

- Legislative Report

Summary

July 2007 update on federal and state legislation.

Attachments

None

Detailed Report

Federal Legislative Update (as of 7/31/07)

Legislation

S. 24 (Boxer): A bill to amend the Safe Drinking Water Act to require a health advisory and monitoring of drinking water for perchlorate. Referred to the Senate Committee on Environment and Public Works. Hearing expected this fall. Metropolitan in support and working with Senator Boxer's staff as the legislation evolves in both Houses of Congress.

S. 150 (Boxer): A bill to amend the safe Drinking Water Act to protect the health of pregnant women, fetuses, infants, and children by requiring a health advisory and drinking water standard for perchlorate. Referred to the Senate Committee on Environment and Public Works. Hearing expected this fall. Metropolitan in support and working with Senator Boxer's staff as the legislation evolves in both Houses of Congress.

S. 300 (Kyl): A Senate bill to authorize the terms of the Lower Colorado River Multi-Species Conservation Plan and the use of water for environmental purposes under the plan. Referred to the Senate Energy and Natural Resources Subcommittee on Water and Power. Metropolitan in support and working with Senator Kyle's office. Legislative Hearing on July 24.

S. 1115 (Bingaman): This bill sets various energy efficiency standards; establishes research and development program for advanced energy storage systems; Instructs the Secretary of Energy to develop a strategic plan to reduce gasoline usage; various provisions to reduce consumption of fuel and energy by Public Utilities, Federal and local governments. Staff monitoring the legislation closely.

H.R. 6 (Rahall): Eliminates certain income tax deductions related to domestic oil production; cites conditions for the issuance of new leases authorizing oil or natural gas production in the Gulf; establishes conditions for suspension of royalty payments; creates a reserve fund to offset the cost of research and development of renewable fuels. H.R. 6 passed 65-27 without the renewable portfolio and tax package. Legislation is now headed to conference. Staff monitoring the legislation closely.

H.R. 30 (Issa): A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project. Metropolitan in support of the bill. Passed in the House on May 7. Legislative Hearing Senate Energy and Natural Resources Subcommittee on Water and Power scheduled for August 1.

H.R. 122 (Dreier): A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project. Metropolitan in support of the bill. Passed in the House on March 5. Legislative Hearing Senate Energy and Natural Resources Subcommittee on Water and Power scheduled for August 1.

H.R.1175 (Sanchez): A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water

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Reclamation Project. Metropolitan in support of the bill. Passed in the House on June 5. Legislative Hearing Senate Energy and Natural Resources Subcommittee on Water and Power scheduled for August 1.

H.R.1495 (Oberstar): Water Resources Development Act: A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States. Metropolitan in support of the bill. Passed the House on April 19, passed the Senate on May 16. Legislation is currently being reconciled between the House and the Senate, with passage expected prior to the August 3 Congressional Summer Recess.

H.R. 1747 (Solis): A bill to amend the Safe Drinking Water Act to require a national primary drinking water regulation for perchlorate. On April 25 a hearing was held by the House Energy and Commerce Subcommittee on Environment and Hazardous Materials. Metropolitan in support and working with Congresswoman Solis' staff as legislation moves forward in what is expected to continue as a multi-Session debate.

H.R.2421 (Oberstar): A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States. Hearings held by both the House Transportation and Infrastructure Committee, and its Subcommittee on Water and Power. S.1870 (Feingold), the companion bill to H.R.2421, was introduced on July 27. Action in each chamber is possible after the summer recess, as Congress is expected to focus on several environmental issues to coincide with the 35th anniversary of the passage of the Clean Water Act. Legislation is currently under staff review.

H.R. 2337 (Rahall): This legislation deals with leasing of federal land for exploration of fossil fuels and sets limitations on "royalty in-kind"; creates grant programs that promote energy efficiency and alternative fuels; prescribes requirements governing the transmission of electricity by power marketing administrations; establishes various global climate monitoring programs; establishes wildlife protection programs related to energy production. Staff monitoring the legislation closely.

H.R. 2515 (Heller): A House bill to authorize the terms of the Lower Colorado River Multiple Species Habitat Conservation Plan and the use of water for environmental purposes under the plan. Metropolitan in support and working with Congressman Heller's staff as the bill moves forward. Referred to House Resources Subcommittee on Water and Power, Legislative Hearing July 22.

Other Legislation/Issues of Note

Moab Tailings Clean-up

State and Federal officials continue to work closely with the U.S. Department of Energy to bring greater certainty to and accelerate the Department's plan of action for removing the toxic materials safely away from their current proximity to the Colorado River in Moab, Utah. Much of this is being accomplished through the current House and Senate debates over the '08 Defense Authorization Bill and over the '08 Appropriations Bills now moving toward their final form in both Houses.

Appropriations

House completed work on all ten appropriations bills, including Energy and Water Development, along with Interior-Environment. The Senate, however, has completed work so far on the Homeland Security Funding bill, but has yet to schedule floor time for appropriations measures of interest to the water industry. Energy and Water Development/Interior-Environment Committee Reports expected to be considered on the Senate floor shortly after Labor Day.

