

Delta Stewardship Council May 2016 Legislative Report

[AB 300](#) (Alejo D) Safe Water and Wildlife Protection Act of 2016.

Introduced: 2/12/2015

Last Amend: 8/17/2015

Status: 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/27/2015)

Is Fiscal: Y

Location: 8/28/2015-S. 2 YEAR

| Desk | Policy | Fiscal | Floor | Desk | Policy | 2 year | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would enact the Safe Water and Wildlife Protection Act of 2016, which would require the State Water Resources Control Board to establish and coordinate the Algal Bloom Task Force, comprised of specified representatives of state agencies, including the conservancy, in consultation with the Secretary for Environmental Protection, and would prescribe the functions and duties of the task force.

[AB 501](#) (Levine D) Resources: Delta research.

Introduced: 2/23/2015

Last Amend: 1/25/2016

Status: 2/4/2016-Referred to Com. on N.R. & W.

Is Fiscal: Y

Location: 2/4/2016-S. N.R. & W.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would require a person conducting Delta research, as defined, whose research is funded, in whole or in part, by the state, to take specified actions with regard to the sharing of the primary data, metadata, and other supporting materials created or gathered in the course of that research. The bill would make a researcher ineligible for state funding if the researcher does not substantially comply with these requirements within 6 months of completing the Delta research project, until the researcher complies with those requirements.

[AB 581](#) (Gomez D) Water Quality, Supply, and Infrastructure Improvement Act of 2014.

Introduced: 2/24/2015

Last Amend: 1/4/2016

Status: 2/4/2016-Referred to Com. on N.R. & W.

Is Fiscal: Y

Location: 2/4/2016-S. N.R. & W.

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Summary: The Water Quality, Supply, and Infrastructure Improvement Act of 2014 provides that it is the intent of the people that, to the extent practicable, a project supported by the funds made available by the act will include signage informing the public that the project received funds from the act. This bill would require certain recipients of funding pursuant to the act to post signs acknowledging the source of funds in accordance with guidelines that the Secretary of the Natural Resources Agency would be required to develop.

[AB 647](#) (Eggman D) Beneficial use: storing of water underground.

Introduced: 2/24/2015

Last Amend: 6/30/2015

Status: 7/17/2015-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/30/2015)

Is Fiscal: Y

Location: 7/17/2015-S. 2 YEAR

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| 1st House | | | | 2nd House | | | | | | | |

Summary: 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 repeal that declaration and instead declare that the diversion of water to underground 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, or if the water is so stored consistent with a sustainable groundwater management plan, statutory authority to conduct groundwater recharge, or a judicial decree and is for specified purposes.

[AB 761](#) (Levine D) Carbon sequestration: working lands.

Introduced: 2/25/2015

Last Amend: 6/2/2015

Status: 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/27/2015)

Is Fiscal: Y

Location: 8/28/2015-S. 2 YEAR

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Summary: Would require the Department of Food and Agriculture, upon an appropriation of moneys therefor, to establish a grant program to fund voluntary projects that increase carbon sequestration and greenhouse gas emissions reductions on working lands, as defined. The bill would require the department, in consultation with the Department of Conservation, the Department of Resources Recycling and Recovery, the State Air Resources Board, and the Department of Water Resources, to develop and adopt project solicitation and evaluation guidelines for the program, as specified.

[AB 935](#) (Salas D) Water projects.

Introduced: 2/26/2015

Last Amend: 9/4/2015

Status: 9/11/2015-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/10/2015)

Is Fiscal: Y

Location: 9/11/2015-S. 2 YEAR

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Summary: Current law establishes in the Natural Resources Agency the Department of Water Resources, which manages and undertakes planning with regard to water resources in the state. This bill would require, upon appropriation by the Legislature, the department to provide funding for certain projects, provided that certain conditions are met.

[AB 937](#) (Salas D) Groundwater planning: technical assistance: disadvantaged communities.

Introduced: 2/26/2015

Last Amend: 7/16/2015

Status: 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/27/2015)

Is Fiscal: Y

Location: 8/28/2015-S. 2 YEAR

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Summary: Would require the Department of Water Resources to provide technical assistance to disadvantaged communities so that they may participate in groundwater planning, including, but not limited to, plans for regional groundwater banking, with any county or other local agency.

[AB 938](#) (Rodriguez D) Sustainable Groundwater Management Act: adjudicated basins.

Introduced: 2/26/2015

Last Amend: 3/9/2016

Status: 3/9/2016-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on N.R. & W.

Is Fiscal: Y

Location: 3/9/2016-S. N.R. & W.

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Summary: Would authorize the watermaster or local agency administering an adjudicated basin to elect that the adjudicated basin be subject to the provisions of the Sustainable Groundwater Management Act. The bill would authorize the court with jurisdiction over the adjudicated basin to issue an order setting a hearing to determine whether the adjudicated basin shall be subject to the act, as prescribed. This bill contains other related provisions and other existing laws.

[AB 954](#) (Mathis R) Water and Wastewater Loan and Grant Program.

Introduced: 2/26/2015

Last Amend: 7/6/2015

Status: 8/27/2015-In committee: Held under submission.

Is Fiscal: Y

Location: 8/27/2015-S. APPR.

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Summary: Would require the State Water Resources Control Board to establish a program to provide low-interest loans and grants to local agencies for low-interest loans and grants to eligible applicants for specified purposes relating to drinking water and wastewater treatment. This bill would create the Water and Wastewater Loan and Grant Fund and provide that the moneys in this fund are available, upon appropriation by the Legislature, to the board for expenditure for the program. This bill would transfer to the Water and Wastewater Loan and Grant Fund \$10,000,000 from the General Fund. This bill contains other related provisions.

[AB 1061](#) (Gallagher R) Sacramento and San Joaquin Drainage District: powers.

Introduced: 2/26/2015

Last Amend: 6/1/2015

Status: 8/17/2015-In committee: Set, first hearing. Hearing canceled at the request of author.

Is Fiscal: Y

Location: 7/15/2015-S. APPR.

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Summary: Would authorize the Sacramento and San Joaquin Drainage District to sell, lease, or rent, or otherwise dispose of a right of way, easement, or property, as specified, and to take, receive, and apply for purposes of flood control the income, profit, and revenue received from the sale, lease, rental, or other disposal. By adding a new source of revenue to a continuously appropriated fund, this bill would make an appropriation. This bill contains other related provisions and other existing laws.

[AB 1201](#) (Salas D) Fish and wildlife: Sacramento-San Joaquin Delta: predation by nonnative species.

Introduced: 2/27/2015

Last Amend: 8/17/2015

Status: 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/27/2015)

Is Fiscal: Y

Location: 8/28/2015-S. 2 YEAR

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Summary: Would require the Department of Fish and Wildlife, by June 30, 2016, to develop a science-based plan that addresses predation by nonnative species upon species of fish listed pursuant to the California Endangered Species Act that reside all or a portion of their lives in the Sacramento-San Joaquin Delta and that considers predation reduction for all Chinook salmon and other native species not listed pursuant to the act.

[AB 1205](#) (Gomez D) The California River Revitalization and Greenway Development Act of 2015.

Introduced: 2/27/2015

Last Amend: 7/16/2015

Status: 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/27/2015)

Is Fiscal: Y

Location: 8/28/2015-S. 2 YEAR

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Summary: Would require the Natural Resources Agency to establish a grant program for projects on or adjacent to riparian corridors that, among other things, furthers the regulatory purposes of the California Global Warming Solutions Act of 2006 and to consider the extent to which a project reduces emissions of greenhouse gases and provides the greatest level of specified cobenefits. The bill would create the CalRIVER Fund in the State Treasury, with moneys in the fund to be available upon appropriation to implement the grant program. This bill contains other related provisions and other existing laws.

[AB 1242](#) (Gray D) Water quality and storage.

Introduced: 2/27/2015

Last Amend: 9/1/2015

Status: 9/11/2015-Failed Deadline pursuant to Rule 61(a)(14). (Last location was THIRD READING on 9/2/2015)

Is Fiscal: Y

Location: 9/11/2015-S. 2 YEAR

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Summary: Would require the Department of Water Resources to increase statewide water storage

capacity by 25% by January 1, 2025, and 50% by January 1, 2050, as specified. The bill would require the department, on or before January 1, 2017, to identify the current statewide water storage capacity and prepare a strategy and implementation plan to achieve those expansions in statewide water storage capacity, and would require the department to update the strategy and implementation plan on January 1, 2018, and every 2 years thereafter, until January 1, 2050.

[AB 1463](#) (Gatto D) Onsite treated water.

Introduced: 2/27/2015
Last Amend: 9/4/2015
Status: 5/16/2016-Set for hearing.
Is Fiscal: Y
Location: 5/16/2016-S. E.Q.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would require the State Water Resources Control Board, in consultation with the State Department of Public Health, the California Building Standards Commission, and stakeholders, to establish water quality standards and distribution, monitoring, and reporting requirements for onsite water recycling systems prior to authorizing the use of onsite treated water in internal plumbing of residential and commercial buildings. This bill would require onsite treated water to be considered the same as recycled water that is produced on site.

[AB 1555](#) (Gomez D) Greenhouse Gas Reduction Fund.

Introduced: 1/4/2016
Last Amend: 3/28/2016
Status: 5/4/2016- Re-referred to Com. on BUDGET. pursuant to Assembly Rule 96. (Set for hearing on 5/11/2016)
Is Fiscal: Y
Location: 5/4/2016-A. BUDGET

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would appropriate \$800,000,000 from the Greenhouse Gas Reduction Fund for the 2016-17 fiscal year to various state agencies in specified amounts for various purposes including, among other things, low carbon transportation and infrastructure, clean energy communities, wetland and watershed restoration, and carbon sequestration. The bill would state the intent of the Legislature to reserve \$150,000,000 from the fund to fund future legislative priorities.

[AB 1586](#) (Mathis R) California Environmental Quality Act: Temperance Flat Reservoir.

Introduced: 1/6/2016
Last Amend: 3/28/2016
Status: 5/6/2016-Failed Deadline pursuant to Joint Rule 61(b)(6). (Last location was NAT. RES. on 4/5/2016)
Is Fiscal: N
Location: 5/6/2016-A. DEAD

| Desk | Dead | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: The California Environmental Quality Act establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to the act. This bill would prohibit the court, in an action or proceeding alleging a violation of the act, from staying or enjoining the construction or operation of the Temperance Flat Reservoir unless the court makes certain findings. This bill contains other related provisions.

[AB 1647](#) (Waldron R) Environmental quality: water storage facilities.

Introduced: 1/12/2016
Status: 4/22/2016-Failed Deadline pursuant to Joint Rule 61(b)(5). (Last location was A. NAT. RES. on 2/4/2016)
Is Fiscal: Y
Location: 4/22/2016-A. DEAD

| Desk | Dead | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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Summary: The California Environmental Quality Act requires the lead agency to determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record. The act exempts certain specified projects from its requirements. This bill would exempt a project to expand the storage capacity of an existing surface water storage facility, or to replace an existing surface water storage facility, that is owned and operated by a public entity if that public entity adopts, by resolution, findings and declarations that the project meets specified criteria.

[AB 1649](#) (Salas D) State water policy: priority: surface water storage projects and joint powers authorities.

Introduced: 1/12/2016

Last Amend: 4/5/2016

Status: 4/27/2016-In committee: Set, first hearing. Referred to APPR. suspense file.

Is Fiscal: Y

Location: 4/27/2016-A. APPR. SUSPENSE FILE

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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Summary: Would require the Department of Water Resources to develop a state water policy that gives priority to the formation of joint powers authorities that are formed to address critical surface water storage needs and to funding of the joint powers authorities' surface water projects. The bill would make findings and declarations of the Legislature, including, but not limited to, that, of the water storage projects available, the Temperance Flat Dam and Sites Reservoir will meet statewide goals and provide specified public benefits to the greatest extent.

[AB 1694](#) (Lackey R) State Water Resources Control Board: grant program for school drinking water.

Introduced: 1/21/2016

Last Amend: 3/15/2016

Status: 4/22/2016-Failed Deadline pursuant to Joint Rule 61(b)(5). (Last location was A. E.S. & T.M. on 3/31/2016)

Is Fiscal: Y

Location: 4/22/2016-A. DEAD

| Desk | Dead | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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Summary: Would require the State Water Resources Control Board to establish a grant program to award grants to public elementary and secondary schools to improve access to, and the quality of, drinking water. The bill would specify various types of projects for which these grants could be awarded. The bill would require the state board to give priority to applicant public elementary and secondary schools that serve a disadvantaged community, as defined.

[AB 1704](#) (Dodd D) Water rights.

Introduced: 1/25/2016

Last Amend: 3/30/2016

Status: 4/27/2016-In committee: Set, first hearing. Referred to APPR. suspense file.

Is Fiscal: Y

Location: 4/27/2016-A. APPR. SUSPENSE FILE

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Current law requires applicants for appropriation of water for small domestic, small irrigation, or livestock stockpond use to register with the State Water Resources Control Board, as specified. Current law requires the registration to include a certification that the registrant has contacted a representative of the Department of Fish and Wildlife and has agreed to comply with conditions set forth by the Department of Fish and Wildlife. This bill would, instead, require the registrant to provide a copy of the registrant's registration form to the Department of Fish and Wildlife and agree to general conditions, as specified.

[AB 1713](#) (Eggman D) Sacramento-San Joaquin Delta: peripheral canal.

Introduced: 1/26/2016

Status: 4/27/2016-In committee: Set, first hearing. Referred to APPR. suspense file.

Is Fiscal: Y

Location: 4/27/2016-A. APPR. SUSPENSE FILE

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| 1st House | | | | 2nd House | | | | | | | |

Summary: Current law requires various state agencies to administer programs relating to water supply, water quality, and flood management in the Sacramento-San Joaquin Delta. The bill would prohibit the construction of a peripheral canal, as defined, unless expressly authorized by an initiative voted on by the voters of California on or after January 1, 2017, and would require the Legislative Analyst's Office to complete a prescribed economic feasibility analysis prior to a vote authorizing the construction of a peripheral canal.

[AB 1749](#) (Mathis R) California Environmental Quality Act: exemption: recycled water pipeline.

Introduced: 2/2/2016

Last Amend: 4/27/2016

Status: 5/4/2016-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 1.) (May 3).
Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 5/4/2016-A. APPR.

