



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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ORIGINATING SECTION: ADMINISTRATION
CONTACT: JILL DUERIG

AGENDA DATE: August 16, 2017

ITEM NO. 14b

SUBJECT: Legislative Update

SUMMARY:

- Zone 7 staff, with the support of Agency consultants, monitors legislation that is being considered in Sacramento, as well as other political activities of interest to the Agency.
- SB 5 (de Leon), which would enact the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 by authorizing the issuance of general obligation bonds in an amount of nearly \$4 billion, continues to move forward. New amendments in July include appropriations from the General Fund to the Department of Parks and Recreation to fund ongoing operations and maintenance costs of projects funded by the program.
- The conservation bills, AB 1654 (Rubio), AB 1668 (Friedman) and SB 606 (Skinner) have all been gutted to allow ongoing discussions with Senator Hertzberg and various stakeholders during the legislature's summer recess to attempt to reach a satisfactory compromise that better addresses water rights, recycled water investments, data consistency and consideration of local-agency management issues that might vary across the state. The Association of California Water Agencies (ACWA) remains engaged in these discussions. AB 1323 (Weber), which would require DWR to set up a stakeholder process to evaluate and recommend urban water use targets should the legislature not agree on a water conservation package this year, remains in play.
- SB 623 (Monning) continues to move forward. ACWA has concerns with what it has described as fundamental flaws in the current version, including better definition of the purpose and scope in addressing the needs of the Disadvantaged Communities (DACs), as well as the funding source (a possible public goods charge on water).
- The Little Hoover Commission was quiet in July; no updates have been received regarding its study on special districts.

RECOMMENDED ACTION: Information only



EXECUTIVE SUMMARY
State Legislation

**Prepared for the Zone 7 Water Agency
 by The Gualco Group, Inc.**



Bill	Topic	Synopsis	Staff Recommendation	Status of the Bill/ Comments as of 07/31/2017
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Delta

[AB 732 \(Frazier\)](#)

Delta levee maintenance

Current law declares legislative intent to reimburse eligible local agencies under the delta levee maintenance program, until July 1, 2018, in an amount not to exceed 75% of those costs that are incurred in excess of \$1,000 per mile of levee. Current law, until July 1, 2018, authorizes the board to provide funds to an eligible local agency under this program in the form of an advance in an amount that does not exceed 75% of the estimated state share. This bill would extend until July 1, 2020, the operation of that declaration of legislative intent and the authorization to advance funds.

Watch

In Senate Committee on Appropriations

Drinking Water

[AB 166 \(Salas\)](#)

Safe drinking water: household filtration systems: rebate program

This bill would require the State Water Resources Control Board, in collaboration with specified entities, to conduct a study on the feasibility and financial stability of a rebate program that would provide a household that is served by a water system that does not meet primary drinking water standards with a rebate for the purchase of a household water filtration system.

Watch

2-Year Bill

AB 1671 (Caballero)	Backflow protection and cross-connection controls: regulations	This bill, on or before January 1, 2020, would require the State Water Resources Control Board to adopt standards for backflow protection and cross-connection control and would authorize the state board to do so through the adoption of a policy handbook.	Watch	In Senate Committee on Appropriations
SB 623 (Monning)	Safe and Affordable Drinking Water Fund	This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the office. The bill would require the State Water Resources Control Board to administer the fund to assist communities and individual domestic well users to address contaminants in drinking water that exceed safe drinking water standards, as specified. The bill would authorize the board to provide for the deposit of federal contributions and voluntary contributions, gifts, grants, or bequests.	Oppose	In Assembly Committee on Appropriations

Employment

AB 46 (Cooper)	Employers: wage discrimination	Under current law, an employer or other person who violates or causes a violation of that prohibition, or who reduces the wages of any employee in order to comply with that prohibition, is guilty of a misdemeanor. This bill would define “employer” for those purposes to include public and private employers. The bill would specify that a public employer is not subject to the misdemeanor provision.	Watch	In Senate Committee on Appropriations
AB 92 (Bonta)	Public contracts: payment	Current law until January 1, 2018, authorizes the retention proceeds withheld from any payment by an awarding entity, as described, from the original contractor, by the original contractor from any subcontractor, and by a subcontractor from any subcontractor to exceed 5% on specific projects where the director of the applicable department, as specified, has made, or the governing body of the public entity or designated official of the public entity has approved, a finding prior to the bid that the project is substantially complex and requires a higher retention and the department or public entity includes both this finding and the actual retention amount in the bid documents. This bill would extend the operation of these provisions to January 1, 2023.	Watch	Chaptered by the Secretary of State – Chapter 37, Statutes of 2017

