
THIRD READING

Bill No: AB 59
Author: Aguiar-Curry (D)
Amended: 6/23/25 in Senate
Vote: 21

SENATE LOCAL GOVERNMENT COMMITTEE: 7-0, 6/18/25
AYES: Durazo, Choi, Arreguín, Cabaldon, Laird, Seyarto, Wiener

SENATE ENERGY, U. & C. COMMITTEE: 16-0, 7/7/25
AYES: Becker, Ochoa Bogh, Allen, Archuleta, Arreguín, Ashby, Caballero,
Gonzalez, Grove, Hurtado, Limón, McNeerney, Rubio, Stern, Strickland, Wahab
NO VOTE RECORDED: Dahle

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 77-0, 4/1/25 - See last page for vote

SUBJECT: Reclamation District No. 108: hydroelectric power

SOURCE: Northern California Water Association

DIGEST: This bill makes permanent the authority of Reclamation District No. 108 (RD 108) to generate and sell hydroelectric power.

ANALYSIS:

Existing law:

- 1) Defines “reclamation” as public works and equipment needed to drain, irrigate, or water lands within a RD and other district operations.
- 2) Authorizes the formation of a RD, as specified, for the purposes of performing reclamation on any land subject to overflow from neighboring rivers and water bodies.

- 3) Allows RD 1004 and RD 108 to operate hydroelectric facilities and associated transmission lines, as specified. Existing law allows a RD operating a hydroelectric power plant to sell power generated by its facility to a public utility or public agency supply electricity; however, existing law prohibits the RD from selling this electricity to any customers other than a public utility or public agency.
- 4) Provides RD 1004 with indefinite authority to operate a hydroelectricity facility while providing RD 108 with authority to operate a hydroelectricity facility until January 1, 2026.

This bill:

- 1) Repeals the January 1, 2026, sunset on RD 108's authority to operate a hydroelectric facility.
- 2) Requires RD 108 to submit a report to the Assembly and Senate Committees on Local Government containing the following information:
 - a) Whether the district has obtained permission from the Colusa Local Agency Formation Commission to enact its hydroelectric authority.
 - b) Whether the district is using its hydroelectric authority or has plans to use its hydroelectric authority.
 - c) Specified information about the RD's hydroelectric power sales if the RD is generating hydroelectric power.
 - d) The RD's reasons for not using its hydroelectric authority if has not exercised that authority.
- 3) Requires RD 108 to submit the report required by this bill by the following dates:
 - a) January 1, 2031.
 - b) Between January 1, 2035, and January 1, 2036.

Background

Property owners in Colusa County formed RD 108 in 1870 under the Reclamation District Law of 1868. It is located along the western edge of the Sacramento River. According to the Colusa Local Agency Formation Commission's (LAFCO) Municipal Service Review in 2018, RD 108 delivers water from the Sacramento

River to nearly 48,000 acres of farmland within southern Colusa County and northern Yolo County. RD 108 works in coordination with the Sacramento River Westside Levee District and the Knights Landing Ridge Drainage District to maintain over 90 miles of levees.

Hydroelectric power sales by special districts. Existing law allows several types of special districts to generate hydroelectric power including water conservation districts, county water districts, municipal water districts, irrigation districts, and community service districts. Current law allows these districts to use the hydraulic force of the water they deliver to generate electricity. In all of these examples, the generation of hydroelectric power is the secondary product of the district's primary purpose.

In addition to including the generation of hydroelectric power on the list of powers and duties for several special district principal acts, the Legislature has also authorized individual special districts to generate and sell hydroelectric power, so long as they sell the energy to a public agency or public utility, not directly to retail customers, and use the proceeds for the purposes of the district. The Legislature granted the authority to generate and sell hydroelectric power to RD 1004 in 1986 (AB 1048, Costa). In 2015, the Legislature granted this authority to RD 108 with a sunset date of January 1, 2021 (AB 568 Dodd), which the Legislature later extended to January 1, 2026 (SB 1473, Committee on Governance and Finance, 2020).

RD 108 has not yet exercised this authority. The Northern California Water Association wants the Legislature to repeal the sunset on its ability to exercise this authority.

Comments

- 1) *Purpose of this bill.* According to the author, “Reclamation District 108 (RD 108) delivers water to nearly 48,000 acres of farmland within southern Colusa County and northern Yolo County. RD 108 is responsible for water supply, levee maintenance, drainage, and flood control within its boundaries and has high energy costs due to its pumping facilities, including for projects that reduce water use by recycling water within the district. This bill allows RD 108 to continue to explore affordable solutions to reduce energy costs through hydropower by extending its existing hydropower authority.”
- 2) *Time flies.* RD 108 last received an extension of its authority to generate and sell hydropower in 2020, which expires on January 1, 2026. In those intervening five years, the district has not yet begun to exercise this authority.

As a special district, RD 108 requires the approval of the Colusa LAFCO in order to activate these hydroelectric powers. According to the Colusa LAFCO, “In 2019, the Commission approved hydroelectric power generation services for RD 108 under Resolution No. 2019-0003. It appears that this approval process was not completed, and RD 108 may need to make a new application to LAFCO for the exercise of new or different functions or classes of services (latent powers) pursuant to GOV § 56824.10 - 56824.14 to authorize hydroelectric power generation services.” One reason RD 108 may not have exercised its hydropower generation authority may be related to lack of progress on the construction of Sites Reservoir, a proposed 1.5 million acre foot offstream reservoir in the Sacramento Valley. According to their website, construction for the Sites Reservoir is scheduled to begin in 2026 with the reservoir anticipated to be operational at the end of 2032. RD 108 is a member of the Sites Project Authority, a joint powers authority (JPA) made up of several local agencies that leads the development and construction of the project. A JPA can only exercise powers in common to all member agencies. Accordingly, in 2020, when seeking an initial reauthorization of the authority made permanent by AB 59, the Northern California Water Association indicated that if RD 108 lost the authority to generate hydroelectricity, they could no longer participate in the JPA. AB 59 includes reporting requirements for RD 108 to report on the use of its authority, so that in the future the Legislature can evaluate whether RD 108 continues to need its hydroelectric authority.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT: (Verified 8/19/25)

Northern California Water Association (Source)
California Central Valley Flood Control Association
Colusa County
County of Yolo

OPPOSITION: (Verified 8/19/25)

None received

ASSEMBLY FLOOR: 77-0, 4/1/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, DeMaio, Dixon, Elhawary, Ellis, Essayli, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González,

Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell,
Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega,
Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos,
Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio,
Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa,
Valencia, Wallis, Ward, Wilson, Zbur, Rivas

NO VOTE RECORDED: Alvarez, Davies, Wicks

Prepared by: Anton Favorini-Csorba / L. GOV. / (916) 651-4119
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