



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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ORIGINATING SECTION: ADMINISTRATION
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AGENDA DATE: July 18, 2018

ITEM NO. 13b

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 and regulatory activities of interest.
- SB 606 (Hertzberg) and AB 1668 (Friedman), were signed into law by Governor Brown on May 31, 2018, establish guidelines for efficient water use and a framework for the implementation and oversight of the new standards, which must be in place by 2022. The link below provide a good description of what the water conservation bills mean for California's suppliers:
<http://water.bhfs.com/what-the-water-conservation-bills-mean-for-californias-water-suppliers-reporting-and-increased-data-collection-as-a-way-of-life/>
- The significant impact of Janus v AFSCME on Public Sector Labor relations. On June 27, 2018, the U.S. Supreme Court dealt a huge blow to public-sector unions and labor movement in general. Public employees do not have to pay fees to unions to cover the costs of collective bargaining. For more information click the link below:
https://www.supremecourt.gov/opinions/17pdf/16-1466_2b3j.pdf
- November water bond website:
<https://waterbond.org>

RECOMMENDED ACTION: Information only

ATTACHMENT:

Legislative executive summary for June 2018



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 07/02/2018
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Bond

SB 1364 (Vidak)	Safe, Clean, Reliable Water Supply Act	Existing law, the Safe, Clean, Reliable Water Supply Act, approved by the voters as Proposition 204 at the November 5, 1996, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$995,000,000 for the purposes of financing a safe, clean, reliable water supply program. The bond act states various legislative findings and declarations. This bill would make a nonsubstantive change in those findings and declarations.	Watch	Senate Committee on Rules
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Dam/Dam Safety

SB 955 (Nielsen)	Oroville Dam: citizens advisory commission	This bill would create the Citizens Advisory Commission for Oroville Dam as an independent entity within the Department of Water Resources. The bill would require the commission to consist of 14 members, appointed as prescribed, and including the member of the California State Senate representing the Cities of Oroville, specified counties, and county sheriffs.	Watch	Assembly Committee on Appropriations
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Delta

AB 732 (Frazier)	Delta levee maintenance	Current law, until July 1, 2018, authorizes the Central Valley Flood Protection Board to provide funds to an eligible local agency under a delta levee maintenance 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	Senate Committee on Appropriations
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Drinking Water

SB 623 (Monning)	Water quality: 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 State Water Resources Control Board. The bill would require the board to administer the fund to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure.	Watch	Assembly Committee on Rules
SB 1215 (Hertzberg)	Provision of sewer service: disadvantaged communities.	The Porter-Cologne Water Quality Control Act requires each California regional water quality control board to adopt water quality control plans and to establish water quality objectives in those plans, considering certain factors, to ensure the reasonable protection of beneficial uses and the prevention of nuisance. This bill would authorize the regional board to order the provision of sewer service by a special district, city, or county to a disadvantaged community, as defined, under specified circumstances.	Watch	Assembly Committee on Appropriations

Employment

AB 472 (Frazier)	Employer liability: small business and microbusiness	This bill would prohibit the Division of Occupational Safety and Health from commencing any enforcement action for any nonserious violation, as defined, against any employer where the employer is a small business or microbusiness, as defined, without first giving the employer written notice and providing the employer 30 days to correct the violation.	Watch	Senate Committee on Rules
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AB 2017 (Chiu)	Public employers: employee organizations	Current law prohibits a public employer, as defined, from deterring or discouraging public employees from becoming or remaining members of an employee organization. Under current law, a public employer is defined, for these purposes, to include counties, cities, districts, the state, schools, transit districts, the University of California, and the California State University, among others. Existing law grants the Public Employment Relations Board jurisdiction over violations of these provisions. This bill would include in the definition of “public employer” under these provisions those employers of excluded supervisory employees and judicial council employees and would include in the definition of “public employee” those employees of a public transit agency with specified labor relation provisions.	Watch	Senate Committee on Appropriations
AB 2713 (Rodriguez)	Public Employment: sexual harassment tracking	This bill would require the equal employment officer of each state agency to, by July 1, 2019, and annually on that date thereafter, submit a report to the Department of Human Resources that contains specified information relating to sexual harassment complaints received by, or filed with, that agency within a specified time period, and information related to any judgment or settlement paid or received by the agency relating to sexual harassment.	Watch	Senate Committee on Appropriations
SB 691 (Lara)	Educational equity: immigration status	The Equity in Higher Education Act states the policy of the State of California to afford all persons, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, equal rights and opportunities in postsecondary educational institutions of the state, and states that the purpose of related existing law is to prohibit acts that are contrary to that policy and to provide remedies therefor. This bill would expressly reference immigration status in the specified characteristics for purposes of those provisions.	Watch	Assembly Committee on Appropriations

