# Central Valley Flood Protection Board June 23, 2023, Meeting

# INFORMATIONAL BRIEFING

# Legislative Update

# BRIEFING SUMMARY

# Legislative Status

The legislative budget bills SB 101 (Skinner) and AB 101 (Ting) of which, one will become the 2023-24 Budget Act, must be passed by midnight on June 15<sup>th</sup>. The Governor will have twelve days to act on the final bill. The last day for policy committees to meet and report bills is July 14<sup>th</sup>. The June 14th status of flood related bills is attached.

# Federal news as of June 14, 2023

The FY24 draft Energy and Water Appropriations Bill was released. The draft bill provides \$1.96B less than the President's FY24 Budget request and includes \$136.08 million for General Investigations and \$2.89B for Construction.

The Notice of Proposed Rulemaking for the Army Corps Principles, Requirements and Guidelines (PR&G) is anticipated in July.

The NFIP is set to expire September 30 unless extended again or re-authorized.

# **Status Report** Wednesday, June 14, 2023

#### (Rodriguez D) Extreme Weather Forecast and Threat Intelligence Integration Center. <u>AB 277</u>

Current Text: Amended: 5/18/2023 html pdf

#### Introduced: 1/23/2023

Last Amended: 5/18/2023

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Synopsis: ...Bill No. 277 Introduced by Assembly Member Rodriguez January 23, 2023 An act to add Section 347.5 to the Water Code, relating to state government. LEGISLATIVE COUNSEL'S DIGEST AB 277, as amended, Rodriguez. Extreme Weather Forecast and Threat Intelligence Integration .....and sets forth its powers and duties relating to water resources. Existing law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program within the department to, upon appropriation of special fund moneys, research climate forecasting and the causes and impacts ...

#### Summary:

Would establish the State-Federal Flood Operations Center within the Department of Water Resources and would authorize the department to administer the center in the department's divisions, offices, or programs. The bill would provide that the purpose of the center is to function as the focal point for gathering, analyzing, and disseminating flood and water-related information to stakeholders and would authorize the center to take specified actions for that purpose, including to function during emergency situations to enable the department to centrally coordinate statewide emergency responses.

#### **Vote Events:**

05/31/2023 ASM. THIRD READING (Y:79 N:0 A:1) (P) 05/18/2023 ASM. APPR. (Y:11 N:0 A:5) (P) 04/18/2023 ASM. W., P. & W. (Y:15 N:0 A:0) (P) 03/13/2023 ASM. EMERGENCY MANAGEMENT (Y:7 N:0 A:0) (P)

### **Assigned:** Following

#### (Villapudua D) California Flood Protection Bond Act of 2024. AB 305

Current Text: Amended: 4/25/2023 html pdf

Introduced: 1/26/2023

Last Amended: 4/25/2023

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Synopsis: ... Papan, Pellerin, and Robert Rivas) January 26, 2023 An act to add Division 34 (commencing with Section 84000) to the Water Code, relating to flood protection, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State ...

#### Summary:

Would enact the California Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,500,000,000 pursuant to the State General Obligation Bond Law for flood protection projects, as specified. The bill would provide for the submission of these provisions to the voters at the November 5, 2024, statewide general election.

#### Vote Events:

05/31/2023 ASM. THIRD READING (Y:75 N:0 A:5) (P) 05/18/2023 ASM. APPR. (Y:13 N:1 A:2) (P) 04/24/2023 ASM. W., P. & W. (Y:13 N:1 A:1) (P)

#### **Assigned:** Following

#### AB 345 (Wilson D) Habitat restoration: flood control: advance payments.

Current Text: Amended: 3/20/2023 html pdf Introduced: 1/31/2023 Last Amended: 3/20/2023

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vatard	Chantoned
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#### Calendar:

6/22/2023 Upon adjournment of Session - 1021 O Street, Room 2100 SENATE NATURAL RESOURCES AND WATER, MIN, DAVE, Chair

Synopsis: ...2023 An act to add Section 133.5 to Chapter 10 (commencing with Section 550) to Division 1 of the Water Code, relating to water. LEGISLATIVE COUNSEL'S DIGEST AB 345, as amended, Wilson. Habitat restoration: flood control: advance payments. Existing law authorizes the Department of Water Resources to make examinations of lands subject to inundation and ...

## Summary:

Current law authorizes the Department of Water Resources to make examinations of lands subject to inundation and overflow by floodwaters and of the waters causing the inundation or overflow and to make plans and estimates of the cost of works to regulate and control the floodwaters. Current law also vests in the department charge of all expenditures unless otherwise provided by law for all public works relating to general river and harbor improvements, including reclamation and drainage of lands. Current law authorizes the department to cooperate and contract with any agency of the state or of the United States in order to carry out its powers and purposes. Current law establishes the Central Valley Flood Protection Board and authorizes the board to engage in various flood control activities along the Sacramento River, the San Joaquin River, their tributaries, and related areas. This bill would authorize the department or the board to provide advance payments, as defined, to local agencies for projects that restore habitat for threatened and endangered species under state or federal law or improve flood protection, as provided. The bill would prohibit the amount of funds advanced by the department or the board to the local agency at any one time from exceeding 25% of the entire amount authorized to be provided under the funding agreement.

#### **Vote Events:**

05/25/2023 ASM. THIRD READING (Y:78 N:0 A:2) (P) 05/18/2023 ASM. APPR. (Y:15 N:0 A:1) (P) 03/28/2023 ASM. W., P. & W. (Y:15 N:0 A:0) (P)

#### **Assigned:** Following

#### (Aguiar-Curry D) Flood control: City of Woodland: Lower Cache Creek. AB 896

Current Text: Amended: 4/7/2023 html pdf

Introduced: 2/14/2023

Last Amended: 4/7/2023

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Synopsis: ...by Assembly Member Aguiar-Curry February 14, 2023 An act to add Sections 12663.1 and 12663.2 to the Water Code, relating to water. LEGISLATIVE COUNSEL'S DIGEST AB 896, as amended, Aguiar-Curry. Flood control: City of Woodland: Lower Cache Creek. Existing law provides for state cooperation with the federal government in the construction ...

#### Summary:

Current law authorizes a plan of improvement for flood control and water conservation on Cache Creek, including Clear Lake, in the Counties of Yolo and Lake. This bill would specifically adopt and approve the Lower Cache Creek Flood Risk Management Project, as provided. The bill would also authorize the state to provide funds, up to 99% of the costs, as specified, for the project for flood control on the Lower Cache Creek in the County of Yolo, and would authorize the City of Woodland to receive funds for these purposes under specified conditions. The bill would also authorize the state to authorize funding, upon appropriation by the Legislature, to be used for planning, engineering, designing, mitigation, and constructing the project if the Director of Water Resources makes specified findings.

#### **Vote Events:**

04/18/2023 ASM. W., P. & W. (Y:14 N:0 A:1) (P)

### **Assigned:** Following

#### AB 900 (Bennett D) Aquifer recharge.

Current Text: Amended: 4/12/2023 html pdf Introduced: 2/14/2023 Last Amended: 4/12/2023

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**Synopsis:** ...2023 An act to amend Section 71154 of the Public Resources Code, and to add Section 227.5 to the Water Code, relating to water. LEGISLATIVE COUNSEL'S DIGEST AB 900, as amended, Bennett. Aquifer recharge: grant program: streamlined permitting. recharge. Existing law requires the Natural Resources Agency to update every 3 years the state's climate adaptation strategy, known as the Safeguarding California Plan, and to coordinate with other state agencies to identify vulnerabilities to climate ...

#### Summary:

Current law requires the Natural Resources Agency to update every 3 years the state's climate adaptation strategy, known as the Safeguarding California Plan, and to coordinate with other state agencies to identify vulnerabilities to climate change by sectors and priority actions needed to reduce the risks in those sectors. Current law requires, to address the vulnerabilities identified in the plan, state agencies to maximize specified objectives, including promoting the use of the plan to inform planning decisions and ensure that state investments consider climate change impacts, as well as promote the use of natural systems and natural infrastructure, when developing physical infrastructure to address adaptation. This bill would add aquifers as part of the meaning of natural infrastructure.

#### **Vote Events:**

04/18/2023 ASM. W., P. & W. (Y:14 N:0 A:1) (P)

Assigned: Following

### AB 923 (Bauer-Kahan D) Flood plain restoration projects: Central Valley: study.

Current Text: Amended: 5/18/2023 html pdf

#### **Introduced:** 2/14/2023

Last Amended: 5/18/2023

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**Synopsis:** ...Bill No. 923 Introduced by Assembly Member Bauer-Kahan February 14, 2023 An act to add Section 9604 to the Water Code, relating to water. LEGISLATIVE COUNSEL'S DIGEST AB 923, as amended, Bauer-Kahan. Flood plain restoration projects: Central Valley: study. Existing law authorizes the Department of Water Resources to make examinations of lands subject ...

### Summary:

Existing law authorizes the Department of Water Resources to make examinations of lands subject to inundation and overflow by floodwaters and of the waters causing the inundation or overflow and to make plans and estimates of the cost of works to regulate and control the floodwaters. This bill would require the board, in coordination with the department, to identify priority flood plain restoration or floodway expansion projects where increased flows due to climate change are likely to overwhelm existing flood protection infrastructure, as specified. The bill would require the department and the board to conduct broad stakeholder outreach to identify priority projects and would require that those projects provide at least 2 of 4 specified public benefits. The bill would require the board, upon the appropriation of funds for this purpose, to begin preconstruction activities, including acquisition of land, easements, or rights of way, to expedite the priority projects identified. This bill contains other existing laws.

**Vote Events:** 

05/31/2023 ASM. THIRD READING (Y:80 N:0 A:0) (P) 05/18/2023 ASM. APPR. (Y:11 N:0 A:5) (P) 04/24/2023 ASM. W.,P. & W. (Y:15 N:0 A:0) (P)

#### Assigned: Following

#### AB 970 (<u>Rivas, Luz</u> D) Insurance: Climate and Sustainability Insurance and Risk Reduction Program. Current Text: Amended: 5/18/2023 html pdf

Introduced: 2/14/2023

Last Amended: 5/18/2023

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### Calendar:

6/28/2023 1:30 p.m. - 1021 O Street, Room 2100 SENATE INSURANCE, RUBIO, SUSAN, Chair

**Synopsis:** ...Division 3 of the Insurance Code, relating to insurance. LEGISLATIVE COUNSEL'S DIGEST AB 970, as amended, Luz Rivas. Insurance: Climate and Sustainability Insurance and Risk Reduction Program. Existing law creates the Department of Insurance, headed by the Insurance Commissioner, and .....and recommend risk transfer market mechanisms that, among other things, promote investment in natural infrastructure to reduce the risks of climate change related to catastrophic events, create incentives for investment in natural infrastructure to reduce risks to communities, and provide mitigation incentives for private investment in natural lands to lessen exposure and reduce climate risks to public safety, property, utilities, and infrastructure. This bill would require the department department, upon appropriation, to establish and ...

#### Summary:

Existing law creates the Department of Insurance, headed by the Insurance Commissioner, and prescribes the commissioner's powers and duties, including various duties to regulate the business of insurance in this state and to enforce the execution of those laws. Existing law requires the commissioner to convene a working group to identify, assess, and recommend risk transfer market mechanisms that, among other things, promote investment in natural infrastructure to reduce the risks of climate change related to catastrophic events, create incentives for investment in natural infrastructure to reduce risks to communities, and provide mitigation incentives for private investment in natural lands to lessen exposure and reduce climate risks to public safety, property, utilities, and infrastructure. This bill would require the department, upon appropriation, to establish and administer the Climate and Sustainability Insurance and Risk Reduction Program for the purpose of achieving specified goals, including developing proof of concepts that expand insurance options, especially in vulnerable and disadvantaged communities where climate risks are currently uninsured or underinsured. The bill, upon appropriation, would establish 6 climate insurance pilot projects in specified local jurisdictions to reduce physical risks from flooding and extreme heat and to reduce the protection gap in communities with high risks and low insurance uptake. The local jurisdictions would be required to develop and establish a specific pilot project in consultation with the department to achieve specified objectives, including prioritizing predisaster mitigation activities. The bill would require the department to provide technical support for the pilot projects. The bill would repeal these provisions on January 1, 2035. The bill would include a statement of legislative findings and declarations. By imposing new duties on the local jurisdictions relating to the pilot programs, this would create a state-mandated local program. This bill contains other related provisions and other existing laws.

#### **Vote Events:**

05/30/2023 ASM. THIRD READING (Y:75 N:0 A:5) (P) 05/18/2023 ASM. APPR. (Y:11 N:0 A:5) (P) 03/22/2023 ASM. INS. (Y:12 N:0 A:2) (P)

Assigned: Following

<u>AB 1567</u> (<u>Garcia</u> D) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.

Current Text: Amended: 5/26/2023 html pdf

Introduced: 2/17/2023

Last Amended: 5/26/2023

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**Synopsis:** ...17, 2023 An act to add Division 48 (commencing with Section 80500) to the Public Resources Code, relating to safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs, by providing the funds necessary therefor through an election of ...

#### Summary:

Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,995,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.

#### **Vote Events:**

05/31/2023 ASM. THIRD READING (Y:63 N:0 A:17) (P) 05/18/2023 ASM. APPR. (Y:11 N:3 A:2) (P) 04/24/2023 ASM. NAT. RES. (Y:8 N:1 A:2) (P) 04/18/2023 ASM. W.,P. & W. (Y:10 N:2 A:3) (P)

## <u>SB 361</u> (<u>Dodd</u> D) Water resources: stream gages.

Current Text: Amended: 3/29/2023 html pdf

Introduced: 2/8/2023 Last Amended: 3/29/2023

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**Synopsis:** ...Introduced by Senator Dodd February 08, 2023 An act to add Sections 145, 145.1, and 145.2 to the Water Code, relating to water resources. LEGISLATIVE COUNSEL'S DIGEST SB 361, as amended, Dodd. Water resources: stream gages. Existing law, the .....requires the department and the board, in consultation with the Department of Fish and Wildlife, the Department of Conservation, the Central Valley Flood Protection Board, interested stakeholders, and, to the extent they wish to consult, local agencies, to develop the plan ...

### Summary:

Current law requires the Department of Water Resources and the State Water Resources Control Board, in consultation with the Department of Fish and Wildlife, the Department of Conservation, the Central Valley Flood Protection Board, interested stakeholders, and, to the extent they wish to consult, local agencies, to develop the plan to address significant gaps in information necessary for water management and the conservation of freshwater species. This bill would require the Department of Water Resources and the board, upon appropriation of funds by the Legislature, to reactivate, upgrade, and install new stream gages, as provided. The bill would require the department and board to use the recommendations and data provided in the California Stream Gaging Prioritization Plan 2022 to complete specified actions by 2030. The bill would require the department to report to the Legislature, on or before January 1, 2026, and every 2 years thereafter, on progress made in completing those specified actions. The bill would require the data from all stream gages operating with any public money to be published as provisional data within 10 days of collection and made publicly available on the state's open water data platforms. The bill would require the department and board to develop and adopt a set of standards and processes for assessing, tracking, and reporting the accuracy of stream gages, evapotranspiration data, water meters, and other critical data inputs for water management, as provided. The bill would require the department and the board to consult with interested stakeholders to develop a plan to identify the gaps in the network of automated weather stations and eddy covariance towers to ensure accurate and comprehensive data collection.

### **Vote Events:**

04/17/2023 SEN. APPR. (Y:6 N:0 A:1) (P) 03/28/2023 SEN. N.R. & W. (Y:10 N:0 A:1) (P)

Assigned: Following

## **<u>SB 586</u>** (<u>Eggman</u> D) Flood management: deadlines.

Current Text: Amended: 5/2/2023 html pdf Introduced: 2/15/2023

Last Amended: 5/2/2023

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## Calendar:

6/20/2023 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, REBECCA, Chair

**Synopsis:** ...5, 65962, 65962.1, and 66474.5 of, and to repeal Section 65962.2 of, the Government Code, relating to flood management. LEGISLATIVE COUNSEL'S DIGEST SB 586, as amended, Eggman. Flood management: deadlines. Existing law provides that unless a city or county within the Sacramento-San Joaquin Valley makes certain findings after the effective date of specified amendments to its general plan and zoning ordinance ...

### Summary:

Current law provides that unless a city or county within the Sacramento-San Joaquin Valley makes certain findings after the effective date of specified amendments to its general plan and zoning ordinance, the Planning and Zoning Law prohibits a city or county from entering into a development agreement for property located in a flood hazard zone; approving a discretionary permit, ministerial permit, or other discretionary entitlement for a project that is located within a flood hazard zone, as specified; or approving a tentative map, or a parcel map for which a

tentative map was not required, for a subdivision that is located within a flood hazard zone. Those findings include, among others, that the local flood management agency has made adequate progress on the construction of a flood protection system that will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas. Current law further requires urban and urbanizing areas protected by any levee that is part of the facilities of the State Plan of Flood Control to achieve the urban level of flood protection by 2025, with specified exceptions to the deadline for the Mossdale Tract and West Sacramento. This bill would remove the specified exceptions to the deadline for the Mossdale Tract and West Sacramento, and instead provide that the deadline to achieve an urban level of protection, or to make adequate progress on the construction of a flood system providing an urban level of protection, does not apply to the Mossdale Tract and West Sacramento so long as a flood management agency has an active federal study, a completed federal study, or an authorized federal project receiving or awaiting the receipt of federal appropriations to advance design, construction, or project closeout activities, as specified.

#### **Vote Events:**

05/22/2023 SEN. Senate 3rd Reading (Y:40 N:0 A:0) (P) 04/19/2023 SEN. GOV. & F. (Y:8 N:0 A:0) (P) 03/28/2023 SEN. N.R. & W. (Y:9 N:0 A:2) (P)

#### Assigned: Following

## **<u>SB 638</u>** (Eggman D) Climate Resiliency and Flood Protection Bond Act of 2024.

Current Text: Amended: 5/18/2023 html pdf

**Introduced:** 2/16/2023

Last Amended: 5/18/2023

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**Synopsis:** ...Flora, Gallagher, Hoover, and Wilson) February 16, 2023 An act to add Division 36 (commencing with Section 86000) to the Water Code, relating to flood protection and climate resiliency programs, by providing the funds necessary therefor through an election for the issuance and sale of ...

### Summary:

Would enact the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,000,000,000 pursuant to the State General Obligation Bond Law, for flood protection and climate resiliency projects.

### Vote Events:

05/31/2023 SEN. Senate 3rd Reading (Y:36 N:2 A:2) (P) 05/18/2023 SEN. APPR. (Y:5 N:2 A:0) (P) 05/01/2023 SEN. APPR. (Y:6 N:0 A:1) (P) 04/19/2023 SEN. GOV. & F. (Y:7 N:1 A:0) (P) 03/28/2023 SEN. N.R. & W. (Y:9 N:0 A:2) (P)

**Assigned:** Following

### **<u>SB 651</u>** (Grove R) Water storage and recharge: California Environmental Quality Act.

Current Text: Amended: 4/27/2023 html pdf

**Introduced:** 2/16/2023

#### Last Amended: 4/27/2023

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### Calendar:

6/20/2023 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, REBECCA, Chair

**Synopsis:** ...An act to add Section 21168.6.11 to the Public Resources Code, and to add Section 114 to the Water Code, relating to water. LEGISLATIVE COUNSEL'S DIGEST SB 651, as amended, Grove. Water storage and recharge: California Environmental Quality Act .....and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the state board and the regional water quality control boards prioritize water right permits, water quality certifications, waste discharge ...

### Summary:

Would make it the policy of this state that, to help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local

groundwater while minimizing flood risks, the State Water Resources Control Board and the regional water quality control boards prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife.

#### **Vote Events:**

05/24/2023 SEN. Senate 3rd Reading (Y:37 N:0 A:3) (P) 05/18/2023 SEN. APPR. (Y:6 N:1 A:0) (P) 05/08/2023 SEN. APPR. (Y:7 N:0 A:0) (P) 04/26/2023 SEN. E.Q. (Y:7 N:0 A:0) (P) 04/11/2023 SEN. N.R. & W. (Y:9 N:0 A:2) (P)

Assigned: Following

# **<u>SB 867</u>** (<u>Allen</u> D) Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.

Current Text: Amended: 5/18/2023 html pdf

Introduced: 2/17/2023

Last Amended: 5/18/2023

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**Synopsis:** ...17, 2023 An act to add Division 50 (commencing with Section 90000) to the Public Resources Code, relating to drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs, by providing the funds necessary therefor through an election ...

#### Summary:

Would enact the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,500,000,000 pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs.

### **Vote Events:**

05/31/2023 SEN. Senate 3rd Reading (Y:33 N:5 A:2) (P) 05/18/2023 SEN. APPR. (Y:5 N:1 A:1) (P) 05/08/2023 SEN. APPR. (Y:7 N:0 A:0) (P) 04/26/2023 SEN. GOV. & F. (Y:6 N:1 A:1) (P) 03/28/2023 SEN. N.R. & W. (Y:8 N:0 A:3) (P)

#### **Assigned:** Following

Total Measures: 13 Total Tracking Forms: 13