

# EXECUTIVE OFFICER'S REPORT ON PENDING LEGISLATION

As of 04/27/2020

## Administration

### AB 2214, Carrillo, As Introduced

**Status: Referred to Committee on Accountability and Administrative Review**

*Existing law, the Administrative Procedure Act, governs, among other things, the procedures for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. Existing law requires a state agency proposing to adopt, amend, or repeal specific administrative regulations to prepare, submit as specified, and make available to the public upon request, certain documents relating to the proposed regulation, including, among other things, a copy of the express terms of the proposed regulation.*

*This bill would require the state agency to conspicuously post those documents on the state agency's website within 24 hours of submitting those documents to the office, instead of making those documents available to the public upon request. The bill would also remove an obsolete provision.*

### AB 2028, Aguiar-Curry, As Amended

**Status: Re-referred to Committee on Governmental Organization**

Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This bill would, except for closed sessions, require that this notice include all writings or materials provided for the noticed meeting to a member of the state body by staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require these writings and materials to be made available on the internet website, and to people who so request in writing, on the same day as they are provided to members of the state body or at least 48 hours in advance of the meeting, whichever is earlier. The bill would provide that a state body may only distribute or discuss these writings or materials at a meeting of the state body if it has complied with these requirements. The bill would except writings or materials relating to matters to be discussed in a closed session from its requirements and would authorize a state body to post and provide additional time-sensitive materials related to certain active legislation, as specified, as they become available, after the prescribed deadlines. The

bill would specify that its provisions do not authorize a state body to remove writings and materials from an internet website.

Existing law requires that a state body provide an opportunity for members of the public to directly address the body on each agenda item. Existing law exempts from this requirement, among other things, an agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded an opportunity to address the committee on the item.

This bill would delete this exception, thereby making the requirement to provide an opportunity to address the state body applicable to an agenda item for which the public had an opportunity to address it at a public meeting of a committee of the state body.

### **AB 123, Committee on Budget and Fiscal Review, As Amended**

#### **Status: Re-referred to Committee on Budget**

*(1) Existing law requires a tax return filed with the California Department of Tax and Fee Administration (CDTFA) that reports gross receipts for sales and use tax purposes to segregate the gross receipts of the seller and the sales price of the property on a line or a separate form when the place of sale in this state or for use in this state is on or within the real property of a state-designated fair, as defined, or any real property of a state-designated fair that is leased to another party. Existing law requires, on or before November 1 of each year, the CDTFA to report to the Department of Finance the total gross receipts segregated on these tax returns, and that 3/4 of 1% of the total gross receipts be included in the next annual Governor's Budget for use by the Department of Food and Agriculture for allocation to fairs and that those funds be transferred by the Controller to the Fair and Exposition Fund in the State Treasury, as prescribed.*

*This bill would, for the 2019–20 fiscal year and all subsequent fiscal years, make the total gross receipts subject to review by the CDTFA for errors. The bill would require the CDTFA to note any identified errors and the approximate impact of those errors on the total gross receipts in its report to the Department of Finance to allow an adjusted total gross receipts amount to be determined for the purpose of calculating the amount to be included in the Governor's Budget for use by the Department of Food and Agriculture for allocation to fairs.*

*(2) The Prevention of Cruelty to Farm Animals Act, approved by the voters as Proposition 12 at the November 6, 2018, statewide general election, prohibits (A) a farm owner or operator within the state from knowingly causing any covered animal to be confined in a cruel manner and (B) a business owner or operator from knowingly engaging in the sale within the state of certain items that the business owner or operator knows or should know is the product of a covered animal who was confined in a cruel manner. The act defines a covered animal to mean a calf raised for veal, breeding pig, or egg-laying hen who is kept on a farm. A violation of the act is a misdemeanor. The act requires the Department of Food and Agriculture and the State Department of Public Health to jointly promulgate rules and regulations for the implementation of the act.*

*This bill would require the Secretary of Food and Agriculture to adopt, by regulation, fees to cover the Department of Food and Agriculture's reasonable regulatory costs*

*of the administration, implementation, and enforcement of laws governing the confinement of animals, as described in Proposition 12, as prescribed. The bill would require the fees to be separately accounted for in the Department of Agriculture Account, Department of Food and Agriculture Fund.*

*(3) The California Constitution prohibits the Legislature from creating any debt or liability that, individually or in the aggregate, exceeds \$300,000, unless an exception applies. The Constitution authorizes the Legislature to reduce the amount of the indebtedness authorized by law at any time after the approval of law by the people to an amount not less than the amount contracted at the time of the reduction.*

*The Earthquake Safety and Public Buildings Rehabilitation Bond Act of 1990 authorizes the issuance of bonds in the amount of \$300,000,000 to finance, among other things, the costs of retrofitting, reconstruction, repair, replacement, or relocation of state buildings or facilities that are seismically unsafe.*

*The Water Conservation Bond Law of 1988 authorizes the issuance of bonds in the amount of \$60,000,000 to finance capital outlay water conservation projects and programs to help meet the growing demand for clean and abundant water supplies in the state.*

