

AMENDED IN SENATE MARCH 28, 2016

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~~ Salas

February 23, 2015

An act to ~~amend Section 10730.2~~ add Chapter 7 (commencing with Section 44200) to Part 6 of Division 14 of the Water Code, relating to ~~groundwater~~; groundwater; and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 453, as amended, ~~Bigelow~~ Salas. ~~Groundwater management. Extraction of groundwater: Semitropic Water Storage District.~~

The California Water Storage District Law authorizes the formation of water storage districts, as prescribed, with specified powers. 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. The act authorizes a groundwater sustainability agency to require registration of a groundwater extraction facility and, through a groundwater sustainability plan, require that the use of every groundwater extraction facility be measured by a water-measuring device. The act authorizes a local agency to impose certain fees for the purposes of groundwater management planning until a groundwater sustainability plan is adopted as long as a groundwater management plan adopted before January 1, 2015, is in effect for the basin.

This bill would authorize the Semitropic Water Storage District, in accordance with certain procedures in the act, to impose fees and collect groundwater extraction information. This bill would authorize the district to impose fees on the extraction of groundwater from the basin to fund the costs of groundwater management and to require reporting of groundwater extractions. This bill would authorize the district to exercise these powers and authorities until a groundwater sustainability plan has been adopted for the area encompassing the district.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Semitropic Water Storage District.

This bill would declare that it is to take effect immediately as an urgency statute.

~~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 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 ²/₃. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Chapter 7 (commencing with Section 44200) is
2 added to Part 6 of Division 14 of the Water Code, to read:

3
4 CHAPTER 7. SEMITROPIC WATER STORAGE DISTRICT

5
6 44200. Unless the context otherwise requires, the following
7 definitions govern the construction of this chapter:

8 (a) "Basin" has the same meaning as defined in Section 10721.

9 (b) "District" means the Semitropic Water Storage District and
10 its improvement districts.

11 (c) "Groundwater extraction facility" has the same meaning
12 as defined in Section 10721.

13 44202. The provisions of this chapter apply only to the district.
14 The district may exercise the powers and authorities granted by
15 this chapter until a groundwater sustainability plan has been
16 adopted pursuant to Part 2.74 (commencing with Section 10720)
17 of Division 6 for the area encompassing the district.

18 44204. (a) In addition to levying assessments or fixing tolls
19 and charges pursuant to Part 9 (commencing with Section 46000)
20 and in lieu of calling assessments in whole or in part, the district
21 may do the following:

22 (1) Impose fees in accordance with the procedures provided in
23 Chapter 8 (commencing with Section 10730) of Part 2.74 of
24 Division 6.

25 (2) Collect groundwater extraction information, as provided in
26 Sections 10725.6 and 10725.8, as long as the district has adopted

1 a groundwater management plan pursuant to Part 2.75
2 (commencing with Section 10750) before January 1, 2015, and
3 that plan is in effect.

4 (b) A fee imposed pursuant to this section does not apply after
5 the adoption of a groundwater sustainability plan for the area
6 encompassing the district.

7 44206. (a) The district shall have the following powers and
8 authorities:

9 (1) To impose fees on the extraction of groundwater from the
10 basin to fund the costs of groundwater management, including,
11 but not limited to, the costs of the following:

12 (A) Administration, operation, and maintenance, including a
13 prudent reserve.

14 (B) Acquisition of lands or other properties, facilities, and
15 services.

16 (C) Supply, production, treatment, or distribution of water.

17 (2) To require the reporting of groundwater extractions as
18 follows:

19 (A) The district may require every groundwater extraction
20 facility within the service area of the district to be measured by a
21 water-measuring device satisfactory to the district.

22 (B) All costs associated with the purchase and installation of
23 the water-measuring device shall be borne by the owner or
24 operator of each groundwater extraction facility. The water
25 measuring devices shall be installed by the district or, at the
26 district's option, by the owner or operator of the groundwater
27 extraction facility. Water-measuring devices shall be calibrated
28 on a reasonable schedule as may be determined by the district.

29 (C) The district may require that the owner or operator of a
30 groundwater extraction facility within the district file an annual
31 statement with the district setting forth the total extraction in
32 acre-feet of groundwater from the facility during the previous
33 water year.

