
MEMORANDUM

To: Orange County Sanitation District
From: Townsend Public Affairs
Date: March 22, 2021
Subject: Monthly Legislative Report

State Legislative Update

The Legislature continues to hold legislative and budgetary hearings to advance the nearly 2,500 active bills and put forth the Legislature's State Budget proposal. The Senate has waived the 30-day rule that requires bills to sit before being amended or heard to allow committees to start their work earlier than expected. This will also allow the Senate to utilize fewer committee rooms and sanitize the rooms before and after each hearing. The goal of waiving the rule is to ensure that all bills will be heard in a timely manner in order to avoid the timing constraints that plagued the last legislative session and allowed priority policy areas to remain unaddressed.

Below is a list of upcoming legislative deadlines:

March 25: Legislature begins Spring recess

April 30: Last day for policy committees to advance fiscal bills

May 7: Last day for policy committees to advance non-fiscal bills

May 21: Last day for fiscal committees to advance fiscal bills to the floor

Governor Delivers State of the State

Governor Newsom issued his State of the State address at Dodger Stadium, one of California's, and the Nation's, largest community COVID-19 vaccination sites. The Governor's comments included key statistics as well as major actions taken over the course of the pandemic, including:

- California's death rate has remained one of the lowest per capita in the nation: 134 per 100,000, compared to 158 nationally, 153 in Texas and 247 in New York.
- California now ranks sixth in the world for vaccine distribution, ahead of many major countries.
- The positivity rate is down from a high of 14 percent to 2.1 percent. Hospitalizations are down more than 80 percent since their peak. ICUs are down 77 percent.

The Governor also touched on aid that has gone out to small businesses, school reopening efforts, and work on housing the homeless. The Governor also outlined proposals that have been included in his January Budget proposal to further invest in revitalizing California's economy. The Governor emphasized the return to the Blueprint for a Safer Economy model of phased re-opening, where every County will be assigned colored tiers that dictate when the County can safely re-open, based on COVID-19 positivity rates and ICU bed availability.

Priority Legislation

The below bills have been identified by TPA and OC San staff as priority bills that would have an impact on OC San.

AB 59 (Gabriel) - Mitigation Fee Act: fees: notice and timelines

AB 59 would repeal Section 66022 of the Government Code, which establishes the 120-day statute of limitations for legal challenges to new or increased connection fees or capacity charges. Under current law, any legal challenges for water and sewer connection fee or capacity charge must be commenced within 120 days after a water or sewer agencies adopts or amends a fee. This bill would change the statute of limitations to begin once the agency actually charges the fee to the ratepayer.

AB 59 would also require local agencies that collect fees in excess of the amount needed to provide their specific services to reimburse the ratepayer for that amount as opposed to re-investing that excess into reducing rates.

AB 59 would likely result in additional legal challenges to OC San fee schedules and would result in less stable future revenue projections.

AB 59 has been double referred to the Assembly Local Government Committee and the Assembly Housing and Community Development Committee. AB 59 has not yet been heard in any policy committees.

AB 339 (Lee) – State and local government: open meetings.

AB 339 would require local public agencies to provide the following services:

1. Closed captioning services for live streamed meetings
2. Translation of the agenda packet and call-in instructions into languages spoken by at least 5 percent of the jurisdiction's population
3. In-person translation services (for public comments and other needs) for languages spoken by at least 5 percent of the jurisdiction's population

AB 339 would require an unknown and potentially significant change to OC San board meetings, potentially resulting in a significant cost to provide service increase. Opposition coalitions have started to work together to oppose the bill.

AB 339 has not yet been heard in any policy committees.

AB 377 (Rivas) – Water quality: impaired waters

AB 377 would require that by 2050, all surface waters in California be suitable for drinking, swimming, and fishing. Would change enforcement protocols at the State Water Resources Control Board (SWRCB) to make National Pollutant Discharge Elimination System (NPDES) permits more stringent and would prevent the SWRCB from authorizing NPDES permits that are weaker than previous permits, or that would provide for an exceedance of water quality standards. AB 377 also provides additional enforcement requirements for NPDES permit holders and

regional board compliance. AB 377 does not include a funding source for the excess requirements and lacks clarity for definitions of enforcement.

AB 377 has been referred to the Assembly Environmental Safety and Toxic Materials Committee and has not yet been assigned a hearing date.

AB 818 (Bloom) - Solid waste: premoistened nonwoven disposable wipes

Would require certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022, to be labeled clearly and conspicuously with the phrase “Do Not Flush” and a related symbol. The bill would prohibit a covered entity from making a representation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes. The bill would establish enforcement provisions, including authorizing a civil penalty not to exceed \$2,500 per day, up to a maximum of \$100,000 per violation, to be imposed on a covered entity who violates those provisions.

AB 818 is a reintroduction of previous CASA sponsored legislation. AB 818 will be heard in the Assembly Environmental Safety and Toxic Materials Committee on April 7.

SB 45 (Portantino) – Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022

SB 45 would establish a \$5.5 billion general obligation bond that would appear on the November 2022 ballot. SB 45 would provide funding for a wide variety of natural resources and climate resilient projects including: wildfire prevention, safe drinking water and water quality, protecting fish, wildlife, and agriculture from Climate risks, and protecting coastal resources.

SB 45 is a re-introduction of SB 45 (Allen, 2018). This proposal and conversations around a climate focused bond were put on hold largely due to the COVID-19 pandemic. It is important to note that Governor Newsom’s January budget request did not include a climate/natural resources bond.

SB 45 passed the Senate Natural Resources and Water Committee and will be heard next in the Senate Governance and Finance Committee.