*This bill would reduce the amount of indebtedness authorized by the Earthquake Safety and Public Buildings Rehabilitation Bond Act of 1990 and the Water Conservation Bond Law of 1988 to \$292,510,000 and \$54,765,000, respectively.*

*(4) The Lead-Acid Battery Recycling Act of 2016 prohibits a person from disposing, or attempting to dispose, of a lead-acid battery at a solid waste facility or on or in any land, surface waters, watercourses, or marine waters, but authorizes a person to dispose of a lead-acid battery at certain locations. The act imposes a manufacturer battery fee on a manufacturer of lead-acid batteries for each lead-acid battery it sells at retail to a person in California, or that it sells to a dealer, wholesaler, distributor, or other person for retail sale in California.*

*The act creates in the State Treasury the Lead-Acid Battery Cleanup Fund and requires that the fees collected pursuant to the act, except for specified administrative expenses, be deposited into the fund. The act provides that moneys in the fund are available upon appropriation by the Legislature to the Department of Toxic Substances Control for specified activities, including, among others, the investigation or site evaluation of any area of the state that is reasonably suspected to have been contaminated by the operation of a lead-acid battery recycling facility. This bill would explicitly require moneys in the fund to be expended, upon appropriation by the Legislature, on specified activities to protect public health and the environment from hazardous substances and hazardous waste at or from the former Exide Technologies lead-acid battery recycling facility in the City of Vernon. The bill would require that, notwithstanding any other law, any costs incurred by the department using moneys from the fund that are recovered be deposited into the fund. The bill would also make nonsubstantive changes.*

*(5) Existing law establishes the Department of Forestry and Fire Protection in the Natural Resources Agency to provide fire protection and prevention services, as specified. Existing law requires the Director of Forestry and Fire Protection to work cooperatively with other public agencies of local, state, and federal government to*

*encourage these agencies to undertake forest resource improvement work, as provided. Existing law authorizes the director to enter into contracts or cooperative agreements with these agencies to provide, among other things, technical assistance and necessary supervisory personnel. Under existing federal law, the United States Secretary of Agriculture, with respect to National Forest System land, and the United States Secretary of the Interior, with respect to Bureau of Land Management land, are authorized to enter into good neighbor agreements with a Governor to carry out specified forest, rangeland, and watershed restoration services, as provided.*

*This bill would establish in the State Treasury the Good Neighbor Authority Fund to be administered by the Department of Forestry and Fire Protection under the direction of the Secretary of the Natural Resources Agency. The bill would make moneys in the fund available for expenditure, upon appropriation by the Legislature, and as authorized by federal law, and to the extent not in conflict with federal law or federal Good Neighbor Authority agreements, for state departments or agencies to undertake forest health and fuels reduction projects on federal lands executed through these agreements, and to fund costs associated with planning, implementing, and maintaining these projects, as provided. The bill would require the fund to be the depository for revenues derived from the sale of forest products from federal lands, as authorized by federal law, and to the extent not in conflict with federal law or federal Good Neighbor Authority agreements, to support those activities. The bill would authorize state departments or agencies engaged in federal Good Neighbor Authority agreements to accept grants and donations, as provided, to be transferred to the Department of Forestry and Fire Protection and deposited into the fund for use by state departments or agencies engaged in federal Good Neighbor Authority agreements to support those activities at the direction of the Secretary of the Natural Resources Agency.*

*(6) Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the state board grants and revokes permits and licenses to appropriate water. Existing law requires a person who holds a permit or license to appropriate water, leases water pursuant to specified provisions of law, or files a specified application, registration, petition, request, or statement relating to water use to pay fees imposed by the state board, calculated in accordance with a fee schedule adopted by the state board. Existing law establishes the Water Rights Fund, which consists of various fees and penalties imposed pursuant to the water rights program, and authorizes the state board to use moneys in the fund, upon appropriation by the Legislature, for the administration of the water rights program.*

*Existing law authorizes a groundwater sustainability agency or local agency to apply for, and the state board to issue, a conditional temporary permit or conditional temporary change order for the diversion of surface water to underground storage for beneficial use that advances the sustainability goal of a groundwater basin, as specified.*

*This bill would require the state board, in setting the fee schedule for the above-specified conditional temporary permit or conditional temporary change order, to also include an amount estimated by the state board, in consultation with the*

