

AMENDED IN SENATE JULY 6, 2015

AMENDED IN SENATE JUNE 11, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 453

Introduced by Assembly Member Bigelow

February 23, 2015

An act to amend Sections 1552, 10730.2, and 10750.1 of the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 453, as amended, Bigelow. Groundwater management.

(1) Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. Existing law, with certain exceptions, prohibits a local agency from adopting a new groundwater management plan and requires an existing groundwater management plan to remain in effect until a groundwater sustainability plan is adopted.

This bill would authorize, until a groundwater sustainability plan is adopted, a local agency to amend an existing groundwater management plan in furtherance of, and consistent with, the groundwater management plan's objectives.

(2) Existing law authorizes, until a groundwater sustainability plan is adopted, a local agency to impose fees for the purposes of groundwater management as long as a groundwater management plan adopted before January 1, 2015, is in effect for the basin.

This bill would instead authorize a local agency to impose fees and collect groundwater extraction information for developing and adopting a revised groundwater management *plan as long as a groundwater management plan adopted before January 1, 2015, is in effect. This bill would require an ordinance or resolution imposing these fees to specify that authority to collect the fee terminates upon adoption of a groundwater sustainability plan.*

(3) Existing law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund are available, upon appropriation by the Legislature, for the administration of the State Water Resources Control Board’s water rights program.

~~This bill would prohibit the board from using water rights fee moneys in the Water Rights Fund for enforcement of the Sustainable Groundwater Management Act and certain groundwater reporting requirements.~~ *provide that moneys in the Water Rights Fund from fees imposed to recover costs incurred in administering the Sustainable Groundwater Management Act are available for expenditure for the purpose of the Sustainable Groundwater Management Act and certain groundwater reporting requirements. This bill would provide that if the expenditures for the purpose of the act and the groundwater reporting requirements exceed the moneys available from those fees imposed to recover costs incurred in administering the act, that other moneys in the fund can be expended for these purposes if the fund will be replenished, as prescribed.*

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

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

1 ~~SECTION 1. Section 1552 of the Water Code is amended to~~
 2 ~~read:~~
 3 ~~1552. (a) The money in the Water Rights Fund is available~~
 4 ~~for expenditure, upon appropriation by the Legislature, for the~~
 5 ~~following purposes:~~

1 ~~(1) For expenditure by the State Board of Equalization in the~~
2 ~~administration of this chapter and the Fee Collection Procedures~~
3 ~~Law (Part 30 (commencing with Section 55001) of Division 2 of~~
4 ~~the Revenue and Taxation Code) in connection with any fee or~~
5 ~~expense subject to this chapter.~~

6 ~~(2) For the payment of refunds, pursuant to Part 30 (commencing~~
7 ~~with Section 55001) of Division 2 of the Revenue and Taxation~~
8 ~~Code, of fees or expenses collected pursuant to this chapter.~~

9 ~~(3) For expenditure by the board for the purposes of carrying~~
10 ~~out this division, Division 1 (commencing with Section 100), Part~~
11 ~~2 (commencing with Section 10500) and Chapter 11 (commencing~~
12 ~~with Section 10735) of Part 2.74 of Division 6, and Article 7~~
13 ~~(commencing with Section 13550) of Chapter 7 of Division 7.~~

14 ~~(4) For expenditures by the board for the purposes of carrying~~
15 ~~out Sections 13160 and 13160.1 in connection with activities~~
16 ~~involving hydroelectric power projects subject to licensing by the~~
17 ~~Federal Energy Regulatory Commission.~~

18 ~~(5) For expenditures by the board for the purposes of carrying~~
19 ~~out Sections 13140 and 13170 in connection with plans and policies~~
20 ~~that address the diversion or use of water.~~

21 ~~(b) Water rights fee moneys in the Water Rights Fund shall not~~
22 ~~be available for expenditure by the board for the purposes of Part~~
23 ~~5.2 (commencing with Section 5200) and Chapter 11 (commencing~~
24 ~~with Section 10735) of Part 2.74 of Division 6.~~

25 ~~SEC. 2. Section 10730.2 of the Water Code is amended to read:~~

26 ~~10730.2. (a) A groundwater sustainability agency that adopts~~
27 ~~a groundwater sustainability plan pursuant to this part may impose~~
28 ~~fees on the extraction of groundwater from the basin to fund costs~~
29 ~~of groundwater management, including, but not limited to, the~~
30 ~~costs of the following:~~

31 ~~(1) Administration, operation, and maintenance, including a~~
32 ~~prudent reserve.~~

33 ~~(2) Acquisition of lands or other property, facilities, and services.~~

34 ~~(3) Supply, production, treatment, or distribution of water.~~

35 ~~(4) Other activities necessary or convenient to implement the~~
36 ~~plan.~~

37 ~~(b) Subject to Section 10750.1, a local agency may impose fees~~
38 ~~in accordance with the procedures provided in this chapter and~~
39 ~~collect groundwater extraction information as provided by Sections~~
40 ~~10725.6 and 10725.8 for the purposes of developing and adopting~~

1 a revised groundwater management plan pursuant to Part 2.75
2 (commencing with Section 10750).

3 (e) Fees imposed pursuant to this section shall be adopted in
4 accordance with subdivisions (a) and (b) of Section 6 of Article
5 XIII D of the California Constitution.

6 (d) Fees imposed pursuant to this section may include fixed fees
7 and fees charged on a volumetric basis, including, but not limited
8 to, fees that increase based on the quantity of groundwater produced
9 annually, the year in which the production of groundwater
10 commenced from a groundwater extraction facility, and impacts
11 to the basin.

