



DELTA STEWARDSHIP COUNCIL: AUGUST 2023 LEGISLATIVE REPORT

Bills of Interest

AB 225 (GRAYSON D) REAL PROPERTY: ENVIRONMENTAL HAZARDS BOOKLET.

Last amend: 9/1/2023

Status: 10/8/2023 Approved by the Governor. Chaptered by Secretary of State - Chapter 420, Statutes of 2023.

Is Fiscal: Y

Location: 10/7/2023 A - CHAPTERED

Summary: Current law requires the Department of Real Estate to develop, and the Department of Toxic Substances Control to publish, a booklet to educate and inform consumers on, among other things, common environmental hazards that are located on, and affect, real property. Current law requires the types of common environmental hazards to include, but not be limited to, asbestos, radon gas, lead-based paint, formaldehyde, fuel and chemical storage tanks, and water and soil contamination. Current law also states the intent of the Legislature that the booklet be updated to include a section on carbon monoxide. This bill would, as existing resources permit or as private resources are made available, require the booklet to be updated to include 3 new sections on wildfires, climate change, and sea level rise, as specified.

AB 305 (MILLAPUDUA D) CALIFORNIA FLOOD PROTECTION BOND ACT OF 2024.

Last Amend: 4/25/2023

Status: 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

Is Fiscal: Y

Location: 6/14/2023-S. N.R. & W.

Summary: Would enact the California Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,500,000,000 pursuant to the State General Obligation Bond Law for flood

Highlight – New bill, amended, or other action of note since last Council meeting

protection projects, as specified. The bill would provide for the submission of these provisions to the voters at the November 5, 2024, statewide general election.

AB 345 (WILSON D) HABITAT RESTORATION: FLOOD CONTROL: ADVANCE PAYMENTS.

Last Amend: 6/26/2023

Status: 10/10/2023 Approved by the Governor. Chaptered by Secretary of State - Chapter 647, Statutes of 2023.

Is Fiscal: Y

Location: 10/10/2023 A - CHAPTERED

Summary: Current law establishes the Central Valley Flood Protection Board and authorizes the board to engage in various flood control activities along the Sacramento River, the San Joaquin River, their tributaries, and related areas. This bill would authorize the Department of Water Resources or the board to provide advance payments, as defined, to local agencies for projects that restore habitat for threatened and endangered species under state or federal law or improve flood protection, as provided. The bill would prohibit the amount of funds advanced by the department or the board to the local agency at any one time from exceeding 25% of the entire amount authorized to be provided under the funding agreement. The bill would require the project proponent to demonstrate a need for an advance payment and that the project proponent is sufficiently qualified to manage the project and the project's finances. The bill would require the funds to be spent within 6 months and would require the recipient to provide an accountability report to the department or the board on a quarterly basis, as specified.

AB 350 (AGUIAR-CURRY D) REGIONAL TRANSPORTATION PLANS: SACRAMENTO AREA COUNCIL OF GOVERNMENTS.

Last Amend: 9/8/2023

Status: 10/10/2023 Approved by the Governor. Chaptered by Secretary of State - Chapter 648, Statutes of 2023.

Is Fiscal: Y

Location: 10/10/2023 A - CHAPTERED

Summary: Current law requires each transportation planning agency to adopt and submit to the California Transportation Commission and the Department of Transportation an updated regional transportation plan every 4 or 5 years, as specified. This bill would require the updated regional transportation plan, sustainable communities strategy, and environmental impact report adopted by the Sacramento Area Council of Governments (SACOG) on November 18, 2019, to remain in effect for all purposes until the SACOG adopts its next update to its regional transportation plan, which the bill would require it to adopt and submit on or before December 31, 2025, as specified. The bill would require the SACOG, on or before July 1, 2026, and biennially thereafter, to report on the regional implementation of its most recently adopted sustainable communities strategy in a publicly available format on its internet website, as provided, thereby imposing a state-mandated local program.

AB 676 (BENNETT D) WATER: GENERAL STATE POLICY.