Department of Fish and Wildlife, necessary to recover costs incurred by the department under those provisions. The bill would provide that moneys in the Water Rights Fund are available for expenditure, upon appropriation by the Legislature, by the department for purposes of carrying out those provisions, consistent with the amounts estimated by the state board. The bill would also make technical changes. (7) Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the Federal Water Pollution Control Act (federal act) and the Porter-Cologne Water Quality Control Act. Under the federal act, any applicant seeking a federal license for an activity that may result in any discharge into the navigable waters of the United States is required to first seek a state water quality certification, as specified. The Porter-Cologne Water Quality Control Act authorizes the state board to certify or provide a statement to a federal agency, as required pursuant to federal law, that there is reasonable assurance that an activity of any person subject to the jurisdiction of the state board will not reduce water quality below applicable standards. The federal act provides that if a state fails or refuses to act on a request for this certification within a reasonable period of time, which shall not exceed one year after receipt of the request, then the state certification requirements are waived with respect to the federal application.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report for a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would authorize the state board to issue a certificate or statement required by any federal agency under federal water quality control laws that an activity subject to the jurisdiction of the state board will comply with applicable requirements of that federal law or any other appropriate requirements of state law. The bill would authorize the state board to issue these certificates or statements before completion of any environmental review required under CEQA if the state board determines that waiting until completion of environmental review poses a substantial risk of waiver of the state's certification authority under federal water quality control laws. The bill would require the state board, to the extent authorized by federal law, to reserve authority to reopen and revise the certificate or statement as appropriate based on the information provided in the environmental document prepared for the project.

(8) Existing law creates the Coachella Valley Mountains Conservancy in the Natural Resources Agency and, among other things, authorizes the conservancy to acquire and hold specified lands in the Coachella Valley and the surrounding mountains for certain open-space, wildlife protection, and recreational uses.

Existing law establishes the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund, available upon appropriation by the Legislature, for

*purposes of parks and resources improvement, including \$5,000,000 to the Coachella Valley Mountains Conservancy for the acquisition, development, enhancement, and protection of land, and for related administrative costs. This bill would appropriate \$73,000 from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund to the Coachella Valley Mountains Conservancy.*

*(9) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.*

### **AB 92, Committee on Budget, As Introduced**

#### **Status: Chaptered by Secretary of State**

*(1) Existing law requires a tax return filed with the California Department of Tax and Fee Administration (CDTFA) that reports gross receipts for sales and use tax purposes to segregate the gross receipts of the seller and the sales price of the property on a line or a separate form when the place of sale in this state or for use in this state is on or within the real property of a state-designated fair, as defined, or any real property of a state-designated fair that is leased to another party. Existing law requires, on or before November 1 of each year, the CDTFA to report to the Department of Finance the total gross receipts segregated on these tax returns, and that 3/4 of 1% of the total gross receipts be included in the next annual Governor's Budget for use by the Department of Food and Agriculture for allocation to fairs and that those funds be transferred by the Controller to the Fair and Exposition Fund in the State Treasury, as prescribed.*

*This bill would, for the 2019–20 fiscal year and all subsequent fiscal years, make the total gross receipts subject to review by the CDTFA for errors. The bill would require the CDTFA to note any identified errors and the approximate impact of those errors on the total gross receipts in its report to the Department of Finance to allow an adjusted total gross receipts amount to be determined for the purpose of calculating the amount to be included in the Governor's Budget for use by the Department of Food and Agriculture for allocation to fairs.*

*(2) The Prevention of Cruelty to Farm Animals Act, approved by the voters as Proposition 12 at the November 6, 2018, statewide general election, prohibits (A) a farm owner or operator within the state from knowingly causing any covered animal to be confined in a cruel manner and (B) a business owner or operator from knowingly engaging in the sale within the state of certain items that the business owner or operator knows or should know is the product of a covered animal who was confined in a cruel manner. The act defines a covered animal to mean a calf raised for veal, breeding pig, or egg-laying hen who is kept on a farm. A violation of the act is a misdemeanor. The act requires the Department of Food and Agriculture and the State Department of Public Health to jointly promulgate rules and regulations for the implementation of the act.*

*This bill would require the Secretary of Food and Agriculture to adopt, by regulation, fees to cover the Department of Food and Agriculture's reasonable regulatory costs of the administration, implementation, and enforcement of laws governing the confinement of animals, as described in Proposition 12, as prescribed. The bill*

would require the fees to be separately accounted for in the Department of Agriculture Account, Department of Food and Agriculture Fund.

(3) The California Constitution prohibits the Legislature from creating any debt or liability that, individually or in the aggregate, exceeds \$300,000, unless an exception applies. The Constitution authorizes the Legislature to reduce the amount of the indebtedness authorized by law at any time after the approval of law by the people to an amount not less than the amount contracted at the time of the reduction.

The Earthquake Safety and Public Buildings Rehabilitation Bond Act of 1990 authorizes the issuance of bonds in the amount of \$300,000,000 to finance, among other things, the costs of retrofitting, reconstruction, repair, replacement, or relocation of state buildings or facilities that are seismically unsafe.

The Water Conservation Bond Law of 1988 authorizes the issuance of bonds in the amount of \$60,000,000 to finance capital outlay water conservation projects and programs to help meet the growing demand for clean and abundant water supplies in the state.

This bill would reduce the amount of indebtedness authorized by the Earthquake Safety and Public Buildings Rehabilitation Bond Act of 1990 and the Water Conservation Bond Law of 1988 to \$292,510,000 and \$54,765,000, respectively.

