

Assembly Bill No. 453

Passed the Assembly August 30, 2016

Chief Clerk of the Assembly

Passed the Senate August 18, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL’S DIGEST

AB 453, Salas. 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.

This bill would authorize the Semitropic Water Storage District to collect groundwater extraction information and to require the reporting of groundwater information, as specified. This bill would authorize the district to impose fees on the extraction of groundwater from the basin, as prescribed.

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.

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

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

CHAPTER 7. SEMITROPIC WATER STORAGE DISTRICT

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

(a) “Basin” means the Kern County Groundwater Basin, as defined in Bulletin 118.

(b) “District” means the Semitropic Water Storage District and its improvement districts.

(c) “Groundwater extraction facility” has the same meaning as defined in Section 10721.

(d) “Management area” means the portion of the basin within the boundaries of the district where the district has jurisdiction to implement specific management practices.

(e) “Project” means the “Tulare Lake Storage and Floodwater Protection Project” as described in the concept paper received by the California Water Commission on March 31, 2016, and any other groundwater storage or recharge project authorized by the district and for which the district completes environmental review on or before January 1, 2020.

44202. This chapter applies only to the district.

44204. (a) The district may collect groundwater extraction information and require the reporting of groundwater information within the management area and, in furtherance of that goal, may do the following:

(1) Require registration of groundwater extraction facilities within the management area.

(2) Require that the use of every groundwater extraction facility within the management area be measured by a water-measuring device satisfactory to the district.

(3) Require that all costs associated with the purchase and installation of the water-measuring device pursuant to paragraph (2) be borne by the owner or operator of each groundwater extraction facility. Water-measuring devices shall be installed by the district or, at the district’s option, by the owner or operator of the groundwater extraction facility. Water-measuring devices shall be calibrated on a reasonable schedule as may be determined by the district.

(4) Require that the owner or operator of a groundwater extraction facility within the management area file an annual

statement with the district setting forth the total extraction in acre-feet of groundwater from the facility during the previous year.

(b) In addition to the measurement of groundwater extractions pursuant to subdivision (a), the district may use any other reasonable method to determine groundwater extraction.

(c) The district may exempt from this section a person who, for domestic purposes, extracts two acre-feet or less of groundwater per year.

44206. (a) In addition to levying assessments or fixing tolls and charges pursuant to Part 9 (commencing with Section 46000) and in lieu of imposing assessments in whole or in part, the district may impose fees on the extraction of groundwater from the basin to fund the costs of the following:

(1) Design, administration, operation, and maintenance of a project, including a prudent reserve.

(2) Acquisition of lands or other properties, facilities, and services to implement a project.

(3) Other costs directly related to design, implementation, maintenance, and operation of a project.

(b) (1) If the owner or operator of a groundwater extraction facility fails to timely comply with the requirements for reporting groundwater extractions pursuant to Section 44204, the district may make a determination of the quantity of groundwater extracted following an investigation. The determined amount shall not exceed the maximum production capacity of the groundwater extraction facility. The district shall mail notice to the owner or operator of the district's determination of the quantity of groundwater extracted.

(2) The groundwater charges based on the determination pursuant to paragraph (1), together with any interest and penalties, shall be payable immediately unless, within 20 days after the district's mailing of notice to the owner or operator of the district's determination, the owner or operator files with the district a written protest setting forth the grounds for protesting the amount of groundwater extraction or groundwater charges, interest, or penalties.

(3) If a protest is filed pursuant to paragraph (2), the district shall hold a hearing to determine the total amount of groundwater extracted and the groundwater charges, interest, and penalties.

Notice of the hearing shall be mailed to each protestant at least 20 days before the date fixed for the hearing.

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

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

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

44208. (a) This chapter shall not be construed as state approval, authorization, or funding of a project, including, but not limited to, funding available pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014.

(b) A project shall comply with all applicable state laws, including, but not limited to, Division 13 (commencing with Section 21000) of the Public Resources Code, Division 2 (commencing with Section 1000), and Part 2.74 (commencing with Section 10720) of Division 6.

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

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

In order for the Semitropic Water Storage District to pursue early implementation of storage and groundwater projects that are needed in order to help recover the Kern County Groundwater Basin, which is listed by the Department of Water Resources as a critically overdrafted basin, it is necessary that this act take effect immediately.

Approved _____, 2016

Governor