

AMENDED IN ASSEMBLY JUNE 20, 2016
AMENDED IN ASSEMBLY AUGUST 26, 2015

SENATE BILL

No. 20

Introduced by Senator Pavley

December 1, 2014

An act to add ~~Division 36 (commencing with Section 86000) to the Water Code, relating to water. Article 7 (commencing with Section 43890) to Chapter 4 of Part 5 of Division 26 of the Health and Safety Code, relating to vehicular air pollution.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 20, as amended, Pavley. ~~California Water Resiliency Investment Act. Low Carbon Fuels Council.~~

Existing law establishes the California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007, which includes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission, and the Air Quality Improvement Program, administered by the State Air Resources Board. Existing law requires the emphasis of the Alternative and Renewable Fuel and Vehicle Technology Program to be to develop and deploy technology and alternative and renewable fuels in the marketplace, without adopting any one preferred fuel or technology. Existing law requires the primary purpose of the Air Quality Improvement Program to be the funding of projects to reduce criteria air pollutants, to improve air quality, and to fund research to determine and improve the air quality impacts of alternative transportation fuels and vehicles, vessels, and equipment technologies.

This bill would create the Low Carbon Fuels Council, as specified, which, among other things, would coordinate state agencies' activities that are related to the acceleration and development of the in-state production of low carbon fuels.

~~Under existing 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.~~

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. Article 7 (commencing with Section 43890) is
2 added to Chapter 4 of Part 5 of Division 26 of the Health and
3 Safety Code, to read:

4
5 Article 7. Low Carbon Fuels Council
6

7 43890. For purposes of this section, "council" means the Low
8 Carbon Fuels Council, established pursuant to this article.

9 43892. (a) The Low Carbon Fuels Council is hereby
10 established.

11 (b) (1) The council shall consist of five members as follows:

12 (A) Chair of the state board.

13 (B) Chair of the State Energy Resources Conservation and
14 Development Commission.

15 (C) One member appointed by the Senate Committee on Rules.

16 (D) One member appointed by the Speaker of the Assembly.

17 (E) One member appointed by the Governor.

18 (2) The members appointed pursuant to subparagraphs (C) and
19 (D) of paragraph (1) shall have a scientific, economic, or industry
20 professional background in the production of low carbon fuels.

21 (3) The member appointed pursuant to subparagraph (E) of
22 paragraph (1) shall be appointed on the basis of his or her
23 educational and professional qualifications and general knowledge
24 of and interest in the production of low carbon fuels.

1 (4) The members appointed pursuant to subparagraphs (C) to
2 (E), inclusive, of paragraph (1) shall serve for a term of four years,
3 and may be reappointed.

4 (c) Except as provided in this subdivision, members of the
5 council shall serve without compensation. A member shall be
6 reimbursed for actual and necessary expenses incurred in the
7 performance of his or her duties and shall be compensated one
8 hundred dollars (\$100) for each day during which the member is
9 engaged in the performance of his or her official duties related to
10 the council.

11 43894. The council's meetings shall be open to the public and
12 comply with the Bagley-Keene Open Meeting Act (Article 9
13 commencing with Section 11120) of Chapter 1 of Part 1 of
14 Division 3 of Title 2 of the Government Code).

15 43896. (a) The council shall do all of the following:

16 (1) Coordinate state agencies' activities that are related to the
17 acceleration and development of the instate production of low
18 carbon fuels.

19 (2) Identify and address any gaps in existing programs, policies,
20 or activities that may impede the instate construction of new, or
21 the expansion of existing, low carbon fuel production facilities.

22 (3) Make recommendations to the Legislature for changes in
23 the law needed to achieve the goals of this subdivision.

24 (b) The council may sponsor conferences, symposia, and other
25 public forums to seek a broad range of public advice.

26 ~~SECTION 1. Division 36 (commencing with Section 86000)~~
27 ~~is added to the Water Code, to read:~~

28
29 ~~DIVISION 36. CALIFORNIA WATER RESILIENCY~~
30 ~~INVESTMENT ACT~~

31
32 ~~CHAPTER 1. GENERAL PROVISIONS~~

33
34 ~~86000. This division shall be known and may be cited as the~~
35 ~~California Water Resiliency Investment Act.~~

36 ~~86010. The Legislature finds and declares all of the following:~~

37 ~~(a) California's extreme multiyear drought is raising significant~~
38 ~~concerns regarding the long-term dependability of water supplies~~
39 ~~that are critical to the state's residents, economy, and environment.~~

1 ~~(b) Nearly three-quarters of California is impacted by the severe~~
2 ~~drought underscoring the need for additional statewide action.~~

