



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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ORIGINATING SECTION: OFFICE OF THE GENERAL MANAGER
CONTACT: VALERIE PRYOR

AGENDA DATE: May 15, 2019

ITEM NO. 18b

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.
- The attached summary of the legislative executive summary presents bills that are still on Committees for discussion and 2-Year Bills.

RECOMMENDED ACTION:

Information only.

ATTACHMENTS:

- Legislative Executive Summary for April 2019
- Zone 7 Monthly Water Report for April 2019



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 05/01/2019
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Drinking Water

<u>AB 134 (Bloom)</u>	Safe, clean, affordable, and accessible drinking water.	The bill would require, if a Safe Drinking Water Fund or Safe and Affordable Drinking Water Fund is established, the funding to be displayed in the annual Governor's budget, as prescribed, and, at least every 5 years, would require the Legislative Analyst's Office to provide an assessment of the effectiveness of expenditures from the fund.	Watch	Assembly Committee on Appropriations
<u>AB 217 (Garcia, E.)</u>	Safe Drinking Water for All Act.	This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are available, upon appropriation by the Legislature, to the board to provide a stable source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure.	Opposition/Coalition	Assembly Committee on Appropriations

<p><u>AB 223</u> <u>(Stone)</u></p>	<p>California Safe Drinking Water Act: microplastics.</p>	<p>The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law requires the state board, on or before July 1, 2020, to adopt a definition of microplastics in drinking water and, on or before July 1, 2021, to adopt a standard methodology to be used in the testing of drinking water for microplastics and requirements for 4 years of testing and reporting of microplastics in drinking water, including public disclosure of those results. This bill would require the state board, to the extent possible, and where feasible and cost effective, to work with the State Department of Public Health in complying with those requirements.</p>	<p>Watch</p>	<p>2-Year Bill</p>
<p><u>AB 1381</u> <u>(Salas)</u></p>	<p>Safe Drinking Water Plan.</p>	<p>Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. Existing law, known as the California Safe Drinking Water Act, requires the State Water Resources Control Board to maintain a drinking water program and carry out various duties, responsibilities, and functions relating to drinking water, including submission to the Legislature, every 5 years, of a comprehensive Safe Drinking Water Plan for California. This bill would make nonsubstantive changes to the provision requiring submission of a Safe Drinking Water Plan.</p>	<p>Watch</p>	<p>2-Year Bill</p>
<p><u>SB 200</u> <u>(Monning)</u></p>	<p>Safe and Affordable Drinking Water Fund.</p>	<p>This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and the long term. The bill would authorize the board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, and bequests and would provide that moneys in the fund are available, upon appropriation by the Legislature, to the board to fund grants, loans, contracts, or services to assist eligible recipients.</p>	<p>Watch</p>	<p>Senate Committee on Appropriations</p>
<p><u>SB 669</u> <u>(Caballero)</u></p>	<p>Water quality: Safe Drinking Water Fund.</p>	<p>This bill would establish the Safe 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 state board to administer the fund to assist community water systems in disadvantaged communities that are chronically noncompliant relative to the federal and state drinking water standards and do not have the financial capacity to pay for operation and maintenance costs to comply with those standards, as specified.</p>	<p>Support/Coalition</p>	<p>Senate Committee on Appropriations</p>

Employment

AB 9 (Reyes)	Employment discrimination: limitation of actions.	The California Fair Employment and Housing Act makes specified employment and housing practices unlawful, including discrimination against or harassment of employees and tenants, among others. Current law authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a complaint with the Department of Fair Employment and Housing within one year from the date upon which the unlawful practice occurred, unless otherwise specified. This bill would extend the above-described period to 3 years for complaints alleging employment discrimination, as specified.	Watch	Assembly Committee on Appropriations
AB 64 (Fong)	State project audits.	This bill would require the California State Auditor to examine and audit a state contract involving the expenditure of public funds in excess of \$500,000,000 entered into by a state agency, board, commission, or department within one year of the date of final payment under a contract.	Watch	2-Year Bill
AB 289 (Fong)	California Public Records Act Ombudsperson.	This bill would establish, within the California State Auditor's Office, the California Public Records Act Ombudsperson. The bill would require the California State Auditor to appoint the ombudsperson subject to certain requirements. The bill would require the ombudsperson to receive and investigate requests for review, as defined, determine whether the denials of original requests, as defined, complied with the California Public Records Act, and issue written opinions of its determination, as provided.	Watch	Assembly Committee on Appropriations
AB 418 (Kalra)	Evidentiary privileges: union agent-represented worker privilege.	This bill would establish a privilege between a union agent, as defined, and a represented employee or represented former employee to refuse to disclose any confidential communication between the employee or former employee and the union agent made while the union agent was acting in the union agent's representative capacity, except as specified. The bill would permit a represented employee or represented former employee to prevent another person from disclosing a privileged communication, except as specified.	Watch	Senate Committee on Rules
AB 440 (Fong)	The Labor Code Private Attorneys General Act of 2004.	Existing law, the Labor Code Private Attorneys General Act of 2004, permits an aggrieved employee, on behalf of themselves and other current or former employees, to bring a civil action pursuant to specified procedures for a violation of a provision of the Labor Code that provides for a civil penalty to be assessed and collected by the Labor and Workforce Development Agency. This bill would make nonsubstantive changes to these provisions.	Watch	Introduced