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Summary: Would exempt from the California Environmental Quality Act's requirements projects for the construction of recycled water treatment facilities and directly related pipelines approved or carried out by a public agency prior to July 1, 2017, for the purpose of mitigating drought conditions that meet certain requirements. The bill would provide that this exemption remains operative until the state of emergency is terminated or until January 1, 2018, whichever occurs first. This bill contains other related provisions and other existing laws.

[AB 1755](#) (Dodd D) The Open and Transparent Water Data Act.

Introduced: 2/2/2016

Last Amend: 5/11/2016

Status: 5/12/2016-Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 5/12/2016-A. APPR.

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Summary: Would enact the Open and Transparent Water Data Act. The act would require the Department of Water Resources, by January 1, 2018, to create, operate, and maintain a statewide integrated water data platform that, among things, would integrate existing water and ecological data information from multiple databases and provide data on completed water transfers and exchanges. This bill contains other existing laws.

[AB 1842](#) (Levine D) Water: pollution: fines.

Introduced: 2/9/2016

Last Amend: 4/27/2016

Status: 5/12/2016-Read second time. Ordered to third reading.

Is Fiscal: Y

Location: 5/12/2016-A. THIRD READING

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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Summary: Current law imposes a maximum civil penalty of \$25,000 on a person who discharges various pollutants or other designated materials into the waters of the state. This bill would impose an additional civil penalty of not more than \$10 for each gallon or pound of polluting material discharged. The bill would require that the civil penalty be reduced for every gallon or pound of the illegally discharged material that is recovered and properly disposed of by the responsible party. This bill contains other related provisions and other current laws.

[AB 1871](#) (Waldron R) Coastal resources: development: water supply projects.

Introduced: 2/10/2016

Last Amend: 3/18/2016

Status: 4/22/2016-Failed Deadline pursuant to Joint Rule 61(b)(5). (Last location was A. NAT. RES. on 3/28/2016)

Is Fiscal: Y

Location: 4/22/2016-A. DEAD

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Summary: Current law, the California Coastal Act of 1976, requires any person wishing to perform or undertake any development in the coastal zone, as defined, in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, to obtain a coastal development permit from the local government or California Coastal Commission, as specified. This bill would limit the growth-inducing impacts the commission may consider in its review of a coastal development permit for a water supply project.

[AB 1925](#) (Chang R) Desalination: statewide goal.

Introduced: 2/12/2016

Last Amend: 4/18/2016

Status: 5/4/2016-In committee: Hearing postponed by committee.

Is Fiscal: Y

Location: 4/19/2016-A. APPR.

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Summary: The Cobey-Porter Saline Water Conversion Law, states the policy of this state that desalination projects developed by or for public water entities be given the same opportunities for state assistance and funding as other water supply and reliability projects, and that desalination be consistent with all applicable environmental protection policies in the state. This bill would require the Department of Water Resources to establish a goal of a specific number of acre-feet of drinking water to be desalinated per year by the year 2025 and of a greater specific number of acre-feet of drinking water to be desalinated per year by the year 2030, as part of a comprehensive water plan that fully evaluates other, specified options.

[AB 1928](#) (Campos D) Water efficiency: landscape irrigation equipment.

Introduced: 2/12/2016

Status: 4/27/2016-In committee: Set, first hearing. Referred to APPR. suspense file.

Is Fiscal: Y

Location: 4/27/2016-A. APPR. SUSPENSE FILE

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would postpone the date by which the State Energy Resources Conservation and Development Commission is to adopt the performance standards and labeling requirements for landscape irrigation controllers and moisture sensors to January 1, 2018, and would prohibit, on and after January 1, 2020, the sale of that equipment unless it meets the performance standards and labeling requirements. The bill would additionally require the commission, in adopting those standards and requirements, to consider developments in landscape irrigation efficiency occurring on or after January 1, 2010.

[AB 2042](#) (Harper R) Water desalination facilities.

Introduced: 2/17/2016

Status: 5/6/2016-Failed Deadline pursuant to Joint Rule 61(b)(6). (Last location was PRINT on 2/17/2016)

Is Fiscal: N

Location: 5/6/2016-A. DEAD

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would declare the intent of the Legislature to enact legislation relating to water desalination facilities.

[AB 2043](#) (Harper R) Desalination.

Introduced: 2/17/2016

Status: 5/6/2016-Failed Deadline pursuant to Joint Rule 61(b)(6). (Last location was PRINT on 2/17/2016)

Is Fiscal: N

Location: 5/6/2016-A. DEAD

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|-----------|
| 1st House | | | | 2nd House | | | | | | | |

Summary: Would state that the Legislature recognizes that desalination is an important local and regional sustainable water supply and reliability option.

[AB 2087](#) (Levine D) Regional conservation frameworks.

Introduced: 2/17/2016

Last Amend: 4/5/2016

Status: 4/13/2016-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 1.) (April 12). Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 4/13/2016-A. APPR.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would authorize the Department of Fish and Wildlife, or any other public agency, to propose a regional conservation framework that would be required to contain specified information, including a regional conservation assessment. The bill would authorize the department to approve a regional conservation framework, or approve the framework with amendments, for a period of up to 5 years after certain public meetings and a public comment period regarding the proposed framework have been held and after it finds that the framework meets certain requirements.

[AB 2092](#) (Frazier D) Abandoned Watercraft Abatement Fund: grants.

Introduced: 2/17/2016

Status: 5/4/2016-In committee: Set, first hearing. Referred to APPR. suspense file.

Is Fiscal: Y

Location: 5/4/2016-A. APPR. SUSPENSE FILE

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Current law requires 80% of fines imposed and collected for abandoned watercraft to be deposited in the Abandoned Watercraft Abatement Fund, and used, upon appropriation by the Legislature, for grants to local agencies for, among other purposes, removal as a public nuisance of abandoned vessels. Current law prohibits the grants from being used for abatement, removal, storage, or disposal of commercial vessels. This bill would delete that prohibition and thereby authorize grants to be used for abatement, removal, storage, or disposal of commercial vessels.

[AB 2304](#) (Levine D) California Water Market Clearinghouse.

Introduced: 2/18/2016

Last Amend: 5/11/2016

Status: 5/12/2016-Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 5/12/2016-A. APPR.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would require the clearinghouse, on or before December 31, 2018, to create a centralized water market platform on its Internet Web site that provides ready access to information that has been provided about water available for transfer or exchange and information about the process for transferring or exchanging water. The bill would require the Secretary of the Natural Resources Agency to convene a Water Market Clearinghouse Task Force, composed as prescribed, and would require the task force to make recommendations to the clearinghouse, as specified.

[AB 2357](#) (Dahle R) Water rights: monitoring and reporting.

Introduced: 2/18/2016

Last Amend: 4/5/2016

Status: 4/27/2016-In committee: Set, first hearing. Referred to APPR. suspense file.

Is Fiscal: Y

Location: 4/27/2016-A. APPR. SUSPENSE FILE

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would restrict the State Water Resources Control Board's authorization to adopt regulations requiring measurement and reporting of water diversion and use by persons authorized to appropriate water under a registration or certification to uses that are year-round.

[AB 2413](#) (Thurmond D) Sea level rise preparation.

Introduced: 2/19/2016

Status: 4/22/2016-Failed Deadline pursuant to Joint Rule 61(b)(5). (Last location was A. NAT. RES. on 3/8/2016)

Is Fiscal: Y

Location: 4/22/2016-A. DEAD

| Desk | Dead | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Current law, until January 1, 2018, requires the Natural Resources Agency to create, biannually update, and post on an Internet Web site a Planning for Sea Level Rise Database, as specified, and requires specified entities to provide to the agency certain sea level rise planning information for inclusion in the database. This bill would require the agency, on or before January 1, 2019, to complete a study outlining the potential impact of sea level rise on low-income and at-risk communities and public projects and infrastructure. The bill would require the agency, based on the study, to make recommendations on preparing for sea level rise, as specified.

[AB 2438](#) (Waldron R) California Environmental Quality Act: exemption: recycled water pipelines.

Introduced: 2/19/2016

Status: 4/21/2016-Read second time. Ordered to third reading.

Is Fiscal: Y

Location: 4/21/2016-A. THIRD READING

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|-----------|
| 1st House | | | | 2nd House | | | | | | | |

Summary: Would, until January 1, 2020, additionally exempt from CEQA a project for the construction

and installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline, not exceeding 8 miles in length, for the distribution of recycled water within a public street, highway, or right-of-way and would require the lead agency to undertake specified activities, including the filing of a notice of exemption for the project with the Office of Planning and Research and the office of the county clerk of each county in which the project is located.

[AB 2444](#) (Garcia, Eduardo D) California Parks, Water, Climate, and Coastal Protection and Outdoor Access For All Act of 2016.

Introduced: 2/19/2016

Last Amend: 4/26/2016

Status: 4/27/2016-Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 4/27/2016-A. APPR.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|-----------|
| 1st House | | | | 2nd House | | | | | | | |

Summary: Would enact the California Parks, Water, Climate, and Coastal Protection and Outdoor Access For All Act of 2016, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$2,985,000,000 pursuant to the State General Obligation Bond Law to finance a parks, water, climate, and coastal protection and outdoor access for all program. This bill contains other related provisions.

[AB 2446](#) (Gordon D) State Water Resources Control Board: judicial review.

Introduced: 2/19/2016

Last Amend: 5/10/2016

Status: 5/11/2016-Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 5/11/2016-A. APPR.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: The Porter-Cologne Water Quality Control Act, within 30 days of any action or failure to act by a California regional water quality control board under specified law, authorizes an aggrieved person to petition the State Water Resources Control Board to review that action or failure to act. Current law authorizes the state board, in the case of such a review, upon notice and hearing, if a hearing is requested, to stay in whole or in part the effect of the decision and order of a regional board or of the state board. This bill would expand that provision to authorize the state board to issue a stay in the case of review by the state board of a decision or order issued under authority delegated to an officer or employee of the state board where the state board by regulation has authorized a petition for reconsideration by the state board.

[AB 2480](#) (Bloom D) Source watersheds: financing.

Introduced: 2/19/2016

Last Amend: 4/5/2016

Status: 5/11/2016-In committee: Set, first hearing. Referred to APPR. suspense file.

Is Fiscal: Y

Location: 5/11/2016-A. APPR. SUSPENSE FILE

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would declare it to be state policy that source watersheds are recognized and defined as integral components of California's water system. The bill would also declare that their maintenance and repair are eligible for financing on an equivalent basis with other water collection and treatment infrastructure, and would specify that the maintenance and repair activities that are eligible are limited to certain forest ecosystem management activities. This bill contains other related provisions and other existing laws.

[AB 2488](#) (Dababneh D) Protected species: unarmored threespine stickleback: taking or possession.

Introduced: 2/19/2016

Last Amend: 4/14/2016

Status: 5/12/2016-Referred to Com. on N.R. & W.

Is Fiscal: Y

Location: 5/12/2016-S. N.R. & W.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would permit the Department of Fish and Wildlife to authorize, under the California Endangered Species Act, the take of the unarmored threespine stickleback (*Gasterosteus aculeatus*)

williamsoni) attributable to the periodic dewatering, inspection, maintenance, or repair of the Metropolitan Water District of Southern California's Foothill Feeder water supply facility from Castaic Dam to the Joseph Jensen Treatment Plant in the County of Los Angeles, as specified, if certain conditions are satisfied.

[AB 2502](#) (Mullin D) Land use: zoning regulations.

Introduced: 2/19/2016

Last Amend: 4/18/2016

Status: 4/28/2016-Read second time. Ordered to third reading.

Is Fiscal: N

Location: 4/28/2016-A. THIRD READING

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: The Planning and Zoning Law authorizes the legislative body of any city, county, or city and county to adopt ordinances regulating zoning within its jurisdiction, as specified. This bill would additionally authorize the legislative body of any city, county, or city and county to adopt ordinances to establish, as a condition of development, inclusionary housing requirements, as specified, and would declare the intent of the Legislature in adding this provision. The bill would also make nonsubstantive changes.

[AB 2515](#) (Weber D) Water Conservation in Landscaping Act: model water efficient landscaping ordinance.

Introduced: 2/19/2016

Last Amend: 4/5/2016

Status: 5/4/2016-In committee: Set, first hearing. Referred to APPR. suspense file.

Is Fiscal: Y

Location: 5/4/2016-A. APPR. SUSPENSE FILE

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would require the Department of Water Resources, on or before January 1, 2020, and every three years thereafter, to either update the model water-efficient landscaping ordinance or make a finding that an update to the model water-efficient landscaping ordinance at that time is not a useful or effective means to improve either the efficiency of landscape water use or the administration of the ordinance.

[AB 2525](#) (Holden D) Water-efficient landscaping.

Introduced: 2/19/2016

Last Amend: 4/18/2016

Status: 5/11/2016-In committee: Set, first hearing. Referred to APPR. suspense file.

Is Fiscal: Y

Location: 5/11/2016-A. APPR. SUSPENSE FILE

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would require the Department of Water Resources, upon identification of a funding source, to create the California Water Efficient Landscaping Program for the purpose of encouraging local agencies and water purveyors to use economic incentives that promote the efficient use of water, promote the benefits of consistent landscape ordinances, and support and enhance water inefficient grass replacement. This bill would create the Water Efficient Landscaping Fund and provide that moneys in the fund are available, upon appropriation by the Legislature, to the department for certain purposes.

[AB 2550](#) (Patterson R) State Water Resources Control Board: instream flow curtailments: compensation.

Introduced: 2/19/2016

Status: 4/22/2016-Failed Deadline pursuant to Joint Rule 61(b)(5). (Last location was A. W.,P. & W. on 3/8/2016)

Is Fiscal: Y

Location: 4/22/2016-A. DEAD

| Desk | Dead | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would require the State Water Resources Control Board to financially compensate a person who is unable to divert the full amount of water authorized under his or her permit or license due to a board-issued instream flow curtailment, and a person who is required to file a statement of diversion and use and is unable to divert the same amount of water in the succeeding year due to a board-issued instream flow curtailment. The bill would only apply this requirement to instream flow curtailments issued by the board on and after January 1, 2017. This bill contains other related provisions.

[AB 2551](#) (Gallagher R) Contract procurement: surface storage projects.

Introduced: 2/19/2016

Last Amend: 4/27/2016

Status: 4/28/2016-Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 4/28/2016-A. APPR.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would allow a local agency to use the construction management at-risk, design-build, or design-build-operate method of delivery on a surface storage project, as described. The bill would require these contracts to be awarded on a best value basis or to the lowest responsible bidder, and establish a procurement process for these contracts. The bill would require the bidder to certify specified information under penalty of perjury.

