

Assembly Bill No. 105

CHAPTER 497

An act to repeal Division 10.25 (commencing with Section 10278) and Division 10.4 (commencing with Section 10285) of the Public Resources Code, and to amend Section 8557, 10644, and 10753.7 of the Water Code, relating to resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 2004. Filed with Secretary of State September 14, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 105, Wiggins. Agriculture and Water Omnibus Act of 2003.

(1) Existing law establishes the California Environmental Quality Improvement Revolving Loan Program within the Department of Conservation to provide loans to farmers to carry out practices approved for cost-share payments under the federal Environmental Quality Incentive Program.

This bill would repeal the provisions establishing that program.

(2) Existing law establishes the Coastal Farmland Preservation Program, which requires the State Coastal Conservancy and the Department of Conservation to enter into a memorandum of understanding to ensure that the program is a coordinated effort and meets the goals of coastal farmland preservation and the California Farmland Conservancy Program Act.

This bill would repeal the provisions establishing the Coastal Farmland Preservation Program.

(3) Existing law requires the Reclamation Board to have its office in the City of Sacramento.

This bill would require the board to have its office in the County of Sacramento.

(4) Existing law requires an urban water supplier to prepare and update an urban water management plan, and to submit copies of the plan to the Department of Water Resources and any city or county within which the urban water supplier provides water supplies.

This bill, in addition, would require the urban water supplier to submit a copy of the plan to the California State Library.

(5) Existing law authorizes a local agency whose service area includes a groundwater basin that is not subject to groundwater management to adopt and implement a groundwater management plan pursuant to certain provisions of law. Existing law requires a



groundwater management plan to include certain components to qualify as a plan for the purposes of those provisions, including a provision that establishes funding requirements for the construction of certain groundwater projects.

This bill, instead, would apply those requirements only to that provision relating to those funding requirements.

(6) The California Safe Drinking Water Bond Law of 1988 authorizes board proceeds in the California Safe Drinking Water Fund to be used for a grant program with grants provided to prescribed entities, subject to specific approval of the Legislature.

This bill would make an appropriation by authorizing the department to make grants from the fund to specified entities for the purposes of financing domestic water system improvement projects to meet state and federal drinking water standards.

(7) This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the Agriculture and Water Omnibus Act of 2003.

SEC. 2. Division 10.25 (commencing with Section 10278) of the Public Resources Code is repealed.

SEC. 3. Division 10.4 (commencing with Section 10285) of the Public Resources Code is repealed.

SEC. 4. Section 8557 of the Water Code is amended to read:

8557. The board shall have its office in the County of Sacramento. The office is the principal place of business and legal residence of the board and of the drainage district.

SEC. 5. Section 10644 of the Water Code is amended to read:

10644. (a) An urban water supplier shall submit to the department, the California State Library, and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption. Copies of amendments or changes to the plans shall be submitted to the department, the California State Library, and any city or county within which the supplier provides water supplies within 30 days after adoption.

(b) The department shall prepare and submit to the Legislature, on or before December 31, in the years ending in six and one, a report summarizing the status of the plans adopted pursuant to this part. The report prepared by the department shall identify the outstanding



elements of the individual plans. The department shall provide a copy of the report to each urban water supplier that has submitted its plan to the department. The department shall also prepare reports and provide data for any legislative hearings designed to consider the effectiveness of plans submitted pursuant to this part.

SEC. 6. Section 10753.7 of the Water Code is amended to read:

10753.7. (a) For the purposes of qualifying as a groundwater management plan under this section, a plan shall contain the components that are set forth in this section. In addition to the requirements of a specific funding program, any local agency seeking state funds administered by the department for the construction of groundwater projects or groundwater quality projects, excluding programs that are funded under Part 2.78 (commencing with Section 10795), shall do all of the following:

(1) Prepare and implement a groundwater management plan that includes basin management objectives for the groundwater basin that is subject to the plan. The plan shall include components relating to the monitoring and management of groundwater levels within the groundwater basin, groundwater quality degradation, inelastic land surface subsidence, and changes in surface flow and surface water quality that directly affect groundwater levels or quality or are caused by groundwater pumping in the basin.

(2) For the purposes of carrying out paragraph (1), the local agency shall prepare a plan to involve other agencies that enables the local agency to work cooperatively with other public entities whose service area or boundary overlies the groundwater basin.

(3) For the purposes of carrying out paragraph (1), the local agency shall prepare a map that details the area of the groundwater basin, as defined in the department's Bulletin No. 118, and the area of the local agency, that will be subject to the plan, as well as the boundaries of other local agencies that overlie the basin in which the agency is developing a groundwater management plan.