<u>AB 510</u> <u>(Cooley)</u>	Local government records: destruction of records.	This bill would exempt the head of a department of a county or city, or the head of a special district from these recording retention requirements if the county, city, or special district adopts a records retention policy governing recordings of routine video monitoring and recordings of telephone and radio communications.	Watch	Assembly Committee on Local Government
<u>AB 654</u> <u>(Rubio)</u>	Public records: utility customers: disclosure of personal information.	This bill would authorize a local agency to disclose the name, utility usage data, and home address of utility customers to an officer or employee of another governmental agency when the disclosure is not necessary for the performance of the other governmental agency's official duties but is to be used for scientific, educational, or research purposes, and the requesting agency receiving the disclosed material agrees to maintain it as confidential in accordance with specified criteria.	Watch	2-Year Bill
<u>AB 707</u> <u>(Kalra)</u>	Santa Clara Valley Water District: contracts.	Current law prescribes competitive bidding procedures for any improvement or unit of work not performed by the personnel of the Santa Clara Valley Water District if the district estimates the work to cost over \$25,000. This bill would raise that competitive bidding threshold to work estimated to cost over \$50,000 and would authorize the district board of directors to further raise the threshold amount, as prescribed. The bill would define terms for purposes of current law.	Watch	Assembly Committee on Local Government
<u>AB 749</u> <u>(Stone)</u>	Settlement agreements: restraints in trade.	This bill would prohibit an agreement to settle an employment dispute from containing a provision that prohibits, prevents, or otherwise restricts a settling party that is an aggrieved person, as defined, from working for the employer against which the aggrieved person has filed a claim or any parent company, subsidiary, division, affiliate, or contractor of the employer. The bill would provide that a provision in an agreement entered into on or after January 1, 2020, that violates this prohibition is void as a matter of law and against public policy.	Watch	Assembly Floor

Fire

[AB 868](#)
[\(Bigelow\)](#)

**Electrical corporations:
wildfire mitigation plans.**

This bill would require each electrical corporation that deenergizes portions of the distribution grid as a wildfire mitigation measure to adopt protocols for when deenergization will be undertaken and for providing notice and other steps to be taken to minimize any adverse effects from deenergization, as specified. The bill would require that the electrical corporation, in developing the protocols, consult with persons and institutions that are reasonably likely to be affected by a deenergization, including local schools, water suppliers, wastewater agencies, disability rights advocates, consumer groups, fire departments, law enforcement agencies, local government officials, local elected officials, hospitals, and communications providers.

Watch

Assembly
Committee on
Appropriations

[AB 1375](#)
[\(Bigelow\)](#)

**Disaster relief: dead and
dying tree removal:
allocation to local
agencies.**

The California Disaster Assistance Act provides that the state share for disaster project allocations to local agencies is no more than 75% of total state eligible costs, except for specified events for which the state share is up to 100% of state eligible costs. This bill would provide that the state share for the removal of dead and dying trees in connection with the Governor's Proclamation of a State of Emergency issued on October 30, 2015, is no more than 90% of total state eligible costs.

Watch

Assembly
Committee on
Appropriations

[AB 1432](#)
[\(Dahle\)](#)

**Water shortage
emergencies:
declarations: wildfires.**

This bill would authorize a public water supplier to declare a water shortage emergency condition without holding a public hearing in the event of a wildfire.

Watch

Senate
Committee on
Rules

[SB 45 \(Allen\)](#)

**Wildfire, Drought, and
Flood Protection Bond Act
of 2020.**

This bill would enact the Wildfire, Drought, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,300,000,000 pursuant to the State General Obligation Bond Law to finance projects to restore fire damaged areas, reduce wildfire risk, create healthy forest and watersheds, reduce climate impacts on urban areas and vulnerable populations, protect water supply and water quality, protect rivers, lakes, and streams, reduce flood risk, protect fish and wildlife from climate impacts, improve climate resilience of agricultural lands, and protect coastal lands and resources.

Watch

Senate
Committee on
Appropriations

<u>SB 209</u> <u>(Dodd)</u>	Wildfire: California Wildfire Warning Center: weather monitoring.	This bill would establish in the state government the California Wildfire Warning Center. The center would comprise representatives from the Public Utilities Commission, the Office of Emergency Services, the Department of Forestry and Fire Protection, two county fire chiefs, a representative of an electrical corporation, and a representative of a local publicly owned electric utility, as provided. The center would have various responsibilities relating to fire-threat weather conditions, including overseeing the development and deployment of a statewide network of automated weather and environmental stations designed to observe mesoscale meteorological phenomena that contribute to increased wildfire risk, including a statewide fire weather forecasting, monitoring, and threat assessment system, as provided.	Watch	Senate Committee on Appropriations
<u>SB 226</u> <u>(Nielsen)</u>	Watershed restoration: wildfires: grant program.	Current law authorizes the Natural Resources Agency and the California Environmental Protection Agency to jointly develop and submit to the Legislature a plan for forest and water restoration investments for the drainages that supply specified reservoirs. This bill would require the National Resources Agency to develop and implement a watershed restoration grant program, as provided, for purposes of awarding grants to eligible counties, as defined, to assist them with watershed restoration on watersheds that have been affected by wildfire, as specified.	Watch	Senate Committee on Appropriations
General				
<u>AB 275</u> <u>(Ramos)</u>	Native American cultural preservation.	This bill would require the agency or museum to consider tribal traditional knowledge, as defined, with comparable or greater weight than other nontribal sources of information. In determining whether an item is an "associated funerary object," the bill would require that the agency or museum consider tribal traditional knowledge with comparable or greater weight than other nontribal sources of information.	Watch	Assembly Committee on Appropriations
<u>AB 312</u> <u>(Cooley)</u>	State government: administrative regulations: review.	This bill would require each state agency to, on or before January 1, 2022, review its regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, revise those identified regulations, as provided, and report its findings and actions taken to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2023.	Watch	Assembly Committee on Appropriations

[AB 1184](#)
[\(Gloria\)](#)

Public records: writing transmitted by electronic mail: retention.

This bill would, unless a longer retention period is required by statute or regulation, require a public agency for purposes of the California Public Records Act to retain and preserve for at least 2 years every writing containing information relating to the conduct of the public's business prepared, owned, or used by any public agency that is transmitted by electronic mail or other similar messaging system.

