

Assembly Bill No. 2733

Passed the Assembly August 18, 2004

Chief Clerk of the Assembly

Passed the Senate August 16, 2004

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2004, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to amend Section 71631.7 of, and to add Section 5009 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2733, Strickland. Water resources.

(1) Existing law, with certain exceptions, requires a person who, after 1955, extracts groundwater in excess of 25 acre-feet in any year in the Counties of Riverside, San Bernardino, Los Angeles, and Ventura to file with the State Water Resources Control Board an annual notice of extraction. Existing law, with certain exceptions, provides that, after 1959, the failure to file a notice for any calendar year within 6 months after the close of that calendar year is equal to nonuse of the groundwater in those counties for that calendar year by each person failing to so file.

This bill, on and after January 1, 2005, would require each person who extracts groundwater in a board-designated local area, as defined, and who is otherwise subject to these described provisions, to file the required notice with a local public agency or court-appointed watermaster that has been designated by the board to receive the notice (local agency), instead of the board. The bill would require the local agency to undertake certain actions in connection with carrying out these duties, thereby imposing a state-mandated local program. The bill would authorize the local agency to impose a fee to pay for related administrative expenses. The bill would provide that a person who would be required to file the notice with the local agency would continue to be subject to the existing enforcement provisions governing the recordation of water extraction and diversions in the same manner and to the same extent as a person who files the notice with the board.

(2) The Municipal Water District Law of 1911, until January 1, 2005, prohibits a standby assessment or availability charge levied in any improvement district situated within the San Luis Rey Municipal Water District from exceeding a specified amount, and requires the proceeds of such an assessment or charge to be used as prescribed.

This bill would extend the effective date of that provision until January 1, 2015.



(3) 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.

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

SECTION 1. Section 5009 is added to the Water Code, to read:

5009. (a) (1) Notwithstanding any other provision of this part, on and after January 1, 2005, each person who extracts groundwater in a board-designated local area, and who is otherwise subject to this part, shall file the required notice with the appropriate local agency designated pursuant to subdivision (e), instead of the board, in accordance with this part. The notice shall be on a form provided by the local agency and the content of the form shall be determined by the local agency in accordance with Section 5002. To the extent possible, the form shall consolidate the notice required under this section with other reports required by the local agency relating to the extraction of groundwater.

(2) A person who is subject to this section is subject to this part in the same manner and to the same extent as a person who files his or her notice with the board.

(b) Each notice filed with the local agency may include a filing fee determined by the local agency. If the local agency chooses to impose a filing fee, the local agency shall calculate the amount of the fee to pay for administrative expenses incurred in connection with the processing, compiling, and retaining of the notices, but in no event shall the fee amount exceed that amount charged by the board pursuant to Section 5006.

(c) The local agency shall make available to the public the information collected pursuant to this section.

(d) For the purposes of this section:



(1) “Board-designated local area” means the area entirely within the jurisdiction of the local agency that the board has determined shall be subject to this section.

(2) “Local agency” means the local public agency or court appointed watermaster that has been designated by the board in accordance with subdivision (e).

(e) The board may designate an entity as a local agency for the purposes of this section if the board determines that all of the following apply:

(1) The entity has volunteered to be designated.

(2) The entity has responsibilities relating to the extraction or use of groundwater.

(3) The entity has made satisfactory arrangements with the board to identify which groundwater extractors are within the designated local area and to avoid the submission of notices to both the board and one or more local agencies.

(4) The entity has made satisfactory arrangements with the board to maintain records filed under this part for extractions within the designated local area, and to make those records available to governmental agencies.

SEC. 2. Section 71631.7 of the Water Code is amended to read:

71631.7. (a) Notwithstanding Section 71631, in any improvement district situated within the San Luis Rey Municipal Water District, the standby assessment or availability charge shall not exceed thirty dollars (\$30) per acre per year for land on which the charge is levied or thirty dollars (\$30) per year for a parcel less than one acre. In the improvement district, the proceeds from any standby assessment or availability charge in excess of ten dollars (\$10) per acre per year or ten dollars (\$10) per year for a parcel less than one acre shall only be used for the purposes of that improvement district.

(b) This section, applicable only to the San Luis Rey Municipal Water District, is necessary because of the unique and special water management problems of those areas included within that district.

(c) This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2015, deletes or extends that date.



SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.



Approved _____, 2004

Governor

