

AMENDED IN SENATE SEPTEMBER 4, 2015

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 Section ~~1552~~ 10730.2 of the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 453, as amended, Bigelow. Groundwater management.

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 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.~~

Existing law requires a groundwater management plan to contain specified components and sets certain requirements on a local agency seeking state funds administered by the department for groundwater projects or groundwater quality projects. 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 authorize, until a groundwater sustainability plan is adopted, a local agency that has adopted a groundwater management plan to impose fees on the extraction of groundwater from the basin to fund costs of groundwater management and to collect groundwater extraction information, as long as a groundwater management plan adopted before January 1, 2015, is in effect. This bill would require a local agency to specify in an ordinance or resolution imposing a fee on the extraction of groundwater from the basin that the fee does not apply to any period after adoption of a groundwater sustainability plan.

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

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

- 1 **SECTION 1.** *Section 10730.2 of the Water Code is amended*
- 2 *to read:*
- 3 10730.2. (a) A groundwater sustainability agency that adopts
- 4 a groundwater sustainability plan pursuant to this part may impose
- 5 fees on the extraction of groundwater from the basin to fund costs
- 6 of groundwater management, including, but not limited to, the
- 7 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 *that has adopted a groundwater*
9 *management plan pursuant to Part 2.75 (commencing with Section*
10 *10750) may impose fees pursuant to subdivision (a) in accordance*
11 *with the procedures provided in this section for the purposes of*
12 *Part 2.75 (commencing with Section 10750) chapter, and may*
13 *collect groundwater extraction information, as provided in Sections*
14 *10725.6 and 10725.8, as long as a groundwater management plan*
15 *adopted before January 1, 2015, is in effect for the basin. effect.*
16 *A local agency shall specify in an ordinance or resolution imposing*
17 *a fee pursuant to this subdivision that the fee does not apply to*
18 *any period after adoption of a groundwater sustainability plan.*

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

22 (d) Fees imposed pursuant to this section may include fixed fees
23 and fees charged on a volumetric basis, including, but not limited
24 to, fees that increase based on the quantity of groundwater produced
25 annually, the year in which the production of groundwater
26 commenced from a groundwater extraction facility, and impacts
27 to the basin.

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

31 ~~SECTION 1. Section 1552 of the Water Code is amended to~~
32 ~~read:~~

33 ~~1552. (a) Except as provided in subdivision (e) of Section~~
34 ~~1058.5, moneys in the Water Rights Fund are available for~~
35 ~~expenditure, upon appropriation by the Legislature, for the~~
36 ~~following purposes:~~

37 ~~(1) For expenditure by the State Board of Equalization in the~~
38 ~~administration of this chapter and the Fee Collection Procedures~~
39 ~~Law (Part 30 (commencing with Section 55001) of Division 2 of~~

1 the Revenue and Taxation Code) in connection with any fee or
 2 expense subject to this chapter.

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

6 (3) For expenditure by the board for the purposes of carrying
 7 out this division, Division 1 (commencing with Section 100), Part
 8 2 (commencing with Section 10500) and Chapter 11 (commencing
 9 with Section 10735) of Part 2.74 of Division 6, and Article 7
 10 (commencing with Section 13550) of Chapter 7 of Division 7.

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

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

18 (b) (1) Fees imposed pursuant to Section 1529.5 are available
 19 for expenditure pursuant to Part 5.2 (commencing with Section
 20 5200) or Chapter 11 (commencing with Section 10735) of Part
 21 2.74 of Division 6.

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