Watch

Assembly
Committee on
Appropriations

[AB 1347](#)
[\(Boerner\)](#)

Electricity: renewable energy and zero-carbon resources: state and local government buildings.

Current law establishes the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of all retail sales of electricity to California end-use customers and 100% of electricity procured to serve all state agencies by December 31, 2045. This bill would establish the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of all retail sales of electricity to state and local government buildings by December 31, 2030, and to all California end-use customers by December 31, 2045.

Watch

2-Year Bill

[AB 1389](#)
[\(Eggman\)](#)

Special districts: change of organization: mitigation of revenue loss.

This bill would authorize the commission to propose, as part of the review and approval of a proposal for the establishment of new or different functions or class of services, or the divestiture of the power to provide particular functions or class of services, within all or part of the jurisdictional boundaries of a special district, that the special district, to mitigate any loss of property taxes, franchise fees, and other revenues to any other affected local agency, provide payments to the affected local agency from the revenue derived from the proposed exercise of new or different functions or classes of service.

Watch

Assembly
Committee on
Local
Government

[AB 1612](#)
[\(Quirk\)](#)

Wildlife resources: state policy.

This bill would establish the Invasive Species Response Fund in the State Treasury and would continuously appropriate money deposited in the fund to the Department of Fish and Wildlife to respond to nonnative vertebrate species invasions in coordination with other relevant government agencies. The bill would require any money received by the department from the federal government for the purpose of controlling and eradicating nonnative vertebrate species to be deposited in the fund.

Watch

2-Year Bill

<u>SB 1 (Atkins)</u>	California Environmental, Public Health, and Workers Defense Act of 2019.	Current state law regulates the discharge of air pollutants into the atmosphere. The Porter-Cologne Water Quality Control Act regulates the discharge of pollutants into the waters of the state. The California Safe Drinking Water Act establishes standards for drinking water and regulates drinking water systems. The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species, and generally prohibits the taking of those species. This bill would require specified agencies to take prescribed actions regarding certain federal requirements and standards pertaining to air, water, and protected species, as specified.	Watch	Senate Committee on Appropriations
<u>SB 62 (Dodd)</u>	Endangered species: accidental take associated with routine and ongoing agricultural activities: state safe harbor agreements.	The California Endangered Species Act provides, until January 1, 2020, that the accidental take of candidate, threatened, or endangered species resulting from an act that occurs on a farm or a ranch in the course of otherwise lawful routine and ongoing agricultural activities is not prohibited by the act. This bill would extend this exception to January 1, 2024, and would limit this exception to an act by a person acting as a farmer or rancher, a bona fide employee of a farmer or rancher, or an individual otherwise contracted by a farmer or rancher.	Watch	Senate Committee on Appropriations
<u>SB 128 (Beall)</u>	Enhanced infrastructure financing districts: bonds: issuance.	This bill would instead authorize the public financing authority to issue bonds for these purposes without submitting a proposal to the voters. The bill would require the resolution to issue bonds to contain specified information related to the issuance of the bonds.	Watch	Assembly Committee on Rules
<u>SB 204 (Dodd)</u>	State Water Project: contracts.	The bill would require the Department of Water Resources to provide at least 10 days' notice to the Joint Legislative Budget Committee and relevant policy and fiscal committees of the Legislature before holding public sessions to negotiate any potential amendment of a long-term water supply contract that is of project wide significance with substantially similar terms intended to be offered to all contractors. The bill would require the department, before the execution of a specified proposed amendment to a long-term water supply contract and at least 60 days before final approval of such an amendment, to submit to the Joint Legislative Budget Committee and relevant policy and fiscal committees of the Legislature certain information regarding the terms and conditions of a proposed amendment of a long-term water supply contract and to submit a copy of the long-term contract as it is proposed to be amended.	Watch	Senate Committee on Appropriations

<u>SB 290</u> <u>(Dodd)</u>	Natural disasters: insurance and related alternative risk-transfer products.	The California Emergency Services Act, among other things, vests the Governor with various powers and duties related to that act, including coordinating the State Emergency Plan and those programs necessary for the mitigation of the effects of an emergency in this state. Current law authorizes the Governor to expend any appropriation for support of the California Emergency Services Act to carry out its provisions. This bill, upon appropriation by the Legislature, would authorize the Governor to purchase insurance, reinsurance, insurance linked securities, or other related alternative risk-transfer products for the State of California to help mitigate against costs incurred by the state in response to a natural disaster, including, but not limited to, an earthquake, wildfire, or flood.	Watch	Senate Committee on Appropriations
<u>SB 454</u> <u>(Caballero)</u>	State Water Resources Control Board: Administrative Hearing Office: fees	This bill would authorize the State Water Resources Control Board to assess filing fees for the filing of briefing papers or motions in a hearing conducted by the office, as specified. The bill would require filing fees related to hearings conducted by the office and any fine or monetary penalty imposed as a result of a hearing conducted by the office to be deposited in the Water Rights Hearings Office Fund, which the bill would establish. Under the bill, moneys in the Water Rights Hearings Office Fund are available to the board, upon appropriation by the Legislature, for expenditure in the administration of the office and would require moneys deposited in the Water Rights Hearings Office Fund to directly reduce the funding used from the Water Rights Fund to support the office.	Watch	Senate Committee on Appropriations
<u>SB 547</u> <u>(Borgeaos)</u>	California Water Commission: members.	Current law establishes the California Water Commission, consisting of 9 members who are appointed to 4-year terms by the Governor, in the Department of Water Resources. Current law requires 7 of the members to be selected on the basis of their general educational and business qualifications and their knowledge of, interest in, and experience with problems relating to water. This bill would make nonsubstantive changes in these provisions.	Watch	Senate Committee on Rules
<u>SB 566</u> <u>(Borgeaos)</u>	Fish and Game Commission.	The California Constitution establishes the 5-member Fish and Game Commission, with members appointed by the Governor and approved by the Senate. Current statutory law states the intent of the Legislature to encourage the Governor and the Senate Committee on Rules to consider certain minimum qualifications in selecting, appointing, and confirming commissioners to serve on the commission. This bill would make a nonsubstantive change to this provision.	Watch	Senate Committee on Rules

