For the August Legislative Update I'll cover:

Where we are in the Legislative Calendar; followed by a discussion on the Legislature's near-term priorities as the first year of the Session comes to a close, and I'll conclude with a note on the Senate's Delta Select Committee hearing on the Administration's conveyance proposal held last week in Sacramento.

However, before jumping into the update, I wanted to briefly discuss the bill tracking document that you receive each month, and more specifically the progress bar that our bill tracking system uses. As you can see, each bill has a specific bar and where the bill is in the process is typically noted by the highlighted box. Further, bills that have been signed into the law, like AB 1, are denoted by a green bar, while bills that show a purple bar are awaiting a concurrence vote, and bills with a blue bar, are awaiting action by the Governor.

I. LEGISLATIVE CALENDAR

Regarding the Legislative Calendar, since the July Council meeting, the Legislature was on Recess through August 16th. Upon reconvening last Monday, the Legislature will take the next three-and-a-half weeks to act on the remainder of bills still active this year and will adjourn until the New Year on September 11th.

II. BILL UPDATES (GW ADJUDICATION: AB 1390 AND SB 226)

In its remaining time, the Legislature will focus on a number of issues, most of which outside the scope of the Delta such as fixing the state's highway infrastructure, providing additional funding for Medi-Cal, and finalizing the Cap and Trade Spending Plan for the fiscal year. However, one water-related issue that could see some resolution before the mid-September recess is a revision of the groundwater adjudication process.

As you may recall, in the signing message for the Sustainable Groundwater Management Act the Governor underscored the need to streamline and reform what can be a very costly and time-consuming adjudication process.

II. GW ADJUDICATION (CONT. 1)

The timeliness of these proposals is reinforced by the fact that as SGMA implementation occurs, disagreements over the formation of groundwater sustainability agencies or subsequent development of groundwater sustainability plans could result in additional litigation.

Currently, there are two proposals before the Legislature, which are outlined in greater detail in the handouts before you. The two proposals are AB 1390 by Assemblymember Alejo, which is sponsored by the California Farm Bureau, and SB 226 by Senator Pavley, which was amended last week and now includes the Administration's proposal.

While both measures are fairly similar in most respects – from providing notice of the complaint to streamlining the discovery process and appointing a special master to assist with the proceedings, there are some differences between the proposals; two of which I would like to highlight.

II. GW ADJUDICATION (CONT. 2)

With regards to settlement agreements: the Administration's proposal, among other things, allows the submittal of a proposed settlement to the Court if it is supported by 50% of the adjudicating parties or 75% of the groundwater production population in that particular basin. One thing to note here is that the 50/75 trigger that is currently in the Pavley legislation was also previously included in the Alejo measure, but was subsequently amended out of the bill due to environmental justice concerns raised at a June policy committee hearing.

AB 1390 now requires the proposed settlement to treat objecting parties equitably and to be consistent with the State Constitution and water rights priorities in the basin.

The second difference to highlight pertains to intervening parties. Both bills allow land owners and local governments to intervene in an adjudication that concerns their basin; however, Senator Pavley's measure also provides the state with the ability to intervene as a matter of right in any suit that is determining water rights; something that agricultural interests have previously opposed.

Both of these bills are currently in their respective fiscal committees and will be heard later today.

II. BILL UPDATES CONT. (AB 1201 AND AB 747)

AB 1201 by Assemblymember Salas, which requires Fish and Wildlife to develop a plan to address the predation of Delta species like Chinook salmon and smelt by non-native species. This bill, which will be heard in Senate Appropriations later today, was amended last week to include a requirement that Fish and Wildlife seek input from the Independent Science Board when developing the plan.

A quick update on AB 747 (Eggman), which I mentioned during last month's Council meeting. This is the bill that allows local governments to issue construction permits for projects in flood hazard zones with less than 200-year flood protection as long as the project does not result in the construction of a new building or an increase in the allowed occupancy of an existing building. This bill was signed into law by the Governor on August 10th and becomes effective January 1st of next year.

III. SENATE SELECT COMMITTEE ON DELTA: TUNNELS HEARING

Finally this morning, I wanted to report that the Senate Select Committee on the Delta, chaired by Senator Wolk, held an informational hearing last Tuesday entitled, "Are the Tunnels Good for California"? The Legislative Analyst's Office provided a general overview at the beginning of the hearing, which has been included in the Council's meeting materials for reference.

The hearing primarily focused around a panel discussion of the following invitees: Jeff Michael from UOP, former Delta Water Master Craig Wilson, Sacramento County Supervisor Don Nottoli, and Christina Swanson from the NRDC. The two-and-half hour hearing covered a broad range of topics including: how the tunnels interact with the coequal goals, potential conveyance alternatives, and the Legislature's role in the project. Since it was an informational hearing no action was taken and no further hearings are scheduled at this time.