

Introduced by Senator Jackson
(Coauthor: Senator Pavley)
(Coauthors: Assembly Members Gorell and Williams)

February 12, 2014

An act to add Section 410 to the Fox Canyon Groundwater Management Agency Act (Chapter 1023 of the Statutes of 1982), relating to the Fox Canyon Groundwater Management Agency.

LEGISLATIVE COUNSEL'S DIGEST

SB 988, as introduced, Jackson. Fox Canyon Groundwater Management Agency.

Existing law, the Fox Canyon Groundwater Management Agency Act, creates the Fox Canyon Groundwater Management Agency and authorizes the agency to perform groundwater management activities within its boundaries. Existing law establishes a board of directors to govern the agency and authorizes the board to adopt ordinances for the purpose of regulating, conserving, managing, and controlling the use and extraction of groundwater within the territory of the agency. Existing law provides that any person who intentionally violates any provision of the act or any agency ordinance is guilty of an infraction, as prescribed, and that any person who negligently or intentionally violates any provision of the act or any agency ordinance may also be liable civilly to the agency, as specified.

This bill would authorize, for the purpose of investigating compliance with or enforcing any provisions of the act or any agency ordinance, the agency to inspect any extraction facility within the boundaries of the agency. The bill would require the inspection to be made with the consent of the operator of the extraction facility, or, if consent is refused, with a duly issued inspection warrant.

Because the willful refusal of an inspection lawfully authorized by an inspection warrant is a misdemeanor, this bill would impose a state-mandated local program by expanding the application of a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 410 is added to the Fox Canyon
2 Groundwater Management Agency Act (Chapter 1023 of the
3 Statutes of 1982), to read:

4 Sec. 410. For the purpose of investigating compliance with or
5 enforcing any provisions of this act or any agency ordinance, the
6 agency may inspect any extraction facility within the boundaries
7 of the agency. The inspection shall be made with the consent of
8 the operator of the extraction facility or, if consent is refused, with
9 a warrant duly issued pursuant to Title 13 (commencing with
10 Section 1822.50) of Part 3 of the Code of Civil Procedure.

11 SEC. 2. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.

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