

ASSEMBLY BILL

No. 452

Introduced by Assembly Member Bigelow

February 23, 2015

An act to amend Sections 1529.5 and 1552 of, and to add Section 1553 to, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 452, as introduced, Bigelow. Water Rights Fund: Groundwater Regulation Subaccount.

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 establishes the Water Rights Fund, which consists of various fees and penalties.

This bill would establish the Groundwater Regulation Subaccount in the Water Rights Fund and would provide that moneys in the subaccount are available, upon appropriation by the Legislature, to the State Water Resources Control Board for the purpose of board enforcement of the provisions of the act.

Existing law authorizes the board to issue a cease and desist order in response to a violation or threatened violation of any decision or order of the board under the act or any extraction restriction, limitation, order,

or regulation adopted or issued by the board under the act. Under existing law, a person who violates a cease and desist order of the board may be civilly liable, as prescribed.

Existing law establishes groundwater reporting requirements for a person extracting groundwater in an area within a basin that is not within the management area of a groundwater sustainability agency or that is a probationary basin. Existing law requires each report of groundwater extraction to be accompanied by a specified fee. Existing law subjects a person to civil liability if that person fails to file, as required, a report of groundwater extraction, tampers with a required measuring device, or makes a material misstatement in connection with the filing of a report of groundwater extraction. Existing law provides that the making of any willful misstatement in connection with these groundwater reporting requirements is a misdemeanor punishable as prescribed.

This bill would provide for the funds received under the above-described provisions to be deposited into the subaccount.

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

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

- 1 SECTION 1. Section 1529.5 of the Water Code is amended to
- 2 read:
- 3 1529.5. (a) The board shall adopt a schedule of fees pursuant
- 4 to Section 1530 to recover costs incurred in administering Chapter
- 5 11 (commencing with Section 10735) of Part 2.74 of Division 6.
- 6 Recoverable costs include, but are not limited to, costs incurred
- 7 in connection with investigations, facilitation, monitoring, hearings,
- 8 enforcement, and administrative costs in carrying out these actions.
- 9 (b) The fee schedule adopted under this section may include,
- 10 but is not limited to, the following:
- 11 (1) A fee for participation as a petitioner or party to an
- 12 adjudicative proceeding.
- 13 (2) A fee for the filing of a report pursuant to Part 5.2
- 14 (commencing with Section 5200) of Division 2.
- 15 (c) Consistent with Section 3 of Article XIII A of the California
- 16 Constitution, the board shall set the fees under this section in an
- 17 amount sufficient to cover all costs incurred and expended from
- 18 the ~~Water Rights Fund~~ *Groundwater Regulation Subaccount* for
- 19 the purposes of Part 5.2 (commencing with Section 5200) and

1 Chapter 11 (commencing with Section 10735) of Part 2.74 of
2 Division 6. In setting these fees, the board is not required to fully
3 recover these costs in the year or the year immediately after the
4 costs are incurred, but the board may provide for recovery of these
5 costs over a period of years.

6 SEC. 2. Section 1552 of the Water Code is amended to read:

7 1552. (a) The money in the Water Rights Fund is available
8 for expenditure, upon appropriation by the Legislature, for the
9 following purposes:

10 (a)

11 (1) For expenditure by the State Board of Equalization in the
12 administration of this chapter and the Fee Collection Procedures
13 Law (Part 30 (commencing with Section 55001) of Division 2 of
14 the Revenue and Taxation Code) in connection with any fee or
15 expense subject to this chapter.

16 (b)

17 (2) For the payment of refunds, pursuant to Part 30 (commencing
18 with Section 55001) of Division 2 of the Revenue and Taxation
19 Code, of fees or expenses collected pursuant to this chapter.

20 (c)

21 (3) For expenditure by the board for the purposes of carrying
22 out this division, Division 1 (commencing with Section 100), Part
23 2 (commencing with Section 10500) ~~and Chapter 11 (commencing~~
24 ~~with Section 10735) of Part 2.74 of Division 6, and Article 7~~
25 (commencing with Section 13550) of Chapter 7 of Division 7.

26 (d)

27 (4) For expenditures by the board for the purposes of carrying
28 out Sections 13160 and 13160.1 in connection with activities
29 involving hydroelectric power projects subject to licensing by the
30 Federal Energy Regulatory Commission.

31 (e)

32 (5) For expenditures by the board for the purposes of carrying
33 out Sections 13140 and 13170 in connection with plans and policies
34 that address the diversion or use of water.

35 (b) *The money in the Water Rights Fund shall not be available*
36 *for expenditure by the board for the purpose of Chapter 11*
37 *(commencing with Section 10735) of Part 2.74 of Division 6.*

38 SEC. 3. Section 1553 is added to the Water Code, to read:

39 1553. (a) The Groundwater Regulation Subaccount is hereby
40 established in the Water Rights Fund.

- 1 (b) All of the following shall be deposited in the Groundwater
2 Regulation Subaccount:
- 3 (1) Funds recovered in response to a violation or threatened
4 violation of any decision or order of the board issued under Chapter
5 11 (commencing with Section 10735) of Part 2.74 of Division 6
6 or any extraction restriction, limitation, order, or regulation adopted
7 or issued under that chapter.
 - 8 (2) Funds received pursuant to subdivision (f) of Section 5202.
 - 9 (3) Funds recovered pursuant to Section 5208.
- 10 (c) The money in the Groundwater Regulation Subaccount shall
11 be available to the board, upon appropriation by the Legislature,
12 for the purpose of carrying out Chapter 11 (commencing with
13 Section 10735) of Part 2.74 of Division 6.