

Introduced by Senator Simitian

December 6, 2010

An act to add Part 10 (commencing with Section 12996) to Division 6 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 34, as introduced, Simitian. Water infrastructure projects: fees.

Under existing law, various water infrastructure projects are undertaken by federal, state, and local public agencies in the Sacramento-San Joaquin Delta and in other parts of the state.

This bill would declare the intent of the Legislature to enact legislation to develop a fee-based system to pay for costs associated with updating and modernizing water infrastructure projects in the state. The bill would express legislative intent with respect to the imposition of the fees and use of the fee revenues.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Part 10 (commencing with Section 12996) is
2 added to Division 6 of the Water Code, to read:

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4 PART 10. WATER INFRASTRUCTURE PROJECT FEES

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6 12996. It is the intent of the Legislature to enact legislation to
7 develop a fee-based system to pay for costs associated with
8 updating and modernizing water infrastructure projects in the state.

9 It is the intent of the Legislature that the fees should pay for

1 noncapital costs that are necessary to meet the coequal goals of
2 providing a more reliable water supply for the state and protecting,
3 restoring, and enhancing riverine-based ecosystems.

4 12997. It is the intent of the Legislature that a fee-based system
5 developed pursuant to Section 12996 be developed in accordance
6 with the following policies:

7 (a) The fees should cover the costs of public benefits of water
8 infrastructure projects, including the public share of surface and
9 subsurface water projects, habitat and water necessary for restoring
10 native flora and fauna that are at risk as a result of existing and
11 future water infrastructure projects, and water conservation
12 programs for agricultural, municipal, and industrial users.

13 (b) The fees should not cover the costs of projects that public
14 or private entities are required to fund under existing law,
15 including, but not limited to, any isolated water facility that
16 conveys water through or around the Sacramento-San Joaquin
17 Delta.

18 (c) The fees should not be imposed in a manner that would
19 constitute a tax subject to Section 3 of Article XIII A of the
20 California Constitution.