

# Legislative Update

2023/24 California Legislative Session

**Kasey Schimke**

**Deputy Director, Legislative Affairs**



CALIFORNIA DEPARTMENT OF  
**water resources**

# 2023 Legislative Calendar

- January 4 – Legislature Convened
- February 17 – Bill Introduction Deadline
- February thru June 2 – 1<sup>st</sup> House Policy and Fiscal Hearings
- June 2 – Last Day to Pass Bills from House of Origin
- July 14 thru August 14 – Summer Recess
- August 14 thru Sept. 1 – 2<sup>nd</sup> House Policy and Fiscal Hearings
- September 14 – Last Day to Pass Bills for 2023



## Water Management

**AB 676 (Bennett) Water: general state policy.** Existing law establishes the policy that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation.

**AB 1572 (Friedman) Potable water: nonfunctional turf.** Would make it illegal to use potable water to irrigate nonfunctional turf (turf that is not used for recreational or residential purposes) on commercial, industrial, municipal, institutional, or multifamily properties.

**AB 1573 (Friedman) Water conservation: landscape design: Model ordinance.** Would require the model water efficient landscape ordinance to include provisions that require that plants included in a landscape design plan be selected based on their adaptability to climatic, geological, and topographical conditions of the project site.

**AB 1613 (Bains) Sacramento-San Joaquin Delta: Salinity Intrusion in the Delta Act.** Would require DWR to identify specific and strategic locations in the Sacramento-San Joaquin River Delta where barriers could be constructed to combat salinity intrusion. Creates a Salinity Barrier Construction Fund to be funded by future appropriations by the legislature.

**AB 1648 (Bains) Water: Colorado river conservation.** Would prohibit the Metropolitan Water District of Southern California and the Department of Water and Power of the City of Los Angeles from achieving a reduction in Colorado River water consumption (that may be required of water users of the River) through water transfers from other regions of California, including the San Joaquin Valley and the Sacramento-San Joaquin Delta.



**SB 315 (Hurtado) Sustainable Groundwater Management: Probationary Determinations.** Would grant an 18-month grace period before a probationary determination of the Board for a groundwater basin would become effective.

**SB 361 (Dodd) Water resources: stream gages.** Would require DWR and other state agencies to reactivate, upgrade, or install stream gages pursuant to a report published pursuant to SB 19 (Dodd, 2019).

**SB 389 (Allen) State Water Resources Control Board: determination of water right** would authorize the State Water Resources Control Board to investigate the diversion and use of water from a stream system to determine whether the diversion and use are based upon appropriation, riparian right, or other basis of right.

**SB 550 (Grove) Water markets.** Would require, by 2025, the Legislative Analyst to create a report analyzing the water market, including info on water rights trends, barriers to entering the market, and possible improvements to the regulatory framework of California's water market.

**SB 687 (Eggman) Water Quality Control Plans: Delta Conveyance Project.** Would require the State Water Board to adopt a final update of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary before it may consider a change in point diversion, or any other water rights permit or order associated with the Delta Conveyance Project. It would also prohibit the operation of the Delta Conveyance Project unless and until the updated plan is fully implemented.



## Water Storage

**AB 62 (Mathis) Statewide water storage: expansion.** Would establish a statewide goal to increase above and below ground storage by a total of 3.7-million-acre feet by 2030- and 4-million-acre feet by 2040. Requires the SWRCB to design and implement ways to increase storage. A report detailing these efforts would be due in 2027 and biannually thereafter.

**AB 66 (Mathis) Natural Resources Agency: water storage projects: permit approval.** Would require the CNRA and other related state departments to take “all reasonable steps” to approve permits within 180 days on projects where there is a project labor agreement and a skilled and trained workforce. Permit updates must be posted on the state entity’s website.

**SB 366 (Caballero) The California Water Plan: long-term supply targets.** Would require DWR to update the California Water Plan, beginning 2028, with a goal of 15 million acre-feet of annual water supply and studies and economic analyses related to this effort.

## Weather Forecasting & Planning

**AB 30 (Ward) Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.** Would formally establish the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast Informed Reservoir Operations and Hazard Resiliency in DWR for the purpose of improving predictions of precipitation to improve water planning and conservation activities.

**AB 277 (Rodriguez) Extreme Weather Forecast and Threat Intelligence Integration Center.** Would formally establish the Flood Operations Center, of DWR, in statute. The bill would also require DWR and OES to report on technological needs of the Center.





## CEQA

**AB 1488 (Wallis) CEQA: water conveyance or storage projects: judicial review.** Would include certain water storage, conveyance, and groundwater projects under the umbrella of The Jobs and Economic Improvement Through Environmental Leadership Act of 2021 so that the projects can receive special streamlining benefits.

**SB 69 (Cortese) CEQA: judicial and administrative proceedings: limitations.** Would require a public agency that amends or corrects a previously filed determination, where an individual has requested notices, to send the amended notice to such individuals within 5 days.

