

AMENDED IN SENATE JULY 1, 2014
AMENDED IN SENATE MAY 21, 2014
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 *made on or after January 1, 2015*, levying a replenishment assessment pursuant to those provisions be commenced within ~~120~~ 180 days of the adoption of the resolution or motion. The bill would also require that an action *brought on or after January 1, 2015*, 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 the following July 1st, and the
 10 replenishment assessment shall be fixed by the board at a uniform
 11 rate per acre-foot of groundwater produced. The producers of that
 12 groundwater shall pay the replenishment assessment to the district
 13 at the times and in the manner provided in this division. That part
 14 of the assessment levied pursuant to the determination provided
 15 in subdivision (c) of Section 60316, exclusive of any part of the
 16 assessment for district administrative and overhead expenses, shall
 17 not exceed 50 percent of the average assessment levied for the
 18 current and four preceding fiscal years pursuant to determinations
 19 under subdivisions (a) and (b) of Section 60316, exclusive of any
 20 part of the assessment for district administrative and overhead
 21 expenses.

22 (b) A judicial action or proceeding to attack, review, set aside,
 23 void, or annul a resolution or motion *made on or after January 1,*
 24 *2015,* levying a replenishment assessment pursuant to this part
 25 shall be commenced within ~~120~~ *180* days following the adoption
 26 of the resolution or motion.

27 (c) An action *brought on or after January 1, 2015,* 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, of the Code of Civil Procedure.~~

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