

AMENDED IN ASSEMBLY JUNE 16, 2016

SENATE BILL

No. 564

Introduced by Senator Cannella

February 26, 2015

~~An act to add Section 42011 to the Vehicle Code, relating to vehicles.~~
An act to amend Section 10723 of the Water Code, and to create the West Kings Groundwater Sustainability Agency, and prescribing its boundaries, organization, operation, management, financing, and other powers and duties, relating to water districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 564, as amended, Cannella. ~~Vehicles: school zone fines.~~ *West Kings Groundwater Sustainability Agency Act.*

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 create the West Kings Groundwater Sustainability Agency, would establish the initial boundaries of the agency, and would authorize the agency's boundaries to be changed by the boards of supervisors of the Counties of Fresno and Kings after a noticed public hearing. The bill would require the agency to elect to be a groundwater sustainability agency under the Sustainable Groundwater Management

Act for that portion of the Kings Subbasin that lies within the boundaries of the agency and would require the agency to develop and implement a groundwater sustainability plan to achieve sustainable groundwater management within the territory of the agency. The bill would generally specify the powers and purposes of the agency. The bill would prescribe the composition of the 7-member board of directors of the agency and would require members and alternates to be chosen by certain member agencies, as specified. By imposing duties on the agency and the member agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, in the case of specified violations relating to rules of the road and driving under the influence, doubles the fine in the case of misdemeanors, and increases the fine, as specified, in the case of infractions, if the violation is committed by the driver of a vehicle within a highway construction or maintenance area during any time when traffic is regulated or restricted by the Department of Transportation or local authorities pursuant to existing law or is committed within a designated Safety Enhancement-Double Fine Zone.~~

~~This bill would also require that an additional fine of \$35 be imposed if the violation occurred when passing a school building or school grounds, as specified, and the highway is posted with a standard "SCHOOL" warning sign and an accompanying sign notifying motorists that increased penalties apply for traffic violations that are committed within that school zone. The bill would require that these additional fines be deposited in the State Highway Account in the State Transportation Fund, for purposes of funding school zone safety projects within the Active Transportation Program.~~

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

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

- 1 *SECTION 1. This act shall be known and may be cited as the*
- 2 *West Kings Groundwater Sustainability Agency.*

1 West Kings Groundwater Sustainability Agency

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4 Article 1. Findings and Declarations

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6 101. The Legislature hereby finds and declares that the
7 preservation of the groundwater resources within the territory of
8 the agency for agricultural, municipal, and industrial uses is in
9 the public interest and that the creation of the agency pursuant to
10 this act is for the common benefit of water users.

11 102. The Legislature further finds and declares that the
12 groundwater management activities of the agency benefit all
13 operators of groundwater extraction facilities within the territory
14 of the agency.

15 103. The Legislature further finds and declares that
16 circumstances in the territory of the agency to be formed hereby,
17 which may not exist in other locations, justify the formation of the
18 agency and the grant of powers contained in this act. The territory
19 of the agency to be formed hereby includes vast areas of the
20 nation’s top farm producing lands and places that have been
21 designated by the State of California as disadvantaged communities
22 disproportionately impacted by air quality and socioeconomic
23 burdens. There are a number of scattered small public and private
24 water entities in the territory of the agency that do not have the
25 staff or resources to otherwise form a groundwater sustainability
26 agency. These entities agree the territory is best served by a single
27 dedicated agency to manage the groundwater resources.

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29 Article 2. Creation and Purposes

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31 201. (a) A groundwater management agency is hereby created
32 in the Counties of Fresno and Kings to be known as the West Kings
33 Groundwater Sustainability Agency.

34 (b) The agency shall be governed by a board as specified in
35 Section 501 and shall have the boundaries specified in Section
36 301. The agency shall only exercise the powers granted by this act
37 and the Sustainable Groundwater Management Act (Part 2.74
38 (commencing with Section 10720) of Division 6 of the Water Code)
39 for purposes of groundwater management within the boundaries
40 of the agency, together with any other powers as are reasonably

1 *implied, necessary, and proper to carry out the objectives and*
 2 *purposes of the agency to implement the Sustainable Groundwater*
 3 *Management Act. The agency shall abide by the rules and*
 4 *regulations promulgated by the Department of Water Resources*
 5 *and the State Water Resources Control Board to implement the*
 6 *Sustainable Groundwater Management Act.*

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Article 3. Boundaries

10 *301. For purposes of this act, the initial boundaries of the*
 11 *agency shall be as follows:*