(4) The Lead-Acid Battery Recycling Act of 2016 prohibits a person from disposing, or attempting to dispose, of a lead-acid battery at a solid waste facility or on or in any land, surface waters, watercourses, or marine waters, but authorizes a person to dispose of a lead-acid battery at certain locations. The act imposes a manufacturer battery fee on a manufacturer of lead-acid batteries for each lead-acid battery it sells at retail to a person in California, or that it sells to a dealer, wholesaler, distributor, or other person for retail sale in California.

The act creates in the State Treasury the Lead-Acid Battery Cleanup Fund and requires that the fees collected pursuant to the act, except for specified administrative expenses, be deposited into the fund. The act provides that moneys in the fund are available upon appropriation by the Legislature to the Department of Toxic Substances Control for specified activities, including, among others, the investigation or site evaluation of any area of the state that is reasonably suspected to have been contaminated by the operation of a lead-acid battery recycling facility.

This bill would explicitly require moneys in the fund to be expended, upon appropriation by the Legislature, on specified activities to protect public health and the environment from hazardous substances and hazardous waste at or from the former Exide Technologies lead-acid battery recycling facility in the City of Vernon. The bill would require that, notwithstanding any other law, any costs incurred by the department using moneys from the fund that are recovered be deposited into the fund. The bill would also make nonsubstantive changes.

(5) Existing law establishes the Department of Forestry and Fire Protection in the Natural Resources Agency to provide fire protection and prevention services, as specified. Existing law requires the Director of Forestry and Fire Protection to work cooperatively with other public agencies of local, state, and federal government to encourage these agencies to undertake forest resource improvement work, as provided. Existing law authorizes the director to enter into contracts or cooperative

*agreements with these agencies to provide, among other things, technical assistance and necessary supervisory personnel. Under existing federal law, the United States Secretary of Agriculture, with respect to National Forest System land, and the United States Secretary of the Interior, with respect to Bureau of Land Management land, are authorized to enter into good neighbor agreements with a Governor to carry out specified forest, rangeland, and watershed restoration services, as provided.*

*This bill would establish in the State Treasury the Good Neighbor Authority Fund to be administered by the Department of Forestry and Fire Protection under the direction of the Secretary of the Natural Resources Agency. The bill would make moneys in the fund available for expenditure, upon appropriation by the Legislature, and as authorized by federal law, and to the extent not in conflict with federal law or federal Good Neighbor Authority agreements, for state departments or agencies to undertake forest health and fuels reduction projects on federal lands executed through these agreements, and to fund costs associated with planning, implementing, and maintaining these projects, as provided. The bill would require the fund to be the depository for revenues derived from the sale of forest products from federal lands, as authorized by federal law, and to the extent not in conflict with federal law or federal Good Neighbor Authority agreements, to support those activities. The bill would authorize state departments or agencies engaged in federal Good Neighbor Authority agreements to accept grants and donations, as provided, to be transferred to the Department of Forestry and Fire Protection and deposited into the fund for use by state departments or agencies engaged in federal Good Neighbor Authority agreements to support those activities at the direction of the Secretary of the Natural Resources Agency.*

*(6) Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the state board grants and revokes permits and licenses to appropriate water. Existing law requires a person who holds a permit or license to appropriate water, leases water pursuant to specified provisions of law, or files a specified application, registration, petition, request, or statement relating to water use to pay fees imposed by the state board, calculated in accordance with a fee schedule adopted by the state board. Existing law establishes the Water Rights Fund, which consists of various fees and penalties imposed pursuant to the water rights program, and authorizes the state board to use moneys in the fund, upon appropriation by the Legislature, for the administration of the water rights program.*

*Existing law authorizes a groundwater sustainability agency or local agency to apply for, and the state board to issue, a conditional temporary permit or conditional temporary change order for the diversion of surface water to underground storage for beneficial use that advances the sustainability goal of a groundwater basin, as specified.*

*This bill would require the state board, in setting the fee schedule for the above-specified conditional temporary permit or conditional temporary change order, to also include an amount estimated by the state board, in consultation with the Department of Fish and Wildlife, necessary to recover costs incurred by the department under those provisions. The bill would provide that moneys in the Water*



*Rights Fund are available for expenditure, upon appropriation by the Legislature, by the department for purposes of carrying out those provisions, consistent with the amounts estimated by the state board. The bill would also make technical changes. (7) Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the Federal Water Pollution Control Act (federal act) and the Porter-Cologne Water Quality Control Act. Under the federal act, any applicant seeking a federal license for an activity that may result in any discharge into the navigable waters of the United States is required to first seek a state water quality certification, as specified. The Porter-Cologne Water Quality Control Act authorizes the state board to certify or provide a statement to a federal agency, as required pursuant to federal law, that there is reasonable assurance that an activity of any person subject to the jurisdiction of the state board will not reduce water quality below applicable standards. The federal act provides that if a state fails or refuses to act on a request for this certification within a reasonable period of time, which shall not exceed one year after receipt of the request, then the state certification requirements are waived with respect to the federal application.*

*The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report for a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.*

