

BOARD OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
Website: www.bof.fire.ca.gov
(916) 653-8007

**EXECUTIVE OFFICER'S REPORT ON PENDING LEGISLATION**[SB 198, as introduced, Morrell. 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. This bill would repeal these provisions.

03/24/15 Status	March 24 set for first hearing. Failed passage in committee. (Ayes 2. Noes 7. Page 406.) Reconsideration granted.
--------------------	---

[AB 417, as introduced, Dahle. Forest practices: resource conservation standards.](#)

Existing law establishes minimum acceptable stocking standards and provides that an area covered by a timber harvesting plan is considered acceptably stocked if either one of 2 conditions are met within 5 years after completion of timber operations: (1) that the area contains an average point count of 300 per acre, as provided, or (2) that the average residual basal area is at least 85 square feet per acre, as provided. Existing law, notwithstanding the stocking conditions relating to areas with an average point count of 300 per acre, authorizes the board to adopt alternative stocking standards if those alternative standards reasonably address variables in forest characteristics and achieve suitable resource conservation, as provided. This bill would extend the authorization to adopt alternative stocking standards notwithstanding the stocking conditions relating to the basal area for purposes of authorizing the board to adopt alternative standards.

04/30/15	In Senate. Read first time. To Com. on RLS. for assignment.
04/30/15	Read third time. Passed. Ordered to the Senate.

[SB 520, as introduced, Berryhill. 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 habitable 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. This bill would repeal these provisions.

04/07/15	April 14 set for first hearing canceled at the request of author.
----------	---

The Board's mission is to lead California in developing policies and programs that serve the public interest in environmentally, economically, and socially sustainable management of forest and rangelands, and a fire protection system that protects and serves the people of the state.

[AB 644, as amended, Wood. Land use: general plan: safety element: fire hazard impacts.](#)

The Subdivision Map Act requires the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, unless it makes certain findings. Under that act, the legislative body of a county is required to make 3 specified findings before approving a tentative map, or a parcel map for which a tentative map was not required, for an area located in a state responsibility area or a very high fire hazard severity zone, as defined.

This bill would exempt from those requirements the approval of a tentative map, or a parcel map for which a tentative map was not required, that would subdivide land identified in the open space element of the general plan for the management of resources, as defined. The bill would apply the exemption to the subdivision of land that is consistent with the open space purpose, and would require the land to be subject to a binding restriction prohibiting the development of ~~residential buildings or structures~~ *a building or structure* if the subdivision would result in parcels that are 40 acres or smaller in size. The bill would additionally require the legislative body to make the 3 specified findings before later approving a tentative map, or a parcel map for which a tentative map was not required, for land that was previously exempt from those requirements if the proposed subdivision would allow the development of ~~residential buildings or structures~~ *a building or structure* as specified.

04/30/15	In Senate. Read first time. To Com. on RLS. for assignment.
04/30/15	Read third time. Passed. Ordered to the Senate.

[AB 429, as amended, Dahle. Public contracts: preferences: forest products.](#)

Existing law generally requires state agencies to comply with competitive bidding procedures in soliciting and evaluating bids for public works projects. Existing law authorizes bidding preferences for certain categories of business owners, including businesses owned by disabled veterans.

Existing law also requires the Department of General Services, in consultation with the California Environmental Protection Agency, members of the public, industry, and public health and environmental organizations, to provide state agencies with information and assistance regarding environmentally preferable purchasing.

The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations on timberland unless a timber harvesting plan has been prepared by a registered professional forester and has been submitted to the Department of Forestry and Fire Protection and approved by the Director of Forestry and Fire Protection or the State Board of Forestry and Fire Protection.

This bill would require any state agency that contracts for, or acquires, lumber or other solid wood products, excluding paper and other types of secondary manufactured goods, to give preference, if price, fitness, and quality are equal, to lumber and other solid wood products that are harvested ~~from forests within this state.~~ *pursuant to the Z'berg-Nejedly Forest Practice Act of 1973.*

04/30/15	Read second time. Ordered to Consent Calendar.
----------	--

[AB 301, as amended, Bigelow. State responsibility areas: fire prevention fees.](#)

Existing law requires the State Board of **Forestry** and Fire Protection to adopt emergency regulations to establish a fire prevention fee in an amount not to exceed \$150 to be charged annually on each habitable structure on a parcel that is within a state responsibility area. This

bill would ~~require the fee to be prorated for an owner, upon whom a fee is imposed, if that owner owns the habitable structure for only a portion of the year for which the fee is due.~~ *permit the owner of a property with one or more habitable structures subject to the fire prevention fee to, when selling the property, negotiate as one of the terms of the sale the apportionment between the parties of liability for payment of the fee. This bill would require the Department of Forestry and Fire Protection to notify an owner subject to a fire prevention fee that the owner may, when selling the habitable structure or structures, negotiate the apportionment of liability for payment of the fee between the parties as one of the terms of the sale.*

04/30/15	In Senate. Read first time. To Com. on RLS. for assignment.
----------	---

[AB 1345, as introduced, Dahle. California Global Warming Solutions Act of 2006: wildfires.](#)

Existing law requires the Department of **Forestry** and Fire Protection to implement various fire prevention programs in the state and to provide fire suppression service in the event of wildfires in forest resources and timberlands. The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases.