12 *Beginning at the intersection of the southwestern boundary of*
 13 *Raisin City Water District (Raisin City WD) and Highway 145,*
 14 *the North Fork Groundwater Sustainability Agency Boundary*
 15 *(Boundary) follows Highway 145 southwest to the southern*
 16 *boundary of Reclamation District 1606 (RD 1606). It then follows*
 17 *the southern boundaries of RD 1606 and James Irrigation District*
 18 *(James ID) to the intersection of the James ID boundary with the*
 19 *Kings Subbasin boundary. Then, it follows said subbasin boundary*
 20 *south and east to its intersection with the southwestern boundary*
 21 *of Consolidated Irrigation District (Consolidated ID). The*
 22 *Boundary then continues north and west following the southern*
 23 *Consolidated ID boundary and the southern and western Raisin*
 24 *City WD boundaries to the point of beginning.*

25 *302. The agency’s initial boundaries shall be established by*
 26 *the boards of supervisors of the Counties of Fresno and Kings*
 27 *after a noticed public hearing. The boundaries shall be depicted*
 28 *on a map that shall be adopted by the boards of the supervisors*
 29 *of those counties and thereafter recorded in the office of the county*
 30 *recorder of each county.*

31 *303. The boards of supervisors of the Counties of Fresno and*
 32 *Kings may adjust the boundaries of the agency in the same manner*
 33 *prescribed for in establishment of the initial boundaries if the*
 34 *boundaries of the basin are revised, including the establishment*
 35 *of new subbasins.*

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Article 4. Definitions

39 *401. Unless otherwise indicated by their context, the definitions*
 40 *set forth in this article govern the interpretation of this act.*

1 402. *“Actively and primarily engaged in production of*
2 *agriculture” means that a person derives at least 75 percent of*
3 *his or her annual income from production agriculture.*

4 403. *“Agency” means the West Kings Groundwater*
5 *Sustainability Agency established by this act.*

6 404. *“Aquifer” means a geologic formation or structure that*
7 *transmits water in sufficient quantities to supply pumping wells*
8 *or springs.*

9 405. *“Basin” has the same meaning as defined in Section*
10 *10721 of the Water Code.*

11 406. *“Board” means the board of directors of the agency, as*
12 *more particularly described in Section 501.*

13 407. *“Coordination agreement” has the same meaning as*
14 *defined in Section 10721 of the Water Code.*

15 408. *“County” means either the County of Fresno or the*
16 *County of Kings, as the context requires. “Counties” means the*
17 *County of Fresno and the County of Kings.*

18 409. *“Extraction” means the act of obtaining groundwater by*
19 *pumping or other controlled means.*

20 410. *“Groundwater” has the same meaning as defined in*
21 *Section 10721 of the Water Code.*

22 411. *“Groundwater management activities” means programs,*
23 *measures, or actions taken to preserve, protect, and enhance*
24 *groundwater resources within the territory of the agency.*

25 412. *“Kings Subbasin” means the San Joaquin Valley*
26 *Groundwater Basin Kings Subbasin.*

27 413. *“Member” means any person or entity entitled to*
28 *representation on the agency’s board of directors as specified in*
29 *Section 501.*

30 414. *“Operator” has the same meaning as defined in Section*
31 *10721 of the Water Code.*

32 415. *“Person” includes any state or local governmental*
33 *agency, private corporation, firm, partnership, limited liability*
34 *company, individual, group of individuals, or, to the extent*
35 *authorized by law, any federal agency.*

36 416. *“Plan” means a groundwater sustainability plan prepared*
37 *by the agency pursuant to this act.*

38 417. *“Supplemental water” means surface water or*
39 *groundwater imported from outside the watershed or watersheds*
40 *of the basin or aquifer and floodwaters that are conserved and*

1 *saved within the watershed or watersheds that would otherwise*
2 *have been lost or would not have reached the basin or aquifer.*

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Article 5. General Provisions

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6 *501. (a) The agency shall be governed by a board of directors*
7 *that shall consist of seven members, as follows:*

8 *(1) One member shall be chosen by the County of Fresno.*

9 *(2) One member shall be a resident or landowner chosen by the*
10 *members of the governing boards of the following entities:*

11 *(A) Clark’s Fork Reclamation District.*

12 *(B) Laguna Irrigation District.*

13 *(C) Upper San Jose Water Company.*

14 *(3) One member shall be chosen by the member of the governing*
15 *boards of the following special districts that provide drinking*
16 *water, who shall be chosen from the members of the governing*
17 *boards of the special districts:*

18 *(A) Laton Community Services District.*

19 *(B) Riverdale Public Utility District.*

20 *(4) One member shall be a resident or landowner chosen by the*
21 *members of the governing boards of the following entities:*