Last Amend: 8/21/2023

Status: 10/8/2023 Vetoed by Governor.

Is Fiscal: N

Location: 10/8/2023 A - VETOED

Summary: Would specify that the use of water for domestic purposes includes water use for human consumption, cooking, sanitary purposes, care of household livestock, animals, and gardens, fire suppression and other safety purposes, and a purpose determined to be a domestic purpose as established by the common law.

Veto Message: To the Members of the California State Assembly: I am returning Assembly Bill 676 without my signature. Current law establishes, as state policy, the highest use of water shall be for domestic purposes. This bill would supplement that policy by specifying what constitutes domestic use, such as human consumption, household gardening and livestock care, and fire suppression. While I appreciate the author's intent to clarify existing law, which has remained untouched since 1943, this bill has the potential to introduce unnecessary legal uncertainty. Courts have defined domestic use for nearly half a century, and codifying specific definitions now unnecessarily risks inadvertent omissions.

AB 748 (MILLAPUDUA D) CALIFORNIA ABANDONED AND DERELICT COMMERCIAL VESSEL PROGRAM.

Last Amend: 3/23/2023

Status: 10/8/2023 Vetoed by Governor.

Is Fiscal: Y

Location: 10/8/2023 A - VETOED

Summary: Would establish the California Abandoned and Derelict Commercial Vessel Program within the Natural Resources Agency, to be administered by the State Lands Commission, upon appropriation by the Legislature, to bring federal, state, and local agencies together to identify, prioritize, and fund the removal and proper disposal of abandoned and derelict commercial vessels and other debris

from commercially navigable waters, as defined. The bill would require the commission, upon appropriation by the Legislature, on or before July 1, 2025, to create, and regularly update and maintain thereafter, an inventory of abandoned and derelict commercial vessels on or in commercially navigable waters, as provided, and, on or before July 1, 2026, to develop a plan to prevent or reduce abandoned and derelict commercial vessels on or in commercially navigable waters, as provided. This bill would establish the California Abandoned and Derelict Commercial Vessel Program Task Force as an advisory body within the Natural Resources Agency, consisting of specified members. The bill would require the task force to, among other things, provide policy guidance for the program and advise on the prevention, removal, destruction, and disposal of abandoned and derelict commercial vessels, as provided. The bill would require the task force, in consultation with impacted local governments, to develop a system for prioritizing the removal of the abandoned and derelict commercial vessels identified by the commission, as provided.

Veto Message: To the Members of the California State Assembly: I am returning Assembly Bill 748 without my signature. This bill would establish the California Abandoned and Derelict Commercial Vessel Program and a multi-agency task force to identify, prioritize, and fund the removal of abandoned and derelict commercial vessels across the state. While I support the author's attempt to create a statewide approach to address abandoned and derelict commercial vessels in California that pose significant public health, safety, and environmental risks, this program was not accounted for in the 2023 Budget Act. Implementation across the relevant agencies is expected to cost about \$7.5 million in year 1 with ongoing General Fund impacts. In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing. With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure. For this reason, I cannot sign this bill.

AB 809 (BENNETT D) SALMONID POPULATIONS: CALIFORNIA MONITORING PROGRAM FUND.

Last Amend: 9/1/2023

Status: 10/8/2023 Approved by the Governor. Chaptered by Secretary of State - Chapter 455, Statutes of 2023.

Is Fiscal: Y

Location: 10/8/2023 A - CHAPTERED

Summary: The Salmon, Steelhead Trout, and Anadromous Fisheries Program Act, among other things, requires the Department of Fish and Wildlife, with the advice of specified committees, to prepare and maintain a detailed and comprehensive program for the protection and increase of salmon, steelhead trout, and anadromous fisheries. This bill would require the department to establish the California Monitoring Program to collect comprehensive data on anadromous salmonid populations, in coordination with relevant agencies, as defined, to inform salmon and steelhead recovery, conservation, and management activities. The bill would authorize the department to consult with local agencies, tribes, conservation organizations, and academic institutions to carry out monitoring efforts under the program.

