

BOARD OF FORESTRY AND FIRE PROTECTION

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**EXECUTIVE OFFICER'S REPORT ON PENDING LEGISLATION**

As of 08/15/2017

AB 398, as amended, Garcia. California Global Warming Solutions Act of 2206: market-based compliance mechanisms: fire prevention fees: sales and use tax manufacturing exemption.

Existing law provides that the state has the primary financial responsibility for preventing and suppressing fires in areas that the State Board of Forestry and Fire Protection has determined are state responsibility areas, as defined. Existing law requires that a fire prevention fee be charged on each habitable structure on a parcel that is within a state responsibility area, to be used for specified fire prevention activities.

This bill, until January 1, 2031, would suspend the fire prevention fee. The bill would declare that it is the intent of the Legislature that moneys derived from the auction or sale of allowances pursuant to the market-based compliance mechanism described under (1) replace the fire prevention fee to continue the funding of the fire prevention activities. The bill would repeal those provisions requiring the payment of the fire prevention fee on January 1, 2030.

08/15/2017	Chaptered
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AB 425, as introduced, Caballero. Timber harvesting plans: exemptions: temporary roads

The Z'berg-Nejedly Forest Practices Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted 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 engaging in specified forest management activities, including the cutting or removal of trees in compliance with existing law relating to defensible space. In this regard, the act authorizes, until January 1, 2021, the Forest Fire Prevention Pilot Project Exemption if specified conditions are met, including that only trees less than 26 inches in stump diameter, measured at 8 inches above ground level, shall be removed, no new road construction or reconstruction shall occur, and the activities shall be conducted in specified counties.

This bill would expand the exemption to allow the construction or reconstruction of temporary roads on slopes of 40% or less if certain conditions are met, including that a registered professional forester designates temporary road locations, landing locations, associated class III watercourse crossings, unstable areas, and connected headwall swales, including convergent slopes, on specified maps. The bill would require, on or before December 31, 2020, the department and the board to review and submit a report to the Legislature on the trends in the use of, compliance with, and effectiveness of, the exemption, including an assessment of the construction or reconstruction of temporary roads.

7/10/2017	In Senate Appropriations Committee Suspense File
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[AB 362, as amended, Wood. Forestry assistance program: loans.](#)

Existing law establishes the forestry assistance program, to be conducted by the Department of Forestry and Fire Protection, which is required to encourage forest resource improvements and otherwise facilitate good forest land management through a program of financial, technical, and education assistance, as well as through applied research. Existing law creates the Timber Regulation and Forest Restoration Fund in the State Treasury and requires that specified revenues received from a lumber or engineered wood products assessment, less amounts deducted for refunds and reimbursements, be deposited in the fund and, upon appropriation by the Legislature, used for specified purposes, including for forest resources improvement grants and projects administered by department.

This bill would provide that assessments deposited into the fund, less amounts deducted for refunds and reimbursement, be used, upon appropriation by the Legislature, for forest resources improvement grants, loans, and projects.

Existing law authorizes the director of the department to enter into an agreement with an eligible landowner 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. Existing law authorizes the director to make various types of loans, including loans to cover all or part of the landowner's cost for the work. Existing law requires these loans to be made for a term not exceeding 20 years and bearing interest at the prevailing rate.

This bill would instead authorize the director to enter into those agreements with small nonindustrial landowners, as defined. The bill would delete the term and interest rate requirements relating to these loans and instead require the director to establish reasonable terms relating to the length of, and the interest rate for, the loans. The bill would also authorize the director to provide the director's share of the costs described above in advance of any performed work if the eligible landowner agrees in writing to undertake the forest resource improvement work with the understanding that any funds provided for uncompleted work shall constitute a claim and lien upon the real property owned by the landowner, as provided. The bill would require any money recovered from the lien to be deposited into the fund.

07/10/17	In Senate Appropriations Committee Suspense File
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[AB 12, as introduced, Cooley. State government: administrative regulations: review.](#)

Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.