22 *(A) Crescent Canal Company.*

23 *(B) Stinson Canal and Irrigation Company.*

24 *(5) One member shall be a resident or landowner chosen by the*
25 *members of the governing boards of the following entities:*

26 *(A) Burrel Ditch Company.*

27 *(B) Liberty Canal Company.*

28 *(6) One member shall be a resident or landowner chosen by the*
29 *members of the governing boards of the following entities:*

30 *(A) Liberty Mill Race Company.*

31 *(B) Reed Ditch Company.*

32 *(7) One member shall be chosen by the members of the*
33 *governing boards of the following special districts, who shall be*
34 *chosen from the members of the governing boards of the special*
35 *districts:*

36 *(A) Liberty Water District.*

37 *(B) Riverdale Irrigation District.*

38 *(b) There shall be an alternate for each board member, chosen*
39 *in the same manner and by the same entities as the board member.*

40 *The alternate member shall act in place of the board member he*

1 *or she is an alternate for in case of that board member's absence*
2 *or inability to act.*

3 502. *The members shall serve for a four-year term of office.*
4 *A member may serve for more than one term of office.*

5 503. (a) *The board may adopt an ordinance to provide*
6 *compensation to members of the board in an amount not to exceed*
7 *one hundred dollars (\$100) per day for each day's attendance at*
8 *meetings of the board or for each day's service rendered as a*
9 *member of the board by request of the board. For purposes of this*
10 *section, the determination of whether a board member's activities*
11 *on any specific day are compensable shall be made pursuant to*
12 *Article 2.3 (commencing with Section 53232) of Chapter 2 of Part*
13 *1 of Division 2 of Title 5 of the Government Code.*

14 (b) *Reimbursement for expenses of members of the board is*
15 *subject to Sections 53232.2 and 53232.3 of the Government Code.*

16 (c) *The board may adopt an ordinance to increase the*
17 *compensation received by members of the board above the amount*
18 *of one hundred dollars (\$100) per day. The increase shall not*
19 *exceed an amount equal to 5 percent, for each calendar year*
20 *following the operative date of the last adjustment, of the*
21 *compensation that is received when the ordinance is adopted.*

22 (d) *A board member shall not be compensated for more than a*
23 *total of 10 days in any calendar month.*

24 504. (a) *The board may adopt ordinances for the purpose of*
25 *regulating, conserving, managing, and controlling the use and*
26 *extraction of groundwater within the territory of the agency.*

27 (b) *An ordinance adopted by the board shall become effective*
28 *30 days from the date of its passage.*

29 (c) *All ordinances shall be adopted at noticed, public hearings*
30 *by a majority vote of the board. No ordinance shall be adopted by*
31 *the board except at a public hearing. Notice of the hearing shall*
32 *be published in a newspaper of general circulation pursuant to*
33 *Section 6066 of the Government Code.*

34 (d) *The board shall provide notice of the adoption of all*
35 *ordinances.*

36 505. *No provision of this act shall be construed as denying to*
37 *any member agency any rights or powers that they already have*
38 *or that they may be granted.*

1 506. The agency may contract with member entities for staff
2 and other services. The agency may hire contractors and
3 consultants as it considers appropriate.

4 507. The agency shall enter into a coordination agreement
5 with other local agencies for purposes of coordinating the agency's
6 plan with other agencies or groundwater sustainability plans within
7 the Kings Subbasin as required by the Sustainable Groundwater
8 Management Act (Part 2.74 (commencing with Section 10720) of
9 Division 6 of the Water Code).

10 508. The agency may exclude from any of the requirements of
11 this act, or the operation of any ordinance, any operator who
12 annually extracts less than a minimum amount of groundwater as
13 specified by an ordinance adopted by the board.

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15 Article 6. Studies and Investigations

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17 601. The agency may collect data and conduct technical and
18 other investigations of all kinds in order to carry out the provisions
19 of this act. All hydrological investigations and studies carried out
20 by or on behalf of the agency shall be constructed by or under the
21 supervision of licensed engineers or other persons qualified in
22 groundwater geology or hydrology.

23 602. The agency may recommend and encourage water
24 recycling, stormwater capture, and other water development
25 projects, where those projects will enhance and contribute to the
26 responsible management of groundwater resources, as part of its
27 annual plan for implementation of groundwater management
28 objectives.

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30 Article 7. Sustainable Groundwater Management Powers

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32 701. The agency shall develop and implement a groundwater
33 sustainability plan pursuant to Chapter 6 (commencing with
34 Section 10727) of Part 2.74 of Division 6 of the Water Code to
35 achieve sustainable groundwater management within the territory
36 of the agency.