AB 1567 (GARCIA D) SAFE DRINKING WATER, WILDFIRE PREVENTION, DROUGHT PREPARATION, FLOOD PROTECTION, EXTREME HEAT MITIGATION, AND WORKFORCE DEVELOPMENT BOND ACT OF 2024.

Last Amend: 5/26/2023

Status: 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

Is Fiscal: Y

Location: 6/14/2023-S. N.R. & W.

Summary: Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,995,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water,

wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.

AB 1572 (FRIEDMAN D) POTABLE WATER: NONFUNCTIONAL TURF.

Last Amend: 9/5/2023

Status: 10/13/2023 Signed by the Governor.

Is Fiscal: Y

Location: 10/13/23 A-CHAPTERED

Summary: Current law establishes various state water policies, including the policy that the use of water for domestic purposes is the highest use of water. This bill would make legislative findings and declarations concerning water use, including that the use of potable water to irrigate nonfunctional turf is wasteful and incompatible with state policy relating to climate change, water conservation, and reduced reliance on the Sacramento-San Joaquin Delta ecosystem. The bill would direct all appropriate state agencies to encourage and support the elimination of irrigation of nonfunctional turf with potable water. This bill contains other related provisions and other existing laws.

ACA 2 (ALANIS R) PUBLIC RESOURCES: WATER AND WILDFIRE RESILIENCY ACT OF 2023.

Introduced: 12/5/2022

Status: 4/20/2023-Referred to Coms. on W., P., & W. and NAT. RES.

Is Fiscal: Y

Location: 4/20/2023-A. W.,P. & W.

Summary: Would establish the Water and Wildfire Resiliency Fund within the State Treasury, and would require the Treasurer to annually transfer an amount equal to 3% of all state revenues that may be appropriated as described from the General Fund to the Water and Wildfire Resiliency Fund. The measure would require the moneys in the fund to be appropriated by the Legislature and would require that 50% of the moneys in the fund be used for water projects, as specified, and that the

other 50% of the moneys in the fund be used for forest maintenance and health projects, as specified.

SB 272 (LAIRD D) SEA LEVEL RISE: PLANNING AND ADAPTATION.

Last Amend: 9/7/2023

Status: 10/7/2023 Approved by the Governor. Chaptered by Secretary of State. Chapter 384, Statutes of 2023.

Is Fiscal: Y

Location: 10/7/2023 S - CHAPTERED

Summary: Would require a local government, as defined, lying, in whole or in part, within the coastal zone, as defined, or within the jurisdiction of the San Francisco Bay Conservation and Development Commission, as defined, to develop a sea level rise plan as part of either a local coastal program, as defined, that is subject to approval by the California Coastal Commission, or a subregional San Francisco Bay shoreline resiliency plan that is subject to approval by the San Francisco Bay Conservation and Development Commission, as applicable, on or before January 1, 2034, as provided. By imposing additional requirements on local governments, the bill would impose a state-mandated local program. The bill would require local governments that receive approval for a sea level rise plan to be prioritized for funding, upon appropriation by the Legislature, for the implementation of sea level rise adaptation strategies and recommended projects in the local government's approved sea level rise plan. The bill would require, on or before December 31, 2024, the California Coastal Commission, in close coordination with the Ocean Protection Council and the California Sea Level Rise State and Regional Support Collaborative, to establish guidelines for the preparation of the sea level rise plan. The bill would also require, on or before December 31, 2024, the San Francisco Bay Conservation and Development Commission, in close coordination with the California Coastal Commission, the Ocean Protection Council, and the California Sea Level Rise State and Regional Support Collaborative, to establish guidelines for the preparation of the sea level rise plan. The bill would make the operation of its provisions contingent upon an appropriation for its purposes by the Legislature in the annual Budget Act or another statute. This bill contains other related provisions and other existing laws.