*This bill would authorize the state board to issue a certificate or statement required by any federal agency under federal water quality control laws that an activity subject to the jurisdiction of the state board will comply with applicable requirements of that federal law or any other appropriate requirements of state law. The bill would authorize the state board to issue these certificates or statements before completion of any environmental review required under CEQA if the state board determines that waiting until completion of environmental review poses a substantial risk of waiver of the state's certification authority under federal water quality control laws. The bill would require the state board, to the extent authorized by federal law, to reserve authority to reopen and revise the certificate or statement as appropriate based on the information provided in the environmental document prepared for the project.*

*(8) Existing law creates the Coachella Valley Mountains Conservancy in the Natural Resources Agency and, among other things, authorizes the conservancy to acquire and hold specified lands in the Coachella Valley and the surrounding mountains for certain open-space, wildlife protection, and recreational uses.*

*Existing law establishes the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund, available upon appropriation by the Legislature, for purposes of parks and resources improvement, including \$5,000,000 to the*

Coachella Valley Mountains Conservancy for the acquisition, development, enhancement, and protection of land, and for related administrative costs. This bill would appropriate \$73,000 from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund to the Coachella Valley Mountains Conservancy.

(9) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

#### **AB 3132, Patterson, As Amended**

##### **Status: Re-referred to Committee on Natural Resources**

The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional Forester has been submitted for those operations to the Department of Forestry and Fire Protection. The act authorizes the State Board of Forestry and Fire Protection to exempt from some or all of those provisions of the act a person engaged in specified forest management activities, including, until January 1, 2022, a person engaged in forest management whose activities are limited to the cutting or removal of trees on the person's property in compliance with specified laws relating to defensible space.

This bill would extend the above exemption to January 1, 2026.

The bill would also make nonsubstantive and conforming changes.

#### **AB 2468, Patterson, As Introduced**

##### **Status: Referred to Committee on Natural Resources**

Existing law authorizes the director of the Department of Forestry and Fire Protection as part of the Forest Improvement Program, to enter into agreements with an eligible landowner, as defined, pursuant to which the landowner will undertake forest resource improvement work in return for an agreement by the director to share the cost of carrying out that work, as specified. Existing law authorizes the director to provide the funds for the director's share of the costs in advance of any work performed if the eligible landowner agrees in writing to undertake the forest resource improvement work subject to the condition that funds provided for any uncompleted work shall constitute grounds for a claim and lien upon the real property owned by the landowner.

This bill would require the department to develop, adopt, and implement policies and, if necessary, regulations that establish procedures for allowing homeowners to submit joint applications for purposes of combining the individual parcels of land owned by each homeowner so that the cumulative area of the lands in their joint application satisfies any minimum acreage requirements established by the department for participation in the program, and similarly establish procedures for providing up to 50% of the funds for the director's share of the costs under the program in advance of any work performed under a joint homeowner application.

**AB 2553, Ting, As Amended**

**Status: Re-referred to Committee on Housing**

*Existing law authorizes a governing body of a political subdivision, as those terms are defined, to declare a shelter crisis if the governing body makes a specified finding. Upon declaration of a shelter crisis, existing law, among other things, suspends certain state and local laws, regulations, and ordinances to the extent that strict compliance would prevent, hinder, or delay the mitigation of the effects of the shelter crisis.*

*Existing law, upon a declaration of a shelter crisis by specified local jurisdictions, specifies additional provisions applicable to a shelter crisis declared by one of those jurisdictions. Existing law, among other things, exempts from the California Environmental Quality Act specified actions by a state agency or a city, county, or city and county relating to land owned by a local government to be used for, or to provide financial assistance to, a homeless shelter constructed pursuant to these provisions, and provides that homeless shelters constructed or allowed pursuant to these shelter crisis declarations are not subject to specified laws, including the Special Occupancy Parks Act. Existing law also defines a “homeless shelter” as a facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless that is not in existence after the declared shelter crisis. Existing law requires a city, county, or city and county that declares a shelter crisis pursuant to these provisions to develop a plan to address the shelter crisis on or before July 1, 2019, or July 1, 2020, as applicable, and to annually report to specified committees of the Legislature on or before January 1, 2019, or on or before January 1 of the year following the declaration of the shelter crisis, as applicable, and annually thereafter until January 1, 2023. Existing law repeals these additional provisions as of January 1, 2023.*

*This bill would instead apply those additional provisions to a shelter crisis declared by any county or city. By expanding the scope of these provisions to apply within any county or city that has declared a shelter crisis, the bill would expand the above-described exemption from the California Environmental Quality Act. The bill would additionally exempt homeless shelters that are constructed or allowed pursuant to the shelter crisis declarations from the Recreational Vehicle Park Occupancy Law, which governs occupancy and tenancy of recreational vehicle parks. The bill would also revise the definition of a “homeless shelter” to include a parking lot owned or leased by a city, county, or city and county specifically identified as one allowed for safe parking by homeless individuals. The bill would require the county or city to develop the above-described shelter plan on or before July 1, 2021, or on or before July 1 of the year following the declaration of the shelter crisis, as specified, and to include a plan to transition residents from homeless shelters to permanent housing. The bill would require the above-described annual report, for reports due by January 1, 2022, and thereafter, to include the bed capacity of new homeless shelters built. The bill would extend the repeal date of these provisions to January 1, 2026.*

