the fund implementation plan are as
23 follows:

24 (a) To identify public water systems, community water systems,
25 and state small water systems that consistently fail to provide an
26 adequate supply of safe drinking water, including the cause or
27 causes of the failure and appropriate measures to remedy the
28 failure.

29 (b) To determine the amount and type of funding necessary to
30 implement appropriate measures to remedy a failure to provide an
31 adequate supply of safe drinking water.

32 (c) To identify public water systems, community water systems,
33 and state small water systems that are at significant risk of failing
34 to provide an adequate supply of safe drinking water, including
35 the source or sources of the risk and appropriate measures to
36 eliminate the risk.

37 (d) To determine the amount and type of funding necessary to
38 implement appropriate measures to eliminate the risk of failing to
39 provide an adequate supply of safe drinking water.

1 ~~(e) To identify gaps in the provision of safe drinking water, in~~
2 ~~furtherance of Section 106.3 of the Water Code, and to determine~~
3 ~~the amount and type of funding necessary to minimize or eliminate~~
4 ~~those gaps.~~

5 ~~(f) To prioritize available funding provided by this chapter for~~
6 ~~measures identified in subdivisions (a), (c), and (e).~~

7 ~~116768. (a) On or before July 1, 2020, the board shall develop~~
8 ~~and adopt a policy for developing the fund implementation plan~~
9 ~~that includes all of the following elements:~~

10 ~~(1) A requirement that the board consult with an advisory group~~
11 ~~to aid in meeting the purposes of the fund implementation plan as~~
12 ~~established in Section 116767. The advisory group shall include~~
13 ~~representatives of the following:~~

14 ~~(A) Entities paying into the fund.~~

15 ~~(B) Public water systems.~~

16 ~~(C) Technical assistance providers.~~

17 ~~(D) Local agencies.~~

18 ~~(E) Nongovernmental organizations.~~

19 ~~(F) Residents served by community water systems in~~
20 ~~disadvantaged communities, state small water systems, and~~
21 ~~domestic wells.~~

22 ~~(G) The public.~~

23 ~~(2) Identification of key terms, criteria, and metrics, and their~~
24 ~~definitions.~~

25 ~~(3) A description of how proposed remedies will be identified,~~
26 ~~evaluated, prioritized, and included in the fund implementation~~
27 ~~plan.~~

28 ~~(4) The establishment of a process by which members of a~~
29 ~~disadvantaged community may petition the state board to consider~~
30 ~~ordering consolidation.~~

31 ~~(5) A requirement that the board hold at least one public hearing~~
32 ~~before adopting a fund implementation plan.~~

33 ~~(b) The board shall annually adopt a fund implementation plan.~~
34 ~~The board may adopt a policy handbook and update it at least once~~
35 ~~every three years.~~

36 ~~(c) On or before January 10, 2021, and every January 10~~
37 ~~thereafter, the board shall provide to the Joint Legislative Budget~~
38 ~~Committee and the chairpersons of the fiscal committees in each~~
39 ~~house of the Legislature the most recently adopted fund~~
40 ~~implementation plan. The board may submit the fund~~

1 implementation plan as required by this subdivision either in the
2 Governor's Budget documents or as a separate report.

3 116769. (a) The fund implementation plan shall contain the
4 following:

5 (1) A report of expenditures from the fund for the prior fiscal
6 year and planned expenditures for the current fiscal year.

7 (2) A list of systems that consistently fail to provide an adequate
8 supply of safe drinking water. The list shall include, but is not
9 limited to, all of the following:

10 (A) Any public water system that consistently fails to provide
11 an adequate supply of safe drinking water.

12 (B) Any community water system that serves a disadvantaged
13 community that must charge fees that exceed the affordability
14 threshold established by the board in order to supply, treat, and
15 distribute potable water that complies with federal and state
16 drinking water standards.

17 (C) Any state small water system that consistently fails to
18 provide an adequate supply of safe drinking water.

19 (3) A list of public water systems, community water systems,
20 and state small water systems that may be at risk of failing to
21 provide an adequate supply of safe drinking water.

22 (4) An estimate of the number of households that are served by
23 domestic wells or state small water systems in high-risk areas
24 identified pursuant to Article 5 (commencing with Section 116772).
25 The estimate shall identify approximate locations of households,
26 without identifying exact addresses or other personal information,
27 in order to identify potential target areas for outreach and assistance
28 programs.