SB 1300 (Jackson)	Unlawful employment practices: discrimination and harassment	This bill would require an employee in an action alleging that a defendant failed to take all reasonable steps necessary to prevent discrimination and harassment from occurring, to show that the employer knew that the conduct was unwelcome to the employee, that the conduct would meet the legal standard for harassment or discrimination if it increased in severity or became pervasive, and that the defendant failed to take all reasonable steps to prevent the same or similar conduct from recurring.	Watch	Assembly Committee on Appropriations
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SB 1343 (Mitchell)	Employers: sexual harassment training: requirements	This bill would require an employer who employs 5 or more employees, including temporary or seasonal employees, to provide at least 2 hours of sexual harassment training to all supervisory employees and at least one hour of sexual harassment training to all nonsupervisory employees by January 1, 2020, and once every 2 years thereafter, as specified. The bill would require the Department of Fair Employment and Housing to develop or obtain 1-hour and 2-hour online training courses on the prevention of sexual harassment in the workplace, as specified, and to post the courses on the department's Internet Web site.	Watch	Assembly Desk
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Fish and Wildlife

AB 1587 (Levine)	Invasive species: dreissenid mussels	Current law authorizes the director to conduct inspections of waters of the state and facilities located within waters of the state that may contain dreissenid mussels and, if those mussels are detected or may be present, order the closure of the waters or facilities to conveyances or otherwise restrict access to the waters or facilities, with the concurrence of the Secretary of the Natural Resources Agency. This bill would also authorize a peace officer to engage in certain of these enforcement activities, as prescribed, and would extend to January 1, 2023, the repeal date of those provisions.	Watch	Senate Committee on Appropriations
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AB 2421 (Stone, Mark)	Wildlife Conservation Board: Monarch Butterfly and Pollinator Rescue	This bill would establish the Monarch Butterfly and Pollinator Rescue Program, to be administered by the Wildlife Conservation Board, for the purpose of recovering and sustaining populations of monarch butterflies and other pollinators. To achieve these purposes, the bill would authorize the board to provide grants and technical assistance, as prescribed. The bill would require the board to develop and adopt project selection and evaluation guidelines, in coordination with the Department of Food and Agriculture, before disbursing these grants.	Watch	Senate Committee on Appropriations
AB 2627 (Kalra)	Migratory birds: Migratory nongame Bird Treaty Act: incidental take	This bill would permit an entity to take a migratory nongame bird, as defined, if the take is incidental to otherwise lawful activity and the entity complies with best management practices for avoiding, minimizing, and mitigating take of migratory nongame birds, as specified.	Watch	Senate Committee on Rules
AB 2697 (Gallagher)	Wildlife, bird, and waterfowl habitat: idled agricultural lands	This bill would require the Wildlife Conservation Board to establish a program, which may include direct payments or other incentives, to encourage landowners to voluntarily cultivate or retain cover crops or other upland vegetation on idled lands to provide waterfowl, upland game bird, and other wildlife habitat cover for purposes, including, but not limited to, encouraging the use of idle agricultural lands for wildlife habitat.	Watch	Senate Committee on Rules
SB 234 (Berryhill)	Fishing: local regulation: report	This bill would require the Fish and Game Commission to undertake a survey and evaluation of local ordinances that regulate fishing and to submit the survey and evaluation to the Legislature in a report by December 31, 2018.	Watch	Assembly Committee on Appropriations
SB 473 (Hertzberg)	California Endangered Species Act	The California Endangered Species Act provides, until January 1, 2020, that the accidental take of candidate, threatened, or endangered species resulting from acts that occur on a farm or a ranch in the course of otherwise lawful routine and ongoing agricultural activities is not prohibited by the act. The act requires the Department of Fish and Wildlife to define "routine and agricultural activities" by regulation. This bill would also apply the take prohibition to public agencies.	Watch	Assembly Floor

