

AMENDED IN SENATE JULY 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 939**

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**Introduced by Assembly Member Salas**

February 26, 2015

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An act to amend ~~Section~~ *Sections 10722.4 and 10730* of the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 939, as amended, Salas. Groundwater sustainability ~~agency:~~ ~~financial authority:~~ *agencies.*

*Existing law requires the Department of Water Resources to identify the extent of monitoring of groundwater elevations that is being undertaken within each groundwater basin or subbasin and to prioritize basins or subbasins as high, medium, low, or very low priority, and requires the initial priority for each basin to be established no later than January 31, 2015. Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the department 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 requires a local agency, any time the department changes these basin priorities and elevates a basin to a medium- or high-priority basin after January 31, 2015, to either establish a groundwater sustainability agency within 2 years of reprioritization*

*and adopt a groundwater sustainability plan within 5 years of reprioritization, or to submit an alternative to the department that the local agency believes satisfies the objectives of these provisions within 2 years of reprioritization.*

*This bill would impose the requirement to establish a groundwater sustainability agency or submit an alternative after reprioritization on a local agency or combination of local agencies overlying a groundwater basin.*

~~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~~

*The act authorizes a groundwater sustainability agency to impose fees to fund the costs of a groundwater sustainability program and requires a groundwater sustainability agency to hold at least one public meeting prior to imposing or increasing a fee. The act requires, at least 10 days prior to the meeting, a groundwater sustainability agency to make available to the public data upon which the proposed fee is based.*

*This bill would require a groundwater sustainability agency to make the data upon which the proposed fee is based available 20 days prior to the public meeting to impose or increase a fee.*

*This bill would incorporate changes to Section 10722.4 of the Water Code proposed by both this bill and SB 13, which would become operative only if both bills are enacted and become effective on or before January 1, 2016, and this bill is chaptered last.*

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

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

1     SECTION 1. Section 10722.4 of the Water Code is amended  
2     to read:

1 10722.4. (a) Pursuant to Section 10933, for the purposes of  
2 this part the department shall categorize each basin as one of the  
3 following priorities:

- 4 (1) High priority.
- 5 (2) Medium priority.
- 6 (3) Low priority.
- 7 (4) Very low priority.

8 (b) The initial priority for each basin shall be established by the  
9 department pursuant to Section 10933 no later than January 31,  
10 2015.

11 (c) Any time the department updates Bulletin 118 boundaries  
12 pursuant to subdivision (b) of Section 12924, the department shall  
13 reassess the prioritization pursuant to Section 10933.

14 (d) Any time the department changes the basin priorities  
15 pursuant to Section 10933, if a basin is elevated to a medium- or  
16 high-priority basin after January 31, 2015, a local ~~agency~~ *agency,*  
17 *or combination of local agencies overlying a groundwater basin,*  
18 shall have two years from the date of reprioritization to either  
19 establish a groundwater sustainability agency pursuant to Chapter  
20 4 (commencing with Section 10723) and five years from the date  
21 of reprioritization to adopt a groundwater sustainability plan  
22 pursuant to Chapter 6 (commencing with Section 10727) or two  
23 years to satisfy the requirements of Section 10733.6.

24 *SEC. 1.5. Section 10722.4 of the Water Code is amended to*  
25 *read:*

26 10722.4. (a) Pursuant to Section 10933, for the purposes of  
27 this part the department shall categorize each basin as one of the  
28 following priorities:

- 29 (1) High priority.
- 30 (2) Medium priority.
- 31 (3) Low priority.
- 32 (4) Very low priority.

33 (b) The initial priority for each basin shall be established by the  
34 department pursuant to Section 10933 no later than January 31,  
35 2015.

36 (c) Any time the department updates Bulletin 118 boundaries  
37 pursuant to subdivision (b) of Section 12924, the department shall  
38 reassess the prioritization pursuant to Section 10933.