[AB 2555](#) (Committee on Water, Parks, and Wildlife) Fish and wildlife.

Introduced: 2/19/2016

Status: 5/5/2016-Referred to Com. on N.R. & W.

Is Fiscal: Y

Location: 5/5/2016-S. N.R. & W.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Under the California Endangered Species Act, an interested person may petition the commission to add a species to, or remove a species from, either the list of endangered species or the list of threatened species, and existing law requires the commission to consider the petition at a meeting, as prescribed. Current law, until January 1, 2017, establishes additional procedures for the review of a petition, including public hearings and public comment. This bill would extend those procedures indefinitely.

[AB 2583](#) (Frazier D) Sacramento-San Joaquin Delta Reform Act of 2009.

Introduced: 2/19/2016

Last Amend: 3/17/2016

Status: 4/22/2016-Failed Deadline pursuant to Joint Rule 61(b)(5). (Last location was A. W.,P. & W. on 3/28/2016)

Is Fiscal: Y

Location: 4/22/2016-A. DEAD

| Desk | Dead | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would add a definition of the California Water Fix to the Sacramento-San Joaquin Delta Reform Act of 2009. This bill would eliminate certain provisions applicable to the BDCP and would revise other provisions to instead refer to a new Delta water conveyance project for the purpose of exporting water. This bill would require new Delta water conveyance infrastructure to be considered as interdependent parts of a system and to be operated in a way that maximizes benefits for each of the coequal goals. This bill contains other related provisions and other existing laws.

[AB 2594](#) (Gordon D) Stormwater resources: use of captured water.

Introduced: 2/19/2016

Last Amend: 3/17/2016

Status: 5/12/2016-Read second time. Ordered to third reading.

Is Fiscal: Y

Location: 5/12/2016-A. THIRD READING

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Current law, the Stormwater Resource Planning Act, authorizes one or more public agencies to develop a stormwater resource plan that meets specified standards to address the capture of stormwater, as defined, and dry weather runoff, as defined. This bill would authorize a public entity that captures stormwater, in accordance with a stormwater resource plan, before the water reaches a natural channel to use the captured water.

[AB 2612](#) (Brown D) Roberti-Z'berg-Harris Urban Open-Space and Recreation Program: definitions.

Introduced: 2/19/2016

Status: 5/6/2016-Failed Deadline pursuant to Joint Rule 61(b)(6). (Last location was PRINT on 2/19/2016)

Is Fiscal: N

Location: 5/6/2016-A. DEAD

| Dead | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: The Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act requires annual grants to be made to cities, counties, and districts for recreational purposes, open-space purposes, or both, on the basis of population and need, as specified. The act defines certain terms for these purposes. This bill would make nonsubstantive changes to these definitions.

[AB 2617](#) (Mayes R) Water efficiency measures.

Introduced: 2/19/2016

Last Amend: 4/14/2016

Status: 5/11/2016-In committee: Set, first hearing. Referred to APPR. suspense file.

Is Fiscal: Y

Location: 5/11/2016-A. APPR. SUSPENSE FILE

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would require the Energy Commission to develop and solicit comments on a proposed report, in consultation with certain subject matter experts and in cooperation with the State Water Resources Control Board and the Department of Water Resources, by December 1, 2017, and, by July 1, 2018, to issue a final report that contains, among other things, the projected benefits of recommended voluntary water efficiency measures and an analysis of any unintended adverse environmental impacts that would result from various water efficiency measures.

[AB 2639](#) (Garcia, Eduardo D) Water quality: Porter-Cologne Water Quality Control Act.

Introduced: 2/19/2016

Status: 5/6/2016-Failed Deadline pursuant to Joint Rule 61(b)(6). (Last location was PRINT on 2/19/2016)

Is Fiscal: N

Location: 5/6/2016-A. DEAD

| Dead | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Under current law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the federal Clean Water Act and the Porter-Cologne Water Quality Control Act (state act). The state act defines various terms for its purposes. This bill would make nonsubstantive changes to these definitions.

[AB 2657](#) (Chu D) Water Quality, Supply, and Infrastructure Improvement Act of 2014.

Introduced: 2/19/2016

Status: 5/6/2016-Failed Deadline pursuant to Joint Rule 61(b)(6). (Last location was PRINT on 2/19/2016)

Is Fiscal: N

Location: 5/6/2016-A. DEAD

| Dead | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: 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. This bill would make a nonsubstantive change in these provisions.

[AB 2778](#) (Salas D) California Environmental Quality Act: lead agency.

Introduced: 2/19/2016

Status: 5/6/2016-Failed Deadline pursuant to Joint Rule 61(b)(6). (Last location was PRINT on 2/19/2016)

Is Fiscal: N

Location: 5/6/2016-A. DEAD

| Dead | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|-----------|
| 1st House | | | | 2nd House | | | | | | | |

Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA defines lead agency to mean the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect upon the environment. This bill would make technical, nonsubstantive changes to those provisions.

[AB 2800](#) (Quirk D) Climate change: infrastructure planning.

Introduced: 2/19/2016

Last Amend: 4/12/2016

Status: 4/19/2016-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 2.) (April 18). Re-referred to Com. on APPR.

Is Fiscal: Y

Location: 4/19/2016-A. APPR.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Current law requires the Natural Resources Agency, by July 1, 2017, and every 3 years thereafter, to update the state's climate adaptation strategy to identify vulnerabilities to climate change by sectors and priority actions needed to reduce the risks in those sectors. This bill would require state agencies to take into account the expected impacts of climate change when planning, designing, building, and investing in state infrastructure.

[AB 2853](#) (Gatto D) Public records.

Introduced: 2/19/2016

Last Amend: 4/13/2016

Status: 5/12/2016-In Senate. Read first time. To Com. on RLS. for assignment.

Is Fiscal: Y

Location: 5/12/2016-S. RLS.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would authorize a public agency that posts a public record on its Internet Web site to first refer a person that requests to inspect or obtain a copy of the public record to the public agency's Internet Web site where the public record is posted. This bill contains other related provisions and other existing laws.

[SB 7](#) (Wolk D) Housing: water meters: multiunit structures.

Introduced: 12/1/2014

Last Amend: 9/4/2015

Status: 1/1/2016-Set for Hearing.

Is Fiscal: Y

Location: 1/1/2016-A. UNFINISHED BUSINESS

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would express the intent of the Legislature to encourage the conservation of water in multifamily residential rental buildings through means either within the landlord's or the tenant's control, and to ensure that the practices involving the submetering of dwelling units for water service are just and reasonable, and include appropriate safeguards for both tenants and landlords. This bill contains other related provisions and other existing laws.

[SB 20](#) (Pavley D) California Water Resiliency Investment Act.

Introduced: 12/1/2014

Last Amend: 8/26/2015

Status: 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was W., P. & W. on 8/26/2015)

Is Fiscal: Y

Location: 8/28/2015-A. 2 YEAR

| Desk | Policy | Fiscal | Floor | Desk | 2 year | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Under current law, various measures provide funding for water resources projects, facilities, and programs. This bill would create the California Water Resiliency Investment Fund in the State Treasury and provide that moneys in the fund are available, upon appropriation by the Legislature, for the purpose of providing a more dependable water supply for California. This bill would create various accounts within the fund for prescribed purposes.

[SB 37](#) (Vidak R) Kings River East Groundwater Sustainability Agency Act.

Introduced: 12/1/2014

Last Amend: 3/7/2016

Status: 5/16/2016-From committee: Be re-referred to Coms. on L. GOV. and W., P., & W. (Ayes 10. Noes 0.) (May 16). Re-referred to Com. on L. GOV.

Is Fiscal: Y

Location: 5/16/2016-A. L. GOV.

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|-----------|--------|--------|-------|-----------|--------|--------|-------|-------------|----------|--------|-----------|
| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| 1st House | | | | 2nd House | | | | | | | |

Summary: Would create the Kings River East Groundwater Sustainability Agency and would require the agency's initial boundaries to be established by the boards of supervisors of the Counties of Fresno and Tulare after a noticed public hearing. The bill would require the agency to elect to be a groundwater sustainability agency under the Sustainable Groundwater Management Act for that portion of the Kings Subbasin that lies within the boundaries of the agency and would require the agency to develop and implement a groundwater sustainability plan to achieve sustainable groundwater management within the territory of the agency.

[SB 122](#) (Jackson D) California Environmental Quality Act: record of proceedings.

Introduced: 1/15/2015

Last Amend: 6/1/2015

Status: 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 7/15/2015)

Is Fiscal: Y

Location: 8/28/2015-A. 2 YEAR

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| Desk | Policy | Fiscal | Floor | Desk | Policy | 2 year | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| 1st House | | | | 2nd House | | | | | | | |

Summary: CEQA establishes a procedure for the preparation and certification of the record of proceedings upon the filing of an action or proceeding challenging a lead agency's action on the grounds of noncompliance with CEQA. This bill would require the lead agency, at the request of a project applicant and consent of the lead agency, to prepare a record of proceedings concurrently with the preparation of a negative declaration, mitigated negative declaration, EIR, or other environmental document for projects. This bill contains other related provisions.

[SB 223](#) (Galgiani D) Division of Boating and Waterways: oversight committee: invasive aquatic plants.

Introduced: 2/13/2015

Last Amend: 4/30/2015

Status: 8/27/2015-August 27 hearing: Held in committee and under submission.

Is Fiscal: Y

Location: 8/27/2015-A. APPR.

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| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| 1st House | | | | 2nd House | | | | | | | |

Summary: The Division of Boating and Waterways within the Department of Parks and Recreation is the lead agency in the state for purposes of cooperating with other state, local, and federal agencies in identifying, detecting, controlling, and administering programs to manage invasive aquatic plants in the Sacramento-San Joaquin Delta, its tributaries, and the Suisun Marsh, and prescribes the duties of the division with regard to the management and control or eradication of those plants. This bill would require the division, no later than 90 days after the effective date of the bill, to establish, and designate and provide staff support to, an advisory and oversight committee to evaluate and monitor the activities of the division relating to the management and control or eradication of those plants.

[SB 367](#) (Wolk D) Agricultural lands: greenhouse gases.

Introduced: 2/24/2015

Last Amend: 8/17/2015

Status: 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/26/2015)

Is Fiscal: Y

Location: 8/28/2015-A. 2 YEAR

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| Desk | Policy | Fiscal | Floor | Desk | Policy | 2 year | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
| 1st House | | | | 2nd House | | | | | | | |

Summary: Would authorize, rather than require, the environmental farming program to provide incentives, including loans, grants, research, technical assistance, or educational materials and outreach, to farmers whose practices promote the well-being of ecosystems, air quality, and wildlife and their habitat, and reduce on-farm greenhouse gas emissions or increase carbon storage in agricultural soils and woody biomass, or both.

[SB 471](#) (Pavley D) Water, energy, and reduction of greenhouse gas emissions: planning.

Introduced: 2/26/2015

Last Amend: 8/17/2015

Status: 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/26/2015)

Is Fiscal: Y

Location: 8/28/2015-A. 2 YEAR

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| Desk | Policy | Fiscal | Floor | Desk | Policy | 2 year | Floor | Conf. | Enrolled | Vetoed | Chaptered |
| 1st House | | | | 2nd House | | | | Conc. | | | |

Summary: Would include reduction of greenhouse gas emissions associated with water treatment among the investments that are eligible for funding from the Greenhouse Gas Reduction Fund. The bill would also make legislative findings and declarations, and a statement of legislative intent, with regard to the nexus between water and energy and water and reduction of greenhouse gas emissions. This bill contains other related provisions.

[SB 551](#) (Wolk D) State water policy: water and energy efficiency.

Introduced: 2/26/2015

Last Amend: 7/6/2015

Status: 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/27/2015)

Is Fiscal: Y

Location: 8/28/2015-A. 2 YEAR

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| Desk | Policy | Fiscal | Floor | Desk | Policy | 2 year | Floor | Conf. | Enrolled | Vetoed | Chaptered |
| 1st House | | | | 2nd House | | | | Conc. | | | |

Summary: Would declare the policy of the state that water use and water treatment shall operate in a manner that is as energy efficient as is feasible and energy use and generation shall operate in a manner that is as water efficient as is feasible. This bill would require all relevant state agencies to consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria when pertinent to these uses of water and energy. This bill contains other existing laws.

[SB 554](#) (Wolk D) Delta levee maintenance.

Introduced: 2/26/2015

Last Amend: 1/4/2016

Status: 4/28/2016-Referred to Com. on W., P., & W.

Is Fiscal: Y

Location: 4/28/2016-A. W.,P. & W.

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| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
| 1st House | | | | 2nd House | | | | Conc. | | | |

Summary: Current law establishes a delta levee maintenance program pursuant to which a local agency may request reimbursement for costs incurred in connection with the maintenance or improvement of project or nonproject levees in the Sacramento-San Joaquin Delta. This bill would declare legislative intent to reimburse up to 75% of those costs incurred in any year for the maintenance or improvement of levees in excess of \$1,000 per mile of levee and would authorize the board to advance funds in an amount that does not exceed 75% of the estimated state share to an eligible local agency.

[SB 573](#) (Pan D) Statewide open data portal.

Introduced: 2/26/2015

Last Amend: 7/9/2015

Status: 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/27/2015)

Is Fiscal: Y

Location: 8/28/2015-A. 2 YEAR

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| Desk | Policy | Fiscal | Floor | Desk | Policy | 2 year | Floor | Conf. | Enrolled | Vetoed | Chaptered |
| 1st House | | | | 2nd House | | | | Conc. | | | |

Summary: Would require a Chief Data Officer to be appointed by the Governor, on or before July 1, 2016, subject to Senate confirmation. The Chief Data Officer would report to the Secretary of Government Operations. The bill would require the Chief Data Officer to, among other things, create the statewide open data portal, as defined, to provide public access to data sets from agencies within the state.

[SB 919](#) (Hertzberg D) Water supply: creation or augmentation of local water supplies.

Introduced: 1/27/2016

Last Amend: 4/14/2016

Status: 5/16/2016-Referred to Coms. on U. & C. and W., P., & W.

Is Fiscal: Y

Location: 5/16/2016-A. U. & C.

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| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. | Enrolled | Vetoed | Chaptered |
| 1st House | | | | 2nd House | | | | Conc. | | | |

Summary: Would require the Public Utilities Commission, before January 1, 2018, in consultation with the Independent System Operator, to address the oversupply of renewable energy resources through a tariff or other economic incentive for electricity purchased by customers operating "facilities that create or augment local water supplies," as defined, to reduce the cost of electricity to those facilities.