34 (D) In addition to the measurement of groundwater extractions
35 pursuant to subparagraph (A), the district may use any other
36 reasonable method to determine groundwater extraction.

37 (E) If the owner or operator of a groundwater extraction facility
38 fails to timely comply with the requirements for reporting
39 groundwater extractions pursuant to this paragraph, the district
40 board may, following an investigation, make a determination of

1 *the quantity of groundwater extracted and the amount shall not*
2 *exceed the maximum production capacity of the groundwater*
3 *extraction facility. The determination of the district board shall*
4 *be conclusive on the owner or operator of the groundwater*
5 *extraction facility. The groundwater charges based on this*
6 *determination, together with any interest and penalties, shall be*
7 *payable immediately unless within 20 days after the district's*
8 *mailing of notice to the owner or operator of the district's*
9 *determination, the owner or operator files with the district a written*
10 *protest setting forth the ground for protesting the amount of*
11 *groundwater extraction or the groundwater charges, interest, and*
12 *penalties. If a protest is filed pursuant to this subparagraph, the*
13 *district board shall hold a hearing to determine the total amount*
14 *of groundwater extracted and the groundwater charges, interest,*
15 *and penalties. Notice of the hearing shall be mailed to each*
16 *protestant at least 20 days before the date fixed for the hearing.*

17 *(b) (1) Fees imposed pursuant to this section shall be adopted*
18 *in accordance with subdivisions (a) and (b) of Section 6 of Article*
19 *XIII D of the California Constitution.*

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

26 *(3) Fees imposed pursuant to this chapter shall be collected in*
27 *the same manner as otherwise provided in Article 4 (commencing*
28 *with Section 47180) of Chapter 7 of Part 9.*

29 *SEC. 2. The Legislature finds and declares that a special law*
30 *is necessary and that a general law cannot be made applicable*
31 *within the meaning of Section 16 of Article IV of the California*
32 *Constitution because of the unique circumstances of the Semitropic*
33 *Water Storage District.*

34 *SEC. 3. This act is an urgency statute necessary for the*
35 *immediate preservation of the public peace, health, or safety within*
36 *the meaning of Article IV of the Constitution and shall go into*
37 *immediate effect. The facts constituting the necessity are:*

38 *In order for the Semitropic Water Storage District to timely*
39 *implement actions to recover a groundwater basin subject to*

1 *critical overdraft, it is necessary that this act take effect*
2 *immediately.*

3 ~~SECTION 1. Section 10730.2 of the Water Code is amended~~
4 ~~to read:~~

5 ~~10730.2. (a) A groundwater sustainability agency that adopts~~
6 ~~a groundwater sustainability plan pursuant to this part may impose~~
7 ~~fees on the extraction of groundwater from the basin to fund costs~~
8 ~~of groundwater management, including, but not limited to, the~~
9 ~~costs of the following:~~

10 ~~(1) Administration, operation, and maintenance, including a~~
11 ~~prudent reserve.~~

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

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

14 ~~(4) Other activities necessary or convenient to implement the~~
15 ~~plan.~~

16 ~~(b) Until a groundwater sustainability plan is adopted pursuant~~
17 ~~to this part, a local agency that has adopted a groundwater~~
18 ~~management plan pursuant to Part 2.75 (commencing with Section~~
19 ~~10750) may impose fees pursuant to subdivision (a) in accordance~~
20 ~~with the procedures provided in this chapter, and may collect~~
21 ~~groundwater extraction information, as provided in Sections~~
22 ~~10725.6 and 10725.8, as long as a groundwater management plan~~
23 ~~adopted before January 1, 2015, is in effect. A local agency shall~~
24 ~~specify in an ordinance or resolution imposing a fee pursuant to~~
25 ~~this subdivision that the fee does not apply to any period after~~
26 ~~adoption of a groundwater sustainability plan.~~

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

30 ~~(d) Fees imposed pursuant to this section may include fixed fees~~
31 ~~and fees charged on a volumetric basis, including, but not limited~~
32 ~~to, fees that increase based on the quantity of groundwater produced~~
33 ~~annually, the year in which the production of groundwater~~
34 ~~commenced from a groundwater extraction facility, and impacts~~
35 ~~to the basin.~~

36 ~~(e) The power granted by this section is in addition to any~~
37 ~~powers a groundwater sustainability agency has under any other~~
38 ~~law.~~

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