3 ~~(c) The 2015 water year was the driest winter in California's~~
4 ~~written record and water experts indicate that we could face~~
5 ~~multiyear droughts that extend years beyond any droughts~~
6 ~~previously experienced by the state.~~

7 ~~(d) California could lose 25 percent of the Sierra snowpack by~~
8 ~~2050 as a result of warmer weather, according to the department.~~
9 ~~Because the Sierra snowpack is our largest water reservoir, this~~
10 ~~loss will significantly reduce water supplies when Californians~~
11 ~~need them the most.~~

12 ~~(e) By 2050, California is expected to add more than 10 million~~
13 ~~residents, placing even greater pressure on our water supplies.~~

14 ~~(f) The current drought has had a disproportionate impact on~~
15 ~~disadvantaged communities. Falling groundwater levels in portions~~
16 ~~of the state from reduced rainfall and increased groundwater~~
17 ~~pumping have left more than 2,000 wells dry or critically near dry,~~
18 ~~impacting more than 10,000 residents and with a disproportionate~~
19 ~~impact on disadvantaged communities.~~

20 ~~(g) Furthermore, thousands of residents of disadvantaged~~
21 ~~communities lack access to a secure long-term supply of clean~~
22 ~~drinking water due to polluted groundwater and falling groundwater~~
23 ~~levels.~~

24 ~~(h) Reduced streamflows and water for wildlife areas have had~~
25 ~~a severe impact on fish and wildlife populations, threatening some~~
26 ~~species with extinction.~~

27 ~~(i) Reports by the Public Policy Institute of California and others~~
28 ~~indicate that state and local agencies face a multibillion dollar~~
29 ~~annual funding deficit in addressing the state's long-term water~~
30 ~~needs and that greater investments are needed to protect the state's~~
31 ~~economy and natural resources and to ensure that disadvantaged~~
32 ~~communities have access to safe drinking water.~~

33 ~~(j) Enactment of Proposition 1, the Water Quality, Supply, and~~
34 ~~Infrastructure Improvement Act of 2014, provided a critical down~~
35 ~~payment to address California's near-term and long-term water~~
36 ~~needs. Additional actions are needed now to ensure state and local~~
37 ~~agencies continue to make the needed investments to provide a~~
38 ~~more dependable water system to meet California's ongoing needs.~~

39 ~~(k) To protect the public health and welfare and to protect~~
40 ~~residential, agricultural, commercial, and environmental uses of~~

1 water, it is vital that state and local agencies have the resources
2 they need to make responsible and reasonable investments in a
3 more dependable water supply, including by making more efficient
4 use of California's current sources of water.

5
6 CHAPTER 2. CALIFORNIA WATER RESILIENCY INVESTMENT
7 PROGRAM
8

9 86020. (a) The California Water Resiliency Investment Fund
10 is hereby created in the State Treasury. Moneys in the fund are
11 available, upon appropriation by the Legislature, for the purpose
12 of, and in held in trust for, providing a more dependable water
13 supply for California.

14 (b) The following accounts are hereby created within the
15 California Water Resiliency Investment Fund:

16 (1) The Emergency Drought Response and Recovery Account
17 to support emergency actions to protect vulnerable populations
18 from the severe impacts of droughts, including providing
19 emergency drinking water and other residential water supplies,
20 food assistance, employment training and placement, and other
21 economic relief.

22 (2) The Integrated Regional Water Resiliency and Management
23 Account to provide matching grants to local and regional agencies
24 to increase regional self-reliance and result in integrated,
25 multibenefit solutions for ensuring sustainable water resources.
26 Eligible projects may include groundwater storage, wastewater
27 recycling, stormwater capture, water conservation, flood
28 management, and other water supply and quality projects.

29 (3) The Safe Drinking Water for Disadvantaged Communities
30 Account to support planning, construction, operation, and
31 maintenance of drinking water systems for disadvantaged
32 communities.

33 (4) The Environmental Resilience and Recovery Account to
34 provide funding to restore and protect fish and wildlife habitats
35 and populations to avoid or reduce conflicts with water
36 management systems. Funding from the account shall only be used
37 for projects that will provide fisheries, wildlife, or ecosystems with
38 benefits or improvements that are greater than required applicable
39 environmental mitigation measures or compliance obligations and

- 1 shall not be used to pay for the mitigation or environmental review
- 2 costs of any current or proposed water supply project.
- 3 ~~(5) The Smart Water Data Program Account to support improved~~
- 4 ~~data and information systems that enable better management of~~
- 5 ~~water resources and to further facilitate expansion of water markets.~~