<u>SB 615</u> <u>(Hueso)</u>	Public records: disclosure.	The California Public Records Act, when it appears to a superior court that certain public records are being improperly withheld from a member of the public, requires the court to order the officer or person charged with withholding the records to disclose the public record or show cause why they should not do so. The act requires the court to award court costs and reasonable attorney's fees to the requester if the requester prevails in litigation filed pursuant to these provisions, and requires the court to award court costs and reasonable attorney's fees to the public agency if the court finds that the requestor's case is clearly frivolous. This bill would require a person to meet and confer in good faith with the agency in an attempt to informally resolve each issue before instituting any proceeding for injunctive or declarative relief or writ of mandate.	Watch	2-Year Bill
<u>SB 632</u> <u>(Galqiani)</u>	California Environmental Quality Act: injunction: vegetation treatment projects.	Current law establishes the State Board of Forestry and Fire Protection and vests the board with authority over wildland forest resources. This bill would require the board, by June 30, 2020, to complete its environmental review under CEQA and certify a specific draft program environmental impact report for a vegetation treatment program.	Watch	Senate Committee on Appropriations
<u>SB 693</u> <u>(Borgeas)</u>	State Water Resources Control Board: Administrative Hearings Office.	Existing law prescribes procedures for hearings presided over by the office, including the adoption of a final order by the office for certain matters imposing administrative civil liability, and the preparation of a proposed order to be submitted for final review by the board for all other matters presided over by the office. This bill would make nonsubstantive changes in these provisions.	Watch	Senate Committee on Rules
<u>SB 769</u> <u>(Moorlach)</u>	Public employees' retirement.	The Public Employees' Retirement Law (PERL) establishes the Public Employees' Retirement System (PERS), which provides pension and other benefits to its members. Under PERL, membership in PERS is compulsory for specified public employees. Current law provides that those compulsory membership provisions do not apply to certain persons who are expressly excluded from PERS. This bill would make a nonsubstantive change to that provision.	Watch	Senate Committee on Rules

Governance

<u>AB 213</u> <u>(Reyes)</u>	Local government finance: property tax revenue allocations: vehicle license fee adjustments.	This bill would, for the 2019–20 fiscal year, require the vehicle license fee adjustment amount to be the sum of the vehicle license fee adjustment amount in the 2018–19 fiscal year, the product of that sum and the percentage change in gross taxable assessed valuation within the jurisdiction of that entity between the 2018–19 fiscal year to the 2018–19 fiscal year, and the product of the amount of specified motor vehicle license fee revenues that the Controller allocated to the applicable city in July 2010.	Watch	Assembly Committee on Appropriations
<u>AB 600</u> <u>(Chu)</u>	Local government: organization: disadvantaged unincorporated communities.	Under current law, an application to annex a contiguous disadvantaged community is not required if, among other things, a local agency formation commission finds that a majority of the registered voters within the disadvantaged unincorporated community are opposed to the annexation, as specified. This bill would additionally provide that an application to annex a contiguous disadvantaged community is not required if the commission finds that a majority of the registered voters within the affected disadvantaged unincorporated community would prefer to address the service deficiencies through an extraterritorial service extension.	Watch	Assembly Committee on Appropriations
<u>AB 1437</u> <u>(Chen)</u>	Local government: redevelopment: revenues from property tax override rates.	This bill would require certain revenues attributable to a property tax rate approved by the voters of a city, county, city and county, or special district to make payments in support of a mobile intensive care program called "Paramedics" to be allocated to, and when collected to be paid into, the fund of that taxing entity instead of the Redevelopment Property Tax Fund of each successor agency, unless the revenues are pledged as security for the payment of any indebtedness, as provided. The bill would require all allocations of revenues derived from the imposition of that property tax rate made by any county auditor-controller prior to January 1, 2020, to be deemed correct, and would prohibit any city, county, county auditor-controller, successor agency, or affected taxing entity from being subject to any claim, as specified.	Watch	Assembly Committee on Appropriations

<u>AB 1486</u> <u>(Ting)</u>	Local agencies: surplus land.	Current law prescribes requirements for the disposal of surplus land by a local agency. Current law defines "local agency" for these purposes as every city, county, city and county, and district, including school districts of any kind or class, empowered to acquire and hold real property. This bill would expand the definition of "local agency" to include sewer, water, utility, and local and regional park districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions of this state and any instrumentality thereof that is empowered to acquire and hold real property, thereby requiring these entities to comply with these requirements for the disposal of surplus land. The bill would specify that the term "district" includes all districts within the state, and that this change is declaratory of existing law.	Watch	Assembly Committee on Appropriations
<u>AB 1582</u> <u>(Diep)</u>	Joint powers authorities.	Existing law authorizes 2 or more public agencies, by agreement, to form a joint powers authority to exercise any power common to the contracting parties, as specified. This bill would make nonsubstantive changes to this provision.	Watch	Introduced
<u>AB 1640</u> <u>(Boerner)</u>	Local government finance: budget reserves.	This bill would require a local government by September 1, 2020, and annually thereafter, to submit a written report to the State Controller's office on how it plans to spend any of its budget reserves, as defined, on specified priorities over a 5-year fiscal period, including, among others, mental and behavioral health services and affordable housing. The bill would provide this reporting requirement only applies to a local government if the local government's budget reserve in the immediately preceding fiscal year was in excess of 30 percent of the total expenditures of the local government in that fiscal year.	Watch	2-Year Bill
<u>AB 1704</u> <u>(Mullin)</u>	Elections: all-mailed ballot elections.	Current law authorizes counties, on or after specified dates, to conduct any election as an all-mailed ballot election under certain conditions. This bill would make technical, nonsubstantive changes to these provisions.	Watch	Introduced
<u>SB 727</u> <u>(Stern)</u>	Elections: voter registration.	Current law authorizes a person who is at least 16 years of age and otherwise meets all voter eligibility requirements to preregister to vote by submitting an affidavit of registration. The affidavit of registration is deemed effective as of the date the affiant will be 18 years of age. This bill would lower the minimum age for voter preregistration to 15 years of age. The bill also would make conforming changes to current law.	Watch	Senate Committee on Appropriations

Water Management

[AB 382](#)
[\(Mathis\)](#)

Integrated regional water management plans: grant funding: upper watershed health.

