

Introduced by Senators Johnson and Kelley

February 25, 2000

An act to add Section 1812.5 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 2139, as introduced, Johnson. State Water Project conveyance facilities.

(1) Existing law prohibits a state, regional, or local public agency from denying a bona fide transferor of water, the use of a water conveyance facility that has unused capacity, for the period of time for which that capacity is available, if fair compensation is paid and prescribed requirements are met.

This bill would require the Department of Water Resources, upon written request for the conveyance of nonproject water through State Water Project facilities, submitted jointly to the department and the Metropolitan Water District of Southern California by a public agency or retail entity that purchases water from that district, to convey that water in accordance with those provisions on the same terms and conditions and at the lowest price that would be applicable to that district for the conveyance of that water for its own account. The bill would require the public agency or retail entity to reimburse that district for the actual cost of compliance with the terms and conditions established by the department to convey that water through the State Water Project facilities. To the extent these provisions would impose additional duties on the Metropolitan Water District of

Southern California, this bill would impose a state-mandated local program.

(2) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 1812.5 is added to the Water
2 Code, to read:
3 1812.5. (a) Upon written request for the conveyance
4 of nonproject water through State Water Project
5 facilities, submitted jointly to the department and the
6 Metropolitan Water District of Southern California by a
7 public agency or retail entity that purchases water from
8 the Metropolitan Water District of Southern California,
9 the department shall, in accordance with this chapter,
10 convey that water through the State Water Project
11 facilities on the same terms and conditions and at the
12 lowest price that would be applicable to the Metropolitan
13 Water District of Southern California for the conveyance
14 of that water for its own account. The Metropolitan Water
15 District of Southern California shall be reimbursed by the
16 public agency or retail entity for the actual cost of
17 compliance with the terms and conditions established by
18 the department to convey that water through the State
19 Water Project facilities.
20 (b) "State Water Project" means the water rights and
21 facilities acquired, constructed, or financed pursuant to



1 Part 3 (commencing with Section 11100) of Division 6
2 and Chapter 8 (commencing with Section 12930) of Part
3 6 of Division 6, including any facilities financed with
4 revenue bonds, or revenue bond anticipation notes issued
5 pursuant to Part 3 (commencing with Section 11100) of
6 Division 6 after January 1, 1987. The facilities include the
7 arrival and upstream reservoirs, an aqueduct system from
8 the Sacramento-San Joaquin Delta to termini in the north
9 and south San Francisco Bay Area, the San Joaquin Valley,
10 the central coast, and southern California, miscellaneous
11 water conservation, flood control and drainage facilities,
12 power generation, transmission, and water development
13 projects funded under Chapter 5 (commencing with
14 Section 12880) of Part 6 of Division 6. The California
15 Aqueduct, including its east and west branches, and
16 Perris, Castaic, and Silverwood Lakes are parts of the
17 State Water Project facilities.

18 (c) As used in this section, “retail entity” means a
19 publicly or privately owned utility providing water
20 service for ultimate agricultural, domestic, commercial,
21 industrial, municipal or recreational use by its immediate
22 customers.

23 SEC. 2. Notwithstanding Section 17610 of the
24 Government Code, if the Commission on State Mandates
25 determines that this act contains costs mandated by the
26 state, reimbursement to local agencies and school
27 districts for those costs shall be made pursuant to Part 7
28 (commencing with Section 17500) of Division 4 of Title
29 2 of the Government Code. If the statewide cost of the
30 claim for reimbursement does not exceed one million
31 dollars (\$1,000,000), reimbursement shall be made from
32 the State Mandates Claims Fund.