12 (e) The power granted by this section is in addition to any
13 powers a groundwater sustainability agency has under any other
14 law.

15 SECTION 1. Section 1552 of the Water Code is amended to
16 read:

17 1552. (a) Except as provided in subdivision (e) of Section
18 1058.5, moneys in the Water Rights Fund are available for
19 expenditure, upon appropriation by the Legislature, for the
20 following purposes:

21 (a)
22 (1) For expenditure by the State Board of Equalization in the
23 administration of this chapter and the Fee Collection Procedures
24 Law (Part 30 (commencing with Section 55001) of Division 2 of
25 the Revenue and Taxation Code) in connection with any fee or
26 expense subject to this chapter.

27 (b)
28 (2) For the payment of refunds, pursuant to Part 30 (commencing
29 with Section 55001) of Division 2 of the Revenue and Taxation
30 Code, of fees or expenses collected pursuant to this chapter.

31 (c)
32 (3) For expenditure by the board for the purposes of carrying
33 out this division, Division 1 (commencing with Section 100), Part
34 2 (commencing with Section 10500) and Chapter 11 (commencing
35 with Section 10735) of Part 2.74 of Division 6, and Article 7
36 (commencing with Section 13550) of Chapter 7 of Division 7.

37 (d)
38 (4) For expenditures by the board for the purposes of carrying
39 out Sections 13160 and 13160.1 in connection with activities

1 involving hydroelectric power projects subject to licensing by the
2 Federal Energy Regulatory Commission.

3 (e)

4 (5) For expenditures by the board for the purposes of carrying
5 out Sections 13140 and 13170 in connection with plans and policies
6 that address the diversion or use of water.

7 (b) (1) *Fees imposed pursuant to Section 1529.5 are available*
8 *for expenditure pursuant to Part 5.2 (commencing with Section*
9 *5200) or Chapter 11 (commencing with Section 10735) of Part*
10 *2.74 of Division 6.*

11 (2) *Fees collected pursuant to this chapter, other than fees*
12 *imposed pursuant to Section 1529.5, are available for expenditure*
13 *pursuant to Part 5.2 (commencing with Section 5200) or Chapter*
14 *11 (commencing with Section 10735) of Part 2.74 of Division 6*
15 *only if the expenditures exceed the amounts collected from fees*
16 *imposed pursuant to Section 1529.5 and the Water Rights Fund*
17 *will be replenished for expenditures pursuant to this paragraph*
18 *through fees imposed pursuant to Section 1529.5 or a source other*
19 *than the fees collected pursuant to this chapter.*

20 *SEC. 2. Section 10730.2 of the Water Code is amended to read:*

21 10730.2. (a) A groundwater sustainability agency that adopts
22 a groundwater sustainability plan pursuant to this part may impose
23 fees on the extraction of groundwater from the basin to fund costs
24 of groundwater management, including, but not limited to, the
25 costs of the following:

26 (1) Administration, operation, and maintenance, including a
27 prudent reserve.

28 (2) Acquisition of lands or other property, facilities, and services.

29 (3) Supply, production, treatment, or distribution of water.

30 (4) Other activities necessary or convenient to implement the
31 plan.

32 (b) Until a groundwater sustainability plan is adopted pursuant
33 to this part, a local agency may impose fees in accordance with
34 the procedures provided in this ~~section~~ chapter, and collect
35 groundwater extraction information as provided in Sections
36 10725.6 and 10725.8, for the purposes of developing and adopting
37 a revised groundwater management plan pursuant to Part 2.75
38 (commencing with Section 10750) as long as a groundwater
39 management plan adopted before January 1, 2015, is in-effect for
40 the basin. effect. An ordinance or resolution imposing a fee

1 *pursuant to this subdivision shall specify that authority to collect*
2 *the fee terminates upon adoption of a groundwater sustainability*
3 *plan.*

4 (c) Fees imposed pursuant to this section shall be adopted in
5 accordance with subdivisions (a) and (b) of Section 6 of Article
6 XIII D of the California Constitution.

7 (d) Fees imposed pursuant to this section may include fixed fees
8 and fees charged on a volumetric basis, including, but not limited
9 to, fees that increase based on the quantity of groundwater produced
10 annually, the year in which the production of groundwater
11 commenced from a groundwater extraction facility, and impacts
12 to the basin.

13 (e) The power granted by this section is in addition to any
14 powers a groundwater sustainability agency has under any other
15 law.

16 SEC. 3. Section 10750.1 of the Water Code is amended to read:

17 10750.1. (a) Beginning January 1, 2015, a new plan shall not
18 be adopted, except as provided in subdivision (b). A plan adopted
19 before January 1, 2015, shall remain in effect until a groundwater
20 sustainability plan is adopted pursuant to Part 2.74 (commencing
21 with Section 10720), and may be amended in furtherance of, and
22 consistent with, plan objectives until a groundwater sustainability
23 plan is adopted.

24 (b) This section does not apply to a low- or very low priority
25 basin as categorized for the purposes of Part 2.74 (commencing
26 with Section 10720).

27 (c) This section does not apply to a plan submitted as an
28 alternative pursuant to Section 10733.6, unless the department has
29 *not* determined that the alternative ~~does not satisfy~~ *satisfies* the
30 objectives of Part 2.74 (commencing with Section 10720) on or
31 before January 31, 2020, or the department later determines that
32 the plan does not satisfy the objectives of that part.