This bill contains other related provisions and other existing laws.

SB 1114 (Allen D) Commercial fishing: swordfish.

Introduced: 2/17/2016

Last Amend: 5/11/2016

Status: 5/16/2016-May 16 hearing: Placed on APPR. suspense file. (Ayes 7. Noes 0.)

Is Fiscal: Y

Location: 5/16/2016-S. APPR. SUSPENSE FILE

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would prohibit the Department of Fish and Wildlife from issuing any drift gill net permit. The bill would require the department to revoke all latent drift gill net permits, as defined, within 12 months of a federal authorization to use deep set buoy gear or similar gear to take swordfish and would require the department to revoke all drift gill net permits if the department has not been notified of any landings under any drift gill net permit during any 2 successive fishing seasons.

SB 1164 (Cannella R) Sustainable Groundwater Management Act: groundwater sustainability agencies.

Introduced: 2/18/2016

Status: 5/6/2016-Failed Deadline pursuant to Joint Rule 61(b)(6). (Last location was RLS. on 3/3/2016)

Is Fiscal: N

Location: 5/6/2016-S. DEAD

| Desk | Dead | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: The Sustainable Groundwater Management Act authorizes a local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin. This bill would make a nonsubstantive change to those provisions.

SB 1172 (Hancock D) Tidelands and submerged lands: City of Albany.

Introduced: 2/18/2016

Status: 5/5/2016-Referred to Coms. on NAT. RES. and L. GOV.

Is Fiscal: Y

Location: 5/5/2016-A. NAT. RES.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Current law grants in trust to the City of Albany certain designated tidelands and submerged lands, both filled and unfilled, for specified uses. This bill would delete specified provisions and instead require that, on and after January 1, 2022, the use of those trust lands, as described, conform to an approved trust lands use plan, prescribed by the bill, and all leases or agreements proposed or entered into by the City of Albany, as trustee of those lands, also be consistent with the public trust doctrine, as defined, and conform to the plan.

SB 1173 (Hertzberg D) Water-conserving plumbing fixtures: CalConserve Water Use Efficiency Revolving Fund.

Introduced: 2/18/2016

Last Amend: 3/30/2016

Status: 4/22/2016-Failed Deadline pursuant to Joint Rule 61(b)(5). (Last location was S. T. & H. on 3/30/2016)

Is Fiscal: Y

Location: 4/22/2016-S. DEAD

| Desk | Dead | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Existing law includes specified requirements to replace plumbing fixtures that are not water conserving, defined as "noncompliant plumbing fixtures," to residential and commercial real property built and available for use on or before January 1, 1994, as specified. Existing law defines "commercial real property," "multifamily residential real property," and "water-conserving plumbing fixture" for purposes of these provisions. This bill would apply these requirements, as specified, to commercial real property regardless of when it was built. This bill contains other related provisions and other existing laws.

SB 1188 (McGuire D) Wildlife management areas: payment of taxes and assessments.

Introduced: 2/18/2016

Status: 4/25/2016-April 25 hearing: Placed on APPR. suspense file.

Is Fiscal: Y

Location: 4/25/2016-S. APPR. SUSPENSE FILE

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Current law regulates real property acquired and operated by the state as wildlife management areas, and authorizes the Department of Fish and Wildlife, when income is directly derived from that real property, as provided, to annually pay to the county in which the property is located an amount equal to the county taxes levied upon the property at the time it was transferred to the state. This bill would require, instead of authorize, the department to make these payments subject to appropriation by the Legislature.

[SB 1191](#) (Berryhill R) Fish and wildlife: management plans.

Introduced: 2/18/2016

Last Amend: 4/5/2016

Status: 4/22/2016-Failed Deadline pursuant to Joint Rule 61(b)(5). (Last location was S. N.R. & W. on 4/5/2016)

Is Fiscal: Y

Location: 4/22/2016-S. DEAD

| Desk | Dead | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Current law authorizes regulations that the Fish and Game Commission adopts to implement a fishery management plan or plan amendment for that fishery to make inoperative, in regard to that fishery, any fishery management statute that applies to that fishery. This bill would establish a similar process for the management of wildlife resources on land and the inland waters of the state.

[SB 1262](#) (Pavley D) Water supply planning.

Introduced: 2/18/2016

Last Amend: 5/11/2016

Status: 5/12/2016-Read second time. Ordered to third reading.

Is Fiscal: Y

Location: 5/12/2016-S. THIRD READING

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. This bill would require a city or county that determines a project is subject to the California Environmental Quality Act to identify any water system whose service area includes the project site and any water system adjacent to the project site.

[SB 1317](#) (Wolk D) Groundwater extraction permit.

Introduced: 2/19/2016

Last Amend: 5/10/2016

Status: 5/16/2016-From committee: Be ordered to second reading pursuant to Senate Rule 28.8.

Is Fiscal: Y

Location: 5/16/2016-S. SECOND READING

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would prohibit a groundwater extraction facility in a high- or medium-priority basin from being developed without a valid groundwater extraction permit, with certain exceptions. The bill would not require a city or county overlying a medium- or high-priority basin to have a process for the issuance of a groundwater extraction permit for the development of a groundwater extraction facility on or after January 31, 2022, or once the Department of Water Resources has evaluated a groundwater sustainability plan for the basin the city or county overlies and determined the plan to be adequate and likely to achieve the sustainability goal for the basin, whichever comes first.

[SB 1318](#) (Wolk D) Local government: drinking water infrastructure or services: wastewater infrastructure or services.

Introduced: 2/19/2016

Last Amend: 4/12/2016

Status: 5/13/2016-Set for hearing May 23.

Is Fiscal: Y

Location: 4/21/2016-S. APPR.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Current law, except as otherwise provided, prohibits a local agency formation commission from approving an annexation to a city of any territory greater than 10 acres, or as determined by commission policy, where there exists a disadvantaged unincorporated community, as specified, unless an application to annex the disadvantaged unincorporated community to the subject city has been filed with the executive officer. This bill would extend that prohibition to an annexation to a qualified special district.

[SB 1328](#) (Lara D) Stormwater capture and treatment projects: funding.

Introduced: 2/19/2016

Last Amend: 4/25/2016

Status: 5/9/2016-May 9 hearing: Placed on APPR. suspense file.

Is Fiscal: Y

Location: 5/9/2016-S. APPR. SUSPENSE FILE

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would authorize the State Water Resources Control Board to expend moneys from the Greenhouse Gas Reduction Fund, upon appropriation by the Legislature, to provide grants to public entities to implement stormwater and dry weather runoff collection and treatment projects that are intended to reduce greenhouse gas emissions by decreasing the demand for electricity needed to pump, transport, and deliver water from natural sources to serve water consumers, as prescribed. This bill contains other existing laws.

[SB 1340](#) (Wolk D) Water Conservation in Landscaping Act.

Introduced: 2/19/2016

Last Amend: 4/5/2016

Status: 5/16/2016-In Assembly. Read first time. Held at Desk.

Is Fiscal: N

Location: 5/16/2016-A. DESK

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would add to the model water efficient landscape ordinance a permit requirement for the installation or replacement of specified automatic irrigation systems, or the expansion of the same specified automatic irrigation systems to increase the irrigated area by 25% or more, for a landscape project on or after July 1, 2018. The bill would allow the governing body of a local agency to adopt an ordinance prescribing fees for filing an application for the permit, subject to the restrictions that the fees not exceed the amount reasonably required to review applications and issue the permits and that the fees not be levied for general revenue purposes.

[SB 1386](#) (Wolk D) Resource conservation: working and natural lands.

Introduced: 2/19/2016

Last Amend: 5/2/2016

Status: 5/10/2016-In Assembly. Read first time. Held at Desk.

Is Fiscal: Y

Location: 5/10/2016-A. DESK

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would declare it to be the policy of the state that the protection and management of natural and working lands, as defined, is a key strategy in meeting the state's greenhouse gas reduction goals, and would require all relevant state agencies, departments, boards, and commissions to consider this policy when revising, adopting, or establishing policies, regulations, expenditures, or grant criteria relating to the protection and management of natural and working lands.

[SB 1415](#) (Bates R) California Environmental Quality Act: local water projects: scoping meetings.

Introduced: 2/19/2016

Last Amend: 4/18/2016

Status: 5/5/2016-May 9 set for first hearing canceled at the request of author.

Is Fiscal: Y

Location: 4/21/2016-S. APPR.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would require a lead agency to call at least one scoping meeting to receive public comments for local projects for stormwater or dry weather runoff capture and reuse, water recycling,

or wastewater treatment to improve water quality. Because a local lead agency would be required to conduct at least one scoping meeting, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

[SB 1440](#) (Cannella R) Environmental quality: Water Quality, Supply, and Infrastructure Improvement Act of 2014.

Introduced: 2/19/2016

Status: 4/22/2016-Failed Deadline pursuant to Joint Rule 61(b)(5). (Last location was S. E.Q. on 3/10/2016)

Is Fiscal: Y

Location: 4/22/2016-S. DEAD

| Desk | Dead | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: Would require a lead agency, in certifying an environmental impact report and in granting approvals for certain water storage projects funded, in whole or in part, by Proposition 1, to comply with specified procedures. Because a public agency would be required to comply with those new procedures, this bill would impose a state-mandated local program. The bill would authorize the lead agency to concurrently prepare the record of proceedings for the project.

[SB 1469](#) (Stone R) Groundwater sustainability agencies.

Introduced: 2/19/2016

Status: 5/6/2016-Failed Deadline pursuant to Joint Rule 61(b)(6). (Last location was RLS. on 3/10/2016)

Is Fiscal: N

Location: 5/6/2016-S. DEAD

| Desk | Dead | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: The Sustainable Groundwater Management Act authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin, as prescribed. This bill would make a nonsubstantive change to those provisions.

[SB 1472](#) (Mendoza D) Los Angeles County Metropolitan Transportation Authority.

Introduced: 2/19/2016

Last Amend: 4/11/2016

Status: 5/13/2016-Set for hearing May 23.

Is Fiscal: Y

Location: 4/20/2016-S. APPR.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

[SB 1473](#) (Committee on Natural Resources and Water) Natural resources.

Introduced: 2/29/2016

Last Amend: 3/30/2016

Status: 5/5/2016-Referred to Coms. on W., P., & W. and NAT. RES.

Is Fiscal: Y

Location: 5/5/2016-A. W.,P. & W.

| Desk | Policy | Fiscal | Floor | Desk | Policy | Fiscal | Floor | Conf. Conc. | Enrolled | Vetoed | Chaptered |
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| 1st House | | | | 2nd House | | | | | | | |

Summary: The California Constitution provides for the delegation to the Fish and Game Commission of powers relating to the protection and propagation of fish and game. Current statutory law delegates to the commission the power to regulate the taking or possession of birds, mammals, fish, amphibia, and reptiles, except as provided. Current law establishes procedures that are specific to regulations adopted by the commission pursuant to this authority. This bill would clarify that those procedures apply generally to any commission regulation that governs the take or possession of any bird, mammal, fish, amphibian, or reptile, except as provided.

Total Measures: 82

Total Tracking Forms: 82

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2594

Introduced by Assembly Member Gordon

February 19, 2016

An act to ~~amend Section 82013 of the Government Code, relating to the Political Reform Act of 1974.~~ *add Section 10561.7 to the Water Code, relating to stormwater.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2594, as amended, Gordon. ~~Political Reform Act of 1974: committees.~~ *Stormwater resources: use of captured water.*

Existing law, the Stormwater Resource Planning Act, authorizes one or more public agencies to develop a stormwater resource plan that meets specified standards to address the capture of stormwater, as defined, and dry weather runoff, as defined.

This bill would authorize a public entity that captures stormwater, in accordance with a stormwater resource plan, before the water reaches a natural channel to use the captured water.

~~Existing law, the Political Reform Act of 1974, provides for the comprehensive regulation of campaign financing, including requiring the reporting of campaign contributions and expenditures and imposing other reporting and recordkeeping requirements on campaign committees. The act defines "committee" to include a person or combination of persons who receives contributions, makes independent expenditures, or makes contributions to or at the behest of candidates or committees, as specified.~~

~~This bill would revise the definition of "committee" to include specific names for each type of committee.~~

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements:

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10561.7 is added to the Water Code, to
2 read:

3 10561.7. Notwithstanding any other law, a public entity that
4 captures stormwater, in accordance with a stormwater resource
5 plan, before the water reaches a natural channel shall be entitled
6 to use the captured water.

7 SECTION 1. Section 82013 of the Government Code is
8 amended to read:

9 82013. “Committee” means any person or combination of
10 persons who directly or indirectly does any of the following:

11 (a) Receives contributions totaling two thousand dollars (\$2,000)
12 or more in a calendar year (“Recipient Committee”).

13 (b) Makes independent expenditures totaling one thousand
14 dollars (\$1,000) or more in a calendar year (“Independent
15 Expenditure Committee”); or

16 (c) Makes contributions totaling ten thousand dollars (\$10,000)
17 or more in a calendar year to or at the behest of candidates or
18 committees (“Major Donor Committee”).

19 A person or combination of persons that becomes a committee
20 shall retain its status as a committee until such time as that status
21 is terminated pursuant to Section 84214.

22 SEC. 2. The Legislature finds and declares that this bill furthers
23 the purposes of the Political Reform Act of 1974 within the
24 meaning of subdivision (a) of Section 81012 of the Government
25 Code.

Agenda Item 7a
Meeting Date: May 26, 2016

BILL ANALYSIS
Date of Hearing: April 19, 2016

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Marc Levine, Chair

AB 2594
(Gordon) - As Amended March 17, 2016

SUBJECT: Stormwater resources: use of captured water

SUMMARY: Permits a public entity that captures stormwater before the water reaches a natural channel to use the water. Specifically, this bill: Requires the capture to be in accordance with a stormwater resource plan.

EXISTING LAW:

- 1) Authorizes local agencies to develop Stormwater Resource Plans. Requires Stormwater Resources Plans, to among other things, be compliant with the California Environmental Quality Act (CEQA)
- 2) Requires the State Water Resources Control Board (State Water Board) to provide guidance for stormwater resource planning to identify opportunities for stormwater capture.
- 3) Recognizes that property owners may capture rainwater that has not entered any offsite drainage.
- 4) The Federal Clean Water Act requires stormwater discharged to a body of water to receive a National Pollution Discharge Elimination System (NPDES) permit.

FISCAL EFFECT: Unknown.