29 (5) An estimate of the funding needed for the next fiscal year
30 based on the amount available in the fund, anticipated funding
31 needs, other existing funding sources, and other relevant data and
32 information.

33 (6) A list of programs to be funded that assist or will assist
34 households supplied by a domestic well that consistently fails to
35 provide an adequate supply of safe drinking water.

36 (7) A list of programs to be funded that assist or will assist
37 households and schools whose tap water contains contaminants,
38 such as lead or secondary contaminants, at levels that exceed
39 recommended standards.

1 ~~(b) The fund implementation plan shall be based on data and~~
2 ~~analysis drawn from the drinking water needs assessment funded~~
3 ~~by Chapter 449 of the Statutes of 2018 as that assessment may be~~
4 ~~updated and as information is developed pursuant to Article 5~~
5 ~~(commencing with Section 116772).~~

6 ~~(c) The fund implementation plan shall prioritize funding for~~
7 ~~all of the following:~~

8 ~~(1) Assisting disadvantaged communities served by a public~~
9 ~~water system and low-income households served by a state small~~
10 ~~water system or a domestic well.~~

11 ~~(2) The consolidation or extension of service, or both.~~

12 ~~(3) Funding costs other than those related to capital construction~~
13 ~~costs, except for capital construction costs associated with~~
14 ~~consolidation and service extension to reduce the ongoing unit~~
15 ~~cost of service and to increase sustainability of drinking water~~
16 ~~infrastructure and service delivery.~~

17 ~~116770. The fund implementation plan may include~~
18 ~~expenditures for the following:~~

19 ~~(a) The provision of replacement water, as needed, to ensure~~
20 ~~immediate protection of health and safety as a short-term solution.~~

21 ~~(b) The development, implementation, and sustainability of~~
22 ~~long-term drinking water solutions, including, but not limited to,~~
23 ~~the following:~~

24 ~~(1) (A) Technical assistance, planning, construction, repair,~~
25 ~~and operation and maintenance costs associated with any of the~~
26 ~~following:~~

27 ~~(i) Replacing, blending, or treating contaminated drinking water.~~

28 ~~(ii) Repairing or replacing failing water system equipment,~~
29 ~~pipes, or fixtures.~~

30 ~~(iii) Operation and maintenance costs associated with~~
31 ~~consolidated water systems, extended drinking water services, or~~
32 ~~reliance on a substituted drinking water source.~~

33 ~~(B) Technical assistance and planning costs may include, but~~
34 ~~are not limited to, analyses to identify and efforts to further~~
35 ~~opportunities to reduce the unit cost of providing drinking water~~
36 ~~through organizational and operational efficiency improvements,~~
37 ~~and other options and approaches to reduce costs.~~

38 ~~(2) Creating and maintaining natural means and green~~
39 ~~infrastructure solutions that contribute to sustainable drinking~~
40 ~~water.~~

1 ~~(3) Consolidating water systems.~~

2 ~~(4) Extending drinking water services to other public water~~
3 ~~systems, community water systems, and state small water systems,~~
4 ~~or domestic wells.~~

5 ~~(5) Satisfying outstanding long-term debt obligations of public~~
6 ~~water systems, community water systems, and state small water~~
7 ~~systems where the board determines that a system's lack of access~~
8 ~~to capital markets renders this solution the most cost effective for~~
9 ~~removing a financial barrier to the system's sustainable, long-term~~
10 ~~provision of drinking water.~~

11 ~~(c) Identifying and providing outreach to persons who are~~
12 ~~eligible to receive assistance from the fund.~~

13 ~~(d) Testing the drinking water quality of domestic wells serving~~
14 ~~low-income households, prioritizing those in high-risk areas~~
15 ~~identified pursuant to Article 5 (commencing with Section 116772).~~

16 ~~(e) Providing administrative and managerial services under~~
17 ~~Section 116686.~~

18
19 ~~Article 4. Miscellaneous Provisions~~
20

21 ~~116771. (a) The board may undertake any of the following~~
22 ~~actions to implement the fund:~~

23 ~~(1) Provide for the deposit of both of the following moneys into~~
24 ~~the fund:~~

25 ~~(A) Federal contributions.~~

26 ~~(B) Voluntary contributions, gifts, grants, or bequests.~~

27 ~~(2) Enter into agreements for contributions to the fund from the~~
28 ~~federal government, local or state agencies, and private~~
29 ~~corporations or nonprofit organizations.~~