This bill would require the state board, in consultation with the department, no later than January 1, 2017, to estimate the annual greenhouse gas emissions associated with wildfires in California between the years 1990 and 2015, inclusive. The bill would require the state board to develop, no later than January 1, 2017, an emissions baseline for wildfires by calculating the average of the annual greenhouse gas emissions associated with wildfires between the years 1990 and 2015, inclusive. The bill would require the state board and the department to annually approximate, no later than July 1, 2017, and every year thereafter, the greenhouse gas emissions associated with wildfires during the prior calendar year.

This bill, beginning with the 2016–17 fiscal year, would continuously appropriate \$100,000,000 to the department from the Greenhouse Gas Reduction Fund for specified activities that have the purpose of reducing greenhouse gas emissions by preventing the incidence of and reducing the intensity of catastrophic wildfires.

This bill would require the department, no later than July 1, 2017, after one or more specified public workshops, to develop and begin implementation of strategies to reduce by 2035 the preceding 5-year average of greenhouse gas emissions associated with wildfires by 20 percent below the greenhouse gas emissions baseline described above.

04/22/15	In committee: Set, first hearing. Hearing canceled at the request of author.
----------	--

[AB 203, as amended, Obernolte. State responsibility areas: fire prevention fees.](#)

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.

04/15/15	In committee: Set, first hearing. Referred to suspense file.
----------	--

[SB 250, as introduced, Gaines. State responsibility areas: fire prevention fees.](#)

Same as AB 203

04/20/15	April 20 hearing: Placed on APPR. suspense file.
----------	--

[AB 243, as amended, Wood. Medical marijuana cultivation.](#)

Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 5, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law makes it a crime to plant, cultivate, harvest, dry, or process marijuana, except as otherwise authorized by law, such as the medical marijuana program.

This bill would require indoor and outdoor medical marijuana cultivation to be conducted in accordance with state and local laws and best practices related to land conversion, grading, electricity usage, water usage, agricultural discharges, and similar matters. This bill would require state agencies (note: this includes the Board of Forestry and Fire Protection) to address environmental impacts of medical marijuana cultivation and coordinate with cities and counties and their law enforcement agencies in enforcement efforts.

The bill would state the intent of the Legislature that the multiagency task force, the Department of Fish and Wildlife and State Water Resources Control Board pilot project to address the Environmental Impacts of Cannabis Cultivation, continue their enforcement efforts on a statewide level and permanent status.

04/29/15	From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (April 28). Re-referred to Com. on APPR.
----------	---

[AB 1202, as amended, Mayes. Fire prevention fee: fee reduction.](#)**Amended text not available 5/5/15**

Existing law requires the State Board of **Forestry** and Fire Protection to adopt emergency regulations to establish a fire prevention fee to be charged on each habitable structure, as defined, on a parcel that is within a state responsibility area.

This bill would require the board to reduce the amount of the fee to be charged on a habitable structure by an amount equal to the amount paid by the owner of the structure to a local fire district for fire prevention services during the year for which the fee is due, if the owner of the structure provides the board with written documentation of the amount paid to the local fire district for those services.

05/04/15	From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 9. Noes 0.) (April 27).
----------	---

[SB 246, as amended, Wieckowski. Climate Action Team.](#)

This bill would create the Climate Action Team, under the direction of the Secretary for Environmental Protection and consisting of representatives from specified state agencies, ~~that~~ *and* would *require the team to* be responsible for coordinating the state's climate policy to achieve the state's climate change ~~goals, identifying specified unavoidable climate~~

~~change impacts, developing and implementing specified mitigation and adaptation plans, coordinating climate change policies with specified groups, and identifying and disseminating information to local governments and regional bodies.~~ *goals. The bill would require the team, no later than January 1, 2019, and every 5 years thereafter, to update the Climate Adaptation Strategy and the Safeguarding California Plan, as specified. The bill also would require the team and the Office of Planning and Research, no later than January 1, 2017, and every 5 years thereafter, to update the Adaptation Planning Guide, as specified. The bill would establish an advisory council, as specified, to the team.*

05/04/15	From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (April 29).
----------	--

[SB 165, as amended, Monning. Production or cultivation of a controlled substance: civil penalties.](#)

Existing law imposes various civil penalties for violations of specified provisions of the Fish and Game Code in connection with the production or cultivation of a controlled substance. Existing law requires all civil penalties collected to be apportioned as provided, including 30% of the funds to be distributed to the investigating agency to be used to reimburse the cost of any investigation directly related to the violations described in these provisions.