COMMENTS: This bill permits a public entity that has a stormwater resource plan, and captures stormwater before it reaches a natural channel in accordance with that plan, to use the captured water.

- 1) Author's statement: Climate change models predict more frequent storms and more floods in California; at the same

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time, our state's infrastructure treats stormwater as a waste product rather than a natural resource that can help mitigate drought. The Stormwater Resources Planning Act encourages local watersheds to develop plans to beneficially use stormwater. Compliance with a Stormwater Resource Plan does not entitle public entities to use the stormwater or to use it for water supply or water quality purposes. This means that billions of gallons of relatively clean water flows into the ocean every year. This bill will make clear that public entities can capture stormwater and can use it. This will encourage more stormwater capture and will provide additional options to finance stormwater systems.

2) **Background:**

Numerous things have come together over the last several years to highlight stormwater as a water source opportunity where it had traditionally been treated as a water quality problem. The historic drought, reduced reliability of imported water, new laws promoting stormwater, and regions looking to develop local water supply have underscored a change in how stormwater is viewed.

Statewide, it has been estimated that stormwater capture could produce 630,000 acre-feet of new water. Much attention has been paid to how the Los Angeles area could benefit from greater stormwater capture. It has been estimated that 30-45 percent of Los Angeles water needs could be met through stormwater capture, producing over 250,000 acre-feet of new water. For the most part, infrastructure in coastal cities has been developed to funnel stormwater to the ocean. 50 percent of the rain falling in the Los Angeles watershed flows to the ocean.

The Clean Water Act includes stormwater in NPDES requirements, this dictates cities reduce stormwater discharges. Cities or regions have a municipal separate stormwater sewer system (MS4) permit to comply with the Clean Water Act. Stormwater that winds up in the MS4 system is unused and flushed out to a body of water, typically the ocean.

There are numerous agencies that could have responsibility for stormwater capture. Until recently, many of those agencies viewed managing stormwater as a burden with a significant cost. That view has changed with many agencies now wanting to capture stormwater and use it; the big missing piece to the picture is financing. Implementing stormwater capture projects will require a very different approach to stormwater infrastructure as new or reconfigured infrastructure has a significant price tag.

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In Los Angeles that price tag is estimated to be \$20 billion over the next 25 years.

Proposition 1 included \$200 million for multibenefit stormwater management projects and specifically made rainwater and stormwater capture eligible for funding. In 2004 Los Angeles Measure O authorized \$500 million in general obligation bonds that funded some watershed improvement projects.

This bill could provide help with the financing challenge by recognizing that an agency who appropriately captures stormwater has an entitlement to use that water.

Existing infrastructure, especially MS4s, catch stormwater that is oftentimes not being used. How stormwater that is otherwise not being used is identified, quantified and attributed under this bill is still being developed. There are stakeholder conversations on how to address these issues currently underway. The prospect that those conversations are productive is high. There is clearly a quantity of stormwater that is not being used today. There will be a benefit from defining an entitlement to stormwater. The question remains how to define the scope of the entitlement that covers all, but not more than, the stormwater that is currently not being used.

The author may wish to amend the bill to further define the scope of the entitlement by including compliance, where appropriate, with an MS4 permit.

3) **Prior and Related Legislation:**

- a) SB 790 (Pavley) Chapter 620, Statutes of 2009, authorized stormwater resource plans.
- b) AB 1750 (Solorio) Chapter 537, Statutes of 2012, recognized property owners did not need a water right to capture rainwater.
- c) SB 985 (Pavley) Chapter 555, Statutes of 2014, required the State Water Board to provide guidance for stormwater resource planning.

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REGISTERED SUPPORT / OPPOSITION:

Support

None on File

Opposition

None on File

Analysis Prepared by: Ryan Ojakian / W., P., & W. / (916)
319-2096

AMENDED IN ASSEMBLY MAY 11, 2016

AMENDED IN ASSEMBLY APRIL 5, 2016

AMENDED IN ASSEMBLY MARCH 1, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1755

Introduced by Assembly Member Dodd

February 2, 2016

An act to add Part 4.9 (commencing with Section 12400) to Division 6 of the Water Code, relating to water data.

LEGISLATIVE COUNSEL'S DIGEST

AB 1755, as amended, Dodd. The Open and Transparent Water Data Act.

Existing law imposes on the Department of Water Resources various duties with respect to water in the state. Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the state board grants permits and licenses to appropriate water. Existing law regulates water transfers and authorizes a permittee or licensee to change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if certain conditions are met.

This bill would enact the Open and Transparent Water Data Act. The act would require the ~~department~~ *department*, by January 1, 2018, to establish a ~~public benefit corporation that would create and manage (1) create, operate, and maintain~~ a statewide ~~integrated water information system to improve the ability of the state to meet the growing demand for water supply reliability and healthy ecosystems;~~ *data platform* that, among things, would integrate existing water *and ecological* data

information from multiple databases and ~~(2) an online water transfer information clearinghouse to report on water transactions that would include a database with information~~ *provide data* on completed water transfers, a public forum to exchange information on water market issues, and information to assist proponents with the water transfer approval processes. *transfers and exchanges.*

The act would require the department, the state board, and the Department of Fish and Wildlife to develop protocols for data sharing, documentation, quality control, public access, and promotion of ~~open source~~ *open-source* platforms and decision support tools related to water data and to submit to the Legislature a report on those protocols. The act would specify that a recipient of state funds for research or projects relating to the improvement of water data shall adhere to those protocols or be ineligible for state funding.

The act would create the ~~Water Information System Data Administration Fund~~. The act would specify that moneys in the fund would be available, upon appropriation, to the ~~department~~ *department, the state board, and the Department of Fish and Wildlife* for the improvement of water data and for ~~the~~ *certain other* purposes of the act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Part 4.9 (commencing with Section 12400) is
2 added to Division 6 of the Water Code, to read:

3
4 PART 4.9. THE OPEN AND TRANSPARENT WATER DATA
5 ACT

6
7 CHAPTER 1. GENERAL PROVISIONS

8
9 12400. This part shall be known, and may be cited, as the Open
10 and Transparent Water Data Act.

11 12401. The Legislature finds and declares all of the following:

12 (a) The recent drought reveals that California needs ~~a real-time,~~
13 ~~accessible statewide water information system~~ *to integrate existing*
14 *water and ecological data into an authoritative open-access*
15 *platform* to help water managers operate California’s water system

1 more effectively and help water users make informed decisions
2 based on water availability and allocation.

3 ~~(b) California has a number of databases containing information
4 on hydrology, biology, water quality, the physical environment,
5 and water rights and use. The passage of the Sustainable
6 Groundwater Management Act (Part 2.74 (commencing with
7 Section 10720)) will result in more data on groundwater use and
8 availability. Unfortunately, current water data is often challenging
9 to obtain, outdated, and not always readily available to water
10 managers and the public due to its collection by numerous entities
11 and storage in disparate databases that often rely on tools that do
12 not keep pace with technological advances.~~

13 ~~(e) The need to account for California's water is essential, yet
14 water managers must make decisions about water resources while
15 relying on outdated and incomplete information. A greater
16 understanding of and ability to access existing water data will
17 support more timely and science-based decisions related to water
18 planning, water allocations, water transfers, and water use
19 efficiency that will lead California to a more sustainable water
20 future.~~

21 ~~(d) On October 2, 2015, the Delta Stewardship Council released
22 a white paper entitled "Enhancing the Vision for Managing
23 California's Environmental Information." The white paper and the
24 Environmental Data Summit were a collaborative effort of the
25 Delta Stewardship Council and its Delta Science Program, the
26 Department of Water Resources, the Sacramento-San Joaquin
27 Delta Conservancy, the State Water Resources Control Board, the
28 Department of Fish and Wildlife, the San Francisco Estuary
29 Institute, the State and Federal Contractors Water Agency, and 34
30 North. The white paper recommended four necessary actions to
31 achieve the goal of streamlining the collaboration of huge amounts
32 of environmental data between various state and federal agencies
33 and identified the need for new policies for managing California's
34 large amounts of data: development of a system where data could
35 be accessed from a centralized source, implementing new methods
36 for clear documentation of existing data, and developing business
37 models that will better facilitate the management of data.~~

38 ~~(e) The California Water Plan Update 2013, Volume 1, Chapter
39 6, entitled "Integrated Data and Analysis: Informed and Transparent
40 Decision-Making," describes key actions needed to improve water~~

1 resources information and analysis for integrated water
2 management and urges agencies that collect data to work together
3 to prioritize and align water resources information that is collected
4 by multiple agencies.

5 (f) The California Water Action Plan recognizes the need to
6 take bold action to transfer the state's water management system
7 to face the challenges of the 21st century. Climate change,
8 population growth, and vulnerable ecosystems create greater
9 uncertainty in future water availability. To address these challenges
10 California needs to do both of the following:

11 (1) Invest in a 21st century water management system that can
12 adapt to wide variations in rainfall.

13 (2) Safeguard and restore California's freshwater ecosystems
14 so they can withstand variations in climate and competing demands
15 for water.

16 (g) Standards for transparent access to data have changed with
17 the public demanding real-time information on demand. However,
18 the demand for available data currently outstrips the ability to
19 deliver information to water managers and the public.

20 (h) Clear data standards and protocols help to promote
21 compatibility among datasets, allowing for sharing, aggregation,
22 and analysis by multiple groups.

23 (i) Metadata summarizes basic information about data, which
24 can make finding and working with particular data easier. Clear
25 documentation of metadata avoids misunderstandings, reduces
26 disputes, and increases the effectiveness of management decisions.

27 (b) State and federal leadership, increased awareness by
28 business, governmental, and nongovernmental organizations
29 through open and transparent access to data, and improved
30 technology and availability of open-source platforms create a
31 unique opportunity that California should seize upon to integrate
32 and increase access to existing water data.

33 (c) California is working to increase access to water data
34 collected by state agencies. The state board is piloting a project
35 to make water quality datasets available online through an open
36 data portal. The portal creates an opportunity to foster
37 collaboration among state agencies, share and integrate existing
38 datasets, improve state agency operations through data-driven
39 decisionmaking, and improve transparency and accountability.

1 (d) State agencies should promote openness and interoperability
2 of water data. Making information accessible, discoverable, and
3 usable by the public can foster entrepreneurship, innovation, and
4 scientific discovery.

5 ~~(j)~~

6 (e) Water data and research that is gathered using state funds
7 should be made publicly accessible. State delegation of data
8 management to contractors should not result in the public losing
9 access to its own information.

10 ~~(k)~~

11 (f) The availability of ~~cheap and open-source tools could help~~
12 ~~produce an~~ makes it easier to access and explore water and
13 ecological data and could facilitate the creation of an online
14 integrated water transfer information clearinghouse data platform
15 without the need to create an expensive new centralized database.

16 ~~(l) An effective water market is one of several water~~
17 ~~management tools needed to improve the state's water supply~~
18 ~~reliability.~~

19 12402. Unless the context otherwise requires, the following
20 definitions govern the construction of this part:

21 ~~(a) "Clearinghouse" means the online water transfer information~~
22 ~~clearinghouse created pursuant to Section 12415.~~

23 ~~(b)~~

24 (a) "Department" means the Department of Water Resources.

25 ~~(c)~~

26 (b) "Metadata" means data that describes data.

27 ~~(d) "NGO" means a nongovernmental organization.~~

28 (c) "Platform" means the statewide integrated water data
29 platform described in Section 12415.

30 ~~(e)~~

31 (d) "State board" means the State Water Resources Control
32 Board.

33 ~~(f) "Water information system" means the statewide water~~
34 ~~information system created pursuant to Section 12410.~~

1 CHAPTER 2. PUBLIC BENEFIT CORPORATION PARTICIPATION
2 STATEWIDE WATER DATA INTEGRATION

3
4 Article 1. General Provisions
5

6 ~~12405. (a) The department shall establish a public benefit~~
7 ~~corporation to house, manage, and oversee the statewide water~~
8 ~~information system created pursuant to Section 12410 and the~~
9 ~~online water transfer information clearinghouse created pursuant~~
10 ~~to Section 12415.~~

11 ~~(b) The public benefit corporation may, notwithstanding any~~
12 ~~other law and not subject to otherwise applicable provisions of the~~
13 ~~Government Code and Public Contract Code, operate the water~~
14 ~~information system and the clearinghouse on its own, through a~~
15 ~~third party, or by engaging the services of private consultants,~~
16 ~~educational institutions, and NGOs to render professional and~~
17 ~~technical assistance with and advice for carrying out creation and~~
18 ~~management activities.~~

19 ~~(c) To the extent permitted by federal law, the public benefit~~
20 ~~corporation may receive gifts, grants, or donations of moneys from~~
21 ~~any agency of the federal government, any agency of the state, or~~
22 ~~any municipality, county, or other political subdivision thereof, or~~
23 ~~from any individual, association, foundation, or corporation for~~
24 ~~achieving any of the purposes of this part. These moneys shall be~~
25 ~~deposited in the Water Information System Administration Fund~~
26 ~~created pursuant to Section 12425.~~

27 *12405. The department, the state board, and the Department*
28 *of Fish and Wildlife shall coordinate and integrate existing water*
29 *and ecological data from local, state, and federal agencies. The*
30 *purposes for integrating water and ecological data are to provide*
31 *adequate information to implement the Sustainable Groundwater*
32 *Management Act (Part 2.74 (commencing with Section 10720)),*
33 *improve the management of the state’s water resources, and bring*
34 *greater transparency to water transfers and the market.*

35 *12406. (a) The department, the state board, and the*
36 *Department of Fish and Wildlife shall develop protocols for data*
37 *sharing, documentation, quality control, public access, and*
38 *promotion of open-source platforms and decision support tools*
39 *related to water data. The agencies shall develop and submit to*
40 *the Legislature, in compliance with Section 9795 of the Government*

1 Code and before the establishment of a statewide integrated water
2 data platform pursuant to Section 12410, a report describing these
3 protocols. The report shall be developed in collaboration with
4 relevant federal agencies and interested stakeholders, including,
5 but not limited to, technology and open data experts and water
6 data users.

7 (b) Grant recipients for research or projects relating to the
8 improvement of water data that receive state funds shall adhere
9 to the protocols developed by state agencies pursuant to
10 subdivision (a) for data sharing, transparency, documentation,
11 and quality control.

12 (c) A researcher or grant recipient that does not comply with
13 subdivision (b) is not eligible for state funding until the researcher
14 or grant recipient complies with those requirements.

