

THIRD READING

<b>SENATE RULES COMMITTEE</b>  Office of Senate Floor Analysis 1100 J Street, Suite 305 442-8814	<b>Bill No.</b>	AB 1487
	<b>Author:</b>	Ransen (R), et al
	<b>Amended:</b>	8/20/87 in Senate
	<b>Vote Required:</b>	Majority

Committee Vote:

Senate Floor Vote:

AB 1487	
7-7-87	

PLACED  
ON FILE  
PURSUANT  
TO SENATE  
RULE 28.8

Assembly Floor Vote: 78-0, Pg. 2570, A-100

**SUBJECT:** Water rights: unauthorized diversion or use  
**SOURCE:** Water Resources Control Board

**DIGEST:** This bill makes changes to the prosecution of illegal diversions and uses of water.

Senate Floor amendments of 8/20/87 allow the State Water Resources Control Board to impose a civil liability, administratively, not to exceed \$500 for each day in which the trespass occurs. Authority may be exercised only in critically dry water years. A format for implementation is stipulated. Judicial review is permitted.

**ANALYSIS:** 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.

**FISCAL EFFECT:** Appropriation: No Fiscal Committee: Yes Local: No

CONTINUED

SUPPORT: (Verified 8/11/87) (Unable to reverify at the time of this writing)

Water Resources Control Board (source)  
Association of California Water Agencies  
Office of the Attorney General  
Planning and Conservation League  
California Municipal Utilities Association

ARGUMENTS IN SUPPORT: This bill is sponsored by the Water Resources Control Board to strengthen the board's authority over unauthorized diversion and use of water.

DLW:nf 8/21/87 Senate Floor Analyses