This bill would impose various additional civil penalties, subject to these provisions, for violations of specified provisions of the Penal Code and the Public Resources Code, in connection with the production or cultivation of a controlled substance. (note: specifies public and TPZ lands).

04/30/15	In Assembly. Read first time. Held at Desk.
----------	---

[AB 1398, as introduced, Wilk. Environmental quality: the Sustainable Environmental Protection Act.](#)

To Assembly Natural Resources committee

This bill would enact the Sustainable Environmental Protection Act and would specify the environmental review required pursuant to CEQA for projects related to specified environmental topical areas. In a judicial action or proceeding filed challenging an action taken by a lead agency on the ground of noncompliance with CEQA, the bill would prohibit a cause of action that (1) alleges noncompliance with CEQA based on any topical area or criteria for which compliance obligations are identified or (2) challenges the environmental document based on noncompliance with CEQA if: (A) the environmental document discloses compliance with applicable environmental law, (B) the project conforms with the use designation, density, or building intensity in an applicable plan, as defined, and (C) the project approval incorporates applicable mitigation requirements into the environmental document. The bill would provide that the Sustainable Environmental Protection Act only applies if the lead agency or project applicant has agreed to provide to the public in a readily accessible electronic format an annual compliance report prepared pursuant to the mitigation monitoring and reporting program.

04/27/15	In committee: Set, first hearing. Failed passage.
----------	---

[SB 379, as amended, Jackson. Land use: general plan: safety element.](#)

This bill would, upon the next revision of the housing element on or after January 1, 2017, require the safety element to be reviewed and updated as necessary to address climate adaptation and resiliency strategies applicable to that city or county. The bill would require the update to include a set of goals, policies, and objectives based on ~~the most current information~~

~~available regarding climate change adaptation and resiliency.~~ *a vulnerability assessment identifying the risks that climate change poses to the local jurisdiction and specified information from federal, state, regional, and local agencies.* By imposing new duties on cities and counties, the bill would impose a state-mandated local program.

05/04/15	From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (April 29).
----------	--

[AB 266, as amended, Cooley. Medical marijuana.](#)

This bill would establish within the Department of Consumer Affairs a Bureau of Medical Marijuana Regulation, under the supervision and control of the Chief of the Bureau of Medical Marijuana Regulation, and would require the bureau to license and regulate dispensing facilities, cultivation sites, transporters, and manufacturers of medical marijuana and medical marijuana products, subject to local ordinances. (Note: sets up a comprehensive regulatory scheme for medical marijuana)

“(b) In addition to the conditional licensing fee required pursuant to subdivision (a), a cultivation facility shall be assessed a fee in a sufficient amount to cover the reasonable regulatory costs of enforcing the environmental impact provisions relating to those cultivation facilities. This fee shall be distributed, as necessary and in proportion to its regulatory function, between the following agencies responsible for enforcing the regulations relating to the environmental impact of licensed cultivation sites:

- (1) The State Water Board.*
- (2) The Department of Fish and Wildlife.*
- (3) The Department of **Forestry** and Fire Protection.*
- (4) The Department of Pesticide Regulation.*
- (5) The Department of Food and Agriculture.”*

05/04/15	From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 13. Noes 0.) (April 28).
----------	--

[AB 85, as amended, Wilk. Open meetings.](#)

This bill would specify that the definition of “state body” includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

04/22/15	In committee: Set, first hearing. Referred to APPR. suspense file.
----------	--

[AB 435, as introduced, Chang. California Environmental Protection Agency: Natural Resources Agency: Web casts of public meetings and workshops](#)

This bill would require that each department, board, and commission of the Natural Resources Agency and each department, board, and office of the California Environmental Protection

Agency Web cast all public meetings and workshops, in a manner that enables listeners and viewers to ask questions and provide public comment by telephone or ~~email~~ *electronic communication* commensurate with those attending the meeting or workshop. The bill would require the agencies to archive the recording of a Web cast for subsequent reasonable viewing by interested members of the public.

04/15/15	In committee: Set, first hearing. Referred to suspense file.
----------	--