30 ~~(3) Direct portions of the fund to a subset of eligible applicants~~
31 ~~as required or appropriate based on funding source and consistent~~
32 ~~with the annual fund implementation plan.~~

33 ~~(4) Direct moneys described in subparagraph (B) of paragraph~~
34 ~~(1) towards a specific project, program, or study.~~

35 ~~(b) The board may set appropriate requirements as a condition~~
36 ~~of funding, including, but not limited to, the following:~~

37 ~~(1) A system technical, managerial, or financial capacity audit.~~

38 ~~(2) Improvements to reduce costs and increase efficiencies.~~

39 ~~(3) An evaluation of alternative treatment technologies.~~

40 ~~(4) A consolidation or service extension feasibility study.~~

1 ~~(5) Requirements for a domestic well with nitrate contamination~~
2 ~~where ongoing septic system failure may be causing or contributing~~
3 ~~to contamination of a drinking water source, to have conducted an~~
4 ~~investigation and project to address the septic system failure, if~~
5 ~~adequate funding sources are identified and accessible.~~

6 ~~(e) Actions taken to implement, interpret, or make specific this~~
7 ~~chapter, including, but not limited to, the adoption or development~~
8 ~~of any plan, handbook, or map, are not subject to the~~
9 ~~Administrative Procedure Act (Chapter 3.5 (commencing with~~
10 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~
11 ~~Code).~~

12
13 Article 5. Information on High-Risk Areas
14

15 ~~116772. (a) (1) By January 1, 2021, the board, in consultation~~
16 ~~with local health officers and other relevant stakeholders, shall use~~
17 ~~available data to make available a map of aquifers that are at high~~
18 ~~risk of containing contaminants that exceed safe drinking water~~
19 ~~standards that are used or likely to be used as a source of drinking~~
20 ~~water for a state small water system or a domestic well. The board~~
21 ~~shall update the map annually based on new and relevant data.~~

22 ~~(2) The board shall make the map of high-risk areas, as well as~~
23 ~~the data used to make the map, publicly accessible on its internet~~
24 ~~website in a manner that complies with the Information Practices~~
25 ~~Act of 1977 (Chapter 1 (commencing with Section 1798) of Title~~
26 ~~1.8 of Part 4 of Division 3 of the Civil Code). The board shall~~
27 ~~notify local health officers and county planning agencies of~~
28 ~~high-risk areas within their jurisdictions.~~

29 ~~(b) (1) By January 1, 2021, a local health officer or other~~
30 ~~relevant local agency shall provide to the board all results of, and~~
31 ~~data associated with, water quality testing performed by certified~~
32 ~~laboratories for a state small water system or domestic well that~~
33 ~~was collected after January 1, 2014, and that is in the possession~~
34 ~~of the local health officer or other relevant local agency.~~

35 ~~(2) By January 1, 2022, and by January 1 of each year thereafter,~~
36 ~~all results of, and data associated with, water quality testing~~
37 ~~performed by a certified laboratory for a state small water system~~
38 ~~or domestic well that is submitted to a local health officer or other~~
39 ~~relevant local agency shall also be submitted directly to the board~~
40 ~~in electronic format.~~

1 ~~SEC. 2. (a) Implementation of Chapter 4.6 (commencing with~~
2 ~~Section 116765) of Part 12 of Division 104 of the Health and Safety~~
3 ~~Code is contingent upon an appropriation for its purposes in the~~
4 ~~annual Budget Act.~~

5 ~~(b) This act does not impose a levy, charge, or exaction of any~~
6 ~~kind, such as a tax or fee.~~

7 ~~SEC. 3. If the Commission on State Mandates determines that~~
8 ~~this act contains costs mandated by the state, reimbursement to~~
9 ~~local agencies and school districts for those costs shall be made~~
10 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
11 ~~4 of Title 2 of the Government Code.~~

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California State Senate



WILLIAM W. MONNING
SEVENTEENTH SENATE DISTRICT

CAPITOL OFFICE
STATE CAPITOL, ROOM 4040
SACRAMENTO, CA 95814
(916) 651-4017

MONTEREY DISTRICT OFFICE
99 PACIFIC STREET, SUITE 575-F
MONTEREY, CA 93940
(831) 657-6315

SAN LUIS OBISPO DISTRICT OFFICE
1026 PALM STREET, SUITE 201
SAN LUIS OBISPO, CA 93401
(805) 549-3784

SANTA CRUZ DISTRICT OFFICE
701 OCEAN STREET, SUITE 318-A
SANTA CRUZ, CA 95060
(831) 425-0401

SANTA CLARA COUNTY
TELEPHONE NUMBER
(408) 847-6101

June 27, 2019

Assemblymember Ken Cooley, Chair
Assembly Committee on Rules
California State Capitol
Sacramento, CA 95814

Dear Chair Cooley:

I respectfully request approval to add an urgency clause to SB 200 because of the immediate need to address safe and affordable drinking water issues throughout California.

