

AMENDED IN ASSEMBLY APRIL 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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 amended, 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~~ *120 days of the adoption of the resolution or motion*. 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~~ *the following*
10 *July 1st*, and the replenishment assessment shall be fixed by the
11 board at a uniform rate per acre-foot of groundwater ~~so~~ produced.
12 The producers of that groundwater shall pay the replenishment
13 assessment to the district at the times and in the manner provided
14 in this division. That part of the assessment levied pursuant to the
15 determination provided in subdivision (c) of Section 60316,
16 exclusive of any part of the assessment for district administrative
17 and overhead expenses, shall not exceed 50 percent of the average
18 assessment levied for the current and four preceding fiscal years
19 pursuant to determinations under subdivisions (a) and (b) of Section
20 60316, exclusive of any part 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~~ *120 days*
26 *following the adoption of the resolution or motion.*

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