Current law provides that an integrated regional water management plan is eligible for funding allocated specifically for implementation of integrated regional water management. Current law requires certain state agencies to include in any set of criteria used to select projects and programs for funding, a criterion that provides a preference for regional projects or programs. This bill would require the department to include in any criteria used to select a project or program for grant funding authorized on or after January 1, 2020 a criterion that provides a preference for a regional water management group undertaking a project improving upper watershed health upstream and outside of the defined geographical area covered by the group's plan.

Watch

Assembly
Committee on
Appropriations

[AB 405](#)
[\(Rubio\)](#)

Sales and use taxes: exemption: water treatment.

This bill would, on and after January 1, 2020, and before January 1, 2025, exempt from that Sales and Use Tax the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, chemicals used by a city, county, public utility, and sanitation district to treat water, recycled water, or wastewater regardless of whether those chemicals or other agents become a component part thereof and regardless of whether the treatment takes place before or after the delivery to consumers.

Watch

Assembly
Committee on
Revenue and
Taxation

[AB 441](#)
[\(Eggman\)](#)

Water: underground storage.

Under current law, the right to water or to the use of water is limited to that amount of water that may be reasonably required for the beneficial use to be served. Current law provides for the reversion of water rights to which a person is entitled when the person fails to beneficially use the water for a period of 5 years. Current law declares that the storing of water underground, and related diversions for that purpose, constitute a beneficial use of water if the stored water is thereafter applied to the beneficial purposes for which the appropriation for storage was made. This bill would instead provide that any diversion of water to underground storage constitutes a diversion of water for beneficial use for which an appropriation may be made if the diverted water is put to beneficial use, as specified.

Watch

Assembly
Committee on
Appropriations

<u>AB 487</u> <u>(Gallagher)</u>	Department of Water Resources: dams and reservoirs: fees and penalty plus interest.	Current law requires the of Water Resources to adopt, by regulation, a schedule of fees to cover the department's reasonable regulatory costs in carrying out the supervision of dam safety, which may include, but is not limited to, the costs of reviewing an inundation map, the amounts necessary to repay budgetary loans, and a prudent reserve. Existing law requires that a penalty plus interest, as set forth in existing law, be imposed for fees received after July 1 in any year. This bill would instead authorize that a penalty plus interest may be imposed for fees received more than 30 days after the July 1 required date of payment in any year.	Watch	Assembly Floor
<u>AB 557</u> <u>(Wood)</u>	Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.	This bill would appropriate \$9,250,000 from the General Fund to the department in the 2019–20 fiscal year to operate the program.	Watch	Assembly Committee on Appropriations
<u>AB 638</u> <u>(Gray)</u>	Department of Water Resources: water storage capacity.	Current law requires the Department of Water Resources to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state, which is known as The California Water Plan. This bill would require the department, on or before January 1, 2021, with updates every 2 years thereafter, to identify the statewide water storage capacity, the adverse impacts to the capacity from the effects of climate change, and the mitigation strategies for anticipated adverse impacts.	Watch	Assembly Committee on Appropriations
<u>AB 722</u> <u>(Bigelow)</u>	Water: dams: fees.	Current law requires the Department of Water Resources to adopt, by regulation, a schedule of fees to cover the department's costs in carrying out the supervision of dam safety. Existing law limits the total annual fee for a dam or reservoir located on a farm or ranch property or a privately owned dam with less than 100 acre-feet of storage capacity to no more than 20% of the fees assessed pursuant to the schedule of fees. This bill would limit the total annual fee for a dam operated by certain irrigation districts to no more than 20% of the fees assessed pursuant to the schedule of fees.	Watch	Assembly Committee on Appropriations
<u>AB 1415</u> <u>(Friedman)</u>	Department of Water Resources: reporting requirements: civil penalties.	Current law establishes the CalConserve Water Use Efficiency Revolving Fund and makes the moneys in the fund available to the Department of Water Resources, upon appropriation by the Legislature, for the purpose of water conservation and water use efficiency projects. This bill would require the department to impose a civil penalty on an entity that fails to file with the department a specified report or plan by the deadline required for that particular report or plan, as provided.	Watch	Assembly Committee on Appropriations

<u>SB 19 (Dodd)</u>	Water resources: stream gages.	This bill would require the Department of Water Resources and the State Water Resources Control Board, upon an appropriation of funds 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. The bill would require the department and the board, in consultation with the Department of Fish and Wildlife, the Department of Conservation, the Central Valley Flood Protection Board, interested stakeholders, and, to the extent they wish to consult, local agencies, to develop the plan to address significant gaps in information necessary for water management and the conservation of freshwater species.	Watch	Senate Committee on Appropriations
<u>SB 762 (Jones)</u>	Groundwater storage: beneficial use.	Current law specifies that the storing of water underground, including the diversion of streams and the flowing of water on lands necessary to the accomplishment of that storage, constitutes a beneficial use of water if the water so stored is thereafter applied to the beneficial purposes for which the appropriation for storage was made. This bill would make a nonsubstantive change in those provisions.	Watch	Senate Rules Committee