This bill would require each state agency to, on or before January 1, 2020, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2021.

08/15/2017	Held under submission
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[AB 211, as amended, Bigelow. State responsibility area fire prevention fees: reporting requirement.](#)

Existing law requires the State Board of Forestry and Fire Protection to establish a fire prevention fee in an amount not to exceed \$150 to be charged on each habitable structure on a parcel that is within a state responsibility area. Existing law requires the fee moneys to be expended, upon appropriation, in specified ways, including to reimburse the State Board of Equalization's expenses incurred in the collection of the fee and to the State Board of Forestry and Fire Protection and to the Department of

Forestry and Fire Protection for administrative purposes, with excess moneys being expended only for specified fire prevention activities, as provided. Existing law, until January 31, 2017, requires the board to submit an annual written report to the Legislature on the status of the uses of the fee moneys. This bill would require, by January 31, 2018, the department to submit the report to the Legislature and the board. The bill would require the report to include an itemized accounting of all expenditures from the fund, including a specific itemized accounting relating to equipment expenditures, and a description of any positions that are associated with each expenditure, among other things. The bill would require the reporting to occur annually for an indefinite period of time.

08/15/2017	In Senate Appropriations Committee
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AB 816, as introduced, Kiley. California Environmental Protection Agency: Natural Resources Agency: Web casts of public meetings and workshops.

Existing law establishes the California Environmental Protection Agency and the Natural Resources Agency as agencies in the state government. Existing law, the Bagley-Keene Open Meeting Act, generally requires that all meetings of a state body be open and public.

This bill would require that each department, board, and commission of the Natural Resources Agency, except as specified, and each department, board, and office of the California Environmental Protection Agency Web cast all onsite public meetings, in a manner that enables listeners and viewers to ask questions and provide public comment by telephone or electronic communication commensurate with those attending the meeting. The bill would require the agencies to make the recording of a Web cast available online for no less than 3 years for subsequent viewing by interested members of the public.

08/15/2017	In Senate Appropriations Committee
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AB 288, as amended, Obernolte. State responsibility areas: fire prevention fees: amnesty program

Existing law requires the state to have the primary financial responsibility for preventing and suppressing fires in areas that the State Board of Forestry and Fire Protection has determined are state responsibility areas, as defined. Existing law requires that a fire prevention fee be charged on each habitable structure on a parcel that is within a state responsibility area, collected annually by the State Board of Equalization, in accordance with specified procedures, and specifies that the annual fee shall be due and payable 30 days from the date of assessment by the state board. Existing law authorizes a petition for redetermination of the fee to be filed within 30 days after service of a notice of determination, as specified.

This bill would extend the time when the fire prevention fee is due and payable from 30 to 60 days from the date of assessment by the State Board of Equalization and would authorize the petition for redetermination to be filed within 60 days after service of the notice of determination, as specified. The bill would establish the Fire Prevention Fee Amnesty Program. The bill would require the State Board of Equalization to develop and administer the amnesty program for a person subject to the fees described above. The bill would require the program to be conducted for a 6-month time period, as provided, and would apply to fire prevention fee liabilities due and payable for the fee reporting periods beginning before March 1, 2018. The bill would require the program to apply to a person who meets specified requirements, including the filing of a completed amnesty application under penalty of perjury. By requiring the application to be completed under penalty of perjury, the bill would create a crime, and thus impose a state-mandated local program. The bill would require the state board to waive all penalties and interest for the specified fee reporting period for which the fire prevention fee amnesty is allowed for the nonpayment or underpayment of fee liabilities for a person who meets the above requirements. The bill would require the state board to adequately publicize the program so as to maximize public awareness of and participation in the program.

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.

08/15/2017	Held under submission
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SB 9, as introduced, Gaines. State responsibility areas: fire prevention fees.