37 702. The agency shall elect to be a groundwater sustainability
38 agency pursuant to Chapter 4 (commencing with Section 10723)
39 of Part 2.74 of Division 6 of the Water Code for that portion of
40 the Kings Subbasin that lies within the boundaries of the agency.

1 703. *The agency may exercise any of the powers described in*
2 *Chapter 5 (commencing with Section 10725) of Part 2.74 of*
3 *Division 6 of the Water Code and the enforcement powers*
4 *described in Chapter 9 (commencing with Section 10732) of Part*
5 *2.74 of Division 6 of the Water Code.*

6 704. *The availability of supplemental water to any operator*
7 *shall not subject that operator to regulations that are more*
8 *restrictive than those imposed on other operators.*

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10 *Article 8. Fee Authority*

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12 801. *Pursuant to Chapter 8 (commencing with Section 10730)*
13 *of Part 2.74 of Division 6 of the Water Code, the agency may*
14 *impose fees, including, but not limited to, permit fees and fees on*
15 *groundwater extraction or other regulated activity, to fund the*
16 *costs of a groundwater sustainability program, that include, but*
17 *are not limited to, the preparation, adoption, and amendment of*
18 *a groundwater sustainability plan, investigations, inspections,*
19 *compliance assistance, enforcement, and program administration,*
20 *including a prudent reserve.*

21 *SEC. 2. Section 10723 of the Water Code is amended to read:*

22 10723. (a) Except as provided in subdivision (c), any local
23 agency or combination of local agencies overlying a groundwater
24 basin may decide to become a groundwater sustainability agency
25 for that basin.

26 (b) Before deciding to become a groundwater sustainability
27 agency, and after publication of notice pursuant to Section 6066
28 of the Government Code, the local agency or agencies shall hold
29 a public hearing in the county or counties overlying the basin.

30 (c) (1) Except as provided in paragraph (2), the following
31 agencies created by statute to manage groundwater shall be deemed
32 the exclusive local agencies within their respective statutory
33 boundaries with powers to comply with this part:

34 (A) Alameda County Flood Control and Water Conservation
35 District, Zone 7.

36 (B) Alameda County Water District.

37 (C) Desert Water Agency.

38 (D) Fox Canyon Groundwater Management Agency.

39 (E) Honey Lake Valley Groundwater Management District.

40 (F) Long Valley Groundwater Management District.

- 1 (G) Mendocino City Community Services District.
- 2 (H) Mono County Tri-Valley Groundwater Management
- 3 District.
- 4 (I) Monterey Peninsula Water Management District.
- 5 (J) Ojai Groundwater Management Agency.
- 6 (K) Orange County Water District.
- 7 (L) Pajaro Valley Water Management Agency.
- 8 (M) Santa Clara Valley Water District.
- 9 (N) Sierra Valley Groundwater Management District.
- 10 (O) *West Kings Groundwater Sustainability Agency.*
- 11 (⊕)
- 12 (P) Willow Creek Groundwater Management Agency.

13 (2) An agency identified in this subdivision may opt out of being
 14 the exclusive groundwater management agency within its statutory
 15 boundaries by sending a notice to the department, which shall be
 16 posted on the department’s Internet Web site within 15 days of
 17 receipt. If an agency identified in paragraph (1) opts out of being
 18 the exclusive groundwater management agency, any other local
 19 agency or combination of local agencies operating within the
 20 statutory boundaries of the agency that has opted out may notify
 21 the department pursuant to Section 10723.8 of its decision to be
 22 the groundwater sustainability agency.

23 (3) A local agency listed in paragraph (1) may comply with this
 24 part by meeting the requirements of Section 10733.6 or opting to
 25 become a groundwater sustainability agency pursuant to this
 26 section. A local agency with authority to implement a basin-specific
 27 management plan pursuant to its principal act shall not exercise
 28 any authorities granted in this part in a manner inconsistent with
 29 any prohibitions or limitations in its principal act unless the
 30 governing board of the local agency makes a finding that the
 31 agency is unable to sustainably manage the basin without the
 32 prohibited authority.

33 (d) The decision of a local agency or combination of agencies
 34 to become a groundwater sustainability agency shall take effect
 35 as provided in Section 10723.8.