Thank you for your consideration of this request. Should you have any questions, please feel free to contact Trevor Taylor, from my staff, at 916.651.4017, at his cell 530.902.1006, or at trevor.taylor@sen.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "William W. Monning", with a long, sweeping horizontal line extending to the right.

WILLIAM W. MONNING
Senator, 17th District

WWM:tt



AMENDED IN SENATE APRIL 25, 2019

AMENDED IN SENATE MARCH 27, 2019

SENATE BILL

No. 671

Introduced by Senator Hertzberg

February 22, 2019

An act to amend Sections 203, 203.1, and 220 of, and to add Section 201.6 to, the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 671, as amended, Hertzberg. Employment: payment of wages: print shoot employees.

Existing law subjects employers to various requirements related to the payment of wages. Existing law generally requires that if an employer discharges an employee, the wages earned and unpaid at the time of discharge are due and payable immediately. Existing law establishes specific provisions that entitle an employee engaged in the production or broadcasting of motion pictures, as defined, whose employment terminates, to receive payment of the wages earned and unpaid at the time of the termination by the next regular payday, as defined. Existing law establishes penalties for certain violations relating to payment in accordance with these specific provisions.

This bill would establish similar specific provisions for a print shoot employee, as defined.

Under existing law, the willful refusal to pay wages due and payable after demand is made, or falsely denying indebtedness for an employee's wages with prescribed intent, is a crime.

By establishing new wage payment provisions, the willful or intentional violation of which would be a crime, the bill would impose 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: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 201.6 is added to the Labor Code, to
2 read:

3 201.6. (a) As used in this section:

4 (1) "Print shoot employee" means an individual hired for a
5 period of limited duration to render services relating to or
6 supporting a ~~print shoot~~. *still image shoot, including film or digital*
7 *photography, for use in print, digital, or internet media.*

8 (2) "Next regular payday" means the day designated by the
9 employer, pursuant to Section 204, for payment of wages earned
10 during the payroll period in which the termination occurs.

11 (3) "Time of termination" is when the employment relationship
12 ends, whether by discharge, layoff, resignation, completion of
13 employment for a specified term, or otherwise.

14 (b) A print shoot employee is entitled to receive payment of the
15 wages earned and unpaid at the time of termination by the next
16 regular payday.

17 (c) The payment of wages to employees covered by this section
18 may be mailed to the employee or made available to the employee
19 at a location specified by the employer in the county where the
20 employee was hired or performed labor. The payment shall be
21 deemed to have been made on the date that the employee's wages
22 are mailed to the employee or made available to the employee at
23 the location specified by the employer, whichever is earlier.

24 (d) Nothing in this section prohibits the parties to a valid
25 collective bargaining agreement from establishing alternative
26 provisions for final payment of wages to employees covered by
27 this section if those provisions do not exceed the time limitation
28 established in Section 204.

29 SEC. 2. Section 203 of the Labor Code is amended to read:

1 203. (a) If an employer willfully fails to pay, without
2 abatement or reduction, in accordance with Sections 201, 201.3,
3 201.5, 201.6, 201.9, 202, and 205.5, any wages of an employee
4 who is discharged or who quits, the wages of the employee shall
5 continue as a penalty from the due date thereof at the same rate
6 until paid or until an action therefor is commenced; but the wages
7 shall not continue for more than 30 days. An employee who
8 secretes or absents themselves to avoid payment to the employee, or
9 who refuses to receive the payment when fully tendered to them,
10 including any penalty then accrued under this section, is not entitled
11 to any benefit under this section for the time during which the
12 employee so avoids payment.

13 (b) Suit may be filed for these penalties at any time before the
14 expiration of the statute of limitations on an action for the wages
15 from which the penalties arise.