15

16 Article 2. Statewide Integrated Water Data Platform Creation

17

18 12410. (a) The department shall create, operate, and maintain
19 a statewide integrated water data platform in accordance with
20 Section 12415 by January 1, 2018.

21 (b) The department may partner with an existing nonprofit
22 organization, or with a new nonprofit organization that the
23 department creates, organized under paragraph (3) of subsection
24 (c) of Section 501 of Title 26 of the United States Code, or may
25 partner with another state agency, to create, operate, and maintain
26 the platform.

27 (c) Notwithstanding subdivision (a), the department may enter
28 into an agreement with an existing nonprofit organization, or with
29 a new nonprofit organization that the department creates,
30 organized under paragraph (3) of subsection (c) of Section 501 of
31 Title 26 of the United States Code, for that nonprofit organization
32 to create, operate, and maintain the platform.

33 (d) A nonprofit organization that participates in creating,
34 operating, or maintaining the platform may receive public funds,
35 court-ordered mitigation funds, or other funds to assist in carrying
36 out the responsibilities for integrating and managing existing water
37 and ecological data as described in Section 12415.

1 Article 2.3. Statewide *Integrated Water Information System*
2 *Data Platform Features*

3
4 ~~12410. (a) The public benefit corporation established pursuant~~
5 ~~to Section 12405 shall establish a statewide water information~~
6 ~~system to improve the ability of the state to meet the growing~~
7 ~~demand for water supply reliability and healthy ecosystems. The~~
8 ~~public benefit corporation shall create the water information system~~
9 ~~in collaboration with state and federal agencies, water data users,~~
10 ~~and water experts.~~

11 ~~(b) The water information system~~

12 *12415. The statewide integrated water data platform created*
13 *pursuant to Section 12410 shall, at a minimum, do all of the*
14 *following:*

15 ~~(1)~~

16 ~~(a) Integrate existing water and ecological data information~~
17 ~~from multiple autonomous databases managed by federal, state,~~
18 ~~and local agencies and academia using consistent and standardized~~
19 ~~formats.~~

20 ~~(2)~~

21 ~~(b) Integrate, at a minimum, the following datasets:~~

22 ~~(A)~~

23 ~~(1) The department’s information on State Water Project~~
24 ~~reservoir operations, groundwater use, and groundwater levels~~
25 ~~through California Statewide Groundwater Elevation Monitoring~~
26 ~~(CASGEM), urban water use, and land use.~~

27 ~~(B)~~

28 ~~(2) The state board’s data on water rights, water diversions, and~~
29 ~~water quality through California Environmental Data Exchange~~
30 ~~Network (CEDEN).~~

31 ~~(C)~~

32 ~~(3) The Department of Fish and Wildlife’s information on fish~~
33 ~~abundance and distribution.~~

34 ~~(D)~~

35 ~~(4) The United States Geological Survey’s streamflow~~
36 ~~conditions information through the National Water Information~~
37 ~~System.~~

38 ~~(E)~~

39 ~~(5) The United States Bureau of Reclamation’s federal Central~~
40 ~~Valley Project operations information.~~

1 ~~(F)~~
 2 (6) The United States Fish and Wildlife Service’s, United States
 3 Forest Service’s, and National Oceanic and Atmospheric
 4 Administration Fisheries’ fish abundance information.

5 (c) *Provide data on completed water transfers and exchanges,*
 6 *including publicly available or voluntarily provided data on the*
 7 *volume, price, and delivery method, identity of the buyers and*
 8 *sellers, and the water right associated with the transfer or*
 9 *exchange.*

10 ~~(3) Incorporate~~
 11 (d) *Provide clear and careful documentation of data quality and*
 12 *data formats through metadata.*

13 ~~(4)~~
 14 (e) Adhere to data protocols developed by state agencies
 15 pursuant to Section ~~12420~~. *12406.*

16 ~~(5)~~
 17 (f) Be able to receive both spatial and time series data from
 18 various sources.

19 ~~(6)~~
 20 (g) Enable custom dashboards, visualizations, graphing, and
 21 analysis.

22
 23 ~~Article 3. Online Water Transfer Information Clearinghouse~~
 24

25 ~~12415. (a) The public benefit corporation established pursuant~~
 26 ~~to Section 12405 shall establish an online water transfer~~
 27 ~~information clearinghouse to report on water transactions that shall~~
 28 ~~include all of the following:~~

29 ~~(1) A database with information on completed water transfers.~~

30 ~~(2) A public forum to exchange information on water market~~
 31 ~~issues.~~

32 ~~(3) Information to assist proponents with the water transfer~~
 33 ~~approval processes.~~

34 ~~(b) The public benefit corporation shall not arrange, coordinate,~~
 35 ~~negotiate, or approve proposed water transfers through the online~~
 36 ~~water transfer information clearinghouse.~~

37 ~~(c) The public benefit corporation shall not publish information~~
 38 ~~about proposed water transfers, except for information published~~
 39 ~~by the state board or other government agency, including, but not~~

1 limited to, information publicly available on a government agency
2 Internet Web site.

3

4 CHAPTER 3. STATE AGENCY RESPONSIBILITIES

5

6 12420. ~~(a) The department, the state board, and the Department~~
7 ~~of Fish and Wildlife shall develop an open, transparent process to~~
8 ~~develop protocols for data sharing, documentation, quality control,~~
9 ~~public access, and promotion of open source platforms and decision~~
10 ~~support tools related to water data. The agencies shall develop and~~
11 ~~submit to the Legislature, in compliance with Section 9795 of the~~
12 ~~Government Code and before the establishment of a statewide~~
13 ~~water information system pursuant to Section 12410, a report~~
14 ~~describing these processes and protocols.~~

15 ~~(b) Grant recipients for research or projects relating to the~~
16 ~~improvement of water data that receive state funds shall adhere to~~
17 ~~the protocols developed by state agencies pursuant to subdivision~~
18 ~~(a) for data sharing, transparency, documentation, and quality~~
19 ~~control.~~

20 ~~(c) A researcher or grant recipient that does not comply with~~
21 ~~subdivision (b) is not eligible for state funding until the researcher~~
22 ~~or grant recipient complies with those requirements.~~

23

24 CHAPTER 4.3. WATER INFORMATION SYSTEM DATA
25 ADMINISTRATION FUND

26

27 ~~12425.~~

28 12420. The Water Information System Data Administration
29 Fund is hereby created. All moneys in the fund are available, upon
30 appropriation, to the ~~department~~ *department, the state board, or*
31 *the Department of Fish and Wildlife* for the improvement of water
32 data, including installing stream gauges and maintaining stream
33 gauge networks, and for the purposes of this part, including, but
34 not limited to, maintaining surface water and groundwater
35 monitoring networks, establishing and operating the public benefit
36 ~~corporation created data, for entering into an agreement with, or~~
37 ~~establishing, a nonprofit organization~~ pursuant to Section ~~12405,~~
38 ~~12410, or creating, operating, or maintaining and updating the~~
39 ~~statewide integrated water information system and online water~~
40 ~~transfer information clearinghouse, data platform described in~~

1 *Section 12415, including the cost to verify data, and modernizing*
2 *water information databases.*

3 *12421. (a) (1) The department, the state board, or the*
4 *Department of Fish and Wildlife may enter into an agreement to*
5 *accept funds or services from any person, educational institution,*
6 *government entity, corporation or other business entity, or*
7 *organization for the maintenance, development, improvement, or*
8 *enhancement of a designated agencies' data, decision support*
9 *tools, or information technology projects. Under the direction of*
10 *the respective agency, the funds or services received shall*
11 *supplement, but not replace, existing resources for the*
12 *maintenance, development, improvement, or enhancement of*
13 *designated agency data, decision support tools, or information*
14 *technology systems. The respective agency and the sponsoring or*
15 *donating person, entity, government, or organization shall specify*
16 *in the agreement the level of service that is to be performed.*

17 *(b) Funds received pursuant to this section shall be deposited*
18 *in the Water Data Administration Fund created pursuant to Section*
19 *12420.*

O

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BILL ANALYSIS

Date of Hearing: April 19, 2016

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Marc Levine, Chair

AB 1755
(Dodd) - As Amended April 5, 2016

SUBJECT: The Open and Transparent Water Data Act

SUMMARY: Requires the Department of Water Resources (DWR) to establish a public benefit corporation to manage statewide water information and an online water transfer clearinghouse. Specifically, this bill:

- 1) Makes findings and declarations on the need for a 21st century water management system.
- 2) Requires DWR to establish a public benefit corporation to manage a statewide water information system.
- 3) Requires the water information system to integrate water data from numerous federal, state, and local agencies in a manner that allows for all data to be readily incorporated and compiled into readily usable formats.
- 4) Requires the public benefit corporation to establish an online water transfer clearing house.
- 5) Requires DWR, the State Water Resources Control Board (State Water Board), and the Department of Fish and Wildlife (DFW) to develop a transparent process for sharing water data.
- 6) Creates a Water Information System Administration Fund with moneys available to the Department upon appropriation.

EXISTING LAW:

- 1) Provides DWR responsibilities and jurisdiction in matters pertaining to water or dams held by the state.

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- 2) Provides for the establishment of a water rights system with measuring and reporting requirements administered by the State Water Board.
- 3) Requires DFW to hold fish and wildlife in trust for the people of the state.
- 4) Establishes a policy to facilitate the voluntary transfer of water, and permits all water rights holders to pursue a water transfer.

FISCAL EFFECT: Unknown.

COMMENTS: Requires DWR to establish a public benefit corporation to manage statewide water information and an online water transfer clearinghouse.

- 1) Author's Statement: AB 1755 Improves open and transparent access to water data by creating a statewide water data information system to integrate critical water data in a user friendly, publicly accessible website that will simplify and expedite decision-making. Develops protocols for data sharing, transparency, documentation, and quality control that will promote greater compatibility among data sets and encourage the application of new methods to synthesize information to support better decision making. Creates an online water transfer information clearinghouse to improve access to information, an important step towards an effective water market. Establishes a new public benefit corporation to house and manage the water data system and clearinghouse.
- 2) Background:

More information is better than less

Most activities in today's world are documented closely and compiled into data sets. Information has value in the 21st century economy. That value is, of course, tied to the usefulness of the information. Public policy and economic decision making have historically benefited from more information.

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From a public policy standpoint, data has been a big driver in dramatic improvement in energy use in California and nationally. The Energy Information Administration was created after the 1970's energy crisis when it became clear that the information necessary to make good energy policy was not available. Today we have precise information about energy use, and it has allowed for the development of policies that have improved energy management.

In contrast to the information economy and the improved decision making that has occurred from the widespread availability of useable data, there is very little easily available data on water. On the national level there is analysis on water use only once every five years; that data is for one year, and comes out four years after reporting is complete.

California keeps numerous data sets on water from urban use to environmental use and everything in between. Those data sets are not coordinated and as a result do not produce a complete water information picture. The value of these numerous data sets is diminished by the fact that they are piecemeal and while they may address overlapping problems of supply, use, and efficiency they are only valuable to the extent they touch on any specific area.

This bill requires the state overcome the challenge of piecemeal water data in the state. Having all water data in the state compiled and publicly available in a useable fashion would drive water policy innovation and likely produce many of the benefits that robust useable data have had on energy policy.

Role of Transfers

Water transfers involve a change in the place of water use, from the water's historic point of diversion and use, to a new location either within or outside the watershed of origin. Water transfers can last up to a year (temporary), more than a year but not permanent (long-term), or be permanent. Water transfers are strictly voluntary, and must not create harm to other legal water users, the environment, or the local economy from which the water is being transferred.

Water transfers can be an effective water management tool. Transfers are particularly useful for meeting critical needs during drought periods. Transfers can only occur with "new water" the surface water system will realize as a result of changes in reservoir operation, groundwater substitution, crop idling or shifting, and occasionally

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water conservation action taken.

History of Transfers

Water transfers in California date back to the Gold Rush. An 1859 California Supreme Court decision found that water rights can be transferred like any other property. In 1976 the Governor's Commission on Water Rights recognized the importance of water transfers to the future of California's water supply. Many of the recommendations of the commission were adopted in the 1980's. There was additional legislation in the early 1990's but little has changed in the last 20 years.

Transfers grew considerably during the 1987-92 drought and continued to expand through the 1990's. Growth in transfers slowed dramatically in 2000 and has remained relatively flat or even regressed since 2010.

Big Year for Transfer Reform?

The current historic drought has highlighted major barriers to water transfers. This has brought attention to the complicated rules associated with trading water from different sources. California's trading rules are fragmented, opaque, inconsistent, and cumbersome. Often times several departments and agencies across and between federal, state, and local government have a role in a transfer moving forward. As a result a number of stakeholders including agricultural, water purveyors, environmental, and local communities have begun to come together to discuss ways in which trading rules can work better.

In March, the Association of California Water Agencies released principles recommending ways to improve the water transfer process. The release of the principles has ramped up the stakeholder process. There appears to be general agreement among many on the need for improvement in the governance and management of data associated with water transfers. There is, however, quite a number of issues still to be resolved. It seems likely that the next couple of months will produce more refined proposals.

Legislation on this issue should consider all aspects of improving water transfers. The path to do that is dependent on the discussions and outcomes of the stakeholder processes that are currently underway. The final version of this bill will no doubt be shaped by those stakeholder efforts.

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This bill and AB 2304 (Levine) of 2016, address the issue of water transfers in different ways. It has been the policy of this committee to resolve in committee different approaches to the same policy issue. There is an expectation that significant progress will occur through the stakeholder process in the near term. The overlap this bill has with AB 2304, specifically the reporting on water transactions in Chapter 2, Article 3, should be removed.

3) Prior and Related Legislation:

- a) AB 2304 (Levine) 2016, establishes the California Water Market Exchange to create a centralized water market platform. AB 2304 passed this committee 10-4.
- b) SB 88 (Budget) Chapter 27, Statutes of 2015, added measurement and reporting requirements for a substantial number of water right holders.
- c) The following pieces of legislation created the Sustainable Groundwater Management Act:
 - i. AB 1739 (Dickinson), Chapter 347, Statutes of 2014
 - ii. SB 1168 (Pavely), Chapter 346, Statutes of 2014
 - iii. SB 1319(Pavely), Chapter 348, Statutes of 2014

4) Supporting Arguments: The current drought has revealed significant challenges to effective water management in California. A lack of assessable data that would support timely and science-based decision making is a key constraint to creating a sustainable water management system that is able to meet the challenges of prolonged drought as well as heavy rainfall and flooding. Water agencies across the state submit large quantities of data to an array of local, state, and federal agencies. The problem is not a lack of data, but the fact that managers and water users have been unable to harness the data due to the lack of an integrated system that would make the information easily accessible and usable. Establishing a statewide water information system would help managers and users make more informed decisions and ensure that limited water resources are managed with the best and most complete information.