36 *SEC. 3. No reimbursement is required by this act pursuant to*
 37 *Section 6 of Article XIII B of the California Constitution because*
 38 *a local agency or school district has the authority to levy service*
 39 *charges, fees, or assessments sufficient to pay for the program or*

1 *level of service mandated by this act, within the meaning of Section*
2 *17556 of the Government Code.*

3 ~~SECTION 1. Section 42011 is added to the Vehicle Code, to~~
4 ~~read:~~

5 ~~42011. (a) For any offense specified in subdivision (b) that is~~
6 ~~committed by the driver of a vehicle under either of the following~~
7 ~~conditions, a fine of thirty-five dollars (\$35) shall be imposed in~~
8 ~~addition to the amount otherwise prescribed and any penalty~~
9 ~~assessments or other fees or additions:~~

10 ~~(1) When passing a school building or the grounds thereof, if~~
11 ~~the building or grounds are contiguous to a highway and posted~~
12 ~~with a standard "SCHOOL" warning sign and an accompanying~~
13 ~~sign notifying motorists that increased penalties apply for traffic~~
14 ~~violations that are committed within that school zone, and children~~
15 ~~are going to or leaving the school during school hours or during~~
16 ~~the noon recess period.~~

17 ~~(2) When passing any school grounds that are not separated~~
18 ~~from the highway by a fence, gate, or other physical barrier while~~
19 ~~the grounds are in use by children, and the highway is posted with~~
20 ~~a standard "SCHOOL" warning sign and an accompanying sign~~
21 ~~notifying motorists that increased penalties apply for traffic~~
22 ~~violations that are committed within that school zone.~~

23 ~~(b) A violation of any of the following provisions is an offense~~
24 ~~that is subject to subdivision (a):~~

25 ~~(1) Article 3 (commencing with Section 21450) of Chapter 2~~
26 ~~of Division 11, relating to obedience to traffic devices.~~

27 ~~(2) Chapter 3 (commencing with Section 21650) of Division~~
28 ~~11, relating to driving, overtaking, and passing.~~

29 ~~(3) Chapter 4 (commencing with Section 21800) of Division~~
30 ~~11, relating to yielding the right-of-way.~~

31 ~~(4) Chapter 6 (commencing with Section 22100) of Division~~
32 ~~11, relating to turning and stopping and turn signals.~~

33 ~~(5) Chapter 7 (commencing with Section 22348) of Division~~
34 ~~11, relating to speed limits.~~

35 ~~(6) Chapter 8 (commencing with Section 22450) of Division~~
36 ~~11, relating to special traffic stops.~~

37 ~~(7) Section 23103, relating to reckless driving.~~

38 ~~(8) Section 23104, relating to reckless driving which results in~~
39 ~~bodily injury to another.~~

40 ~~(9) Section 23109, relating to speed contests.~~

- 1 ~~(10) Section 23152, relating to driving under the influence of~~
- 2 ~~alcohol or a controlled substance, or a violation of Section 23103,~~
- 3 ~~as specified in Section 23103.5, relating to alcohol-related reckless~~
- 4 ~~driving.~~
- 5 ~~(11) Section 23153, relating to driving under the influence of~~
- 6 ~~alcohol or a controlled substance, which results in bodily injury~~
- 7 ~~to another.~~
- 8 ~~(12) Section 23154, relating to convicted drunk drivers operating~~
- 9 ~~a motor vehicle with a blood-alcohol concentration of 0.01 percent~~
- 10 ~~or greater.~~
- 11 ~~(13) Section 23220, relating to drinking while driving.~~
- 12 ~~(14) Section 23221, relating to drinking in a motor vehicle while~~
- 13 ~~on the highway.~~
- 14 ~~(15) Section 23222, relating to driving while possessing~~
- 15 ~~marijuana or an open alcoholic beverage container.~~
- 16 ~~(16) Section 23223, relating to being in a vehicle on the highway~~
- 17 ~~while possessing an open alcoholic beverage container.~~
- 18 ~~(17) Section 23224, relating to being a driver or passenger under~~
- 19 ~~21 years of age possessing an open alcoholic beverage container.~~
- 20 ~~(18) Section 23225, relating to being the owner or driver of a~~
- 21 ~~vehicle in which there is an open alcoholic beverage container.~~
- 22 ~~(19) Section 23226, relating to being a passenger in a vehicle~~
- 23 ~~in which there is an open alcoholic beverage container.~~
- 24 ~~(e) The additional fines authorized by this section shall be~~
- 25 ~~deposited in the State Highway Account in the State Transportation~~
- 26 ~~Fund for purposes of funding school zone safety projects within~~
- 27 ~~the Active Transportation Program established in Chapter 8~~
- 28 ~~(commencing with Section 2380) of Division 3 of the Streets and~~
- 29 ~~Highways Code.~~