16 SEC. 3. Section 203.1 of the Labor Code is amended to read:

17 203.1. If an employer pays an employee in the regular course
18 of employment or in accordance with Section 201, 201.3, 201.5,
19 201.6, 201.7, or 202 any wages or fringe benefits, or both, by
20 check, draft or voucher, which check, draft or voucher is
21 subsequently refused payment because the employer or maker has
22 no account with the bank, institution, or person on which the
23 instrument is drawn, or has insufficient funds in the account upon
24 which the instrument is drawn at the time of its presentation, so
25 long as the same is presented within 30 days of receipt by the
26 employee of the check, draft or voucher, those wages or fringe
27 benefits, or both, shall continue as a penalty from the due date
28 thereof at the same rate until paid or until an action therefor is
29 commenced. However, those wages and fringe benefits shall not
30 continue for more than 30 days and this penalty shall not apply if
31 the employer can establish to the satisfaction of the Labor
32 Commissioner or an appropriate court of law that the violation of
33 this section was unintentional. This penalty also shall not apply in
34 any case in which an employee recovers the service charge
35 authorized by Section 1719 of the Civil Code in an action brought
36 by the employee thereunder.

37 SEC. 4. Section 220 of the Labor Code is amended to read:

38 220. (a) Sections 201.3, 201.5, 201.6, 201.7, 203.1, 203.5,
39 204, 204a, 204b, 204c, 204.1, 205, and 205.5 do not apply to the
40 payment of wages of employees directly employed by the State

1 of California. Except as provided in subdivision (b), all other
 2 employment is subject to these provisions.
 3 (b) Sections 200 to 211, inclusive, and Sections 215 to 219,
 4 inclusive, do not apply to the payment of wages of employees
 5 directly employed by any county, incorporated city, or town or
 6 other municipal corporation. All other employments are subject
 7 to these provisions.
 8 SEC. 5. No reimbursement is required by this act pursuant to
 9 Section 6 of Article XIII B of the California Constitution because
 10 the only costs that may be incurred by a local agency or school
 11 district will be incurred because this act creates a new crime or
 12 infraction, eliminates a crime or infraction, or changes the penalty
 13 for a crime or infraction, within the meaning of Section 17556 of
 14 the Government Code, or changes the definition of a crime within
 15 the meaning of Section 6 of Article XIII B of the California
 16 Constitution.

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CAPITOL OFFICE
STATE CAPITOL, ROOM 313
SACRAMENTO, CA 95814
TEL (916) 651-4018
FAX (916) 651-4918

DISTRICT OFFICE
6150 VAN NUYS BLVD., #400
VAN NUYS, CA 91401
TEL (818) 901-5588
FAX (818) 901-5562

SENATOR.HERTZBERG@SENATE.CA.GOV

California State Senate

SENATOR ROBERT M. HERTZBERG

MAJORITY LEADER

REPRESENTING THE SAN FERNANDO VALLEY



COMMITTEES
NATURAL RESOURCES
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GOVERNANCE AND FINANCE
JOINT LEGISLATIVE AUDIT

June 27, 2019

The Honorable Ken Cooley
Chair, Assembly Rules Committee
State Capitol, Room 3016
Sacramento, CA 95814
Attn: Nicole Willis

RE: Urgency Clause Request – SB 671 (Hertzberg)

Dear Assemblymember Cooley,

I respectfully request to add an urgency clause to Senate Bill 671. An urgency clause is necessary in order to protect California's photoshoot industry and the state's economy.

If you have any questions, please contact Christine Aurre in my office at 916-651-4018 or Christine.aurre@sen.ca.gov.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rob M. Hertzberg".

Robert M. Hertzberg
Senator, 18th District

AMENDMENTS TO SENATE BILL NO. 671
AS AMENDED IN SENATE APRIL 25, 2019

Amendment 1

In the title, in line 2, strike out “employment.” and insert:
employment, and declaring the urgency thereof, to take effect immediately.

Amendment 2

On page 2, before line 1, insert:

SECTION 1. This act is known and may be cited as the “Photoshoot Pay
Easement Act.”

Amendment 3

On page 2, in line 1, strike out “SECTION 1.” and insert:
SEC. 2.

Amendment 4

On page 2, in line 29, strike out “SEC. 2.” and insert:
SEC. 3.

Amendment 5

On page 3, in line 16, strike out “SEC. 3.” and insert:
SEC. 4.

Amendment 6

On page 3, in line 37, strike out “SEC. 4.” and insert:
SEC. 5.

Amendment 7

On page 4, in line 8, strike out “SEC. 5.” and insert:
SEC. 6.



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Substantive

Amendment 8

On page 4, below line 16, insert:

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect California's photoshoot industry and the state's economy, it is necessary for this act to take effect immediately.

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