

CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 59 Author:(Aguiar-Curry)

As Amended Ver:June 23, 2025

Majority vote

SUMMARY

Makes permanent the authority of Reclamation District No. 108 (RD 108) to generate and sell hydroelectric power and requires RD 108 to submit specified reports to the Legislature regarding its hydroelectric operations.

Senate Amendments

- 1) Add a requirement for RD 108 to submit an additional report to the Assembly and Senate Committees on Local Government containing specified information on or before January 1, 2031.
- 2) Add further requirements for the reports submitted by RD 108 to the Assembly and Senate Committees on Local Government:
 - a) An estimated date for the use of its hydroelectric authority; and
 - b) If the district is not currently using its hydroelectric authority, regardless of whether the district has plans to use its hydroelectric authority, the reasons for not using that authority.

COMMENTS

- 1) *Background.* Reclamation Districts (RDs) are special districts formed to pay for the cost of reclaiming land that may be subject to frequent overflow or flooding, such as swamps, salt marshes, or tidelands. RDs provide a means to finance the reclamation of the land for future use, such as creating facilities for land irrigation or sewage and waste removal. RDs are formed by a petition of at least 50% of the owners of the land in the area. The petition is then presented to the county which notifies all affected property owners, holds public hearings to consider the petition and, if it finds that the statements in the petition are correct, makes an order approving the petition.

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. The Legislature granted the authority to generate and sell hydroelectric power to RD 1004 in 1986 [AB 1048 (Costa), Chapter 21, Statutes of 1986]. In 2015, this authority was granted to RD 108 with a sunset date of January 1, 2021 [AB 568 (Dodd), Chapter 134, Statutes of 2015], which was later

extended to January 1, 2026 [SB 1473 (Committee on Governance and Finance), Chapter 371, Statutes of 2020].

- 2) *RD 108.* RD 108 was formed 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.
- 3) *Hydroelectric Authority of RD 108.* As a special district, RD 108 requires the approval of the Colusa LAFCo in order to activate these hydroelectric powers, which are outlined in Section 50906 of the Water Code. 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 Government Code Section 56824.10 - 56824.14 to authorize hydroelectric power generation services."

RD 108 has not thus far exercised its authority to generate and sell hydroelectric power. According to the Northern California Water Association, sponsor of this bill, "RD 108 has completed an evaluation of the total expected capacity of future hydropower projects. They have identified opportunities through hydropower and floating solar power assessments considering multiple types of power generating equipment and has evaluated the total capacity of RD 108's infrastructure to be 20 megawatts. Of that 20 MW of available potential capacity, 19.8 MW is hydropower and 0.2 MW is floating solar power. They have also received suggestions through the evaluation on how to phase the development of the 20 MW into smaller phases."

According to the Author

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"

Arguments in Support

The Northern California Water Association (NCWA), sponsor of this bill, states, "AB 59 would remove a January 1, 2026 sunset date from Reclamation District (RD) 108's existing hydropower authorization that was created by AB 568 (Dodd, 2015). AB 59 would continue to authorize RD 108 to 'construct, maintain, and operate a plan for the generation of hydroelectric power, together with transmission lines for the conveyance thereof and with other facilities that may be necessary or appropriate for the construction, maintenance, and operation of that plant' among other specified authorities. (Water Code Section 509096(a))....

"The hydropower authorization presents opportunities for RD 108 to develop power through hydroelectric generation, including potentially through small hydropower facilities in the

District's various canals. AB 59 would allow RD 108 to reduce its energy costs in an affordable and environmentally responsible way."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:

ASM LOCAL GOVERNMENT: 8-0-2

YES: Carrillo, Hoover, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Ward

ABS, ABST OR NV: Ta, Wilson

ASSEMBLY FLOOR: 77-0-3

YES: 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

ABS, ABST OR NV: Alvarez, Davies, Wicks

SENATE FLOOR: 40-0-0

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

UPDATED

VERSION: June 23, 2025

CONSULTANT: Julia Mouat / L. GOV. / (916) 319-3958

FN: 0001530