

ASSEMBLY BILL

No. 2259

Introduced by Assembly Member Ridley-Thomas

February 21, 2014

An act to amend Section 60317 of the Water Code, relating to water replenishment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2259, as introduced, Ridley-Thomas. Water replenishment: assessments.

Existing law, the Water Replenishment District Act, provides for the formation of water replenishment districts and grants authority to a water replenishment district relating to the replenishment, protection, and preservation of groundwater supplies within that district. The act requires the governing board of each district to follow specified procedural processes when determining whether to assess, and the amount of, a replenishment assessment.

This bill would require that a judicial action or proceeding to attack, review, set aside, void, or annul a resolution or motion levying a replenishment assessment pursuant to those provisions to be commenced within 90 days of the fiscal year commencing on July 1 next. The bill would also require that an action by a local agency or interested person regarding the replenishment assessment be brought pursuant to specified provisions regarding civil proceedings.

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. Section 60317 of the Water Code is amended to
2 read:

3 60317. (a) If the board determines that a replenishment
4 assessment shall be levied upon the production of groundwater
5 from groundwater supplies within the district during the ensuing
6 fiscal year, immediately following the making of that determination
7 the board shall levy a replenishment assessment on the production
8 of groundwater from the groundwater supplies within the district
9 during the fiscal year commencing on July 1st next, and the
10 replenishment assessment shall be fixed by the board at a uniform
11 rate per acre-foot of groundwater so produced. The producers of
12 that groundwater shall pay the replenishment assessment to the
13 district at the times and in the manner provided in this division.
14 That part of the assessment levied pursuant to the determination
15 provided in subdivision (c) of Section 60316, exclusive of any part
16 ~~thereof~~ *of the assessment* for district administrative and overhead
17 expenses, shall not exceed 50 percent of the average assessment
18 levied for the current and four preceding fiscal years pursuant to
19 determinations under subdivisions (a) and (b) of Section 60316,
20 exclusive of any part ~~thereof~~ *of the assessment* for district
21 administrative and overhead expenses.

22 (b) *A judicial action or proceeding to attack, review, set aside,*
23 *void, or annul a resolution or motion levying a replenishment*
24 *assessment pursuant to this part shall be commenced within 90*
25 *days of the fiscal year commencing on July 1 next.*

26 (c) *An action by a local agency or interested person under this*
27 *section shall be brought pursuant to Chapter 9 (commencing with*
28 *Section 860) of Title 10 of Part 2 of, or Title 1 (commencing with*
29 *Section 1067) of Part 3 of, the Code of Civil Procedure.*

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