Water Recycling

<u>AB 231 (Mathis)</u>	California Environmental Quality Act: exemption: recycled water.	This bill exempt from CEQA a project to construct or expand a recycled water pipeline for the purpose of mitigating drought conditions for which a state of emergency was proclaimed by the Governor if the project meets specified criteria. Because a lead agency would be required to determine if a project qualifies for this exemption, this bill would impose a state-mandated local program. The bill would also exempt from CEQA the development and approval of building standards by state agencies for recycled water systems.	Watch	2-Year Bill
<u>AB 292 (Quirk)</u>	Recycled water: raw water and groundwater augmentation.	Current law requires the State Water Resources Control Board, on or before December 31, 2023, to adopt uniform water recycling criteria for direct potable reuse through raw water augmentation, as specified. Current law defines "direct potable reuse" and "indirect potable reuse for groundwater recharge" for these purposes. This bill would eliminate the definition of "direct potable reuse" and instead would substitute the term "groundwater augmentation" for "indirect potable reuse for groundwater recharge" in these definitions. The bill would revise the definition of "treated drinking water augmentation."	Watch	Assembly Floor

Water Rights

<u>AB 448</u> <u>(Garcia)</u>	Water rights: stockponds.	This bill would provide that the owner of a stockpond built prior to January 1, 2019, that does not have a capacity greater than 10 acre-feet may obtain a right to appropriate water for the principal purpose of watering livestock if that person files a claim for a water right with the State Water Resources Control Board accompanied by a fee not later than December 31, 2021, with certain exceptions. Upon the issuance of a certificate by the board for an appropriation of water obtained under the bill's provisions, the bill would require the board to provide in writing conditions to which the appropriation is subject.	Watch	Assembly Committee on Appropriations
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Water Supply

<u>AB 1304</u> <u>(Waldron)</u>	Water supply contract: Native American tribes.	Current law provides for the establishment and operations of various water districts. This bill would specifically authorize a water district, as defined, to enter into a contract with a Native American tribe to receive water deliveries from an infrastructure project on tribal lands.	Watch	Assembly Committee on Local Governance
<u>AB 1439</u> <u>(Melendez)</u>	State policy for water quality control.	Under existing law, the Porter-Cologne Water Quality Control Act, the state policy for water quality control is required to consist of water quality principles and guidelines for long-range resource planning, water quality objectives, and other principles and guidelines deemed essential by the State Water Resources Control Board for water quality control. This bill would make nonsubstantive changes to that provision.	Watch	Introduced
<u>ACA 3</u> <u>(Mathis)</u>	Clean Water for All Act.	This measure, the Clean Water for All Act, would additionally require, commencing with the 2021–22 fiscal year, not less than 2% of specified state revenues to be set apart for the payment of principal and interest on bonds authorized pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014; water supply, delivery, and quality projects administered by the department, and water quality projects administered by the state board, as provided.	Watch	Assembly Committee on Water, Parks, & Wildlife

[SB 414](#)
[\(Caballero\)](#)

**Small System Water
Authority Act of 2019.**

This bill would create the Small System Water Authority Act of 2019 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. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.

Watch

Senate
Committee on
Appropriations

Water Use

[SB 134](#)
[\(Hertzberg\)](#)

**Water conservation:
water loss performance
standards: enforcement.**

This bill would prohibit the State Water Resources Control Board from imposing liability for a violation of the performance standards for the volume of water losses except as part of the enforcement of an urban water use objective.

Watch

Senate
Committee on
Appropriations



Monthly Water Report - April

TO: Zone 7 Water Agency

FROM: The Gualco Group, Inc.

DATE: May 8, 2019

Bills Heard and Budget Pending

Clean and Accessible Drinking Water: The Big Issue Outstanding

Discussions and outreach continue as the Legislature and the governor try to figure out a pathway that is politically palatable while addressing the underlying public health issue in a meaningful and appropriately staged manner.

As you already know from previous communications and elsewhere, the Legislature and the governor are wrangling over this issue and the many others that he has proposed since assuming office. The budget discussions, which should be aided by what we expect to be even healthier revenue numbers when the May Revision to the budget is announced later this week, will be the primary forum to address the funding issue for the 19-20 fiscal year. The possible establishment of a water trust fund, as proposed by Senator Anna Caballero in her [SB 669](#) and in Assembly Member Eduardo Garcia's [AB 217](#) (along with a proposed water system charge based on the number of hookups) will be accomplished through one of these measures or others spelled out below or via a not-unexpected use of a budget trailer bill. Both measures are now or as of 5/08 will be residing in their respective houses' Appropriations Committee Suspense File which we expected to be taken up on May 16. If deemed worthy of being advanced to their Floors, the bills would have to be acted on or before May 31, 2019.

Other relevant bills on the subject of the clean and safe drinking water front include those outlined below.

[SB 200](#) (Monning, D-Carmel) to establish a safe drinking water fund is pending on the Senate Appropriations Committee Suspense File.

As referenced above, [AB 217](#) (E. Garcia, D-Coachella) represents a mix of proposals. First, the bill contains the suggestion put forth by the Association of California Water Agencies ("ACWA") and the California Municipal Utilities Association ("CMUA") to establish a Trust the interest proceeds from which would provide the funding for the operation and maintenance of poorly financed and operating water systems. The bill calls for \$200M to be deposited into the Trust for each of the next five years. Second, the agricultural fees proposed last year and contained in the governor's trailer bill of this year are included but without the enforcement safe harbor contemplated in that document (although I am told that Mr. Garcia has promised to revisit the issue should the bill advance to the Senate). Third, a system fee of \$.50/month per retail

connection would be imposed on each public water system with 20% of the amount raised returned to the originating region.

As reported last month, the Senate is evaluating non-tax revenues as the preferred course of action. More details on the Senate approach will be forthcoming once the two houses and the administration engage in serious budget talks after the May Revision to the budget is issued early next month. As mentioned last month, discussion of additional fees and taxes is something that many in the Legislature would prefer to avoid.

