

AMENDED IN SENATE JULY 16, 2015

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~~ *Section 1552* 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 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) Except as provided in subdivision (e) of Section
- 4 1058.5, moneys in the Water Rights Fund are available for
- 5 expenditure, upon appropriation by the Legislature, for the
- 6 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) (1) Fees imposed pursuant to Section 1529.5 are available
22 for expenditure pursuant to Part 5.2 (commencing with Section
23 5200) or Chapter 11 (commencing with Section 10735) of Part
24 2.74 of Division 6.

25 (2) Fees collected pursuant to this chapter, other than fees
26 imposed pursuant to Section 1529.5, are available for expenditure
27 pursuant to Part 5.2 (commencing with Section 5200) or Chapter
28 11 (commencing with Section 10735) of Part 2.74 of Division 6
29 only if the expenditures exceed the amounts collected from fees
30 imposed pursuant to Section 1529.5 and the Water Rights Fund
31 will be replenished for expenditures pursuant to this paragraph
32 through fees imposed pursuant to Section 1529.5 or a source other
33 than the fees collected pursuant to this chapter.

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

35 ~~10730.2. (a) A groundwater sustainability agency that adopts~~
36 ~~a groundwater sustainability plan pursuant to this part may impose~~
37 ~~fees on the extraction of groundwater from the basin to fund costs~~
38 ~~of groundwater management, including, but not limited to, the~~
39 ~~costs of the following:~~

1 ~~(1) Administration, operation, and maintenance, including a~~
2 ~~prudent reserve.~~
3 ~~(2) Acquisition of lands or other property, facilities, and services.~~
4 ~~(3) Supply, production, treatment, or distribution of water.~~
5 ~~(4) Other activities necessary or convenient to implement the~~
6 ~~plan.~~
7 ~~(b) Until a groundwater sustainability plan is adopted pursuant~~
8 ~~to this part, a local agency may impose fees in accordance with~~
9 ~~the procedures provided in this chapter, and collect groundwater~~
10 ~~extraction information as provided in Sections 10725.6 and~~
11 ~~10725.8, for the purposes of developing and adopting a revised~~
12 ~~groundwater management plan pursuant to Part 2.75 (commencing~~
13 ~~with Section 10750) as long as a groundwater management plan~~
14 ~~adopted before January 1, 2015, is in effect. An ordinance or~~
15 ~~resolution imposing a fee pursuant to this subdivision shall specify~~
16 ~~that authority to collect the fee terminates upon adoption of a~~
17 ~~groundwater sustainability plan.~~
18 ~~(c) Fees imposed pursuant to this section shall be adopted in~~
19 ~~accordance with subdivisions (a) and (b) of Section 6 of Article~~
20 ~~XIII D of the California Constitution.~~
21 ~~(d) Fees imposed pursuant to this section may include fixed fees~~
22 ~~and fees charged on a volumetric basis, including, but not limited~~
23 ~~to, fees that increase based on the quantity of groundwater produced~~
24 ~~annually, the year in which the production of groundwater~~
25 ~~commenced from a groundwater extraction facility, and impacts~~
26 ~~to the basin.~~
27 ~~(e) The power granted by this section is in addition to any~~
28 ~~powers a groundwater sustainability agency has under any other~~
29 ~~law.~~
30 ~~SEC. 3. Section 10750.1 of the Water Code is amended to read:~~
31 ~~10750.1. (a) Beginning January 1, 2015, a new plan shall not~~
32 ~~be adopted, except as provided in subdivision (b). A plan adopted~~
33 ~~before January 1, 2015, shall remain in effect until a groundwater~~
34 ~~sustainability plan is adopted pursuant to Part 2.74 (commencing~~
35 ~~with Section 10720), and may be amended in furtherance of, and~~
36 ~~consistent with, plan objectives until a groundwater sustainability~~
37 ~~plan is adopted.~~
38 ~~(b) This section does not apply to a low- or very low priority~~
39 ~~basin as categorized for the purposes of Part 2.74 (commencing~~
40 ~~with Section 10720).~~

1 ~~(e) This section does not apply to a plan submitted as an~~
2 ~~alternative pursuant to Section 10733.6, unless the department has~~
3 ~~not determined that the alternative satisfies the objectives of Part~~
4 ~~2.74 (commencing with Section 10720) on or before January 31,~~
5 ~~2020, or the department later determines that the plan does not~~
6 ~~satisfy the objectives of that part.~~

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