Existing law requires the State Board of Forestry and Fire Protection to adopt regulations to establish a fire prevention fee in an amount not to exceed \$150 to be charged on each structure on a parcel that is within a state responsibility area, as defined, and requires that the fire prevention fee be adjusted annually using prescribed methods. Existing law requires the State Board of Equalization to collect the fire prevention fees, as prescribed. Existing law establishes the State Responsibility Area Fire Prevention Fund and prohibits the collection of fire prevention fees if there are sufficient amounts of moneys in the fund to finance specified fire prevention activities for a fiscal year. Existing law requires that the fire prevention fees collected, except as provided, be deposited into the fund and be made available to the board and the Department of Forestry and Fire Protection for certain fire prevention activities that benefit the owners of structures in state responsibility areas who are required to pay the fee. Existing law further requires the board to submit an annual written report to the Legislature on specified topics. This bill would repeal the above provisions.

08/15/2017	Hearing canceled at request of author
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AB 771, as introduced, Quirk. Burning of forest lands: forest land owners.

Existing law authorizes any person, firm, or corporation, or any combination thereof, that owns or controls brush-covered land within a state responsibility area to apply to the Department of Forestry and Fire Protection for permission to burn the brush from the land. Existing law requires the department to provide advisory services to applicants for burn permits as to the precautions to be taken by the applicant to prevent damage to the property of others by reason of the prescribed burning, and to provide standby fire protection, as available.

This bill would require the department, by July 1, 2018, in consultation with the State Air Resources Board, local air districts, and other relevant organizations and individuals, to develop an Internet Web site that provides the public certain information relating to prescribed burns, including information on the regulations that govern prescribed burns for forest fuel treatment, and to develop a uniform prescribed burn template for forest landowners that provides standardized procedures associated with planning and implementation of a prescribed burn and meets specified objectives. The bill would authorize the department to contract with an institution of the University of California to perform any of these requirements.

08/15/2017	Held under submission
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SB 224, as introduced, Jackson. California Environmental Quality Act: baseline conditions.

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 on 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 require the office, on or after January 1, 2018, at the time of the next review of the guidelines, to prepare, develop, and transmit to the secretary proposed changes or amendments to

determine the baseline physical conditions by which a lead agency determines whether a project has a significant effect on the environment. The bill would require the office, in developing the recommendations to limit the consideration of modifications to the environment at the project site cause by certain actions. The bill would require the secretary to certify and adopt the recommended proposed changes or amendments.

08/15/2017	Held in committee and under submission
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[AB 1712, as introduced, Committee on Natural Resources. Private burning of lands.](#)

Existing law provides that cooperation by the Department of Forestry and Fire Protection with a person desiring to use prescribed burning as a means of converting brush-covered lands into forage lands, which has as its objective, among other things, the prevention of high intensity wildland fires, is a public purpose.

This bill would instead provide that cooperation by the department with a person desiring to use prescribed burning as a means of converting brush-covered lands into forage lands or to help meet wildland management goals, which has as its objective, among other things, restoring ecological integrity and resilience, community wildfire protection, carbon resilience, and enhancement of culturally important resources, is a public purpose.

Existing law authorizes a person, firm, or corporation, as provided, that owns or controls brush-covered land within a state responsibility area to apply to the department for permission to burn the brush from the lands.

This bill would instead authorize a person, firm, or corporation, as provided, that owns or controls forest land, woodland, grassland, or shrubland within a state responsibility area to apply to the department for permission to use prescribed burning for the public purposes described above.

The bill would also make conforming and technical changes.

08/15/2017	Chaptered
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[AB 1530, as amended, Gonzalez Fletcher. Urban forestry.](#)

The California Urban Forestry Act of 1978 has as a stated purpose the promotion of the use of urban forest resources for purposes of increasing integrated projects with multiple benefits in urban communities.

This bill would provide that the purpose of the act is also to promote policies and incentives that advance improved maintenance of urban forest canopy to optimize multiple benefits, among other purposes.

The act authorizes the Department of Forestry and Fire Prevention to implement a program in urban forestry to encourage better tree management and planting in urban areas, as provided.