Santa Monica Assembly Democrat Richard Bloom's [AB 134](#) to require the State Water Resources Control Board ("SWRCB") assess the need for State financial assistance. Mr. Bloom's bill passed the Assembly Committee on Environmental Safety and Toxic Materials unanimously and is likely a Suspense File candidate when the bill is heard on 5/08 in the Appropriations Committee of the Assembly.

We reported on a new entrant on the scene in [AB 600](#) by Assembly Member Kansen Chu (D-San Jose) which would now provide after significant amendments that an application to annex a contiguous disadvantaged community is not required if the LAFCO finds that a majority of the registered voters within the affected disadvantaged unincorporated community would prefer to address the service deficiencies through an extraterritorial service extension. The bill would also provide that the existing approval prohibition and the exemptions to the application requirement, as so expanded, apply to the annexation of two or more contiguous areas that take place within 5 years of each other and that are individually less than 10 acres but cumulatively more than 10 acres. Under existing law, an application to annex a contiguous disadvantaged community is not required if, among other things, the commission finds that a majority of the registered voters within the disadvantaged unincorporated community are opposed to the annexation. The bill passed out of the Assembly Committee on Local Government unanimously and will be heard next by the Assembly Appropriations Committee.

A bill by Assembly Member Rudy Salas (D-Bakersfield) [AB 1381](#), would require the SWRCB, in its Safe Drinking Water Plan, to identify public water systems that consistently fail to deliver water that meets all applicable standards under the California Safe Drinking Water Act. The bill is now on a two-year trajectory.

Another bill by Senator Caballero is the reintroduction of last year's measure vetoed by Governor Brown which would have established a mechanism by which poorly performing public water systems could be combined with stable, well-run water entities. [SB 414](#), passed its two policy committees without dissent and now sits on the Senate Appropriations Committee Suspense File. Action on the Senate Suspense File will also occur on May 16 in all likelihood.



Other Key Bills

A measure that could have had implications for water rights holders was a measure by the new chairman of the Senate Committee on Natural Resources and Water, Henry Stern, that proposes to eliminate the due diligence exemption for State water rights filings. In response to objections from mountain counties and others, [SB 474](#) was significantly amended to now be a measure that addresses General Fund appropriations to the Habitat Conservation Fund.

[SB 45](#) (Allen, D-Santa Monica) proposes a \$4.3B General Obligation bond to finance projects to restore fire damaged areas, reduce wildfire risk, create healthy forest and watersheds, reduce climate impacts on urban areas and vulnerable populations, protect water supply and water quality, protect rivers, lakes and streams, reduce flood risk, protect fish and wildlife from climate impacts, improve climate resilience of agricultural lands, and protect coastal lands and resources. The measure was moving along with an understanding that it will be parked in the Senate Appropriations Committee while the leadership and the governor sort which, if any of the pending bond and spending proposals, will receive approval to advance. The author cancelled the first hearing scheduled to occur on May 6.

[SB 134](#) by Senate Majority Leader Robert Hertzberg (D-Van Nuys) would prohibit the SWRCB from imposing liability for a violation of the performance standards for the volume of water losses except as part of the enforcement of an urban water use objective. The bill was heard on May 6 in the Senate Appropriations Committee.

[SB 646](#) (Morrell, R-Rancho Cucamonga) was significantly amended to add to the definition of connection fee that the fee bears a fair or reasonable relationship to the payor's burdens on, or benefits received from, the water connection or sewer connection. SB 646 also provides that any fee or charge for the extension of water or sewer service cannot be utilized for facilities or services other than those for which the fee or charge is imposed. The bill passed out of the Senate Committee on Governance and Finance with no dissenting votes and will be taken up next on the Senate Floor.

Senator Melissa Hurtado's measure to provide \$400M in State General Fund revenues to address subsidence along the Friant-Kern Canal passed its initial legislative test. The measure passed the Senate Committee on Natural Resources and Water on a vote of 7-0. The measure was heard on 5/06 in the Senate Appropriations Committee and was sent to the Suspense File for further deliberations with leadership and the administration. [SB 559](#)'s proposed appropriation could well be integrated into the budget discussions over the use of General Fund dollars in FY 19-20.

For further information on these and other bills please do not hesitate to contact us. And if you are interested in a complete listing of all pending bills please reach out to Tomas Garza at tomas_garza@gualcogroup.com



Regulatory Trickle-Downs

In response to the new governor's support for safe drinking water and in response to several bills from the Legislature, the State Water Resources Control Board, Central Valley Water Board ("CVWB") and Department of Water Resources ("DWR") began adjusting water quality programs to work with disadvantaged communities and to administer anticipated funding.

The SWRCB staff is developing standards for recycled drinking water and for groundwater recharge. Staff and stakeholders are attempting to collaborate on amendments updating the wetlands-associated WDR terms for projects and permits impacting Waters of the State. Workshops began to gather input on an enforcement policy for draft review "later this year," according to staff.

DWR is focused on rolling out the Sustainable Groundwater Management Act ("SGMA") throughout 2019 and is seeking 9 additional positions in 2019-20 for the SGMA team to deal with 45 Groundwater Sustainability Plans by 2023. There are 267 Groundwater Sustainability Agencies, and multiple agencies are combining into a single plan. Final plan total is not yet known.

Meanwhile, DWR Director Karla Nemeth and Dept of Fish & Wildlife Director Chuck Bonham continue to work below radar on the river flow settlements. "Water defines California," Bonham said to an Assembly budget subcommittee, "with hundreds of agencies involved in delicate decisions."

The settlements for flow and habitat are ongoing and will be presented to the SWRCB as "a collective effort" from Redding to Fresno. Feather, Yuba, American and Sacramento rivers, in addition to the San Joaquin River and tributaries, are included, Bonham said.