(4) The local agency shall adopt monitoring protocols that are designed to detect changes in groundwater levels, groundwater quality, inelastic surface subsidence for basins for which subsidence has been identified as a potential problem, and flow and quality of surface water that directly affect groundwater levels or quality or are caused by groundwater pumping in the basin. The monitoring protocols shall be designed to generate information that promotes efficient and effective groundwater management.

(5) Local agencies that are located in areas outside the groundwater basins delineated on the latest edition of the department's groundwater basin and subbasin map shall prepare groundwater management plans



incorporating the components in this subdivision, and shall use geologic and hydrologic principles appropriate to those areas.

(b) (1) (A) A local agency may receive state funds administered by the department for the construction of groundwater projects or for other projects that directly affect groundwater levels or quality if it prepares and implements, participates in, or consents to be subject to, a groundwater management plan, a basinwide management plan, or other integrated regional water management program or plan that meets, or is in the process of meeting, the requirements of subdivision (a). A local agency with an existing groundwater management plan that meets the requirements of subdivision (a), or a local agency that completes an upgrade of its plan to meet the requirements of subdivision (a) within one year of applying for funds, shall be given priority consideration for state funds administered by the department over local agencies that are in the process of developing a groundwater management plan. The department shall withhold funds from the project until the upgrade of the groundwater management plan is complete.

(B) Notwithstanding subparagraph (A), a local agency that manages groundwater under any other provision of existing law that meets the requirements of subdivision (a), or that completes an upgrade of its plan to meet the requirements of subdivision (a) within one year of applying for funding, shall be eligible for funding administered by the department. The department shall withhold funds from a project until the upgrade of the groundwater management plan is complete.

(C) Notwithstanding subparagraph (A), a local agency that conforms to the requirements of an adjudication of water rights in the groundwater basin is in compliance with subdivision (a). For purposes of this section, an “adjudication” includes an adjudication under Section 2101, an administrative adjudication, and an adjudication in state or federal court.

(D) Subparagraphs (A) and (B) do not apply to proposals for funding under Part 2.78 (commencing with Section 10795), or to funds authorized or appropriated prior to September 1, 2002.

(2) Upon the adoption of a groundwater management plan in accordance with this part, the local agency shall submit a copy of the plan to the department, in an electronic format, if practicable, approved by the department. The department shall make available to the public copies of the plan received pursuant to this part.

SEC. 7. (a) Pursuant to Sections 14011 and 14012 of the Water Code, the Department of Water Resources may make grants from the California Safe Drinking Water Fund in accordance with the California Safe Drinking Water Bond Law of 1988 (Chapter 16 (commencing with Section 14000) of Division 7 of the Water Code) to the following entities in the following amounts for the purpose of financing domestic water



system improvement projects to meet state and federal drinking water standards:

- (1) El Nido Elementary School in Merced County for up to one hundred twenty-five thousand dollars (\$125,000).
- (2) Mattole Triple Junction High School in Humboldt County for up to one hundred eighty-five thousand dollars (\$185,000).
- (3) Orosi High School in Tulare County for up to four hundred thousand dollars (\$400,000).
- (4) Sequoia Union School District in Tulare County for up to four hundred thousand dollars (\$400,000).
- (5) Cuyama Elementary School in Santa Barbara County for up to one hundred fifty thousand dollars (\$150,000).
- (6) Maple School in Kern County for up to four hundred thousand dollars (\$400,000).
- (7) Roselawn High School in Stanislaus County for up to three hundred fifty thousand dollars (\$350,000).
- (8) Dehesa Elementary School in San Diego County for up to four hundred thousand dollars (\$400,000).
- (9) Lovell School in Tulare County for up to four hundred thousand dollars (\$400,000).
- (10) Citrus South Tule School in Tulare County for up to three hundred fifty thousand dollars (\$350,000).
- (11) Oasis School in Riverside County for up to one hundred twenty thousand dollars (\$120,000).
- (12) Kit Carson Elementary School in Kings County for up to three hundred fifty thousand dollars (\$350,000).
- (13) Piute Mountain School in Kern County for up to one hundred twenty-five thousand dollars (\$125,000).
- (14) Whale Gulch Elementary School in Mendocino County for up to one hundred twenty-five thousand dollars (\$125,000).
- (15) Pioneer Elementary School in Kings County for up to three hundred fifty thousand dollars (\$350,000).

(b) The Department of Water Resources shall determine eligibility for, and the amount of, any grant authorized in subdivision (a) in accordance with the California Safe Drinking Water Bond Law of 1988 (Chapter 16 (commencing with Section 14000) of Division 7 of the Water Code), and may make those grants in accordance with that bond law.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:



In order to remedy critical water and special district funding problems, and to enhance agricultural land conservation, and thereby protect the public health and safety as soon as possible, it is necessary that this act take effect immediately.