Fish and Wildlife

AB 1133 (Dahle)	California Endangered Species Act: experimental populations	This bill would provide that a person who obtains a federal enhancement of survival permit that authorizes the take of endangered or threatened species that is also listed as endangered, threatened, or candidate under CESA, in order to establish or maintain an experimental population of the species pursuant to FESA, requires no further authorization or approval under CESA for that person to take that species as identified in, and in accordance with, the enhancement of survival permit, if specified requirements are met.	Watch	In Senate Committee on Appropriations
SB 144 (McGuire)	Fish and Wildlife: steelhead trout: fishing report-restoration card	Current law requires revenues from steelhead trout fishing license fees to be deposited in the Fish and Game Preservation Fund and to be available for expenditure, upon appropriation by the Legislature, to monitor, restore, or enhance steelhead trout resources consistent with specified law, and to administer the fishing report-restoration card program. These provisions become inoperative as of July 1, 2017, and are repealed as of January 1, 2018. This bill would extend the operation of those provisions to July 1, 2022, to be repealed as of January 1, 2023.	Watch	On Assembly Floor
SB 473 (Hertzberg)	California Endangered Species Act	Under the California Endangered Species Act, the Department of Fish and Wildlife may authorize the take of listed species pursuant to an incidental take permit if the take is incidental to an otherwise lawful activity, the impacts are minimized and fully mitigated, and the issuance of the permit would not jeopardize the continued existence of the species. This bill would require the department to adopt regulations for reporting on, and accounting for, all take authorized by incidental take permits and for providing public notice of permit applications and issued permits. The bill would also provide for issuance of an expedited incidental take permit in emergency circumstances, as specified.	Watch	In Assembly Committee on Appropriations

[SB 506 \(Nielsen\)](#)
Department of Fish and Wildlife: lake or streambed alteration agreements: Internet Web site

This bill would require the Department of Fish and Wildlife, on or before December 31, 2018, and periodically thereafter, to upgrade the information on its Internet Web site regarding lake or streambed alteration agreements, to update its “Frequently Asked Questions” document and other appropriate sources of information regarding the lake and streambed alteration program, and to provide guidance on its Internet Web site to facilitate members of the public in obtaining individualized guidance regarding the lake and streambed alteration program.

Watch

Vetoed

[SB 667 \(Atkins\)](#)
Department of Water
Resources: riverine and riparian stewardship improvements

Watch

In Assembly
Committee on Appropriations

General

[AB 161 \(Levine\)](#)
Department of Finance: infrastructure investment

Watch

In Senate
Committee on Appropriations

[SB 244 \(Lara\)](#)
Privacy: agencies: personal information

Watch

In Assembly
Committee on Appropriations

This bill would authorize the Department of Finance to identify infrastructure projects in the state for which the department will guarantee a rate of return on investment for an investment made in that infrastructure project by the Public Employees’ Retirement System. The bill would create the Reinvesting in California Special Fund as a continuously appropriated fund and would require the moneys in the fund to be used to pay the rate of return on investment.

Current law exempts from disclosure statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with the licensing agency to establish his or her personal qualification for the license, certificate, or permit. This bill would exempt from disclosure personal information regarding an application for public services or programs, as defined, and prohibit that information from being disclosed to any other person, including, but not limited to, any

other state or federal agency or official, except as specified.

[SB 701 \(Hueso\)](#)
Salton Sea Obligations Act of 2018

The bill would enact the Salton Sea Obligations Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$500,000,000 pursuant to the State General Obligation Bond Law to finance a program to comply with specified state obligations relating to the Salton Sea. This bill would provide for the submission of these provisions to the voters at the November 6, 2018, statewide general election.

Watch

In Assembly
Committee on
Appropriations

Governance

[AB 187 \(Gloria\)](#)
Political Reform Act of 1974:
local ballot measures
contribution and expenditure
reporting

This bill would require a committee to file a report each time it makes independent expenditures aggregating \$5,000 or more to support or oppose the qualification of a single local initiative or referendum ballot measure.

Watch

On Senate Floor

[AB 1089
\(Mullin\)](#)
Local elective offices:
contribution limitations

This bill would, commencing January 1, 2019, prohibit a person from making to a candidate for local elective office, and would prohibit a candidate for local elective office from accepting from a person, a contribution totaling more than the amount set forth in the act for limitations on contributions to a candidate for elective state office.