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5) Opposing Arguments: None on file

REGISTERED SUPPORT / OPPOSITION:

Support

Bay Area Council (Sponsor)

American Rivers

Association of California Water Agencies (if amended)

AquAlliance (if amended)

CalTrout

Ceres

Community Water Center (if amended)

Los Angeles Area Chamber of Commerce

North Bay Leadership Council

Northern California Water Association

San Francisco Chamber of Commerce

Sonoma County Water Agency

The Bay Institute (TBI)

Tuolumne River Trust

The Nature Conservancy

Union of Concerned Scientists

Upper San Gabriel Valley Municipal Water District

Opposition

None on File

Analysis Prepared by: Ryan Ojakian / W., P., & W. / (916)
319-2096

AMENDED IN ASSEMBLY MAY 11, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2304

Introduced by Assembly Member Levine

February 18, 2016

An act to add Chapter 7.5 (commencing with Section 485) to Division 1 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2304, as amended, Levine. California Water Market ~~Exchange~~. *Clearinghouse*.

Existing law, the Costa-Isenberg Water Transfer Act of 1986, requires the Department of Water Resources to establish an ongoing program to facilitate the voluntary exchange or transfer of water and implement the various laws that pertain to water transfers. The act requires the department to create and maintain a list of entities seeking to enter into water supply transfers, leases, exchanges, or other similar arrangements and to maintain a list of the physical facilities that may be available to carry out water supply transfers. The act requires the department to prepare a water transfer guide with prescribed components.

~~This bill~~ *bill, on and after July 1, 2018, would establish the California Water Market Exchange, governed by a 5-member board, in Clearinghouse as an independent office within the Natural Resources Agency. Agency for the purpose of making the water transfer and exchange process more transparent and more efficient and to enhance access to voluntary water market transactions, as specified. This bill would require the market exchange, on or before December 31, 2017, clearinghouse, on or before December 31, 2018, to create a centralized water market platform on its Internet Web site that provides ready access*

to information *that has been provided* about water available for transfer or ~~exchange~~. ~~exchange and information about the process for transferring or exchanging water.~~ *The bill would require the Secretary of the Natural Resources Agency to convene a Water Market Clearinghouse Task Force, composed as prescribed, and would require the task force to make recommendations to the clearinghouse, as specified. The bill, on or before December 31, 2018, would require the clearinghouse to consider and act upon the recommendations submitted by the task force in order to establish administrative procedures under which state agencies would more expediently act upon proposed water transfers or exchanges and would prioritize projects that provide environmental and community benefits or have a demonstrated history of minimal potential impact to other legal water users or instream beneficial uses. The bill would require the clearinghouse to work in collaboration with other state agencies to make necessary changes in the rules and regulations governing water transfers and exchanges. This bill, for bill would require all transfers and or exchanges of water occurring on or after January 1, 2018, would require the submission of certain data and information to the market exchange and 2020, that require conveyance across the Sacramento-San Joaquin Delta or result in conveyance of water from one watershed to another to be submitted to the clearinghouse and processed, as specified, and would require the payment of an administrative fee to the market exchange, clearinghouse for this processing, as specified. This bill would require the market exchange to develop specified procedures in consultation with federal, state, and local agencies. The bill, on or before December 31, 2018, would require the agency to create an Office of the Water Transfer Advocate within the clearinghouse and to appoint an advocate.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (a) *A more efficient water transfer process and a more*
- 4 *accessible water market can play important roles in reducing*
- 5 *uncertainty and water shortage impacts on the state's economy*
- 6 *now and in the future.*

1 ***(b) The California Water Action Plan calls for making***
2 *improvements to the water transfer process as part of a*
3 *comprehensive, long-term water management policy.*

4 ***(c) While numerous water agencies and water users currently***
5 *participate in the water market, water transfer processes are*
6 *complex and water market information may not be readily*
7 *available to the public and all potential sellers and buyers.*

8 ***(d) Providing greater transparency in and access to water***
9 *marketing will provide a needed tool to increase water supplies*
10 *by leveraging significant local and regional investments made*
11 *over the past two decades to increase water supply reliability.*

12 ***(e) An enhanced water market, used in conjunction with***
13 *investments in conveyance, water use efficiency, including water*
14 *conservation and water recycling, surface and groundwater*
15 *storage, desalination, and other strategies, will add to the water*
16 *supplies that are available to help the state weather multiple years*
17 *of drought and protect economic and environmental uses of water.*

18 ***(f) Voluntary water transfers are a proven and effective way to***
19 *help meet California's water needs, as evidenced by the landmark*
20 *1991 Governor's Emergency Drought Water Bank and numerous*
21 *subsequent water banks, exchanges, and short- and long-term*
22 *water transfers.*

23 ***(g) Water markets can improve water use efficiency and pricing,***
24 *which in turn can contribute to increased water supply for*
25 *consumptive uses, enhanced stream flows, and more water for*
26 *wetlands and other environmental resources. This benefit would*
27 *be of particular importance during prolonged drought.*

28 ***(h) Improving the water transfer process and enhancing access***
29 *to water markets can accomplish all of the following:*

30 ***(1) Protect existing local and regional investments.***

31 ***(2) Improve coordination among water agencies.***

32 ***(3) Incentivize significant investments in water use efficiency***
33 *projects and programs.*

34 ***(4) Increase water supply and water supply reliability for urban***
35 *and agricultural water users.*

36 ***(5) Increase the quantities or improve the timing of water***
37 *available for transfers by providing information to sellers and*
38 *buyers who might not otherwise have sufficient information to*
39 *participate in water markets.*

1 (6) Benefit the environment by enhancing the state’s water
2 supplies and increasing the amount or improving the timing of
3 water available for environmental uses.

4 (7) Benefit communities by bolstering water supplies and
5 reducing reliance on groundwater resources.

6 SEC. 2. Chapter 7.5 (commencing with Section 485) is added
7 to Division 1 of the Water Code, to read:

8

9 CHAPTER 7.5. CALIFORNIA WATER MARKET CLEARINGHOUSE

10

11 485. This chapter shall be known, and may be cited, as the
12 California Water Market Clearinghouse Act of 2016.

13 486. It is the intent of the Legislature to create the California
14 Water Market Clearinghouse to do all of the following:

15 (a) Advance water sustainability, resiliency, and adaptability
16 to drought and climate change by promoting efficient water
17 markets.

18 (b) Provide important benefits and opportunities for
19 disadvantaged communities and environmental resources.

20 (c) Increase agency coordination, transparency, and
21 decisionmaking capacity.

22 (d) Facilitate water transfers and water user access to
23 exchanges by the establishment of a centralized market information
24 platform and better coordinated review and approval processes,
25 thereby streamlining the process. This can be achieved without a
26 significant increase in the overall transaction costs or regulatory
27 burdens associated with water transfer processes.

28 (e) Enable and encourage public and private investments in
29 water use efficiency and other water-saving measures through
30 participation in water transfers and exchanges.

31 (f) Promote and enable water transfers and exchanges as
32 effective mechanisms for management of sustainable surface and
33 groundwater resources in the state.

34 (g) Protect environmental resources, including groundwater,
35 consistent with the requirements of the Sustainable Groundwater
36 Management Act (Part 2.74 (commencing with Section 10720) of
37 Division 6).

38 (h) Protect drinking water supplies in areas of origin from
39 cumulative impacts of multiple or long-term water transfers and
40 exchanges.

1 487. (a) *On and after July 1, 2018, the California Water*
2 *Market Clearinghouse shall operate as an independent office*
3 *within the Natural Resources Agency. The purpose of the California*
4 *Water Market Clearinghouse is to make the water transfer and*
5 *exchange process more transparent and more efficient and to*
6 *enhance access to voluntary water market transactions, in*
7 *particular those that provide environmental or social benefits.*

8 (b) *The director of the California Water Market Clearinghouse*
9 *shall be appointed by the Secretary of the Natural Resources*
10 *Agency.*

11 488. (a) *On or before December 31, 2018, the California*
12 *Water Market Clearinghouse shall create a centralized water*
13 *market platform on its Internet Web site that provides ready access*
14 *to information that has been provided about water available for*
15 *transfer or exchange and information about the process for*
16 *transferring or exchanging water. The platform shall be readily*
17 *available to the public and contain all water transfer or exchange*
18 *data and information collected by the California Water Market*
19 *Clearinghouse.*

20 (b) *On or before December 31, 2018, the California Water*
21 *Market Clearinghouse shall consider and act upon the*
22 *recommendations submitted by the Water Market Clearinghouse*
23 *Task Force and shall establish administrative procedures under*
24 *which state agencies shall more expediently act upon proposed*
25 *water transfers or exchanges. Those procedures shall require state*
26 *agencies to prioritize projects that provide environmental and*
27 *community benefits or have a demonstrated history of minimal*
28 *potential impact to other legal water users or instream beneficial*
29 *uses. The California Water Market Clearinghouse shall act*
30 *consistent with rulemaking procedures of the state and shall work*
31 *in collaboration with other state agencies to make necessary*
32 *changes in the rules and regulations governing water transfers*
33 *and exchanges.*

34 (c) *On and after January 1, 2020, all transfers or exchanges*
35 *that require conveyance across the Sacramento-San Joaquin Delta*
36 *or result in conveyance of water from one watershed to another*
37 *shall be submitted to the California Water Market Clearinghouse*
38 *and processed according to the procedures and standards*
39 *established, pursuant to subdivision (b), by the California Water*

1 *Market Clearinghouse in coordination with other state and federal*
2 *agencies.*

3 *(d) On or before December 31, 2018, the Natural Resources*
4 *Agency shall create within the California Water Market*
5 *Clearinghouse an Office of the Water Transfer Advocate and*
6 *appoint a Water Transfer Advocate.*

7 *(e) Nothing in this chapter provides authority to the California*
8 *Water Market Clearinghouse to approve or disapprove water*
9 *transfers or exchanges.*

10 489. *(a) In order to provide the California Water Market*
11 *Clearinghouse with appropriate recommendations to improve the*
12 *water transfer process and increase access to the water market as*
13 *part of a comprehensive, long-term water management policy, the*
14 *Secretary of the Natural Resources Agency shall convene a task*
15 *force, to be known as the Water Market Clearinghouse Task Force.*

16 *(b) The Water Market Clearinghouse Task Force shall make*
17 *recommendations, based upon the best available science, to the*
18 *California Water Market Clearinghouse regarding all of the*
19 *following:*

20 *(1) How to aggregate and disclose in a publicly accessible*
21 *manner the information required to be submitted in support of an*
22 *application to transfer water pursuant to Section 1725 or any other*
23 *law. The information should include, but not be limited to, all of*
24 *the following:*

25 *(A) The names of the water buyer and seller.*

26 *(B) The quantity of water to be transferred or exchanged.*

27 *(C) The price to be paid for the water transfer or exchange.*

28 *(D) The time and duration of the water transfer or exchange.*

29 *(E) The nature of the underlying right to the water proposed to*
30 *be transferred or exchanged.*

31 *(F) The origin and proposed point of use, place of use, and*
32 *purpose of use of the transferred or exchanged water.*

33 *(G) A description of the conveyance and storage facilities*
34 *necessary to complete the transfer or exchange.*

35 *(H) An identification of any third-party impacts including, but*
36 *not limited to, water quality impacts.*

37 *(2) The information required for water users and the public to*
38 *readily track the progress of a proposed transfer through agency*
39 *review to ensure expedient approval whenever possible.*

- 1 (3) *The type of information that the California Water Market*
2 *Clearinghouse should require to be submitted to it by state or local*
3 *agencies that approve a water transfer or exchange after the*
4 *transfer or exchange is completed. The information should include,*
5 *but not be limited to, all of the following:*
6 (A) *The quantity of water transferred or exchanged.*
7 (B) *The new place of use for the transferred or exchanged water.*
8 (C) *The new point of redirection for the transferred or*
9 *exchanged water.*
10 (D) *The parties to the water transfer or exchange.*
11 (E) *The conveyance and storage facilities used to complete the*
12 *water transfer or exchange.*
13 (F) *The time and duration of the water transfer or exchange.*
14 (4) *Procedures and standards designed to provide for all of the*
15 *following:*
16 (A) *Better coordinated review of and action upon applications*
17 *or proposals to transfer or exchange water, or both.*
18 (B) *Priority for projects that provide environmental and*
19 *community benefits or have demonstrated a history of minimal*
20 *potential impact to other legal water users or instream beneficial*
21 *uses.*
22 (C) *Reduced transaction costs of water transfers and exchanges.*
23 (D) *Comprehensive evaluation of transfers that should be*
24 *eligible for expedited review, with consideration of drinking water*
25 *supply, environmental quality, and groundwater sustainability*
26 *benefits and impacts.*
27 (E) *Assurance that transfers and exchanges protect*
28 *environmental and community resources in areas of origin and in*
29 *recipient areas.*
30 (F) *Demonstration that a transfer will not adversely affect*
31 *groundwater conditions in any areas involved in the transfer.*
32 (c) *In addition to the recommendations required pursuant to*
33 *subdivision (b), the Water Market Clearinghouse Task Force may*
34 *consider and make recommendations, based upon the best*
35 *available science, to the California Water Market Clearinghouse*
36 *regarding any or all of the following:*
37 (1) *Consolidating places of use.*
38 (2) *Incentivizing and facilitating water use efficiency-related*
39 *water transfers, as well as transfers between environmental uses.*

- 1 (3) *Developing and facilitating pilot transfers based on crop*
2 *fallowing and other practices to quantify and validate consumptive*
3 *water use rates and incorporating findings into water transfer*
4 *guidelines.*
- 5 (4) *Providing transparency regarding Delta carriage water loss*
6 *analysis.*
- 7 (5) *Establishing or documenting conveyance access protocols.*
- 8 (6) *Creating market mechanisms for access to capital.*
- 9 (d) (1) *The Water Market Clearinghouse Task Force shall be*
10 *composed of the following members:*
- 11 (A) *One representative from each of the following state*
12 *agencies:*
- 13 (i) *The Natural Resources Agency. This representative shall*
14 *serve as the chair of the Water Market Clearinghouse Task Force.*
- 15 (ii) *The department.*
- 16 (iii) *The Department of Fish and Wildlife.*
- 17 (iv) *The Department of Food and Agriculture.*
- 18 (v) *The Office of Planning and Research.*
- 19 (vi) *The board.*
- 20 (B) *Representatives from academia, agricultural water suppliers,*
21 *municipal water suppliers, disadvantaged communities,*
22 *environmental and conservation organizations, and groundwater*
23 *management entities.*
- 24 (C) *Representatives from entities that have participated in water*
25 *transfers as sellers and buyers of water.*
- 26 (2) *The federal water and resources agencies shall be invited*
27 *to have representatives participate in the Water Market*
28 *Clearinghouse Task Force.*
- 29 (e) *The Water Market Clearinghouse Task Force shall conduct*
30 *three public meetings to consider public comments on draft*
31 *recommendations to the California Water Market Clearinghouse.*
32 *The Water Market Clearinghouse Task Force shall publish draft*
33 *recommendations at least 30 days before the public meetings. One*
34 *public meeting shall be conducted at a location in northern*
35 *California, one public meeting shall be conducted at a location in*
36 *the central valley of California, and one public meeting shall be*
37 *conducted at a location in southern California. The Water Market*
38 *Clearinghouse Task Force shall invite California Native American*
39 *tribes, environmental justice organizations, cities, counties, and*

1 local production agricultural organizations to participate in the
2 public meetings.