**SB 69, Wiener, As Amended**

**Status: August 30 hearing postponed by Committee**

(7) *The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted to, and approved by, the Department of Forestry and Fire Protection. The act requires the State Board of Forestry and Fire Protection to adopt district forest practice rules and regulations, as provided, to ensure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, wildlife, and water resources. The forest practice rules establish requirements specific to watersheds with listed anadromous salmonids for each forest district.*

*Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of waste that could affect the quality of the waters of the state.*

*This bill would require, on or before July 1, 2022, the State Board of Forestry and Fire Protection, in consultation with specified state and federal agencies, to evaluate the above-referenced forest practice rules establishing requirements specific to watersheds with listed anadromous salmonids in order to support salmonid populations at all life history stages and to control pollutant inputs known to negatively impact salmonids. The bill would require, on or before January 1, 2024, the State Board of Forestry and Fire Protection to update those specified forest practice rules based on that evaluation, and would require any amendments to the rules to provide additional protections to listed anadromous salmonids.*

*This bill would require timber harvesting plans, nonindustrial timber management plans, and working forest management plans on plans filed on or after January 1, 2020, for lands containing or adjacent to watercourses bearing listed anadromous salmonids included on a specified list of water quality limited segments impaired by sediment to include an erosion control implementation plan that describes methods that will be used to avoid significant sediment discharge into watercourses from timber operations. is consistent with specified law. The bill would prohibit timber harvesting activity from being undertaken under a timber harvesting plan that requires an erosion control implementation plan on ground that shows evidence of extreme erosion potential, unless the timber harvesting plan has been approved by a certified and licensed engineering geologist and is transmitted to the appropriate California regional water quality control board for review. with an extreme erosion hazard rating unless the timber harvesting plan has been reviewed by the California Geological Survey.*

*This bill would require timber harvesting plans filed on or after January 1, 2020, for lands containing or adjacent to watercourses bearing listed anadromous salmonids included on a specified list of water quality limited segments impaired by sediment to include an erosion control plan that is consistent with specified law. The bill would prohibit timber harvesting activity from being undertaken under a timber harvesting plan that requires an erosion control plan on ground with an extreme erosion hazard rating unless the timber harvesting plan has been reviewed by the California Geological Survey.*

## Fire Protection

### SB 1348, Stern, As Amended

#### **Status: Re-referred to Committee on Natural Resources**

(1) Existing law requires the Director of Forestry and Fire Protection to identify areas of the state as very high fire hazard severity zones based on specified criteria. Existing law requires a local agency, within 30 days after receiving a transmittal from the director that identifies very high fire hazard severity zones, to make the information available for public review, as provided.

This bill would also require the director to identify areas of the state as moderate and high fire hazard severity zones and would require a local agency to make this information available for public review and comment, as provided. By expanding the responsibility of a local agency, the bill would impose a state-mandated local program.

(2) The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval and adoption. In the absence of a designated state agency, the commission is required to adopt specific building standards, as prescribed. Existing law requires the commission to publish, or cause to be published, editions of the code in its entirety once every 3 years.

This bill would require the commission to adopt, approve, codify, and publish amendments to the California Building Standards Code that would extend provisions of the code relating to construction of new buildings in specified fire zones to land designated as moderate, high, and very high fire hazard severity zones and land designated as wildland-urban interface fire areas, as provided.

(3) Existing law requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or structure in, upon, or adjoining a mountainous area, forest-covered land, brush-covered land, grass-covered land, or land that is covered with flammable material that is within a very high fire hazard severity zone, as designated by a local agency, or a building or structure in, upon, or adjoining those areas or lands within a state responsibility area, to maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as specified. Existing law authorizes a greater distance than specified above on the specified land in a very high fire hazard severity zone. Existing law specifies that clearance on adjacent property shall only be conducted following written consent by the adjacent landowner.

This bill would specify that the above-described clearance on adjacent property may also be conducted pursuant to a local ordinance. The bill would require the Department of Forestry and Fire Protection to, on or before July 1, 2021, adopt regulations relating to defensible space requirements in vacant lots, create and maintain a public database relating to defensible space inspections and assessments conducted by the department, local agencies, or volunteers, and develop, and propose to the Legislature for consideration, a financial penalty structure to apply to landowners for whom the director has authorized the removal of vegetation that is not consistent with defensible space requirements and has made the expense of the removal a lien upon the property, as provided.

