

**Meeting of the Central Valley Flood Protection Board
May 24, 2012
Report to the Board
From Board Member Clyde Macdonald
Agenda Item No. 8A - SB 753 (Steinberg)**

The Senate Appropriations Committee will have its hearing on bills on the Suspense Calendar at 9:30 AM on Thursday, May 23, the day before our board hearing.

If the committee approves the bill, my expectation is that the bill would be approved “as amended.” The amendments should make the language of the bill consistent with the language approved by the board, with some changes that we have discussed previously plus some minor technical changes to respond to questions raised by legislative staff, including Legislative Counsel.

According to the Appropriations Committee, the bill will be “in print” the following week, probably Tuesday the 28th or Wednesday the 29th.

The Senate would take up the bill that same week, as the deadline for bills to pass to the Assembly is Friday, May 31 – if the bill is to take effect on January 1, 2014.

Tim Washburn of the Sacramento Area Flood Control Agency made the following two suggestions:

- (1) In the Enforcement Order section, “removal and restoration” should be changed to “removal or restoration” in several places. In law, “A and B” means both A and B must occur. In law, “A or B” means either A or B, or both may occur.
- (2) In the section that allows the board to remove or modify a previously permitted encroachment, an additional subsection would be added that would require that if the board orders the removal or modification of the permitted encroachment, the board would be required to either revoke or amend the underlying permit.

I suggest that these be amended into the bill in the Assembly. Board’s Legal Counsel Nicole Rinke concurs in these changes.