Watch

In Assembly
Committee on
Appropriations

[AB 1323
\(Weber\)](#)
Sustainable water use and
demand reduction:
stakeholder workgroup

This bill would, with a specified exception, require the Department of Water Resources to convene a stakeholder workgroup with prescribed representatives invited to participate, including, among others, representatives of the department and the State Water Resources Control Board, no later than February 1, 2019. The bill would require the stakeholder workgroup to develop, evaluate, and recommend proposals for establishing new water use targets for urban water suppliers and to examine and report to the Governor and the Legislature by December 31, 2019, as specified.

Support

In Senate
Committee on
Appropriations

<p>AB 1603 (Ridley-Thomas)</p>	<p>Meyers-Milias-Brown Act: local public agencies</p> <p>The MMBA rules and regulations may include exclusive recognition of employee organizations formally recognized pursuant to a vote of the employees of the agency or an appropriate unit thereof, subject to the right of an employee to represent himself or herself. This bill instead would specify that those rules and regulations may provide for exclusive recognition of employee organizations formally recognized pursuant to a vote of the employees of the agency or an appropriate unit thereof, subject to the employee’s right to represent himself or herself, and provided that an otherwise appropriate unit of a public agency and one or more joint employers do not require the agency or joint employer’s consent.</p>	<p>Watch</p>	<p>In Senate Committee on Appropriations</p>
<p>SB 634 (Wilk)</p>	<p>Santa Clarita Valley Water District</p>	<p>Watch</p>	<p>In Assembly Committee on Appropriations</p>
<p>Groundwater</p>	<p>Water</p>	<p>Support</p>	<p>In Senate Committee on Appropriations</p>
<p>AB 313 (Gray)</p>	<p>Current law authorizes the State Water Resources Control Board to adopt an order setting administrative civil liability based on the allegations set forth in the complaint without a hearing, unless a written request for a hearing signed by, or on behalf of, the party served with the complaint is delivered to or received by mail by the board within 20 days after receipt of the complaint. This bill, commencing July 1, 2018, would establish a Water Rights Division within the Office of Administrative Hearings, as prescribed.</p>	<p>Support</p>	<p>In Senate Committee on Appropriations</p>
<p>AB 321 (Mathis)</p>	<p>Groundwater sustainability agencies</p>	<p>Watch</p>	<p>Chapered by the Secretary of State – Chapter 61, Statutes of 2017</p>
<p>Sustainable Groundwater Management Act requires a groundwater sustainability agency to consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing groundwater sustainability plans, including, among other interests, holders of overlying groundwater rights, including agricultural users and domestic well owners. This bill would specifically include farmers,</p>	<p>Watch</p>	<p>Chapered by the Secretary of State – Chapter 61, Statutes of 2017</p>	

ranchers, and dairy professionals in the agricultural users whose interests a groundwater sustainability agency is required to consider.

[AB 851 \(Caballero\)](#) Local agency: contracts This bill would authorize the Santa Clara Valley Water District to use the design-build procurement process when contracting for the construction of a building or buildings and improvements directly related to the construction of a building or buildings. Support On Senate Floor

[SB 252 \(Dodd\)](#) Water wells This bill would require a city or county overlying a critically overdrafted basin, as defined, to request estimates of certain information from an applicant for a new well located within a critically overdrafted basin as part of an application for a well permit. The bill would require a city or county that receives an application for a well permit in a critically overdrafted basin to make the information about the new well included in the application for a well permit available to both the public and to groundwater sustainability agencies and easily accessible. Support In Assembly Committee on Appropriations

[SB 372 \(Cannella\)](#) San Joaquin River Exchange Contractors Groundwater Sustainability Agency This bill would create the San Joaquin River Exchange Contractors Groundwater Sustainability Agency as the exclusive groundwater sustainability agency and successor in interest to the agency that submitted a notice of intent to become a groundwater sustainability agency to the department on December 22, 2015. The bill would establish the boundaries of the agency. The bill would require the agency to develop and implement a groundwater sustainability plan to achieve sustainable groundwater management within the territory of the agency. Watch In Assembly Committee on Appropriations

Invasive Species

[AB 1587 \(Levine\)](#) Invasive species: dreissenid mussels This bill would authorize the Division of Boating and Waterways to award grants from funds generated from the quagga and zebra mussel prevention infestation fee to those entities, including a local sponsor of a reservoir owned or operated by a federal agency, district, or authority, required by the director to implement a dreissenid mussel infestation Support In Senate Committee on Appropriations

prevention plan and to those entities required to implement a dreissenid mussel control program, for the reasonable regulatory costs to implement the plan or program.

SB 704
[\(Galgiani\)](#)
Division of Boating and Waterways: invasive aquatic plants control programs

This bill would require that the Division of Boating and Waterways, to the extent feasible, to collaborate with the California Conservation Corps and use members of the corps in implementing its invasive aquatic plants control programs, as provided.