*(4) Existing law requires the department to establish a local assistance grant program for fire prevention activities in the state. Existing law requires the local assistance grant program to establish a robust year-round fire prevention effort in and near fire threatened communities. Existing law requires that the eligible activities include, among other things, fire prevention activities, as provided. Existing law permits the director to authorize advance payments, not exceeding 25% of the total grant award, from a grant awarded pursuant to the local assistance grant program. Existing law requires the grantee to expend these funds from the advance payment within 6 months of receipt, as provided.*

*This bill would define "fire threatened communities" as provided. The bill would specifically include vegetation management along roadways and driveways and public education outreach regarding home and community wildfire resistance, as provided, as part of the eligible activities, as provided. The bill would instead authorize an advance payment not exceeding 50% of the total grant award and would instead require the grantee to expend these funds within 12 months.*

*(5) Existing law requires the director to provide grants to, or enter into contracts or other cooperative agreements with, specified entities for the implementation and administration of projects and programs to improve forest health and reduce greenhouse gas emissions. Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board, as part of a market-based compliance mechanism to reduce air emissions, to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. Existing law requires that any project or program described above that is funded with moneys from the Greenhouse Gas Reduction Fund complies with all statutory and program requirements applicable to the use of moneys from the fund.*

*This bill would authorize any project or program described above, or any grant, funded from the Greenhouse Reduction Fund, to include projects or programs for vegetation management along roadways and driveways, including defensible space training, as well as public education outreach regarding home and community wildfire resistance, as provided.*

*This bill would require the department, in cooperation with the specified federal agencies and other federal agencies, to establish a program for purposes of the development of specified federal and state environmental protection documents for landscape scale ecological restoration and fire resiliency projects on national forest lands that are at least 50,000 acres. The bill would authorize the department to contract with Native American tribes, local governments, forest collaboratives, and qualified nongovernmental organizations to develop the federal documents.*

*(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

**SB 431, McGuire, As Amended**

**Status: Re-referred to Committee on Communications and Conveyance**

*Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. Existing law requires the commission to develop and implement performance reliability standards for backup power systems installed on the property of residential and small commercial customers by a facilities-based provider of telephony services upon determining that the benefits of the standards exceed the costs.*

*This bill would require the commission, in consultation with the Office of Emergency Services, by July 1, 2021, to develop and implement performance reliability standards, as specified, for all mobile telephony service base transceiver station towers, commonly known as “cell towers,” and for all infrastructure for providing mobile telephony service, Voice over Internet Protocol service, Internet Protocol enabled service, and cable television service that is located within a commission-designated Tier 2 or Tier 3 High Fire Threat District, or that affects those towers or that infrastructure within such a district.*

*Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.*

*Because the provisions of this bill would be a part of the act and because a violation of an order or decision of the commission implementing its requirements would be a crime, the bill would impose a state-mandated local program by creating a new crime. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

**AB 3074, Friedman, As Amended**

**Status: Referred to Committee on Natural Resources and Water**

*Existing law requires the Director of Forestry and Fire Protection to identify areas in the state as very high fire hazard severity zones based on specified criteria and the severity of the fire hazard. Existing law requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or structure in, upon, or adjoining a mountainous area, forest-covered land, brush-covered land, grass-covered land, or land that is covered with flammable material that is within a very high fire hazard severity zone, as designated by a local agency, or a building or structure in, upon, or adjoining those areas or lands within a state responsibility area, to maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as specified. A violation of these requirements is a crime.*

*This bill would require a person described above to use more intense fuel reductions between 5 and 30 feet around the structure, and to create an ember-resistant zone within 5 feet of the structure, as provided. Because a violation of these provisions would be a crime or expand the scope of an existing crime, the bill would impose a state-mandated local program.*

*The bill would require each local agency having jurisdiction of property upon which conditions that are regulated by the defensible space provisions described above apply*

*and the Department of Forestry and Fire Protection to make reasonable efforts to provide notice to affected residents of the above requirements before imposing penalties for a violation of those requirements. By expanding the duty of a local agency, the bill would impose a state-mandated local program.*

*Existing law requires the Department of Forestry and Fire Protection to develop, periodically update, and post on its internet website a guidance document on fuels management, as provided.*

*This bill would require, instead require the State Board of Forestry and Fire Protection, in consultation with the department, to develop, periodically update, and post on its internet website the guidance document. The bill would require, on or before January 1, 2023, the department state board, in consultation with the department, to update the guidance document to include suggestions for creating an ember-resistant zone within 5 feet of a structure, as provided.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

## Land Use Planning

### **SB 474, Stern, As Amended**

#### **Status: Re-referred to Committee on Local Government.**

*Existing law requires the Director of Forestry and Fire Protection to identify areas of the state as very high fire hazard severity zones based on specified criteria.*

*Existing law requires a local agency to designate, by ordinance, very high hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the director. Existing law authorizes a local agency to include areas within its jurisdiction not identified as very high fire hazard severity zones by the director as very high fire hazard severity zones following a specified finding supported by substantial evidence.*

*Existing law requires the State Board of Forestry and Fire Protection to determine, based on specified criteria, whether an area of the state is one for which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state. Existing law refers to these areas as “state responsibility areas.”*

*This bill would, in furtherance of specified state housing production and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program.*