A work in progress, explained Nemeth, who estimated a return engagement with the SWRCB "at the end of this year" including a CEQA document and governance structure, including State agencies, water districts, environmentalists and water users. There will be an annual planning process, she said.

Approved flows and projects will be in the agreements to take to the SWRCB, she said, including salmon and smelt recovery. "We will be relying on the stakeholders and a transparent process," she said.

Four of Gov. Newsom's natural resources executives this week provided insights on the future of water rights, groundwater recharge, water supply and the Sustainable Groundwater Management Act ("SGMA") roll-out.

In other significant regulatory actions, the State Water Resources Control Board, Tuesday unanimously adopted the revised policy for wetlands and Waters of the State ("WOTS"), as anticipated. DWR hosted a progress-so-far session for Groundwater Sustainability Agencies ("GSA").



Details:

Key Newsom Officials Address Changes for Water Rights, Recharge, Irrigation Districts and SGMA

Four senior administration executives this week offered insights on the future of water rights, groundwater recharge, SGMA and water supply.

On water rights and recharge, Erik Ekdahl, SWRCB Water Rights deputy director, said during the Board meeting he expects to issue guidance making groundwater recharge a beneficial use later this month.

Karen Ross, California Dept. of Food & Ag secretary, said recharge is “a water right opportunity.” This is essential, she said, “because even iron-clad surface water rights are eroding” because of droughts. Her remarks came during a Public Policy Institute of California (“PPIC”) seminar on water and the future of the San Joaquin Valley.

On irrigation districts as the historic SGMA rolls out at the GSA local level, Ross added, “We have to be intellectually honest and ask: Are all irrigation districts still necessary?” The districts must be large enough to be viable, she said, and working sustainably for drinking water and habitat.

SGMA, she said, “should make counties nervous” in the likely impacts reducing property taxes, due to “inevitable” ag land fallowing and for the land use changes that will be necessary.

CalEPA Secretary Jared Blumenfeld and Natural Resources Secretary Wade Crowfoot, in an unusual joint appearance, told the state Board of Food & Agriculture that SGMA implementation will attempt to accommodate the multiple water users.

The secretaries stayed on a very general level in their remarks.

Though directed at ag – the major water user – the remarks were applicable to water users generally. “Some big issues on the horizon – really thinking about farmland as the answer to climate change,” Blumenfeld said. “We face daunting challenges.” Recycling waste water for ag uses is a major goal, he said, like Israel.

Crowfoot praised farmers for “stepping up for clean drinking water,” referring to support for a water bill surcharge and ag fees. Blumenfeld said consolidating the small community systems with larger neighbors will be a major tool.

Crowfoot said he is working daily with Blumenfeld on the San Joaquin and Sacramento rivers flow voluntary agreements. They both said climate change mitigation was an objective of conservation-oriented water management. Board President Don Cameron, noting the secretaries’ connecting climate change issues, cautioned that without water, farmers cannot mitigate carbon.



SWRCB Approves Wetlands / WOTS Policy Amendments

After a decade-long process and after an intense all-stakeholder coalition advocacy effort over the past 18 months (see Bob Gore emails of March 6 and Jan. 23 for details), the SWRCB adopted the new policy with few 11th-hour edits. Local governments and ag interests gained revisions over the past few weeks that should ensure few significant changes in WDR and related permits.

The coalition held several negotiating sessions with staff and Board Members over the past 12 weeks – too granular to summarize here and pleased to discuss if you wish to call. See the SWRCB agenda, item 10, for links to all materials:

https://www.waterboards.ca.gov/board_info/agendas/2019/apr/040219_agenda.pdf

In the final [change sheet](#), see the revisions (referencing page 14 of the amended final policy), which preserves the exemptions for water utilities and industrial users. Also, the fourth revision (referencing page 18) which reserves the grandfathering of existing applications.

Stakeholders also won staff a concession to participate in the development of the guidance document that will determine how the wetlands / WOTS program will be implemented with permits. An annual report to the board is required.

“This is a polarized issue,” Chair Joaquin Esquivel acknowledged in his opening remarks, saying that California’s wetlands protections must be updated and provide for statewide consistency. He candidly admitted the new policy is now partially aimed at blunting the federal effort to expand exclusions from the US Clean Water Act. He thanked stakeholders for the “creative contributions” in “countless hours of negotiations on complex issues.”

“No one got everything they wanted,” Chief Deputy Jonathan Bishop said.

Association of California Water Agencies and California Farm Bureau Federation supported, and both asked for additional language protecting stakeholder feedback for modifications as we proceed. Member Tam Doduc said the resolution (see #8) provided sufficient protection.

While many environmentalists offered detailed objections, Kim Delfino from Defenders of Wildlife, the lead negotiator, said the policy was good as-is, “though not what we wanted if we ran the world.” She asked for a follow-up inventory and tracking of wetlands acreage. Sierra Club and Audubon Society representatives also accepted the policy, again with reservations. All expressed doubts about the exemptions that were obtained.

“Very much a compromise,” Doduc said at the conclusion of testimony, opposing any further significant revisions. Vice Chair DeeDee D’Adamo, who is the major ag supporter, seconded the approval motion.



Cliff Moriyama, the coalition leader, and a firm senior advisor, focused on implementation. “We have concerns over the wetland definition – we agree to disagree.” The regional boards must have enough resources for timely permit issuance and to reduce costs of compliance. “We want to be a part of the process” with creating milestones for progress.

“The real work begins now,” Esquivel said.

DWR Hosts GSA Updates

DWR also hosted a SGMA update session last week, with presentations from GSAs, for those of you following progress at the local level, link is here:

<https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Assistance-and-Engagement/Files/GSAForumPresentations.pdf?la=en&hash=F05AC817DCEF42097B2BA49F1319FA36D31B276E>

