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AB-430 State Water Resources Control Board: emergency regulations. (2025-2026)

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AMENDED IN ASSEMBLY MAY 01, 2025

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 430

Introduced by Assembly Member Alanis

February 05, 2025

An act to amend Section 1058.5 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 430, as amended, Alanis. State Water Resources Control Board: emergency regulations.

Existing law provides that an emergency regulation adopted by the State Water Resources Control Board following a Governor's proclamation of a state of emergency based on drought conditions, for which the board makes specified findings, may remain in effect for up to one year, as provided, and may be renewed if the board determines that specified conditions relating to precipitation are still in effect.

This bill would require the board, within 180 days ~~of the 2nd renewal, and any subsequent and consecutive renewal, of any nonfee emergency regulation or upon its repeal,~~ *following a finding by the board that a nonfee emergency regulation is no longer necessary, as provided,* to conduct a comprehensive economic study assessing the impacts of the regulation, as specified. The bill would require the board to make the study publicly available on its internet website no later than 30 days after completion.

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

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

SECTION 1. Section 1058.5 of the Water Code is amended to read:

1058.5. (a) This section applies to any emergency regulation adopted by the board for which the board makes both of the following findings:

(1) The emergency regulation is adopted to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.

(2) The emergency regulation is adopted in response to conditions which exist, or are threatened, in a critically dry year immediately preceded by two or more consecutive below normal, dry, or critically dry years or during a period for which the Governor has issued a proclamation of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on drought conditions.

(b) Notwithstanding Sections 11346.1 and 11349.6 of the Government Code, any findings of emergency adopted by the board, in connection with the adoption of an emergency regulation under this section, are not subject to review by the Office of Administrative Law.

(c) (1) An emergency regulation adopted by the board pursuant to this section may remain in effect for up to one year, as determined by the board, and is deemed repealed immediately upon a finding by the board that due to changed conditions it is no longer necessary for the regulation to remain in effect. An emergency regulation adopted by the board pursuant to this section may be renewed if the board determines that the conditions specified in paragraph (2) of subdivision (a) are still in effect.

(2) Within 180 days ~~of the second renewal, and any subsequent and consecutive renewal, of any nonfee emergency regulation or upon its repeal,~~ *following a finding by the board that a nonfee emergency regulation is no longer necessary pursuant to paragraph (1),* the board shall conduct a comprehensive economic study assessing the impacts of the regulation. The study shall include, but is not limited to, an analysis of fiscal and economic effects on affected industries, fisheries, communities, and water users. The board shall make the study publicly available on its internet website no later than 30 days after completion.

(d) In addition to any other applicable civil or criminal penalties, any person or entity that violates a regulation adopted by the board pursuant to this section is guilty of an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

(e) (1) Notwithstanding subdivision (b) of Section 1551 or subdivision (e) of Section 1848, a civil liability imposed under Chapter 12 (commencing with Section 1825) of Part 2 of Division 2 by the board or a court for a violation of an emergency conservation regulation adopted pursuant to this section shall be deposited, and separately accounted for, in the Water Rights Fund. Funds deposited in accordance with this subdivision shall be available, upon appropriation, for water conservation activities and programs.

(2) For purposes of this subdivision, an "emergency conservation regulation" means an emergency regulation that requires an end user of water, a water retailer, or a water wholesaler to conserve water or report to the board on water conservation. Water conservation includes restrictions or limitations on particular uses of water or a reduction in the amount of water used or served, but does not include curtailment of diversions when water is not available under the diverter's priority of right or reporting requirements related to curtailments.