General

AB 161 (Levine)	Department of Finance: infrastructure investment	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.	Watch	Senate Committee on Appropriations
AB 816 (Kiley)	California Environmental Protection Agency: Natural Resources Agency: Web casts of public meetings and workshops	This bill would require that each department, board, and commission of the Natural Resources Agency, except as specified, and each department, board, and office of the California Environmental Protection Agency Web cast all onsite public meetings, in a manner that enables listeners and viewers to ask questions and provide public comment by telephone or electronic communication commensurate with those attending the meeting.	Watch	Senate Committee on Appropriations
AB 2282 (Eggman)	Salary history information	Current law prohibits an employer from relying on the salary history information of an applicant for employment as a factor in determining whether to offer an applicant employment or what salary to offer an applicant, except in specified circumstances. Existing law requires an employer, upon reasonable request, to provide the pay scale for a position to an applicant applying for employment. This bill would define "pay scale," "reasonable request," and "applicant" for purposes of these provisions.	Watch	Senate Floor
ACA 21 (Mayes)	State infrastructure: funding: California Infrastructure Investment Fund	This measure would amend the California Constitution to create the California Infrastructure Investment Fund in the State Treasury. The measure would require the Controller, beginning in the 2019–20 fiscal year, to transfer from the General Fund to the California Infrastructure Investment Fund in each fiscal year an amount equal to up to 2.5% of the estimated General Fund revenues for that fiscal year, as provided.	Watch	Assembly Committee on Budget

SB 210 (Leyva)	Heavy-Duty Vehicle Inspection and Maintenance Program	This bill would authorize the State Air Resources Board to develop and implement a Heavy-Duty Vehicle Inspection and Maintenance Program for nongasoline heavy-duty onroad motor vehicles, as specified. The bill would authorize the state board to assess a fee and penalties as part of the program. The bill would create the Truck Emission Check (TEC) Fund, with all the moneys deposited in the fund to be available upon appropriation.	Watch	Assembly Committee on Transportation
SB 244 (Lara)	Privacy: agencies: personal information	Current law provides that the applicant's federal employer identification number, social security number, or individual taxpayer identification number information is not a public record and is not open to the public for inspection. This bill would revise this provision to provide that information is not open for public inspection, is confidential, and shall not be disclosed, except as specified.	Watch	Assembly Floor
SB 701 (Hueso)	Salton Sea Obligations Act of 2018	This 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.	Watch	Assembly Committee on Appropriations
SB 820 (Leyva)	Settlement agreements: confidentiality	This bill would prohibit a provision in a settlement agreement that prevents the disclosure of factual information relating to certain claims of sexual assault, sexual harassment, or harassment or discrimination based on sex, that are filed in a civil or administrative action. The bill would make a provision in a settlement agreement that prevents the disclosure of factual information related to the claim, as described in the bill, entered into on or after January 1, 2019, void as a matter of law and against public policy.	Watch	Assembly Committee on Judiciary

[SB 833](#)
[\(McGuire\)](#)

Emergency alerts: evacuation
orders: operators

This bill would provide for a red alert system designed to issue and coordinate alerts following an evacuation order, as specified. The bill would require the red alert system to incorporate a variety of notification resources and developing technologies that may be tailored to the circumstances and geography of the underlying evacuation, as appropriate. The bill would require a local government agency or state agency that uses the federal Wireless Emergency Alert (WEA) system to alert a specified area of an evacuation order to use the term “red alert” in the alert and notify OES of the alert.

Watch

Assembly
Committee on
Appropriations

Governance

[SB 519](#) [\(Beall\)](#)

Santa Clara Valley Water
District

The district Santa Clara Valley Water District Act requires a candidate for the board of directors to be a resident in the electoral district for which he or she is a candidate and to continue to reside within the electoral district during his or her term of office. This bill would require any director appointed or elected to fill a vacancy to represent the electoral district in which the vacancy occurred and to be a qualified elector residing in the electoral district in which the vacancy occurred.