**SB 651 (Grove) Water storage and recharge: CEQA: Sacramento-San Joaquin Delta Reform Act of 2009: exemptions.** Would create a policy that would allow state and regional water boards to prioritize water right permits, water quality certifications and waste discharge requirements to help advance groundwater recharge projects.

**SB 861 (Dahle) CEQA: water conveyance or storage projects: judicial review. 4/18 JUD hearing.** Would require rules of court to be adopted by the Judicial Council so water conveyance or storage projects can be reviewed and decided upon within 270 days of the filing of the proceedings. It also requires the lead agency to provide a notice in the draft or final EIR for these projects.

## Flood

**AB 896 (Aguiar-Curry) Flood control: City of Woodland: Lower Cache Creek** Would adopt and approve the Lower Cache Creek Flood Risk Management Project. It would also authorize the state to provide funds, up to 99% of the costs, for the project and would authorize the City of Woodland to receive funds for these purposes.



**AB 923 (Bauer-Kahan) Flood plain restoration projects: Central Valley: study.** Would require DWR and the SWRCB, to identify and assess barriers to the implementation of flood plain restoration projects that provide increased flood risk reduction and groundwater recharge benefits. Additionally, they would also be required to conduct stakeholder outreach to inform the study. Following the conclusion of the study, recommendation must be made to the Legislature on ways to expedite and scale the implementation of flood plain restoration projects that provide flood risk reduction and groundwater recharge benefits.

**SB 586 (Eggman) Flood management: deadlines.** Would waive the deadline to meet the urban level of flood protection for applicable projects so long as the flood management agency is actively engaged in the process to develop/build/construct a flood project in conjunction with the federal government.

*Sustainable Groundwater Management*

**AB 560 (Bennett) SGMA: groundwater adjudication.** Would require the court to refer the proposed groundwater basin judgments to the SWRCB for an advisory determination as to whether the proposed judgment will impair the ability of a groundwater sustainability agency, the board, or DWR to achieve sustainable management. The bill would require the board to consult with DWR before making its determination.

**AB 779 (Wilson) Groundwater: adjudication.** Would require the court to request input from DWR or the SWRCB relating to the groundwater basin subject to the adjudication and other matters.

**AB 828 (Connolly) Sustainable groundwater management: state agencies.** Declares that it is the policy of the State to protect wetlands from degradation from the effects of the implementation of SGMA. Defines the meaning of “management wetlands” and “wetlands” and its related features for the purposes of SGMA.



**AB 1563 (Bennett) GSA: groundwater extraction permit: verification.** Would prevent a county, city, or any other water well permitting agency to approve a permit to alter or drill a new well in a basin regulated by SGMA unless the GSA certifies that the permit is not inconsistent with the current GSP and does not interfere with achieving the stated sustainability goal.

**SB 659 (Ashby) Groundwater recharge: minimum requirement.** Would add a policy that would require DWR to recharge groundwater by at least 10 million acre-feet of water every year. Regulations needed put this new policy into place.

### Energy

**AB 538 (Holden) Multistate regional transmission system organization: membership** Would set forth broad terms and conditions that must be satisfied before CalISO can transition into a multistate regional transmission organization.

### Bonds/Grants/Funds

**AB 305 (Villapadua) California Flood Protection Bond Act of 2024.** Would authorize \$3.75 billion in general obligation bonds for Multibenefit flood protection, urban flood risk reduction, high-hazard potential dam projects, and Delta levees.

**AB 1567 (Garcia) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2023.** Would authorize \$15.1 billion in general obligation bonds to finance projects including safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation and workforce development programs. November 2024 ballot.





**ACA 2 (Alanis) Public resources: Water and Wildfire Resiliency Act of 2023.** Would annually transfer an amount equal to 3% of state revenues (\$5 billion to \$7 billion average) split equally for water and wildfire projects and activities.

**SB 638 (Eggman) Climate Resiliency and Flood Protection Bond Act of 2024.** Would authorize \$4.5 billion in general obligation bonds - \$2.5 billion for SPFC Facilities, and \$2.0 billion for Delta, Statewide Flood Control Subventions, and Multi-benefit projects.

State Administration / Contracts

**AB 345 (Wilson) Habitat restoration: flood control: advance payments.** Would allow DWR to provide advance payments to local agencies that restore habitat for threatened and endangered species or improve flood protection. The amount advanced may not exceed 25% of the authorization.

**AB 590 (Hart) State-funded assistance grants and contracts: advance payments.** Would require a state agency to offer advance payments to non-profits under certain circumstances: where the recipients serve disadvantaged, low-income, and underserved communities, the payment does not exceed 25% of the total award unless the agency can provide justification for a larger advance, and the recipients conform with rules relating to reporting, auditing and similar.

**AB 1284 (Ramos) Tribal ancestral lands and waters: Co-governance and co-management agreements.** Would encourage the Natural Resources Agency and sub-entities, to enter into co-governance and co-management agreements with federally recognized tribes.

**SB 682 (Skinner) Low-carbon cement and concrete.** Would require at least 10% of cement and concrete purchased by state agencies to meet certain low-carbon requirements by 2030 to meet net zero emission standards by 2045.

