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AB-1 Drought: local governments: fines. (2015-2016)

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Assembly Bill No. 1

CHAPTER 62

An act to add Section 8627.7 to the Government Code, relating to water.

[Approved by Governor July 13, 2015. Filed with Secretary of State July 13, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1, Brown. Drought: local governments: fines.

The California Constitution requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that the waste or unreasonable use or unreasonable method of use of water be prevented. Existing law, the California Emergency Services Act, sets forth the emergency powers of the Governor under its provisions and empowers the Governor to proclaim a state of emergency for certain conditions, including drought.

This bill would prohibit a city, county, or city and county from imposing a fine under any ordinance for a failure to water a lawn or having a brown lawn during a period for which the Governor has issued a proclamation of a state of emergency based on drought conditions.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

SECTION 1. The Legislature finds and declares both of the following:

(a) That this act is in furtherance of the policy contained in Section 2 of Article X of the California Constitution.

(b) The prohibition on imposing fines for failing to water a lawn or for having a brown lawn during a period for which the Governor has issued a proclamation of a state of emergency based on drought conditions is a matter of statewide concern and not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 2 of this act shall apply to charter cities.

SEC. 2. Section 8627.7 is added to the Government Code, to read:

8627.7. (a) During a period for which the Governor has issued a proclamation of a state of emergency under this chapter based on drought conditions, a city, county, or city and county shall not impose a fine under any ordinance for a failure to water a lawn or for having a brown lawn.

(b) A violation of this section is not subject to the criminal penalties set forth in Section 8665.