Watch

Assembly Floor

Water Conservation

[AB 1000](#)
[\(Freidman\)](#)

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

Senate
Committee on
Appropriations

AB 3206 (Friedman)	Water conservation: water meters: accuracy and performance standards	This bill would require the State Energy Resources Conservation, on or before January 1, 2020, to the extent that funding is available, to adopt regulations setting standards for the accuracy of water meters, as described, that, on or after the effective date of those regulations, are installed by a water purveyor or manufactured and sold or offered for sale in the state. The bill would include an exception for a water meter that, as of the effective date of the regulations, a water purveyor possesses, or has entered into a contract to purchase, and has not yet installed.	Watch	Senate Committee on Appropriations
SB 919 (Dodd)	Water resources: stream gages	This bill would require the Department of Water Resources and the State Water Resources Control Board, upon appropriation by the Legislature, to develop a plan to deploy a network of stream gages that includes a determination of funding needs and opportunities for modernizing and reactivating existing gages and deploying new gages, as specified.	Watch	Assembly Committee on Appropriations
SB 952 (Anderson)	Water conservation: local water supplies	This bill would state the intent of the Legislature to enact legislation that would require the State Water Resources Control Board to recognize local water agency investment in water supply and will ensure that local agencies receive sufficient credit for these investments in meeting any water conservation or efficiency mandates.	Watch	Senate Committee on Rules
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 1667 (Friedman)	Water management planning	This bill would require the State Water Resources Control Board, in consultation with the Department of Water Resources, to adopt long-term standards for urban water conservation and water use on or before May 20, 2021. The bill would also require the board, in consultation with the department, to adopt performance measures for commercial, industrial, and institutional water use on or before that date.	Watch	Senate Committee on Natural Resources and Water
AB 2064 (Gloria)	Integrated regional water management plans: grants: advanced payment	The bill, until January 1, 2025, would require the department to provide a project proponent that requests advanced payment and satisfies certain criteria with advanced payment for those projects of \$500,000 or 50% of the grant award, whichever is less.	Watch	Senate Committee on Rules
SB 1097 (Hueso)	Lead poisoning	Current law authorizes the State Department of Public Health to contract with a public or private entity, including local agencies, to conduct case management efforts related to lead poisoning in children. Current law requires the department to prepare a biennial report describing the effectiveness of appropriate case management efforts, and to make that report available to local health departments and the general public. This bill would require the report to contain specified information for each county, including the number of children screened for risk of lead poisoning.	Watch	Assembly Desk

Water Rights

AB 1420 (Aguiar-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	Senate Committee on Appropriations
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[AB 2649](#)
[\(Arambula\)](#)

Water rights: water
management

This bill would authorize a groundwater sustainability agency or local agency to apply for, and the State Water Resources Control Board to issue, a conditional temporary permit for diversion of surface water to underground storage for beneficial use that advances the sustainability goal of a groundwater basin, as specified.

Watch

Senate
Committee on
Appropriations

[AB 2975](#)
[\(Friedman\)](#)

Wild and scenic rivers

This bill would, if (1) the federal government takes action to enact a statute that, upon enactment, would require the removal or delisting of any river or segment of a river in California that is included in the national wild and scenic rivers system and not in the state wild and scenic rivers system; or (2) the secretary determines that the federal government by enactment of a statute or by executive order has exempted a river or segment of a river in California that is not in the state wild and scenic river system from the protection of certain federal provisions governing restrictions on water resources projects, require the secretary, after holding a public hearing on the issue, based on the information obtained through the public hearing, to determine whether the provision of state protection for the river or segment of the river that has been removed, delisted, or exempted from the federal wild and scenic rivers system is in the best interest of the state and, if so, to take specified actions, until December 31, 2025, to add the river or segment of a river to the state wild and scenic rivers system and to classify that river or segment of a river, as prescribed.

Watch

Senate
Committee on
Appropriations

Water Supply

[AB 2060](#)
[\(Garcia, E.\)](#)

Water: grants: advanced
payments

This bill would require the State Water Resources Control Board, within 60 days of awarding a grant from the grant fund, to provide a project proponent that requests an advanced payment and satisfies certain criteria with advanced payment of \$500,000 or 50% of the grant award, whichever is less, for projects in which the project proponent is a nonprofit organization or a disadvantaged community, or the project benefits a disadvantaged community. The bill would require the advanced funds to be handled as prescribed.