*The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

### **SB 1070, Leyva, As Amended**

#### **Status: Re-referred to Committee on Rules.**

*(1) The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that bears relation to its planning. That law requires the general plan to include several elements, including, among others, an environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities, as defined, if the city, county, or city and county has a disadvantaged community.*

*This bill would revise and recast the provisions regarding an environmental justice element by requiring the environmental justice element to include certain provisions, including identification of disadvantaged communities; an assessment of the unique and compounded health risks and investment needs in disadvantaged communities; a statement of goals, quantified objectives, and policies designed to address the unique and compounded health risks and investment needs identified; and a program that sets forth a schedule of required meaningful actions with an implementation deadline and performance metrics with regard to the goals, quantified objectives, and policies identified. The bill would require local governments to ensure meaningful involvement of residents of disadvantaged communities in the preparation, adoption, and implementation of the environmental justice element, and to facilitate accomplishing this requirement by preparing and adopting a public engagement plan prior to the development of the environmental justice element, and release of any draft or a portion thereof, as provided.*

*This bill would also require a city, county, or city and county, subject to these requirements, that does not have an adopted environmental justice element as of September 30, 2020, to adopt the environmental justice element, pursuant to these provisions, on or before the due date for the next revision of its housing element or by January 1, 2023, whichever is sooner, and if the local government has adopted an environmental justice element pursuant to these provisions by September 30, 2020, it would be required to review and amend the element on or before the deadline for adoption of the next revision of its housing element and periodically thereafter, as provided.*

*Because the bill would impose new duties on local governments with respect to the environmental justice element, the bill would create a state-mandated local program.*

(2) Existing law requires cities and counties to prepare, adopt, and amend general plans and elements of those general plans in the manner provided. Upon an application by a city or county, the Director of State Planning and Research is required to grant a reasonable extension of time, not to exceed 2 years, for the preparation and adoption of all or part of the general plan, as specified. With exceptions, the director is prohibited from granting an extension of time for the preparation and adoption of a housing element.

This bill would add the preparation of an environmental justice element to the prohibition.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

### **SB 182, Jackson, As Amended**

#### **Status: In Assembly. Held at Desk.**

This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after January 1, 2020, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse. The bill would also require the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years, to identify new information relating to retrofit updates applicable to the city or county that was not available during the previous revision of the safety element. By increasing the duties of local officials, this bill would create a state-mandated local program.

This bill would require a city or county that contains a very high fire risk area, as defined, upon each revision of the housing element on or after January 1, 2021, to amend the land use element of its general plan to contain, among other things, the locations of all very high fire risk areas within the city or county and feasible implementation measures designed to carry out specified goals, objectives, and policies relating to the protection of lives and property from unreasonable risk of wildfire. The bill would require the city or county to complete a review of, and make findings related to, wildfire risk reduction standards, as defined, upon each subsequent revision of the housing element, as provided. The bill would require the State Board of Forestry and Fire Protection to review the findings and make recommendations, as provided.

The bill would additionally require the Office of the State Fire Marshal, in consultation with the Office of Planning and Research and the Board of Forestry and Fire Protection, on or before January 1, 2022, to adopt wildfire risk reduction standards that meet certain requirements and reasonable standards for third-party inspection and certifications for a specified enforcement program. The bill would also require the Office of the State Fire Marshal to, on or before January 1, 2023, update

*the maps of the very high fire hazard severity zones, as specified. The bill would require the Office of the State Fire Marshal to convene a working group of stakeholders, as specified, to assist in this effort and to consider specified national standards.*

*Existing law requires county or city zoning ordinances to be consistent with the general plan of the county or city, as specified.*

*This bill would require a city or county that contains a very high fire risk area, within 12 months following the amendment of the city or county's land use element, to adopt a very high fire risk overlay zone or otherwise amend its zoning ordinance so that it is consistent with the general plan, as specified.*

*This bill would additionally prohibit the legislative body of a city or county that contains a very high fire risk area, upon the effective date of the revision of the city or county's land use element, from entering into a development agreement for property that is located within a very high fire risk area, approving specified discretionary permits or other discretionary entitlements for projects located within a very high fire risk area, 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 very high fire risk area, unless the city or county makes specified findings based on substantial evidence in the record.*

*(6) Existing law requires, until the 2023–24 fiscal year, the amount of \$165,000,000 to be appropriated from the Greenhouse Gas Reduction Fund to the Department of Forestry and Fire Protection for healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires.*

*This bill would establish the Wildfire Risk Reduction Planning Support Grants Program, administered by the Department of Forestry and Fire Protection, for the purpose of providing small jurisdictions, as defined, containing very high fire hazard risk areas with grants for specified planning activities to enable those jurisdictions to meet the requirements set forth in the bill, as described above. Upon appropriation, the bill would require the department to distribute \$3,000,000 under the program via a noncompetitive, over-the-counter process, as provided, to small jurisdictions. The bill would require a recipient small jurisdiction to use the allocation solely for wildfire risk reduction planning activities, as specified. The bill would authorize the department to set aside up to 5% of any amount appropriated for these purposes for program administration.*