

ASSEMBLY BILL

No. 1243

Introduced by Assembly Member Gray

February 27, 2015

An act to amend Sections 1845 and 5208 of, and to add Chapter 12 (commencing with Section 10738) to Part 2.74 of Division 6 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 1243, as introduced, Gray. Groundwater recharge: grants.

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 establish the Groundwater Recharge Grant Fund and would provide that moneys in the fund are available, upon appropriation by the Legislature, to the State Water Resources Control Board to provide grants to local governments and water districts for groundwater recharge infrastructure projects.

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 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 require one-half of the funds recovered for failing to file a report of groundwater extraction, tampering with any measuring device, or making a material misstatement in connection with the filing of a report of groundwater extraction to be deposited into the Groundwater Recharge Grant Fund.

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 or any extraction restriction, limitation, order, or regulation adopted or issued under the act. Existing law establishes the Water Rights Fund, which consists of various fees and penalties, and provides that revenue generated from a violation of a cease and desist order of the board is deposited into the Water Rights Fund.

This bill would require one-half of the funds recovered 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 to be deposited into the Groundwater Recharge Grant Fund.

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 1845 of the Water Code is amended to
- 2 read:
- 3 1845. (a) Upon the failure of any person to comply with a
- 4 cease and desist order issued by the board pursuant to this chapter,
- 5 the Attorney General, upon the request of the board, shall petition
- 6 the superior court for the issuance of prohibitory or mandatory
- 7 injunctive relief as appropriate, including a temporary restraining
- 8 order, preliminary injunction, or permanent injunction.
- 9 (b) (1) A person or entity who violates a cease and desist order
- 10 issued pursuant to this chapter may be liable in an amount not to
- 11 exceed the following:

1 (A) If the violation occurs in a critically dry year immediately
2 preceded by two or more consecutive below normal, dry, or
3 critically dry years or during a period for which the Governor has
4 issued a proclamation of a state of emergency under the California
5 Emergency Services Act (Chapter 7 (commencing with Section
6 8550) of Division 1 of Title 2 of the Government Code) based on
7 drought conditions, ten thousand dollars (\$10,000) for each day
8 in which the violation occurs.

9 (B) If the violation is not described by subparagraph (A), one
10 thousand dollars (\$1,000) for each day in which the violation
11 occurs.

12 (2) Civil liability may be imposed by the superior court. The
13 Attorney General, upon the request of the board, shall petition the
14 superior court to impose, assess, and recover those sums.

15 (3) Civil liability may be imposed administratively by the board
16 pursuant to Section 1055.

17 (c) In determining the appropriate amount, the court, or the
18 board, as the case may be, shall take into consideration all relevant
19 circumstances, including, but not limited to, the extent of harm
20 caused by the violation, the nature and persistence of the violation,
21 the length of time over which the violation occurs, and the
22 corrective action, if any, taken by the violator.

23 (d) (1) All funds recovered pursuant to this section shall be
24 deposited in the Water Rights Fund established pursuant to Section
25 1550.

26 (2) *Notwithstanding any other law, one-half of the funds*
27 *recovered in response to a violation or threatened violation of any*
28 *decision or order of the board issued under Chapter 11*
29 *(commencing with Section 10735) of Part 2.74 of Division 6 or*
30 *any extraction restriction, limitation, order, or regulation adopted*
31 *or issued under that chapter shall be deposited into the*
32 *Groundwater Recharge Grant Fund established pursuant to Section*
33 *10738.*

34 SEC. 2. Section 5208 of the Water Code is amended to read:

35 5208. (a) Section 5107 applies to a report or measuring device
36 required pursuant to this part. For purposes of Section 5107, a
37 report of groundwater extraction, measuring device, or
38 misstatement required, used, or made pursuant to this part shall
39 be considered the equivalent of a statement, measuring device, or

1 misstatement required, used, or made pursuant to Part 5.1
2 (commencing with Section 5100).

3 *(b) Notwithstanding any other law, one-half of the funds*
4 *recovered pursuant to this section shall be deposited into the*
5 *Groundwater Recharge Grant Fund established pursuant to Section*
6 *10738.*

7 SEC. 3. Chapter 12 (commencing with Section 10738) is added
8 to Part 2.74 of Division 6 of the Water Code, to read:

9

10 CHAPTER 12. GROUNDWATER RECHARGE

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12 10738. The Groundwater Recharge Grant Fund is hereby
13 established in the State Treasury. Moneys in the fund are available,
14 upon appropriation by the Legislature, to the board to provide
15 grants to local governments and water districts for groundwater
16 recharge infrastructure projects.