39 ~~(d) Any time the department changes the basin priorities~~  
40 ~~pursuant to Section 10933, if a basin is elevated to a medium- or~~

1 ~~high-priority basin after January 31, 2015, a local agency shall~~  
2 ~~have two years from the date of reprioritization to either establish~~  
3 ~~a groundwater sustainability agency pursuant to Chapter 4~~  
4 ~~(commencing with Section 10723) and five years from the date of~~  
5 ~~reprioritization to adopt a groundwater sustainability plan pursuant~~  
6 ~~to Chapter 6 (commencing with Section 10727) or two years to~~  
7 ~~satisfy the requirements of Section 10733.6.~~

8 *(d) If the department changes priorities pursuant to Section*  
9 *10933 to elevate a basin from a low- or very low priority basin to*  
10 *a medium- or high-priority basin after January 31, 2015, the*  
11 *agency formation and planning deadlines of this part shall be*  
12 *extended as follows:*

13 *(1) A local agency, or combination of local agencies overlying*  
14 *a groundwater basin, shall have two years from the date of*  
15 *reprioritization to either establish a groundwater sustainability*  
16 *agency pursuant to Chapter 4 (commencing with Section 10723)*  
17 *or two years to satisfy the requirements of Section 10733.6.*

18 *(2) A groundwater sustainability agency shall have five years*  
19 *from the date of reprioritization to meet the requirements of*  
20 *subdivision (a) of Section 10720.7, except that if the reprioritization*  
21 *occurs before January 31, 2017, a groundwater sustainability*  
22 *agency subject to paragraph (2) of subdivision (a) of Section*  
23 *10720.7 shall have until January 31, 2022.*

24 **SECTION 1.**

25 **SEC. 2.** Section 10730 of the Water Code is amended to read:

26 10730. (a) A groundwater sustainability agency may impose  
27 fees, including, but not limited to, permit fees and fees on  
28 groundwater extraction or other regulated activity, to fund the costs  
29 of a groundwater sustainability program, including, but not limited  
30 to, preparation, adoption, and amendment of a groundwater  
31 sustainability plan, and investigations, inspections, compliance  
32 assistance, enforcement, and program administration, including a  
33 prudent reserve. A groundwater sustainability agency shall not  
34 impose a fee pursuant to this subdivision on a de minimis extractor  
35 unless the agency has regulated the users pursuant to this part.

36 (b) (1) Prior to imposing or increasing a fee, a groundwater  
37 sustainability agency shall hold at least one public meeting, at  
38 which oral or written presentations may be made as part of the  
39 meeting.

1 (2) Notice of the time and place of the meeting shall include a  
2 general explanation of the matter to be considered and a statement  
3 that the data required by this section is available. The notice shall  
4 be provided by publication pursuant to Section 6066 of the  
5 Government Code, by posting notice on the Internet Web site of  
6 the groundwater sustainability agency, and by mail to any interested  
7 party who files a written request with the agency for mailed notice  
8 of the meeting on new or increased fees. A written request for  
9 mailed notices shall be valid for one year from the date that the  
10 request is made and may be renewed by making a written request  
11 on or before April 1 of each year.

12 (3) At least 20 days prior to the meeting, the groundwater  
13 sustainability agency shall make available to the public data upon  
14 which the proposed fee is based.

15 (c) Any action by a groundwater sustainability agency to impose  
16 or increase a fee shall be taken only by ordinance or resolution.

17 (d) (1) As an alternative method for the collection of fees  
18 imposed pursuant to this section, a groundwater sustainability  
19 agency may adopt a resolution requesting collection of the fees in  
20 the same manner as ordinary municipal ad valorem taxes.

21 (2) A resolution described in paragraph (1) shall be adopted and  
22 furnished to the county auditor-controller and board of supervisors  
23 on or before August 1 of each year that the alternative collection  
24 of the fees is being requested. The resolution shall include a list  
25 of parcels and the amount to be collected for each parcel.

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

29 *SEC. 3. Section 1.5 of this bill incorporates amendments to*  
30 *Section 10722.4 of the Water Code proposed by both this bill and*  
31 *Senate Bill 13. It shall only become operative if (1) both bills are*  
32 *enacted and become effective on or before January 1, 2016, (2)*  
33 *each bill amends Section 10722.4 of the Water Code, and (3) this*  
34 *bill is enacted after Senate Bill 13, in which case Section 1 of this*  
35 *bill shall not become operative.*