

AB-2470 Municipal water districts: water service: Indian tribes.(2015-2016)

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Bill Start

AMENDED IN ASSEMBLY APRIL 26, 2016
AMENDED IN ASSEMBLY APRIL 12, 2016
AMENDED IN ASSEMBLY APRIL 04, 2016
AMENDED IN ASSEMBLY MARCH 29, 2016
AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

ASSEMBLY BILL

No. 2470

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

February 19, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

This bill, upon the request of an Indian tribe and the satisfaction of certain conditions, would require a district to provide service of water at substantially the same terms applicable to the customers of the district to an Indian tribe's lands that are not within a district, as prescribed, if the Indian tribe's lands meet certain ~~requirements~~ *requirements and the Indian tribe satisfies prescribed conditions*. The bill would deem the service areas of a district and of any public ~~agency~~ *agencies* providing water to the district for all purposes to include an Indian tribe's land for a prescribed period of time if the district provides service of water to the Indian tribe's lands under these provisions. ~~This bill would require an Indian tribe provided water service under these provisions to make all required payments as if it were annexed into a district's service area and would make the payments a condition of continued service of water by the district.~~ By imposing new duties on a municipal water district, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 71611.5 is added to the Water Code, to read:

71611.5.

~~(a)~~ Notwithstanding any other ~~law, upon~~ *law*:

(a) Upon the request of an Indian tribe and the satisfaction of the conditions stated in subdivision (b), a district shall provide service of water at substantially the same terms applicable to the customers of the district to an Indian tribe's lands that are not within a district as if the lands had been fully annexed

~~within~~ into the district and ~~any other special districts~~ into any other public agencies required for the provision of water service if the Indian tribe's lands meet all of the following requirements:

- (1) The lands were owned by the tribe on January 1, 2016.
- (2) The lands are contiguous with at least two districts.
- (3) The lands lie within the special study area of at least one district.
- (4) At least 70 percent of the Indian tribe's total Indian lands are currently within the boundaries of one or more districts.

(b) Before a district provides service of water pursuant to this section, the Indian tribe shall satisfy ~~both~~ all of the following conditions:

- (1) The Indian tribe complies with all federal and tribal laws.
- (2) The Indian tribe acquires all federal and tribal approvals necessary for the applicable district to provide water service to the tribal lands on substantially the same terms applicable to customers of the district.

(3) The Indian tribe shall by agreement accept all terms of, and payments to (including service payments), the district and any public agency providing water to said district, as if the Indian tribe's lands were fully annexed into the district and into the service area of any other public agency, which terms and payments are also a condition of continued service by a district and by any public agency providing water to said district.

(c) If a district provides service of water to an Indian tribe's lands pursuant to this section, the service areas of the district and of any public ~~agency~~ agencies providing water to the district are deemed for all purposes to include the Indian tribe's lands for the longest of the following periods of time:

- (1) The time service of water is provided by the district to the Indian tribe.
- (2) The time moneys are owed by the Indian tribe to the district for the service of water.
- (3) The term of any agreement between the district and the Indian tribe.

~~(d) An Indian tribe provided water service pursuant to this section shall make all required payments, including service payments, as if it were annexed into a district's service area. The payments are a condition of continued service of water by the district pursuant to this section.~~

SEC. 2.

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