SB 337 (MIN D) ENVIRONMENTAL PROTECTION: LANDS AND COASTAL WATERS CONSERVATION GOAL.

Amended: 4/20/2023

Status: 10/7/2023 Approved by the Governor. Chaptered by Secretary of State. Chapter 392, Statutes of 2023.

Is Fiscal: N

Location: 10/7/2023 S - CHAPTERED

Summary: Current law requires the Secretary of the Natural Resources Agency to prepare and submit, on or before March 31, 2024, and annually thereafter, a report to the Legislature on the progress made in the prior calendar year toward achieving the goal to conserve 30% of California's lands and coastal waters by 2030. This bill would provide that it is the goal of the state to conserve at least 30% of California's lands and coastal waters by 2030.

SB 389 (ALLEN D) STATE WATER RESOURCES CONTROL BOARD: DETERMINATION OF WATER RIGHT

Last Amend: 8/31/2023

Status: 10/8/2023 Approved by the Governor. Chaptered by Secretary of State. Chapter 486, Statutes of 2023.

Is Fiscal: Y

Location: 10/8/2023 S - CHAPTERED

Summary: Current law provides generally for the appropriation of water. Existing law authorizes the State Water Resources Control Board to investigate bodies of water, to take testimony in regard to the rights to water or the use of water, and to ascertain whether or not water is appropriated lawfully, as provided. Under current law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability. This bill would instead authorize the board to investigate and ascertain whether or not a water right is valid. The bill would authorize the board to issue an information order in furtherance of an investigation, as executed by the executive director of the board,

as specified. The bill would authorize a diversion or use of water ascertained to be unauthorized to be enforced as a trespass, as specified.

SB 544 (LAIRD D) BAGLEY-KEENE OPEN MEETING ACT: TELECONFERENCING.

Last Amend: 9/8/2023

Status: 9/22/2023 Approved by the Governor. Chaptered by Secretary of State. Chapter 216, Statutes of 2023.

Location: 9/22/2023 S - CHAPTERED

Summary: Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting. This bill would enact an additional, alternative set of provisions under which a state body may hold a meeting by teleconference. The bill would require at least one member of the state body to be physically present at each teleconference location, defined for these purposes as a physical location that is accessible to the public and from which members of the public may participate in the meeting. The bill would, under specified circumstances, authorize a member of the state body to participate from a remote location, which would not be required to be accessible to the public and which the bill would prohibit the notice and agenda from disclosing. Specifically, the bill would authorize a member's remote participation if the other members who are physically present at the same teleconference location constitute a majority of the state body. The bill would also authorize a member's remote participation if the member has a need related to a disability and notifies the state body, as specified. Under the bill, that member would be counted toward the majority of members required to be physically present at the same teleconference location. The bill would require a member who participates from a remote location to disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the

member's relationship with those individuals. This bill contains other related provisions and other existing laws.

SB 638 (EGGMAN D) CLIMATE RESILIENCY AND FLOOD PROTECTION BOND ACT OF 2024.

Last Amend: 6/28/2023

Status: 7/6/2023 July 11 hearing postponed by committee.

Is Fiscal: Y

Location: 6/15/2023 A - W.,P. & W.

Summary: Would enact the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,000,000,000 pursuant to the State General Obligation Bond Law, for flood protection and climate resiliency projects.

SB 867(ALLEN D) DROUGHT, FLOOD, AND WATER RESILIENCE, WILDFIRE AND FOREST RESILIENCE, COASTAL RESILIENCE, EXTREME HEAT MITIGATION, BIODIVERSITY AND NATURE-BASED CLIMATE SOLUTIONS, CLIMATE SMART AGRICULTURE, PARK CREATION AND OUTDOOR ACCESS, AND CLEAN ENERGY BOND ACT OF 2024.

Last Amend: 6/22/2023

Status: 7/6/2023-July 10 hearing postponed by committee.

Is Fiscal: Y

Location: 6/20/2023-A. NAT. RES.

Summary: Would enact the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,500,000,000 pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme

heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs.