

AMENDED IN SENATE MAY 28, 2002

SENATE BILL

No. 1653

Introduced by Senator Costa

February 21, 2002

An act to add Division 26.5 (commencing with Section 79400) to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1653, as amended, Costa. California Bay-Delta Act.

Under existing law, certain state and federal agencies with management and regulatory responsibilities in the San Francisco Bay and Sacramento-San Joaquin Delta Estuary participate in the CALFED Bay-Delta Program for the purposes of improving ecosystem quality, water supply reliability, water quality, and the integrity of the levees and channels in the bay-delta.

This bill would enact the California Bay-Delta Act. The bill would establish in an unspecified agency the California Bay-Delta Commission, consisting of an unspecified membership, and would prescribe its organization, powers, and purposes.

The bill would require the commission and the implementing agencies, as defined, to carry out the programs, projects, and activities necessary to implement the Bay-Delta Program, defined to mean those projects, programs, commitments and other actions that address the goals and objectives of the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000.

The bill would require the Governor to appoint a director, would prescribe the director's duties and powers, including, with the advice and consent of the commission, the appointment of a lead scientist. The bill would require the lead scientist to nominate, and the commission

to confirm, an Independent Science Board that would review and advise the commission and advisory board.

The bill would require the commission to establish a public advisory committee.

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. Division 26.5 (commencing with Section
2 79400) is added to the Water Code, to read:

3

4 DIVISION 26.5. CALIFORNIA BAY-DELTA ACT

5

6 CHAPTER 1. GENERAL PROVISIONS

7

8 79400. This act shall be known as the California Bay-Delta
9 Act.

10 79401. The Legislature finds and declares all of the
11 following:

12 (a) The ~~bay-delta estuary~~ *San Francisco Bay/Sacramento-San*
13 *Joaquin Delta Estuary* is the largest estuary on the West Coast of
14 the United States. It includes over 738,000 acres in five counties.
15 The tributaries, sloughs, and islands support over 750 plant and
16 animal species.

17 (b) The bay-delta is critical to California’s economy, supplying
18 drinking water for two-thirds of Californians and irrigation water
19 for over 7,000,000 acres of the most highly productive agricultural
20 land in the world. It also supports 80 percent of the state’s
21 commercial salmon fisheries.

22 (c) The bay-delta is the hub of California’s two largest water
23 distribution systems—the Central Valley Project, operated by the
24 United States Bureau of Reclamation and the State Water Project,
25 operated by the California Department of Water Resources. It also
26 provides conveyance of flood waters from most of the rivers in the
27 Central Valley.

28 (d) Water diversions, the effects of increased population
29 throughout California, exotic species, water pollution, and
30 numerous other factors have had a serious impact ~~in~~ *on* fish and
31 wildlife in the bay-delta. The drought of 1987–92 demonstrated



1 how vulnerable California is to water shortages. More recent
2 conflicts between water quality, fish protection, and water supply
3 demonstrate how little flexibility there is in the current system.
4 Levees in the bay-delta are vulnerable to catastrophic failure that
5 could disrupt the state’s water supply.

6 79402. Unless the context otherwise requires, the following
7 definitions set forth in this section govern the construction of this
8 division:

9 (a) “Balance” or “balanced implementation” means
10 implementation of projects, programs, or other actions in a manner
11 that results in concurrent improvement in all program elements
12 and in a manner that there is assurance that improvements in some
13 program elements are not made without corresponding
14 improvements in other program elements.

15 (b) “Bay-delta” means the San Francisco Bay and
16 Sacramento-San Bay/Sacramento-San Joaquin Delta Estuary.

17 (c) The “California Bay-Delta Program” or “Bay-Delta
18 Program” means those projects, programs, commitments, and
19 other actions that address the goals and objectives of the CALFED
20 Bay-Delta Program Record of Decision, dated August 28, 2000;
21 as modified by this division.

22 (d) “Category A programs” mean those state and federal
23 agency programs and funds that are to be managed and
24 implemented consistent with the California Bay-Delta Program
25 Program’s goals and objectives.

26 (e) “Commission” means the California Bay-Delta
27 Commission.

28 (f) “Director” means the Director of the California Bay-Delta
29 Commission.

30 (g) “Implementing agencies” means those agencies with the
31 primary responsibilities for implementing the program elements,
32 subject to Sections 79440 and 79441.

33 (h) “Program elements” means the following 11 program
34 elements of the California Bay-Delta Program as follows:

- 35 (1) Levee system integrity.
- 36 (2) Water quality.
- 37 (3) Water supply reliability.
- 38 (4) Ecosystem restoration.
- 39 (5) Water use efficiency.
- 40 (6) Water transfer.



1 (7) Watershed.

2 (8) Storage.

3 (9) Conveyance.

4 (10) Science.

5 (11) Environmental Water Account.

6 (i) “Projects” means both programs and capital projects.

7 79403. A solution to ~~these problems~~ *the problems described*
8 *in subdivision (d) of Section 79401* requires state, federal, and local
9 action in numerous regions throughout the state, not only the
10 bay-selta itself, but also its watershed and the areas that depend on
11 water exported from the bay-delta.

12 (a) The California Bay-Delta Program is divided into the
13 following five regions:

14 (1) Sacramento and San Joaquin River Delta.

15 (2) San Francisco Bay Watershed.

16 (3) Sacramento Valley.

17 (4) San Joaquin Valley.

18 (5) Southern California.

19 (b) Nearly two dozen state and federal agencies have some role
20 in managing or regulating the natural resources of the bay-delta
21 and its watershed. A coordinated implementation structure and
22 organization is necessary for effective implementation of the
23 California Bay-Delta Program.

24 (c) The agencies participating in the California Bay-Delta
25 Program have drafted a 30-year plan to coordinate existing
26 programs and direct new programs to improve the quality, and
27 reliability of the state’s water supplies and restore the ecological
28 health of the bay-delta watershed.

29 (d) To ensure efficiency, visibility, and accountability, the
30 implementation of the California Bay-Delta Program requires the
31 establishment of a commission. The commission is intended to
32 accomplish the following:

33 (1) Provide accountability to the Legislature, Congress, and
34 interested parties for the program’s performance.

35 (2) Ensure that the program is implemented in a balanced
36 manner.

37 (3) Facilitate consistent monitoring, assessment, and reporting
38 of the agencies’ individual and cumulative actions.

39 (4) Facilitate the use of sound, consistent science across all
40 program elements.



1 (5) Coordinate and, where appropriate, integrate existing and
2 new government programs to meet common goals, avoid conflicts,
3 and eliminate redundancy and waste.

4 (6) Oversee coordinated implementation of the California
5 Bay-Delta Program to ensure consistency with the goals and
6 objectives of the CALFED Bay-Delta Program Record of
7 Decision, dated August 28, 2000.

8 (e) Successful implementation of the California Bay-Delta
9 Program will require the full cooperation and participation of
10 many federal agencies. Federal laws may need to be enacted to
11 authorize the level of federal agency participation envisioned by
12 this division. Until the time as Congress enacts those federal laws,
13 it is the intent of the Legislature that state agencies work
14 cooperatively with federal agencies.

15 ~~79403.~~

16 79403.5. (a) Nothing in this division shall be construed to
17 restrict or override regulatory or adjudicatory authority or public
18 trust responsibilities of any state or federal agency or to restrict or
19 override authority or responsibility of state, federal, or local water
20 project operations under applicable law as those authorities and
21 responsibilities were provided on December 31, 2002.

22 (b) Subdivision (a) shall not be interpreted to relieve the state
23 agencies from the obligation to carry out their authorities and
24 responsibilities in a manner that is consistent with the goal of the
25 Bay-Delta Program to promote cooperative and coordinated
26 actions and programs that result in balanced solutions to bay-delta
27 problems.

28 (c) In carrying out their respective authorities and
29 responsibilities the state agencies shall, whenever feasible,
30 exercise their discretion in a manner that promotes and supports
31 balanced implementation of the Bay-Delta Program.

32 79404. This division shall be carried out in a manner
33 consistent with respective state and federal agency budget
34 development, review, and approval processes.

35 79405. The commission is an agency of the state. Nothing in
36 this division shall be construed to waive the state's immunity to
37 suit in federal court under the Eleventh Amendment to the United
38 States Constitution.

39 79406. State agencies, including the commission, shall work
40 with federal agencies and the Congress of the United States to



1 obtain, as soon as reasonably feasible, the necessary federal
2 approvals, including federal legislation, that will enable the
3 federal agencies to participate as partners with the state in the
4 governance of the Bay-Delta Program pursuant to this division.

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CHAPTER 2. CALIFORNIA BAY-DELTA COMMISSION

Article 1. California Bay-Delta Commission

10 79410. There is hereby established in the ____ agency the
11 California Bay-Delta Commission.

12 79411. Pursuant to Section 78684.8, the commission is
13 hereby designated the successor to the Secretary of the Resources
14 Agency for the purpose of carrying out the balancing and related
15 procedures established pursuant to Section 78684.12.

16 79412. The members of the commission shall be as follows:

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18 79413. The federal role on the commission is intended to
19 facilitate coordination and advice from federal agencies and
20 thereby assist the state and federal agencies *to* more effectively
21 meet their common goals and obligations. Nothing in this division
22 is intended to extend *the application of* federal law, including the
23 National Environmental Policy Act, to actions by state agencies.

24 79414. The commission is subject to the Bagley-Keene Open
25 Meeting Act (Article 9 (commencing with Section 11120) of
26 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
27 Code).

28 79415. (a) Except as provided in subdivision (b), a public
29 member of the commission shall hold office for a term of four
30 years, and until his or her successor is appointed.

31 (b) In the case of the members initially appointed by the
32 Governor, two members shall be appointed to serve until January
33 1, 2005, and two members until January 1, 2007.

34 (c) The Governor, in consultation with the United States
35 Secretary of the Interior, shall appoint one of the commission
36 members as a chairperson who shall preside at all meetings, and
37 a vice-chairperson who shall preside in the absence of the
38 chairperson.

39 (d) All actions approved by the commission shall require an
40 affirmative vote of a majority of the commission members.



1 (e) The commission may form committees, and the committees
2 may make recommendations to the full commission.

3 (f) Each public member of the commission shall receive
4 compensation in the amount of one hundred dollars (\$100) per day,
5 not to exceed eight hundred dollars (\$800) per month, for
6 conducting any commission business authorized by the
7 commission, upon the approval of the compensation by a majority
8 of the commission members by a recorded vote. A public member
9 may also receive reimbursement for the necessary expenses
10 incurred by the member in the performance of the member's
11 duties.

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13 Article 2. Commission Powers and Duties

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15 79420. The commission may exercise all of the following
16 powers:

17 (a) Sue or be sued.

18 (b) Delegate functions to committees or staff of the
19 commission.

20 (c) Request reports from state, federal, and local government
21 agencies on issues related to the implementation of the California
22 Bay-Delta Program.

23 (d) Receive funds, including funds from private and local
24 government sources, contributions from public and private
25 sources, as well as state and federal appropriations.

26 (e) Enter into contracts. The commission and the Department
27 of General Services shall cooperate on procedures to delegate
28 authority to the commission or commission officers, as
29 appropriate, to execute contracts of up to one million dollars
30 (\$1,000,000), and to maximize flexibility and efficiency in
31 implementing commission activities.

32 (f) Disburse funds through grants, public assistance, loans, and
33 contracts to entities within the Bay-Delta Program regions,
34 described in subdivision (a) of Section 79403, to carry out the
35 Bay-Delta Program goals and objectives.

36 (g) Employ the services of other public, nonprofit, or private
37 entities.

38 (h) Employ its own legal staff or contract with other state or
39 federal agencies for legal services, or both. The commission may

1 employ special, ~~outside~~ legal counsel with the approval of the
2 Attorney General.

3 (i) Adopt regulations as needed for *the* implementation of this
4 division.

5 (j) (1) Acquire, own, and manage interests in land, water, or
6 other real property if no other implementing agency is ~~available~~
7 *authorized to do so*.

8 (2) Interests in land, water, or other real property shall be
9 acquired from willing sellers by means of entering into voluntary
10 agreements.

11 (k) Obtain and hold regulatory permits and prepare
12 environmental documents.

13 79421. The commission shall carry out the following duties:

14 (a) Develop policies and make decisions at program
15 milestones, and provide direction to ensure balanced
16 implementation, integration, and continuous improvement in all
17 program elements.

18 (b) Track the progress of all program projects and activities and
19 assess overall achievement of California Bay-Delta Program goals
20 and objectives.

21 (c) Modify, as needed, the California Bay-Delta Program's
22 timelines and activities where the commission deems it necessary
23 to ensure that the program meets its overall goals and objectives.
24 Modification shall be coordinated with implementing agencies
25 and other affected agencies with public input.

26 (d) Communicate with the Congress of the United States and
27 the Legislature on program progress, answer legislative inquiries,
28 review and respond to legislative proposals, and review and
29 submit legislative proposals.

30 (e) On or before November 15 of each year, review progress in
31 implementing the program.

32 (f) On or before December 15 of each year, submit a report to
33 the Governor, the United States Secretary of the Interior, the
34 Legislature, and the Congress of the United States that describes
35 the status of implementation of all elements of the program.

36 (g) If, at the conclusion of each annual review submitted under
37 subdivision (f), or if a timely annual review has not been issued,
38 the Governor or the United States Secretary of the Interior
39 determines that either the program schedule or objectives has not
40 been substantially adhered to, the Governor and the Secretary of



1 the Interior, in coordination with the commission, shall prepare a
2 revised schedule that ensures achievement of balanced progress in
3 all program elements consistent with the intent of the California
4 Bay-Delta Program and applicable regulatory requirements. ~~Upon~~
5 ~~determination that the prior schedule has not been substantially~~
6 ~~adhered to, state funds, if the determination was made by the~~
7 ~~Governor, and federal funds, if the determination was made by the~~
8 ~~United States Secretary of the Interior, shall, to the extent~~
9 ~~authorized, be available for expenditure in the subsequent budget~~
10 ~~year only if a revised schedule has been developed within six~~
11 ~~months from the date on which the determination was made. Upon~~
12 ~~the submission of any revised schedule, funds shall be expended~~
13 ~~in accordance with that revised schedule.~~

14 (h) To support annual implementation, submit to the Governor
15 an annual state proposed budget for each of the program elements
16 and the commission’s oversight and coordination duties, in
17 accordance with the annual budget process.

18 (i) Coordinate with federal agencies to develop a proposed
19 federal budget to support the California Bay- Delta Program that
20 the federal agencies can submit to the President of the United
21 States in accordance with the federal budget process.

22 (j) Manage the ecosystem restoration program element until
23 another implementing agency is designated by the Legislature.

24 (k) Manage the science program element.

25 (l) Coordinate, and when appropriate, integrate the Bay-Delta
26 Program with other related programs to maximize available
27 resources and reduce conflicts and inconsistencies with other
28 programs.

29 (m) Resolve conflicts or disputes relating to the program.

30 (n) Seek out and promote partnerships with local interests and
31 programs that seek to integrate various water management
32 options, and cooperate and undertake joint activities with other
33 persons, including local entities, Indian tribes, water users, and
34 landowners. These activities shall include, but are not limited to,
35 planning, design, technical assistance, construction projects, and
36 development of an independent science program.

37 (o) Develop, in cooperation with federal agencies, a regulatory
38 coordination and streamlining process for the issuance of permits
39 and approvals required under state and federal law that reduces or
40 eliminates duplicative process or decisionmaking.



1 79422. By December 15, 2003, develop a pilot program in
2 coordination with the Department of Personnel Administration,
3 the State Personnel Board, the Department of General Services,
4 the Department of Finance, the Department of Information
5 Technology, and the Governor's Office for Innovation in
6 Government to develop and implement actions that are intended
7 to increase the administrative efficiency of the commission,
8 including, but not limited to, budgeting, contracting, purchasing,
9 and personnel management.

10 79423. (a) Implementing agencies shall annually submit to
11 the director their annual program plan and budget setting forth
12 how each implementing agency proposes to implement their
13 respective program elements in the following year.

14 (b) Each annual program plan shall include programs that are
15 designated as Category A programs in the CALFED
16 Implementation Memorandum of Understanding, an attachment
17 ~~to the August 28, 2000, Record of Decision described in~~
18 ~~subdivision (e) of Section 79402.~~ *to the CALFED Bay-Delta*
19 *Program Record of Decision, dated August 28, 2000.*

20 (c) Annually, the commission, in consultation with the
21 implementing agencies and the advisory committee, shall
22 determine those amendments that shall be made to the list of
23 Category A programs.

24 (d) Each annual program plan shall include ~~programs~~ *program*
25 priorities, work plans, proposed budgets, and significant program
26 products, including, but not limited to, regulations, grant or loan
27 solicitations, environmental documentations, and project
28 selection.

29 (e) Annual ~~programs~~ *program* plans shall also include a
30 strategy and budget for addressing program-specific, critical
31 scientific uncertainties, developing and implementing
32 performance measures, evaluating program actions, and
33 conducting scientific review of program implementation and
34 proposed projects. The implementing agency and the director shall
35 consult with the lead scientist to determine an appropriate science
36 strategy and budget.

37 (f) Implementing agencies shall coordinate the preparation of
38 annual program plans with agencies participating in the California
39 Bay-Delta Program and other appropriate agencies.



1 (g) The implementing agencies and the director shall integrate
2 the annual plans for the program elements into a comprehensive
3 and balanced annual implementation plan.

4 (h) The commission shall review, approve, and, as necessary,
5 direct implementing agencies to modify annual program plans and
6 projected expenditures on Category ~~A's program~~ *A program* to
7 ensure consistency with the program and balanced achievement of
8 the program's goals and objectives.

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10 Article 3. Limitations on Commission Powers and Duties

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12 79430. The commission shall comply with state water laws.

13 79431. The commission does not have the authority to levy
14 taxes, user fees, or assessments without explicit legislative
15 approval.

16 79432. The commission shall exercise its powers consistent
17 with the California Environmental Quality Act (Division 13
18 (commencing with Section 21000) of the Public Resources Code).
19 Nothing in this division shall prevent the modification or
20 supplementation of the CALFED Final Programmatic
21 Environmental Impact Statement/Environmental Impact Report,
22 certified August 28, 2000, or define the manner in which that
23 document may be used.

24 79440. (a) The commission and the implementing agencies
25 shall carry out the programs, projects, and activities necessary to
26 implement the Bay-Delta Program. The commission shall
27 coordinate the activities of the implementing agencies to ensure
28 balanced implementation that meets the goals and objectives of the
29 Bay-Delta Program.

30 (b) "Implementing agency" includes those state agencies
31 listed in Section 79441 until the United States has, ~~through~~ *by*
32 statute or otherwise, authorized the listed federal agencies to
33 participate in the governance and implementation of the Bay-Delta
34 Program in the manner set forth in this division. Until that federal
35 authorization has been provided, the state implementing agencies
36 shall consult, cooperate, and coordinate with federal agencies in
37 all matters related to implementation of the program.

38 ~~79441. (a) The Department of Water Resources, the~~



1 79441. (a) *The department, the Department of Fish and*
2 *Game, and the Army Corps of Engineers are the implementing*
3 *agencies for the levee program element.*

4 (b) *The State Department of Health Services, the ~~State Water~~*
5 *~~Resources Control Board~~ state board, and the United States*
6 *Environmental Protection Agency are the implementing agencies*
7 *for the water quality program.*

8 (c) *The commission, the Department of Fish and Game, the*
9 *United States Fish and Wildlife Service, and the National Marine*
10 *Fisheries Service, shall be the implementing agencies for the*
11 *ecosystem restoration program.*

12 (d) *The ~~Department of Water Resources~~ department and the*
13 *United States Bureau of Reclamation are the implementing*
14 *agencies for the water supply reliability, water use efficiency,*
15 *storage, and conveyance elements of the program.*

16 (e) *The ~~Department of Water Resources, the State Water~~*
17 *~~Resources Control Board, and the Bureau of Reclamation are the~~*

18 *(e) The department, the state board, and the United States*
19 *Bureau of Reclamation are the implementing agencies for the*
20 *water transfer element.*

21 (f) *The commission, the Resources Agency, the ~~State Water~~*
22 *~~Resources Control Board, the Department of Water Resources, the~~*
23 *state board, the department, the Department of Fish and Game, the*
24 *Natural Resources Conservation Service, the United States*
25 *Environmental Protection Agency, and the United States Fish and*
26 *Wildlife Service, are the implementing agencies for the watershed*
27 *program element.*

28 (g) *The commission is the implementing agency for the science*
29 *program element.*

30 (h) *The commission, in consultation with the ~~Department of~~*
31 *~~Water Resources~~ department, the Department of Fish and Game,*
32 *the United States Bureau of Reclamation, the United States Fish*
33 *and Wildlife Service, and the National Marine Fisheries Service,*
34 *are the implementing agencies for the environmental water*
35 *account.*

36 (i) *The commission, by June 1, 2004, and after consultation*
37 *with all affected agencies and the advisory committee, shall submit*
38 *a report to the Legislature setting forth the commission's*
39 *recommendation as to whether another appropriate implementing*
40 *entity should be designated for the ecosystem restoration program.*



1 Article 5. Bay-Delta Commission Staff

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3 79450. The Governor shall appoint, in accordance with
4 Section 12001 of the Government Code, a director, in consultation
5 with the United States Secretary of the Interior, who shall serve at
6 the pleasure of the Governor.

7 79451. The director shall administer the affairs of the
8 commission as directed by the commission and shall direct the
9 staff of the commission. The annual salary of the director shall be
10 as provided by Chapter 6 (commencing with Section 11550) of
11 Part 1 of Division 3 of Title 3 of the Government Code.

12 79452. (a) The director, with the advice and consent of the
13 commission, shall appoint a lead scientist. The lead scientist shall
14 report to the commission. The lead scientist, in cooperation with
15 the implementing agencies, shall be responsible for the
16 development and implementation of the California Bay-Delta
17 Science Program.