Key Legislative Dates

July 22: House Natural Resources Subcommittee Hearing on Lower Colorado River MSHCP
July 24: Senate Energy and Natural Resources Subcommittee Hearing on Lower Colorado River MSHCP
August 1: Senate Energy and Natural Resources Subcommittee Hearing on Title XVI Legislation
August 6-31: House and Senate Summer Recess
October 26: Target Adjournment of the 110th Congress/First Session

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State Legislative Update (as of 7/31/07)

Legislation

AB 885 by Assemblyman Calderon (D-Whittier): Currently amends the Metropolitan Water District Act to freeze the current composition and number of directors representing each member agency as of 1/1/07. Requires Metropolitan to recommend reforms to the Legislature by 1/1/09 as to the selection and number of directors allocated to each member agency. Metropolitan in opposition to the bill. The measure was held in Senate Local Government Committee and is a 2-year bill pending a review of governance options by Metropolitan.

AB 1420 by Assemblyman John Laird (D-Santa Cruz): The bill is sponsored by MWD and NRDC and is intended to motivate and encourage implementation of water conservation measures that are locally cost-effective. The bill converts conservation implementation from a factor in evaluating grant and loan applications to an eligibility threshold for awarding state bond funds. The measure passed 6 to 2 by the Senate Natural Resources and Water Committee on July 10, 2007 and is scheduled for hearing in Senate Appropriations Committee on August 20, 2007.

AB 1481 by Assemblyman Hector De La Torre (D-South Gate): This bill, sponsored by the City of Los Angeles and MWD, requires the State Water Resources Control Board to adopt a general permit for projects serving recycled water for landscape irrigation, consistent with uniform statewide recycling criteria developed by the California Department of Health Services. The measure was passed 6 to 1 by the Senate Environmental Quality Committee on July 10, 2007 and is scheduled for hearing in Senate Appropriations Committee on August 20, 2007.

AB 224 by Assemblywoman Lois Wolk (D-Davis): This bill, sponsored by the Planning and Conservation League, NRDC and Sonoma County Water Agency, requires the potential effects of climate change be considered in various statutory water planning documents. Metropolitan supports the measure, which was passed 4 to 3 by the Senate Environmental Quality Committee on July 10, 2007 and is scheduled for hearing in Senate Appropriations Committee on August 20, 2007.

AB 1683 by Assemblywoman Lois Wolk (D-Davis): This bill, sponsored by the Department of Fish and Game, is structured to provide the necessary flexibility for timely and effective response to the spread of the invasive quagga and zebra mussels. Recent amendments to the bill moved MWD to full support of the measure. The measure was passed 8 to 0 in Senate Natural Resources and Water Committee on July 10, 2007 and is scheduled for hearing in Senate Appropriations Committee on August 20, 2007.

SB 1002 by Senator Don Perata (D-Oakland): This bill proposes specific disbursements of existing bond dollars on a variety of water-related projects throughout the Delta, which includes ecosystem restoration, water conservation, flood management and emergency preparedness. Metropolitan supports the bill if amended to be consistent with the Board's adopted Delta Framework Plan. The bill was passed 8 to 3 in Assembly Water, Parks and Wildlife Committee on July 10, 2007 and is pending hearing in Assembly Appropriations Committee.

SB 1029 by Senator Denise Ducheny (D-San Diego): This bill, sponsored by ACWA and supported by MWD, places a restriction on the timeframe for Department of Finance reviews of federal drinking water standards and refers to existing statutes to expedite review and adoption of drinking water standards that exclude maximum contaminant level standards. This measure was passed 16-0 by the Assembly Appropriations Committee on July 11, 2007 and is pending vote by the Assembly.

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State Budget

The adoption and implementation of the 2007-08 State Budget is delayed until after July 20, resulting in the delay or absence of a summer recess for the Legislature. The Big-5 (consisting of Governor Arnold Schwarzenegger, Senate President Pro-Tem Don Perata, Senate Republican Leader Dick Ackerman, Assembly Speaker Fabian Nunez, and Assembly Republican Leader Mike Villines) will continue to meet and negotiate to reconcile the differences between the Governor's May Revise proposal and the budget conference report.

Strategic Growth Plan

During the months of June and July, the Governor has amplified his efforts to facilitate support for his infrastructure funding package to address water supply reliability. Dramatically curtailed rainfall and snow pack and warmer summer months, compounded by pending state and federal court rulings that could impact water exports, have all combined to present an ample opportunity to expose the vulnerabilities of the existing system. The Governor is championing storage, conveyance, conservation and ecosystem restoration. Senate Democrats have developed and released their version of a comprehensive water package – which includes the aforementioned SB 1002 (Perata) and a proposed 2008 water bond to address Delta conveyance and ecosystem restoration that would employ regional decision-making for the expenditure of bond dollars for regional and local water supply reliability projects. While there are differences in the two proposals, Metropolitan will actively participate in discussion and deliberation on both proposals to help further define and facilitate actions to fully implement, govern and finance elements of a long-term Delta Vision including water quality/supply infrastructure, Delta habitat protection and restoration, flood control and levees.

Key Legislative Dates

Summer recess begins (July 20) [provided State Budget is passed]

Legislature reconvenes (August 20)

Second house fiscal committee deadline (August 31)

Last day of 2007 session (September 14)

Last day for Governor to sign or veto legislation (October 14)