3 (f) On or before January 1, 2018, the Water Market
4 Clearinghouse Task Force shall submit its recommendations to
5 the California Water Market Clearinghouse.

6 490. (a) Anyone submitting information pursuant to subdivision
7 (c) of Section 488 shall pay an administrative fee, established by
8 the California Water Market Clearinghouse, to recover the
9 reasonable costs of the California Water Market Clearinghouse
10 in administering this chapter.

11 (b) Fees imposed pursuant to subdivision (a) shall be deposited
12 in the California Water Market Clearinghouse Fund, which is
13 hereby created in the State Treasury. Moneys in the fund shall be
14 available, upon appropriation by the Legislature, to the California
15 Water Market Clearinghouse for the purposes of this chapter.

16 491. This chapter applies in addition to any other law relating
17 to water transfers and exchanges.

18 ~~SECTION 1. It is the intent of the Legislature in creating the~~
19 ~~California Water Market Exchange that the market exchange do~~
20 ~~all of the following:~~

21 ~~(a) Create water sustainability, resiliency, and adaptability to~~
22 ~~drought and climate change.~~

23 ~~(b) Provide important benefits and opportunities for~~
24 ~~disadvantaged communities and environmental resources.~~

25 ~~(c) Increase transparency and decisionmaking capacity by better~~
26 ~~integrating data collection and reporting.~~

27 ~~(d) Facilitate water transfers and exchanges by the establishment~~
28 ~~of a centralized exchange platform and streamline review and~~
29 ~~approval processes.~~

30 ~~(e) Enable and encourage public and private investments in~~
31 ~~water use efficiency measures through participation in water~~
32 ~~transfers and exchanges.~~

33 ~~(f) Provide water transfers and exchanges as an effective~~
34 ~~mechanism for sustainable management of surface and groundwater~~
35 ~~resources in the state.~~

36 ~~SEC. 2. Chapter 7.5 (commencing with Section 485) is added~~
37 ~~to Division 1 of the Water Code, to read:~~

~~CHAPTER 7.5. CALIFORNIA WATER MARKET EXCHANGE~~

~~485. This chapter shall be known, and may be cited, as the California Water Market Exchange Act of 2016.~~

~~486. The following definitions govern the construction of this chapter:~~

~~(a) "Disadvantaged community" has the same meaning as defined in Section 79505.5.~~

~~(b) "Market exchange" means the California Water Market Exchange established in Section 487.~~

~~(c) "Small community water system" has the same meaning as defined in Section 116275 of the Health and Safety Code.~~

~~487. (a) The California Water Market Exchange is hereby established in the Natural Resources Agency.~~

~~(b) The market exchange shall be governed by a five-member board, composed as follows:~~

~~(1) The Secretary of the Natural Resources Agency.~~

~~(2) Four individuals appointed by the Governor.~~

~~(c) Each board member appointed by the Governor shall hold office for a term of four years. The Governor shall stagger the terms of the initial members appointed. A vacancy shall be filled by the Governor by appointing a member to serve the remainder of the term.~~

~~488. (a) On or before December 31, 2017, the market exchange shall create a centralized water market platform on its Internet Web site that provides ready access to information about water available for transfer or exchange. The platform shall be readily available to the public and contain all data and information collected by the market exchange in order to ensure transparency of information regarding the quantities of water available for transfer or exchange and the prices paid for transferred or exchanged water.~~

~~(b) Before a transfer or exchange of water, the market exchange shall require the submission of data and information that includes, but is not limited to, all of the following:~~

~~(1) The names of the water buyer and seller.~~

~~(2) The quantity of water to be transferred or exchanged.~~

~~(3) The price to be paid for the water transfer or exchange.~~

~~(4) The time and duration of the water transfer or exchange.~~

- 1 ~~(5) The nature of the underlying right to the water proposed to~~
2 ~~be transferred or exchanged.~~
- 3 ~~(6) The origin location and proposed place of use of the~~
4 ~~transferred or exchanged water.~~
- 5 ~~(7) A description of the conveyance and storage facilities~~
6 ~~necessary to complete the transfer or exchange.~~
- 7 ~~(8) An identification of any third-party impacts that may result~~
8 ~~from the transfer or exchange.~~
- 9 ~~(e) After a transfer or exchange of water, the market exchange~~
10 ~~shall require the submission of data and information that includes,~~
11 ~~but is not limited to, all of the following:~~
- 12 ~~(1) The quantity of water transferred or exchanged.~~
- 13 ~~(2) The conveyance and storage facilities used to complete the~~
14 ~~water transfer or exchange.~~
- 15 ~~(3) The time and duration of the water transfer or exchange.~~
- 16 ~~489. The Legislature intends that water transfers and exchanges~~
17 ~~protect and enhance environmental and community benefits that~~
18 ~~include the following:~~
- 19 ~~(a) Instream flows and ecosystem water supply.~~
- 20 ~~(b) Improved water monitoring and data networks.~~
- 21 ~~(c) Ecosystem restoration projects benefitting aquatic and~~
22 ~~riparian species.~~
- 23 ~~(d) Improved drinking water supply and quality projects.~~
- 24 ~~(e) Development of needed technical, managerial, and financial~~
25 ~~capacity for disadvantaged communities.~~
- 26 ~~(f) Acquisition through the market exchange of needed water~~
27 ~~supplies for small community water systems.~~
- 28 ~~490. On or before December 31, 2017, the market exchange~~
29 ~~shall do both of the following:~~
- 30 ~~(a) Develop procedures, in consultation with federal, state, and~~
31 ~~local agencies with jurisdiction over water transfers or exchanges,~~
32 ~~to streamline and expedite review and action upon applications to~~
33 ~~transfer or exchange water and to prioritize projects that provide~~
34 ~~environmental and community benefits as described in Section~~
35 ~~489. The procedures shall recommend types of transfers and~~
36 ~~exchanges that could be more routinely approved.~~
- 37 ~~(b) Establish standards and procedures to ensure that transfers~~
38 ~~and exchanges protect environmental and community benefits~~
39 ~~consistent with Section 489 and to encourage projects that improve~~

1 environmental conditions, provide safe drinking water, and provide
2 other community benefits.

3 ~~491. (a) Anyone submitting information pursuant to~~
4 ~~subdivision (b) or (c) of Section 488 shall pay an administrative~~
5 ~~fee, established by the market exchange, to recover the reasonable~~
6 ~~costs of the market exchange in administering this chapter.~~

7 ~~(b) Fees imposed pursuant to subdivision (a) shall be deposited~~
8 ~~in the California Water Market Exchange Fund that is hereby~~
9 ~~created in the State Treasury. Moneys in the fund shall be available,~~
10 ~~upon appropriation by the Legislature, to the market exchange for~~
11 ~~the purposes of this chapter.~~

12 ~~492. (a) This chapter applies in addition to any other law~~
13 ~~relating to water transfers and exchanges.~~

14 ~~(b) This chapter applies to all transfers and exchanges of water~~
15 ~~occurring on or after January 1, 2018.~~

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BILL ANALYSIS
Date of Hearing: April 12, 2016

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Marc Levine, Chair

AB 2304

(Levine) - As Introduced February 18, 2016

SUBJECT: California Water Market Exchange

SUMMARY: Beginning January 1, 2018, establishes the California Water Market Exchange (Exchange) in the Natural Resources Agency to create a centralized water market platform. Specifically, this bill:

- 1) Establishes a governance structure for the Exchange.
- 2) Requires the Exchange to create a centralized water market platform and make that platform readily available to the public.
- 3) Requires the submission of specific data before and after a water transfer to be placed on the platform.
- 4) Requires the Exchange develop procedures to expedite water transfers and prioritize transfers that provide environmental and community benefits.
- 5) Creates the California Water Market Exchange Fund supported by fees on transfers upon appropriation by the Legislature.

EXISTING LAW:

- 1) Establishes a policy to facilitate the voluntary transfer of water, and permits all water rights holders to pursue a water transfer.
- 2) Provides water can be transferred where there is no injury to any legal user of water, no unreasonable effect

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on instream beneficial uses, and no unreasonable effect on the overall economy or the environment of the county from which the water is being transferred.

- 3) Requires access for a transferor to unused conveyance capacity if fair compensation is paid.

FISCAL EFFECT: Unknown.

COMMENTS: Beginning January 1, 2018, establishes the Exchange to create a centralized water market platform.

- 1) Author's Statement: There are opportunities to improve the management of water in California if water markets are enhanced. Today only 3% of water used in California comes from water transfers. We must do better. A well-constructed

market will provide benefits for buyers, sellers, farmers, communities, and the environment. This bill will improve transparency, increase market participation, and enhance the environmental and community resources in our poorest communities while providing for less burdensome water transfers. This will allow us to create a market that is robust and easily accessible to willing sellers and buyers.

- 2) Background:

Role of Transfers:

Water transfers involve a change in the place of water use, from the water's historic point of diversion and use, to a new location either within or outside the watershed of origin. Water transfers can last up to a year (temporary), more than a year but not permanent (long-term), or be permanent. Water transfers are strictly voluntary, and must not create harm to other legal water users, the environment, or the local economy from which the water is being transferred.

Water transfers can be an effective water management tool. Transfers are particularly useful for meeting critical needs during drought periods. Transfers can only occur with "new water" the surface water system will realize as a result of changes in reservoir operation, groundwater substitution, crop idling or shifting, and occasionally water conservation action taken.

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History of Transfers:

Water transfers in California date back to the Gold Rush. 1859 California Supreme Court decision found that water rights can be transferred like any other property. In 1976 the

Governor's Commission on Water Rights recognized the importance of water transfers to the future of California's water supply. Many of the recommendations of the commission were adopted in the 1980's. There was additional legislation in the early 1990's but little has changed in the last 20 years.

Transfers grew considerably during the 1987-92 drought and continued to expand through the 1990's. Growth in transfers slowed dramatically in 2000 and has remained relatively flat or even regressed since 2010.

Big Year for Transfer Reform?

The current historic drought has highlighted major barriers to water transfers. This has brought attention to the complicated rules associated with trading water from different sources. California's trading rules are fragmented, opaque, inconsistent, and cumbersome. Often times several departments and agencies across and between Federal, State, and Local Government have a role in a transfer moving forward. As a result a number of stakeholders including agricultural, water purveyors, environmental, and local communities have begun to come together to discuss ways in which trading rules can work better.

In March, the Association of California Water Agencies released principles recommending ways to improve the water transfer process. The release of the principles has ramped up the stakeholder process. There appears to be general agreement among many on the need for improvement in the governance and management of data associated with water transfers. There is, however, quite a number of issues still to be resolved. It seems likely that the next couple of months will produce more refined proposals.

Legislation on this issue should consider all aspects of improving water transfers. The path to do that is dependent on the discussions and outcomes of the stakeholder processes that is currently underway. The final version of this bill will no doubt be shaped by those stakeholder efforts.

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Suggested Amendments

AB 1755 by Assemblymember Dodd also addresses, in part, water transfers and governance. The author may wish to consider amending this bill to join it to AB 1755 to help facilitate the stakeholder process to bring all parties together. Additionally, there is continued stakeholder discussion on how governance of water transfers should be constructed. The author may wish to consider amending this bill to, instead of creating a new governance body, direct existing state agencies to manage the market exchange and facilitate the approval of water transfers.

- 3) Prior and Related Legislation: AB 1755 (Dodd) 2016, would create the Open and Transparent Water Data Act. AB 1755 is currently pending in this committee.
- 4) Supporting Arguments: Current rules governing the state's water transfer process are opaque and highly complex, preventing many stakeholders from participating in the market or even accessing data on past water transfers. In addition, the current water transfer process fails to adequately protect and benefit the environment and local communities. A centralized water market platform that compiles specified data about transfers and allows the state and the public to better monitor water transfers will improve market transparency and increase market participation. Moreover, it would create these benefits more efficiently and more economically than building expensive infrastructure.
- 5) Opposing Arguments: Significant statutory changes are not necessary in order to improve the ability of willing sellers and willing buyers to execute water transfers. The Department of Water Resources, with existing staff, is capable of providing a forum to facilitate transfers. A more transparent, more efficient and more accessible water market can play a vital role in reducing impacts on the state's economy now and in the future. Improvements to the water market process and mechanisms for approval of water transfers should be part of a comprehensive long-term water management policy. It is puzzling that water transfers based on conservation are not standardly available. We are committed to working with the author and other stakeholders to identify statutory changes, regulatory, and institutional barriers that hamper the execution of transfers.
- 6) Concerns: The Farm Bureau supports the movement of water between public and/or private entities, on a voluntary basis, when it is in the best interest of contracting parties to change the place and/or purpose of water use and when the potential impact on third party water rights, non-transferring users and communities within the district, and appropriate

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protection are assured. Additional statutory framework should be the subject of careful deliberation and design, with a process calibrated to effect the participation of all relevant stakeholders. We are concerned this measure may overlay a new and duplicative process and suggest a taskforce to make recommendation to the Legislature on legislative action if warranted.

REGISTERED SUPPORT / OPPOSITION:

Support

Community Water Center (with amendments)

Environmental Defense Fund

Sonoma County Water Agency

Opposition

Valley AG Water Coalition

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