Support

On Assembly Floor

Taxation

SCA 9 [\(Glazer\)](#)
Property tax: new construction exclusion: rain water capture system

This bill would authorize the Legislature to exclude from classification as “newly constructed” the construction or addition, completed on or after January 1, 2019, of a rain water capture system.

Watch

In Senate Committee on Appropriations

Water Bond

AB 18 [\(Garcia, E.\)](#)
California Clean Water, Climate, Coastal Protection, and Outdoor Access For All Act of 2018

This bill would enact the California Clean Water, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of \$3,105,000,000 pursuant to the State General Obligation Bond Law to finance a clean water, climate, coastal protection, and outdoor access for all program

Support

In Senate Committee on Natural Resources and Water

SB 5 [\(de León\)](#)
California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018

This bill would enact the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of \$3,832,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program.

Support

In Assembly Committee on Water, Parks, and Wildlife

Water Conservation

AB 1654
[\(Rubio\)](#)
Water conservation

This bill would state the intent of the Legislature to enact legislation necessary to help make water conservation a California way of life.

Watch

2-Year Bill

AB 1668 (Friedman)	Water conservation	This bill would state the intent of the Legislature to enact legislation necessary to help make water conservation a California way of life.	Watch	2-Year Bill
SB 606 (Skinner)	Water conservation	This bill would state the intent of the Legislature to enact legislation necessary to help make water conservation a California way of life.		On Assembly Floor
SCA 4 (Hertzberg)	Water conservation	This measure would declare the intent of the Legislature to amend the California Constitution to provide a program that would ensure that affordable water is available to all Californians and to ensure that water conservation is given a permanent role in California's future.	Watch	Senate Committee on Rules

Water Management

AB 176 (Salas)	Water project: Friant-Kern Canal	This bill would appropriate \$7,000,000 from the General Fund to the Department of Water Resources for the Reverse Flow Pump-back Facilities on the Friant-Kern Canal Restoration Project.	Watch	In Assembly Committee on Appropriations
AB 200 (Eggman)	Reclamation District No. 1614: Pump No. 7	This bill would appropriate \$1,175,000 from the General Fund to the Department of Water Resources for the purpose of constructing a new pump station to replace Pump Station No. 7 of Reclamation District No. 1614 – Smith Tract. The bill would require the department to grant the \$1,175,000 appropriated for the purpose of replacing the pump station to Reclamation District No. 1614 — Smith Tract to construct a new pump station to replace Pump Station No. 7.	Watch	In Assembly Committee on Appropriations
AB 1000 (Friedman)	Water conveyance: use of facility with unused capacity.	This bill would prohibit a transferor of water from using a water conveyance facility that has unused capacity to transfer water from a groundwater basin underlying desert lands, as defined, that is in the vicinity of specified federal lands or state lands to outside of the groundwater basin unless the State Lands Commission, in consultation with the Department of Fish and Wildlife, finds that the transfer of the water will not adversely affect the natural or cultural resources of those federal and state lands.	Watch	In Senate Committee on Appropriations

AB 1667 (Friedman)	Water management planning	This bill would revise the components of an agricultural water management plan and additionally require the agricultural water management plan to quantify the efficiency of agricultural water use, include an annual water budget, describe the agricultural water supplier's water management strategy with specified elements, and include a drought plan describing the actions of the agricultural water supplier for drought preparedness and management of water supplies and allocations during drought conditions.	Watch	2-Year Bill
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Water Recycling

AB 574 (Quirk)	Potable reuse	This bill would specify that "direct potable reuse" includes "raw water augmentation" and "treated drinking water augmentation." The bill would change the term "surface water augmentation" to "reservoir water augmentation" and would redefine that term to mean the planned placement of recycled water into a raw surface water reservoir used as a source of domestic drinking water supply for a public water system or into a constructed system conveying water to such a reservoir.	Support	In Senate Committee on Appropriations
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Water Rights

AB 1420 (Aguilar-Curry)	Water rights: small irrigation use: lake or streambed alteration agreements	This bill would require the State Water Resources Control Board to give priority to adopting, on or before June 30, 2021, except as provided, general conditions that permit a registrant to store water for small irrigation use during times of high streamflow in exchange for the registrant reducing diversions during periods of low streamflow, as specified.	Watch	In Senate Committee on Appropriations
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Water Supply

AB 355 (Chu)	Water pollution: enforcement	This bill would instead define publicly owned treatment works serving a small community as a publicly owned treatment works serving a population of 20,000 persons or fewer or a rural county, with a financial hardship.	Watch	In Senate Committee on Appropriations
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