18 (b) For all program elements, the lead scientist shall ~~assure~~
19 *ensure* scientific application of adaptive management, monitoring,
20 and investigations to reduce uncertainties, and full investigation of
21 the effects of each program element on other program elements.

22 (c) The lead scientist shall ensure that peer review is employed
23 extensively and prudently to ~~assure~~ *ensure* the quality of program
24 planning, implementation, and evaluation.

25 (d) The purpose of the science program element shall be to
26 carry out all of the following functions:

27 (1) Provide implementing agencies and the commission,
28 authoritative and unbiased reviews of the state of scientific
29 knowledge relevant to management and decisionmaking for the
30 California Bay-Delta Program.

31 (2) Implement strategies to articulate, test, refine and improve
32 scientific understandings.

33 (3) Provide a comprehensive framework to integrate, monitor,
34 and evaluate the use of adaptive management and the best
35 available scientific understandings and practices for
36 implementation of the California Bay-Delta Program.

37 (4) Independently review the technical and scientific
38 performance of the California Bay-Delta Program including, but
39 not limited to, the following:

40 (A) Conclusions.



- 1 (B) Studies.
- 2 (C) Studies, monitoring, performance measures.
- 3 (D) Data analyses.
- 4 (E) Scientific practices that form the scientific bases for
- 5 program decisionmaking.

6 79453. The director may appoint and hire staff as necessary
 7 to administer the affairs of the commission at a salary and
 8 classification level commensurate with other state and federal
 9 agencies.

10 79454. The director shall organize commission staff in a
 11 manner best suited to administer the affairs of commission and
 12 oversee a complex multiagency program.

13 79455. The director may fill commission staff positions with
 14 state employees hired by the commission, federal employees
 15 assigned to the program by cooperating federal agencies, or with
 16 staff from other state public entities. Due to the commission's
 17 unique multijurisdictional oversight responsibilities, the
 18 commission is exempt from standard state civil service allocation
 19 standards and shall retain all state civil service positions without
 20 regard to whether that position was vacant continuously for six
 21 consecutive monthly pay periods.

22 79456. Notwithstanding Section 19818.10 of the
 23 Government Code, and in cooperation with the State Personnel
 24 Board, the commission shall establish personnel classifications,
 25 including a new management level classification, specific to the
 26 commission's unique role in oversight and coordination.

27 ~~Article 6. — Advisory Committee~~

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30 *Article 6. Advisory Committee*

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32 79460. (a) The commission shall establish a public advisory
 33 committee.

34 (b) The commission may recognize an advisory committee that
 35 is functioning as an advisory committee *to* ____ on January 1,
 36 2002, as the advisory committee required by this section.

37 (c) The commission may permit the advisory committee to be
 38 structured and appointed to comply with the Federal Advisory
 39 Committee Act (Public Law 92-463, as amended).



1 (d) The ~~Commission~~ *commission* shall ensure that the advisory
2 committee is comprised of persons who provide geographic
3 balance and broad range of interests and perspectives, including
4 agricultural water, urban water, environmental, tribal,
5 environmental justice, business, labor, ~~and city, and county~~ and
6 local government representatives.

7 (e) The advisory committee shall review and make
8 recommendations to the commission and director on issues related
9 to implementation of the California Bay-Delta Program and
10 annual progress reports.

11 (f) The advisory committee members may receive
12 reimbursement for necessary travel expenses incurred by the
13 members in the performance of the ~~members~~ *members'* duties,
14 consistent with state per diem rates.

15

16 Article 7. Independent Science Board

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18 79470. (a) The lead scientist shall nominate, and the
19 commission shall confirm, a board of independent scientists, to be
20 known as the Independent Science Board, that shall review and
21 advise the commission and the advisory committee, as
22 appropriate, on the science relative to implementation of all
23 program elements.

24 (b) The commission may recognize an existing board of
25 independent scientists as members of the board required by this
26 section.

27 (c) The commission shall respond to advice and reviews
28 prepared by the Independent Science Board.

29 79471. The lead scientist may establish, in cooperation with
30 implementing agencies, additional independent science panels to
31 assist implementing agencies and the commission in reviewing
32 and advising on scientific issues associated with individual
33 program elements, reviewing multiple program actions within
34 specific geographic areas, and defining the state of knowledge
35 relative to specific scientific issues. Members of these panels may
36 also be members of the Independent Science Board.

