Honorable Bev Hansen
Member of the Assembly
State Capitol, Room 5144
Sacramento, CA 95814

DEPARTMENT	AUTHOR	BILL NUMBER
Finance	Hansen, et al.	AB 1487
SPONSORED BY	**RELATED BILLS**	**AMENDMENT DATE**
SWRCB	AB 1641	April 30, 1987

BILL SUMMARY

This bill, sponsored by the State Water Resources Control Board (SWRCB), makes changes to the prosecution of illegal diversions and uses of water.

SUMMARY OF COMMENTS

We are neutral on this bill as it has no fiscal impact on State or local assistance costs, and may actually increase revenue to the General Fund.

FISCAL SUMMARY--STATE LEVEL

Code/Department Agency or Revenue Type	SO LA CO RV	(Fiscal Impact by Fiscal Year) (Dollars in Thousands) FC 1986-87	FC 1987-88	FC 1988-89	Code Fund
3940/SWRCB	SO	----------NO FISCAL IMPACT----------			

Impact on State Appropriations Limit--No

ANALYSIS

A. Specific Findings

Under existing law, the diversion or use of water except as authorized under permit or license conditions is a trespass. This bill would require the Attorney General, upon request of the SWRCB, to bring action in the case of diversion or use that occurred, is occurring or is threatened to occur. It would also permit any person committing such a trespass to be held liable in superior court for a sum not to exceed $500 a day. The penalty would be allowed to vary for all relevant circumstances, which is an attempt to allow the extent of harm to relate to the penalty.

This provision is identical to one that also appears in AB 1641; however, AB 1641 amends an additional section of law to increase an existing penalty for violation of final cease and desist orders from $500 to $1,000 per day of violation.

POSITION:

Neutral.

Department Director — Date: MAY 22 1987

Principal Analyst (551)	Date	Program Budget Manager (5)	Date	Governor's Office
Jennifer Richardson	5/22	DMC	5/22	Position noted ✓
				Position approved
				Position disapproved
				by: date:

HW:0595h/2

BILL ANALYSIS/ENROLLED BILL REPORT — Form DF-43 (Rev 03/86 500 Bu)

MFL:1(44)

BBID Exh. 381

BILL ANALYSIS/ENROLLED BILL REPORT--(Continued) Form DF-43

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B. Fiscal Analysis

The SWRCB indicates that this bill would have no impact on its workload, as it currently performs the investigations. It adds legislative authority to impose a penalty, which would offset costs borne by the General Fund in investigating and prosecuting such cases. Likewise, there should be no fiscal impact on the Attorney General's Office, as it currently prosecutes these cases at SWRCB's request.

Proceeds from the new $500 penalty would be transferred to the General Fund. SWRCB has not estimated the potential revenue from this new penalty. The imposition of a penalty may act as a deterrent, thereby resulting in little or no General Fund revenue.

HW:0595h/3

MF 6:1(44)