Watch

Senate
Committee on
Appropriations

AB 2900 (ASM Cmte. on ES&TM)	Proposed new public water system: preliminary technical report	The California Safe Drinking Water Act requires a proposed new public water system to first submit a preliminary technical report to the state board at least 6 months before initiating construction of any water-related improvement that includes, among other things, the name of each public water system for which any service area boundary is within 3 miles of the proposed new public water system's service area and discussions of the feasibility of each of the adjacent public water systems supplying domestic water to the proposed new public water system's service area. This bill would authorize the state board to approve the preliminary technical report and allow construction to proceed before the end of the 6-month period.	Watch	Senate Committee on Appropriations
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SB 979 (Cannella)	Water Quality, Supply, and Infrastructure Improvement Act of 2014	The Water Quality, Supply, and Infrastructure Improvement Act of 2014 provides that the sum of \$810,000,000 is to be available, upon appropriation by the Legislature, for expenditures on, and competitive grants and loans to, projects that are included in and implemented in an adopted integrated regional water management plan and respond to climate change and contribute to regional water security. The bond act requires \$200,000,000 of that amount to be available for grants for multibenefit stormwater management projects. This bill would make a nonsubstantive change in those grant provisions.	Watch	Senate Committee on Rules
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Water Systems

AB 2050 (Caballero)	Small System Water Authority Act of 2018	This bill would create the Small System Water Authority Act of 2018 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems.	Watch	Senate Committee on Appropriations
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AB 2179 (Gipson)	Municipal corporations: public utility service: water and sewer service	This bill would authorize a municipal corporation to utilize the alternative procedures to lease, sell, or transfer that portion of a municipal utility used for furnishing sewer service outside the boundaries of the municipal corporation.	Watch	Senate Committee on Governance and Finance
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AB 2538 (Rubio)	Municipal separate storm sewer systems: financial capability analysis	This bill would require the State Water Resources Control Board, by July 1, 2019, to establish financial capability assessment guidelines for municipal separate storm sewer system permittees that are adequate and consistent when considering the costs to local jurisdictions.	Watch	Senate Committee on Appropriations
AB 2541 (Salas)	Safe Drinking Water State Revolving Fund: project financing: severely disadvantaged communities	This bill would authorize the State Water Resources Control Board, to the extent permitted by federal law, to provide up to 100% grant funding, and principal forgiveness and 0% financing on loans, from the Safe Drinking Water State Revolving Fund to a project for a water system that serves a severely disadvantaged community.	Watch	Senate Committee on Appropriations
SB 778 (Hertzberg)	Water systems: consolidations: administrative and managerial services	This bill would require, on or before March 1, 2018, and regularly thereafter, as specified, the State Water Resources Control Board to track and publish on its Internet Web site an analysis of all voluntary and ordered consolidations of water systems that have occurred on or after July 1, 2014. The bill would require the published information to include the resulting outcomes of the consolidations and whether the consolidations have succeeded or failed in providing an adequate supply of safe drinking water to the communities served by the consolidated water systems.	Watch	Assembly Committee on Appropriations
SB 966 (Weiner)	Onsite treated nonpotable water systems	This bill would, on or before December 1, 2022, require the State Water Resources Control Board, in consultation with the California Building Standards Commission, to adopt regulations for risk-based water quality standards for the onsite treatment and reuse of nonpotable water, as provided. The bill would authorize the state board to contract with public or private entities regarding the content of the standards.	Watch	Assembly Committee on Appropriations
SB 998 (Dodd)	Discontinuation of residential water service: urban and community water systems	This bill would require an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, to have a written policy on discontinuation of water service to certain types of residences for nonpayment available in prescribed languages. The bill would require the policy to include certain components, be available on the system's Internet Web site, and be provided to customers in writing, upon request.	Watch	Assembly Committee on Appropriations

Water Use

AB 869 (Rubio)	Sustainable water use and demand reduction: recycled water	Current law imposes various water use reduction requirements that apply to urban retail water suppliers, including a requirement that the state achieve a 20% reduction in urban per capita water use by December 31, 2020. This bill would require long-term standards for urban water conservation and water use to include a credit for recycled water, as specified.	Watch	Senate Committee on Natural Resources and Water
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.	Watch	Senate Committee on Appropriations
AB 2371 (Carrillo)	Water use efficiency: landscape irrigation	This bill, before revision of the landscaping contractor examination, would require the Contractors' State License Board to confer with specified entities to determine whether any updates or revisions to the examination are needed to reflect new and emerging landscape irrigation efficiency practices, as specified.	Watch	Senate Committee on Appropriations