This bill would require the department to implement this program, establish local or regional targets for urban tree canopy, and develop or update regulations as necessary, as provided.

The act requires the department to provide technical assistance to urban areas with respect to certain actions, including planning for regional, county, and local land use analysis projects related to urban forestry.

The bill would also, among other things, require the department to provide technical assistance to urban areas with respect to the improvement and enhancement of local water capture for urban forest maintenance, and would define “urban forest maintenance” and “local water” for these purposes.

The act authorizes the director of the department to make grants to provide assistance for projects and to waive the cost sharing requirement for projects that are in disadvantaged and severely disadvantaged communities. The act defines disadvantaged community and severely disadvantaged community for these purposes.

This bill would redefine a disadvantaged community as one that is identified as such pursuant to the Greenhouse Gas Reduction Fund Investment Plan and Communities Revitalization Act. The bill would delete the definition of severely disadvantaged community and instead use low-income community as that term is used in the Greenhouse Gas Reduction Fund Investment Plan and Communities Revitalization Act.

The act authorizes certain types of assistance, including funding for development of urban tree plans that include coordination of local agency efforts and citizen involvement.

This bill would also authorize assistance for funding for improved urban forest maintenance, and projects that respond to events that impact urban forest health, as provided, and funding for planning and technical assistance for eligible applicants assisting disadvantaged communities.

08/15/2017	In Senate Rules Committee on Appropriations; Hearing Postponed
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[AB 1391, as amended, Patterson. Forest resources: state responsibility area fire prevention: vegetation management.](#)

Existing law requires the State Board of Forestry and Fire Protection to establish a fire prevention fee in an amount not to exceed \$150 to be charged on each habitable structure on a parcel that is within a state responsibility area. Existing law requires the fee moneys to be expended, upon appropriation, in specified ways, including to reimburse the State Board of Equalization's expenses incurred in the collection of the fee and to the State Board of Forestry and Fire Protection and to the Department of Forestry and Fire Protection for administrative purposes, with excess moneys being expended only for specified fire prevention activities, as provided. Existing law requires a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a land with various types of flammable material, including forest-covered lands, to maintain defensible space of 100 feet, as provided.

This bill would authorize the fee money to be expended to provide loans or grants to a person who is at or below 500% of the federal poverty level for purposes of complying with the above law.

08/15/2017	Held under submission
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[SB 287, as amended, Dodd. Habitat restoration: invasive species: Phytophthora pathogens.](#)

Existing law establishes the Department of Fish and Wildlife and sets forth the powers and duties of the department with regard to the implementation and administration of, among other things, projects and programs to protect wildlife and wildlife habitat in the state.

This bill would require the department, on or before December 31, 2019, to adopt regulations to minimize the risk of Phytophthora pathogens in plant materials used for habitat restoration projects authorized, funded, or required by the state.

08/15/2017	Held under submission
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[SB 259, as introduced, Wilk. Reports.](#)

Existing law generally sets out the requirements for the submission of written reports by public agencies to the Legislature, the Governor, the Controller, and state legislative and other executive entities.

This bill would require a written report, as defined, submitted by any state agency or department to the Legislature, a Member of the Legislature, or any state legislative or executive body to include a signed statement by the head of the agency or department declaring that the factual contents of the written report are true, accurate, and complete to the best of his or her knowledge.

This bill would also make any person who declares as true any material matter pursuant to these provisions that he or she knows to be false liable for a civil penalty not to exceed \$20,000.

08/15/2017	Failed passage in Committee on Government
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	Organization & Committee on Judiciary; Reconsideration granted
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[AB 1342, as amended, Flora. Greenhouse Gas Reduction Fund: appropriations.](#)

This bill would make moneys from the fund, upon appropriation, available to the Department of Forestry and Fire Protection for healthy forest programs that reduce greenhouse gas emissions caused by uncontrolled wildfires, as specified.

08/15/2017	Held under submission
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